

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

September 27, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on September 27, 2022, at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on September 22, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	(excused)
	Blake Cevering	Council Member	(excused)
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Scott Hess	Planning Director	
VISITORS:	Sandy Cochran	Bob Buswell	Brenda Ashdown
	Cory Jones	Greg Cronin	Steve Davies
	Yaca Attwood	Chris Pulver	Dallin Duce
	Kevin Burns	Zella Richards	Korilyn Hietala
	Susan Kilborn	Dee Anna Ito	Susan Clements
	Stefanie Casey	Ethan Hale	Jonathan Keyes

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

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any member of the Council had a conflict of interest to declare. No declarations were made.

2. **DISCUSSION AND/OR ACTION TO CONSIDER THE JULY 12, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias offered a minor correction to the minutes.

Council Member Ekstrom motioned to approve July 12, 2022, City Council Meeting minutes as amended. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION TO CONSIDER THE JULY 26, 2022, CITY COUNCIL MEETING MINUTES**

Council Member Dalpias offered a correction on item eight, Council Member Swanson was listed as making and seconding a motion, but Council Member Cevering actually seconded the motion. He added that during the public comments for that meeting, a speaker was identified as Bob Mackley, but it was actually Bob Napoli.

Council Member Swanson motioned to approve July 26, 2022, City Council Meeting minutes as amended. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER THE AUGUST 9, 2022, CITY COUNCIL MEETING MINUTES**

Mayor Berube stated that the minutes include comments he made about property taxes; the statement in the minutes is that Mayor Berube identified a tax as the most aggressive tax, but he actually said progressive.

Council Member Dalpiaz motioned to approve August 9, 2022, City Council Meeting minutes as amended. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF WHITE ROCK PHASE 2 SUBDIVISION**

Public Works Inspector Hill reported that conditional inspection has been completed for the public improvements for White Rock Phase 2 and they were found to be compliant with City Code and Engineering Standards. The original sum of the escrow for the project was \$282,011.94 and the remaining balance of \$114,965.94 will remain with an escrow agent for a one-year period after conditional acceptance by the Council.

There was brief discussion among the Mayor and Council regarding remaining improvements to be completed and improvements that are being deferred for the one-year period.

Council Member Ekstrom motioned to approve conditional acceptance of White Rock Phase 2 Subdivision. Council Member Dalpiaz seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION ON CONDITIONAL ACCEPTANCE OF PATRIOT POINT PHASE 1A & 2 SUBDIVISION**

Public Works Inspector Hill reported that conditional inspection has been completed for the public improvements for Patriot Point Phases 1A and 2 and they were found to be compliant with City Code and Engineering Standards. The original sum of the bond for the project was \$246,354.59 and due to the nature of the bond, funds have not been released at this time.

Council Member Dalpias motioned to approve conditional acceptance of Patriot Point Phase 1A & 2 Subdivision. Council Member Swanson seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

7. **PUBLIC COMMENTS**

Bob Buswell stated he is unsure of the cost but would recommend an enclosure be placed over the North Shore Aquatic Center to make the facility usable year-round; it could host water aerobics, public swimming, and use by the Weber High School swim team.

Sandy Cochran stated she is a resident of the Village at Prominence Point project; she thanked the new owners/developers for providing more amenities than were previously included in the plan for the project. She now sees three playgrounds, two dog parks, and additional parking near the patio homes and many residents are grateful for those improvements. She asked if the City has additional plans that are more detailed and include information about what the inside of the clubhouse will look like, the features to be included in the playground, and the buildout of the park that has replaced three building lots on the western portion of the project. She asked when residents can expect homeowner's associations (HOAs) for the project to be turned over to the homeowners. She added that she read the description of the proposed amendments to the development agreement; it sounds as if the first clubhouse does not have to be completed until the fifth apartment building has received its occupancy permit, but the last time the Council discussed this project, they expressed commitment to starting construction of the clubhouse right away and she is looking for the Council to reiterate that commitment. She added that the weeds on the undeveloped portion of the property are over 14 inches again and she asked that the City to pursue abatement of that nuisance. Finally, she asked if any retailers have been secured for the project area.

Brenda Ashdown stated that there are only three members of the City Council present this evening and she asked how many members must be present to take a vote on an item. The Mayor answered a motion must have three votes to carry.

