

NORTH OGDEN CITY COUNCIL MEETING MINUTES

May 2, 2023

The North Ogden City Council convened in a Council meeting at 6:01 p.m. on May 2, 2023, at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube:

<https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on April 27, 2023. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2022.

PRESENT:	S. Neal Berube	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Jay D Dalpias	Council Member	
	Charlotte Ekstrom	Council Member	
	Phillip Swanson	Council Member/Mayor Pro Temp	
STAFF PRESENT:	Jon Call	City Manager/Attorney	
	Joyce Pierson	Deputy City Recorder	
	Jami Jones	Finance Director	
	Scott Hess	Community and Economic Development Director	
	Dave Espinoza	Assistant City Manager/Public Works Director	
	Dirk Quinney	Chief of Police	
	Bryce Nelson	Administrative Services Officer/Treasurer	
	Nate Davis	Building Official	
VISITORS:	Brenda Ashdown	Alan Kerbs	Stefanie Casey
	Sandy Cochran	Melanie Ewing	Spencer Stephens
	Brett Hamblin	Chris Pulver	Kevin Burns
	Doug Anderson	Susan Kilborn	

Mayor Berube called the meeting to order. Council Member Swanson offered the thought 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.

ACTIVE AGENDA

2. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, stated she is opposed to raising the budget for Cherry Days this year; she volunteered to help with the Cherry Days celebration last year and she believes the group that produced the event did a great job with the money they had. They already have more than they had last year due to the fact they have secured donations. She reminded the Mayor and Council that citizens were very upset last year by the fact that property taxes were being increased in the City and she does not believe spending more money on Cherry Days will make anyone happy if it results in an additional tax increase.

Brenda Ashdown, North Ogden resident, stated she is a member of the City's budget sub-committee, and she is also opposed to increasing the funding for Cherry Days.

Brett Hamblin, North Ogden resident, stated that he has had a problem with off-leash dogs in City parks. The nuisance seems to be increasing and he and his golden retriever have been attacked four different times by off-leash dogs. He walks his dogs twice a day and he never sees the owners of off-leash dogs clean up after their dogs. He has spoken to people with off-leash dogs to try to address the issue on his own, but the practice still continues. He stated his dogs are not on leash 100 percent of the time when they are outside with him on his own property, but when he visits public property, his dog is always on a leash. He has even seen an off-duty North Ogden Police Officer with an off-leash dog at a park. There may be a misunderstanding of the City's animal control ordinances and it may be helpful to educate everyone on those laws to try to address these issues.

Council Member Swanson motioned to move Agenda item #3 until after Cherry Days Budget discussion. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye

Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO APPROVE THE CHERRY DAY'S BUDGET

City Manager/Attorney Call stated this is a follow-up for the discussion that originally took place at the last City Council meeting regarding a request to increase the Cherry Days budget to a total of \$117,000; this includes the \$40,000 that the Cherry Days committee will raise through private donations and the City's contribution increasing to \$75,000. He does not have a presentation on this matter and expected the Mayor and Council to discuss the request with the members of the Cherry Days Committee.

Council Member Barker stated that as the liaison to the Parks and Recreation Department, he believes that the Committee needs additional funding for the event, but he does not believe that property taxes should be increased to provide that funding.

Council Member Ekstrom stated it was her understanding from the presentation last week that the Committee would be repaying the City as revenues are generated throughout the celebration. She asked for clarification on that matter. Mayor Berube stated that was not how he interpreted the request made by the Committee. He understands that the money provided by the City will be kept by the Committee to use on the 2023 or future Cherry Days celebrations.

Alan Kerbs, a member of the Cherry Days Committee, stated that the Committee felt it would be simpler for the Committee to borrow the money from the City. If the City wishes the Committee to pay the money back, that can be arranged, or the Committee can hold onto the money to use next year. He noted the Committee has already raised significant funding to help support the Event, but there are other donors waiting to commit to providing funding until they understand there is seed money available for the celebration.

Council Member Ekstrom stated she is comfortable 'fronting' the committee the money with the understanding that it will be repaid. Mayor Berube asked what will happen if the Committee does not raise sufficient funds to repay the loan. Council Member Ekstrom stated she has faith they will raise the money.

Council Member Dalpiaz asked if the City somehow failed in communicating to the Committee that the amount of funding to be given from the City would be \$25,000. He stated it is out of the question to raise property taxes to fund an increase to the budget. He is comfortable with a small increase to the budget, but not as large an increase that has been requested. Mayor Berube stated that he attended the first several meetings between the City and the Committee and he believes it was very clear that the City would be contributing \$25,000 to the Committee.

Council Member Cevering stated he is also not comfortable with increasing property taxes to increase the funding for the Cherry Days celebration. He referenced an email sent by Council Member Swanson about options the Council can consider to increase the funding, one of which being adjusting the City's sales tax revenue projection, but there is no way to ensure the City will receive that money. He stated that he is nervous about making a formal commitment until solid funding is available. He does not think there are other areas of the budget that can be cut; he is comfortable offering a small increase to the budget, but otherwise it may be necessary to adjust the celebration to reduce costs.

Council Member Swanson then discussed the options he feels are available to the Council for increasing funding for Cherry Days. He also is not comfortable with a property tax increase. A sales tax revenue projection increase could also be done, but he is not sure the City will actually receive that money. He agreed that other areas of the budget cannot be cut to find additional funding for Cherry Days and in his mind the most solid option available would be to use \$25,000 from the City's General Fund Fund Balance to contribute a total of \$50,000 to the Committee with the understanding that \$25,000 will be repaid to the City.

Mayor Berube stated he does think it is a good idea to start seeding the celebration for the long term; he spoke to the value of the Cherry Days celebration as the largest gathering in the City, but he is not willing to support a property tax increase to provide the increased funding. He proposed that any revenues generated by the event be split between the City and the Committee in an effort to repay the funding provided over the original \$25,000