City Manager/Attorney Call stated that voting depends on the subject matter; if the issue is an ordinance, it must have three votes in favor to pass. This would be true for item eight on tonight's agenda as a development agreement amendment is a legislative matter. For item nine, a motion could carry with a majority of those present voting in favor.

Korilynn Hietala stated she lives in the Village at Prominence Point project, and she referenced the change to the age restrictions for the cottages in the project. She stated she purchased when the age restriction was in place, and she did so because she wanted a peaceful and quiet neighborhood. She stated she is appreciative of the improved amenities in the project, but the playgrounds in the 55-and-older area may not be needed, except for there are 12 new townhomes that are not age restricted in that area. She asked how and why that was changed. She referenced the park that will be built on the three vacant lots in the project and asked if it will be maintained by the City or the HOA; she can see it becoming a huge public nuisance because of its connectivity to the trail system. She feels that public access to the area may be problematic for the amenities that are intended for the residents of the HOA, such as the pickleball courts, swimming pools, and club houses. She then stated that residents have learned four townhomes that are being operated as short-term rentals and she asked if there are any protections in place for permanent residents at the project. She stated that the covenants, conditions, and restrictions (CCRs) for the project prohibited businesses and vacation rentals, but people are still using their units for short term rentals. She looked forward to hearing answers from the developers about these issues.

Ethan Hale stated he is also a homeowner in the Village at Prominence Point, and he is concerned about the distance between his townhome, unit 67, and the apartment complex, which is only 39 feet. He stated that is not what was originally planned for the development. There was a larger grass area and pickleball courts near his units, but that has changed, and he now feels that his townhome is too close to the apartments, and he asked that the Council consider adjusting that. When he purchased his home, he was assured this would not be an issue.

Dee Anna Ito thanked the Mayor and City Council, as well as the new developers of the Village at Prominence Point project, for their consideration of those that live in the project. She stated that during the very hot summer months, some of the roads in the project began buckling; they are being fixed, but it is unknown what other issues will arise with infrastructure. She has noticed that some other HOAs have turned over their infrastructure to cities because cities have the expertise to maintain and fix them in the best way. She wondered if the Mayor and City Council would consider accepting ownership of the infrastructure in the Village at Prominent Point project for that reason. She then referenced the pool in the project and wondered if a greenhouse cover could be

added to the pool so that it is usable throughout the fall and spring months. She looks forward to hearing from the developer this evening.

Susan Clements stated she is a member of the Build Barker Park Committee, and she reported on plans for another clean-up project at the Park scheduled for Saturday, October 8 in the hollow area of the park. She invited anyone to attend and participate and she thanked Mayor Berube for attending the initial event held on September 17. A follow up project will be held on October 15 and wildflowers will be planted in the hollow at that time.

8. DISCUSSION AND/OR ACTION TO CONSIDER DEVELOPMENT AGREEMENT AMENDMENTS AND SITE PLAN UPDATES FOR VILLAGE AT PROMINENCE POINT

Planning Director Hess explained the Village at Prominence Point was recently acquired by a new development group. As part of that acquisition, the City reviewed and approved a revised Development Agreement that amended building types and locations, total unit count, open space configuration, and timing of amenities. The Development Agreement was approved on May 24, 2022. Leading up to the City Council meeting in May, the developer worked quickly to assure that the City and the new development team were on the same page with the overall development changes. After considering the Site Plan over the summer of 2022, the developer is proposing minor amendments to the Site Plan and Development Agreement to improve functionality of the overall development. The Village at Prominence Point has been a high-profile project, and as such, staff feels that the development amendments should go back to the Council for their approval. Mr. Hess summarized staff's analysis of the proposed site plan changes, including building layout, color schemes, floor plans and elevations, and other changes relating to trail connectivity/sidewalks. He concluded staff is supportive of the proposal and amendments to the Development Agreement and Site Plan; staff recommends the Council review the plans and hold discussion with the developer prior to taking action on the amended Development Agreement.

Mayor Berube referenced Mr. Hale's comments about the distance between his townhome and the apartment complex; he asked Mr. Hess to identify that area on the site plan. Mr. Hess stated that the distance between Mr. Hales' unit and the apartments is 39 feet. He noted that in the initial site plan, the width of the 24-plex building was narrower and there was pickleball courts in that area. He stated that adjustments to the site plan and development agreement have resulted in a shorter distance between Mr. Hales' unit and the apartments. Mayor Berube inquired as to the initial distance between Mr. Hales' unit and the apartments. Mr. Hess stated that distance is not called out on the site plan. Mr. Call stated that it was close to 60 or 70 feet on the previous site plan. Mayor Berube asked if the change is being made in the application being considered tonight or if it was changed in the last adjustment to the development agreement. Mr. Hess stated he would need to review past actions to answer that question.

Mayor Berube then stated he believed the Council and developers had agreed that the construction of the club house would not be connected to the certificate of occupancy for the fifth townhome building; however, the agreement still provides that connection. The developer indicated he is comfortable with what the agreements that were previously made and he has no intentions to delay the construction of the club house. He suggested that the agreement read that the club house must be constructed prior to any certificate of occupancy being issued for any of the apartment units. Mayor Berube then referenced the question about landscaping and ongoing maintenance of the park that will be constructed on the three building parcels on the project. He asked the developer to address that during his presentation to the Council.

Steve Davies reiterated his intent to start the construction of the club house immediately; he has worked with City staff to apply for the building permit for that component of the project before the subdivision plat is approved. He presented a rendering of the front of the club house and noted he is willing to send the full set of plans to the City for public access. He added the subdivision plat is ready to submit as well. He addressed ownership of the park on the three former building lots; he was under the impression that the City did not want ownership or maintenance responsibilities for that park so it has been included in the subdivision plat; there is a master HOA and four subsidiary HOAs: one for the club house, one for the commercial development, one for the townhomes, and one for the patio homes and apartments. He noted that the landscaping of that park will be minimal and will not include significant amenities that will draw the public to the area; this is responsive to the feedback received from existing residents in the community. The park will be maintained along with the other common areas on the project. Mayor Berube asked when that park will be completed, to which Mr. Davies answered in conjunction with the club house. Mayor Berube suggested a date for those two improvements be included in the development agreement. Mr. Davies stated that is acceptable to the developers.

Council Member Swanson referenced the comments about using units in the project for short-term rentals; he asked if the City has an ordinance regarding that type of land use. Mr. Call stated there is an ordinance that is moving through the application process and the Planning Commission is recommending prohibiting short term rentals in multi-family projects; those that are currently operating would be grandfathered or allowed to continue, but no new permits will be issued. Council Member Swanson asked if the grandfathering action would be contingent upon the property owner having secured a business license. Mr. Call answered yes; if all rules are not adhered to, the use could be revoked. Mayor Berube stated it is his understanding that the short-term rentals being operated in the Village at Prominence Point project are operating without licenses and he suggested no new licenses be issued given that an ordinance is being considered. Mr. Hess stated that the ordinance will be presented to the City Council in the near future. Greg Cronin noted that the City's ordinances can be referenced in the CCRs for the project as well. Mr. Call noted that HOAs are not always bound by City ordinances and could vote to prohibit short term rentals entirely in their project.

Council Member Swanson then referenced the public comment about the roads in the project being dedicated to the City for ownership and maintenance. Mr. Call stated that due to the width of the road and snow removal issues, the City has indicated they are unwilling to accept ownership and maintenance responsibilities for the roads in the project. Mr. Cronin stated that is the developer's understanding as well. The infrastructure in the project is private and there is a budget within the HOA to maintain the roads and other infrastructure.

Council Member Dalpiaz asked if any retailers or commercial entities have signed contracts to locate in the project. Mr. Cronin stated that the development group has not been actively recruiting businesses to the site; now that the residential components are finalized, they will perform a study to determine what types of commercial uses would be supported in the area. Council Member Dalpiaz then asked the developer to address Ms. Hietala's questions about removal of the age restriction for the cottages in the project. Mr. Cronin stated that initially it was proposed that the internal development would be age restricted, but he has worked to balance the feedback from the entire neighborhood and there will be no changes to the areas that are currently age restricted, but that restriction will not be expanded. Mr. Call stated that only a certain percentage of a project can be age restricted; the entire project cannot be age restricted. Council Member Dalpiaz asked about Ms. Ito's recommendation to cover the pool so that it usable throughout the fall and spring months. Mr. Cronin stated that that the developer is not considering a covered pool, but the HOA could consider that type of improvement and charge fees that could generate revenue to cover those costs. Mr. Cronin then compared the original development plan and the adjusted development plans and cited minor differences/adjustments to the project. He believes the adjustments and improvements are positive and there is proper buffering between uses and buildings. He appreciates the public feedback that has been provided and the Council's consideration of the current proposal.

Concluding discussion centered on the presence of water and weeds near the sidewalk along Washington Boulevard. Mr. Call stated that staff has discovered the presence of a well of some source of groundwater that is causing the nuisance. Staff is working with the developer to address those issues.

Mr. Call briefly reviewed the additional redline edits to the development agreement that have been discussed during tonight's meeting. The Mayor and Council expressed support and agreement to the edits.

Council Member Ekstrom motioned to approve Development Agreement A14-2022 Amendments and Site Plan Updates for Village at Prominence Point with all changes discussed. Council Member Dalpias seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Mayor Berube noted that one item that was not addressed was the change in color scheme; he asked if the Council was comfortable with those proposed adjustments. Mr. Cronin offered that the colors were adjusted to match the townhomes across the street. No objections were voiced by the Council.

**9. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION
DECLARING SURPLUS PROPERTY LOCATED AT APPROXIMATELY 3660
NORTH 600 EAST**

Planning Director Hess explained various property Owners in North Ogden City have approached the City Council asking to purchase or occupy land owned by the City. Most recently, property owners Jonathan and Denise Keyes have asked the Council to sell a portion of property used to access a detention basin. The Keyes family have constructed a shed that is currently occupying land owned by North Ogden City. The property owner has received a judgment and resolution through the Code Enforcement process. The decision of the judge was for the property owner to move the shed into a location that meets City Code. The property owner has asked the Council to consider selling the property and retaining a perpetual access easement. Staff has discussed this access road with the Public Works, Building, and Engineering Departments. The Planning Director's opinion at this time is that it does not serve the best interests of the City to sell this property. The detention basin behind the Keyes' home is part of a regional detention basin system. The detention basin currently holds limited water and requires minimal access and maintenance. However, this detention basin is sized to accommodate future water from development north of Mountain Road and west of The Cove. Over time, the access to this detention basin will become more critical. Staff is concerned with the long-term viability and utilization of an access easement, versus the ease of access that is provided by owning the property. Staff recommends the Council hold the public hearing, consider the resolution for surplus property, and determine a path forward for this parcel.

Mayor Berube stated that he feels a holistic approach and policy to all surplus properties in the City would be helpful. Staff agreed, with Mr. Call noting that it is still important for each property to be considered on its own merits as there are specific conditions associated with each property, such as access to public property. Mayor Berube polled the Council regarding whether they would like to consider a macro approach to surplus property or if they would like to consider the action that has been advertised on the agenda tonight. Council Member Swanson stated that for this specific property, encroachment has occurred, and the Council seems to be comfortable allowing that to occur until a time that the City develops a broad policy that provides guidance on the appropriate action for different types of surplus properties. Council Members Dalpiaz and Ekstrom agreed. Mayor Berube stated that a past administrative decision was made to allow the encroachment until September 1 and he asked if the Council could override that decision at this point in time. Mr. Call answered yes.

Council Member Dalpiaz asked if he is correct in his understanding that it is staff's opinion that the property should not be surplus at this point. Mr. Hess answered yes, staff believes it would be premature to sell the land at this point in time due to the fact that it provides access to an adjacent parcel of public property, a detention basin.

a. Public Hearing

Mayor Berube opened the public hearing at 7:23 p.m.

Brenda Ashdown stated she has a question about the subject property; it was her understanding that whether the property is sold to the Keyes family, they will still be required to move their building. She asked if that is correct. Mayor Berube answered no; if the land is sold to them, they will not be required to move their shed. Ms. Ashdown stated that is problematic because it essentially restricts the choice of abutting property owners to purchase and use a portion of that property. Mayor Berube agreed but noted that some of those types of matters are impossible to cure, though the City would attempt to be fair in offering the land available for purchase by other property owners that could benefit.

Corey Jones stated that he owns the property adjacent to the Keyes property; last year he contacted the Public Works Department about maintenance of the access road that sits on the publicly dedicated property to access to storm detention pond. He offered to place weed barrier on the property because the weeds have created a nuisance for him. The Public Works employees visited the property and told him that it would not be a problem for him to perform the work, but in doing so it would be best to maintain the land as it has been designed for storm water run-off. If changed, water would be allowed to run into his property and home. He noted that he is most concerned about the integrity and priority use of the land. Given there is a storm drainage pipe running under the property for the purpose of ensuring proper drainage of the area, he hopes the question is being asked whether selling this property would not compromise other properties. He noted that

this proposal has come about because of the construction of the accessory building on his neighbor's property; this has less to do with selling land for the purpose of helping to maintain City property and more to do with circumventing property owners being held accountable for following City ordinances. He knows this has been discussed over and over and he is actually shocked that this discussion is still going on after the matter was brought to the City's attention over a year ago. This was supposed to be resolved by September 1 and it is now September 27 and the Council plans to further extend the matter. This started with him contacting the Public Works Department about maintaining the access road for the detention basin, which he has been seen used over the past 20 years as a fire pit, dumping ground, and an area from which landscapers pilfer rocks. The Council has been asked to possibly change City ordinances because his neighbor placed a concrete slab and shed in a hole that was originally dug years ago. He is frustrated the Council has taken this long to resolve the issue, but he recognizes that decisions still need to be made. He spoke with Council Member Cevering personally about the issue and was told that information sometimes does not flow freely between Departments of the City and that the resolution being considered by the Council would create a 'win-win' situation for all parties. He is not sure who should be considered 'winning' in this situation; he and other neighboring property owners have never been approached about the possibility of purchasing the land and based upon the information included in the Council's meeting packet, only one homeowner is being offered the opportunity to purchase the property. Regardless, he went through the due diligence process about possibly purchasing a portion of the property but given that the underground drainage pipe and other underground utilities would remain, buying the land would give him little to no development options and no increased value. It would be hard to relocate the rock wall on the perimeter of his property, which he paid to install, but which benefits the City's access road. He does not believe selling the property as surplus is in the best interest of the public because maintaining the critical storm drain property would be best managed by the City; additionally, he believes this proposal has more to do with the best interest of one property who was unwilling to comply with City ordinances. He wondered what precedent this would set for other property owners in a similar situation in the future. He feels strongly about this issue because he personally took the initiative to inform himself of property laws when he first built and wanted to expand his property. He never had the option of purchasing the additional property, though he approached the City with an offer and was denied because it was needed for access to City property. He stated he feels that these decisions were appropriation for the City to make in the past and they are still appropriate policies to uphold today.

There were no additional persons appearing to be heard.

Council Member Swanson motioned to close the public hearing. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The public hearing was closed at 7:32 p.m.

b. Discussion and/or action to consider a Resolution declaring Surplus Property located at approximately 3660 North 600 East

Mayor Berube stated it his understanding that the Council would like to postpone action on the proposed resolution, and he called for a motion.

Council Member Swanson motioned to postpone declaring Surplus Property located at approximately 3660 North 600 East until the Council has complete information from the Planning Division and a possible draft policy for consideration that would provide different categories for types of surplus properties throughout the City. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

Mayor Berube stated that if the Council is going to consider selling the subject property, he would like other property owners to be given the option to purchase the property; Mr. Jones indicated that no other property owners have been contacted to make them aware of the option to purchase the property. Mr. Hess stated that it is staff's intention that the property will be made available for purchase by other property owners, though the resolution acknowledges the impetus for this action.

10. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER BARKER – PARKS AND RECREATION

City Manager/Attorney Call noted he received a brief report from Council Member Barker; he wanted to announce the upcoming clean-up days scheduled at Barker Park, similar to what was mentioned by Ms. Clements earlier in the meeting. He also reported the recreation football program is underway.

There was brief discussion about plans for planting to occur in the Barker Park hollow and the availability of water for new plants.

Mayor Berube stated that he would like for the Council and staff to work together to develop a routine maintenance policy and plan for some areas of City parks, including parking areas, that have not been properly maintained and have fallen into disrepair.

b. COUNCIL MEMBER DALPIAS – BUILDING AND PLANNING

Council Member Dalpiaz stated he believes the timing of recent actions on the Village at Prominence Point project is great; he has reported in the past that the City's single-family building applications are declining steadily and the timing of the multi-family development at the Village at Prominence Point will help to keep the City's building division engaged and busy with things to do. He added work continues on the Public Safety building; the foundation is underway, and the project will begin to take shape very quickly.

c. COUNCIL MEMBER SWANSON – FINANCE

Council Member Swanson reported that 17 percent of the current Fiscal Year (FY) has elapsed; revenue collection is ahead of schedule at 19 percent and general expenditures are at 14.8 percent. The City received the other half of its American Rescue Plan Act (ARPA) funds, \$1.2 million, and they will be used primarily for the water tank project. The City has also received B&C road funding that was 20 percent more than budgeted; this can be used for road maintenance. He noted the audit is going well and field work will commence soon.

11. PUBLIC COMMENTS

Corey Jones readdressed item nine on the agenda; when he brought the issue to the City's attention a year ago, one of the things that was explained to him was that there are many

things in the City that can take a great deal of time to resolve. He asked that the Mayor and Council set a timeline for resolving the surplus property issue.

Sandy Cochran thanked the Council for being patient with her as she has addressed them about the Village at Prominence Point project; when she first began addressing the Council, she was very angry and less than courteous and she apologized. She appreciates that the Council has listened to the frustrations expressed by many residents in the project area; they also appreciate the Council putting pressure on developers involved in the project. She thanked the Mayor and Council for including timelines in the development agreement with the new developers. Seeing the demeanors of the new developers has been reassuring to her after having dealt with the former developer who was very hard to work with and nonresponsive.

Brenda Ashdown stated she is thrilled to hear there is a Cherry Days Committee, and she is excited for them to begin their work. She stated that she understands Parks and Recreation Director Staheli has resigned and she asked if there are plans for filling that position.

Mayor Berube stated that the Department is being reorganized and some maintenance duties have been shifted to the Public Works Department to avoid duplication of efforts. The position vacancy will not be advertised until there is a clear understanding of the effectiveness of the reorganization.

Susan Kilborn suggested prayers for Florida residents who are dealing with terrible conditions due to hurricane events.

12. MAYOR/COUNCIL/STAFF COMMENTS

Council Member Dalpiaz reported on his participation with the Senior Citizen Committee; they have discussed a resolution for the community band. They will be starting practice on Thursday evenings at 7:30 p.m.. In the long term, there is a possibility that there will be space available in the Public Safety building that could be used by the community band. He then referenced agenda item nine on the agenda and stated he is personally not very interested in declaring that property as surplus; he feels the property owner ignored City ordinances and that is the reason the issue has been considered. The matter has taken far too long to decide and that is concerning to him as well.

Council Member Ekstrom stated that she agrees with Council Member Dalpiaz and also with Mr. Jones about the property that is subject to the surplus action; she does not believe the property should be sold to the Keyes' as they chose to build their shed in an area that was not permitted by ordinance. She then referenced resident requests for things like a pool cover or pickleball courts; it is great to hear those ideas, but there is a lot of research that must be done, and she suggested that residents work together to do more of the leg work and come to the City with an actual plan for funding such a project. Mayor Berube agreed and noted that Council Member Cevering reported that a resident has

offered to donate cement for a pickleball court and City staff has been asked to identify a good location for that amenity. Additionally, citizens have been challenged to raise funds to match grant funding that is available for the Barker Park Amphitheater.

Council Member Swanson stated that on November 1, there will be a work session during with the City's Parks and Recreation Department will be discussed in depth. He encouraged public involvement in that discussion, as it will be philosophical in nature and will include a focus on the role of the City in providing parks and recreation locations and programs.

Mayor Berube stated it his understanding the City has billed Pleasant View City for their use of the senior center and City Administration will be working with Pleasant View Administration to develop an interlocal agreement to define how the facility will be used going forward. He stated that one topic that has been raised is whether Harrisville City should be involved in such an agreement.

Mr. Call reported that staff has met with Dr. Shupe on his property about improvements to be performed to correct damage done to his property during the Washington Boulevard widening project; he believes the majority of the issues have been addressed and corrected. He also reported the leaf truck cleanup will begin this week and has been advertised in the City's newsletter and on the website. He added he has followed up with the Police Chief and City Engineer regarding the idea of restriping of the area around Washington Boulevard and 3100 North and they have recommended against restriping in favor of reminding residents of rules.

Mayor Berube stated he is pleased with the Council for considering precedent setting decisions or unintended consequences of actions taken; it is important for the City to be proactive and learn from decisions that were made in the past. He also thanked City staff and Department Heads for their efforts; it is sometimes difficult for the public to understand all work being done behind the scenes.

13. ADJOURNMENT

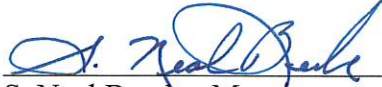
Council Member Swanson motioned to adjourn the meeting. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:11 p.m.



S. Neal Berube, Mayor



Susan L. Nance, CMC
City Recorder



Date Approved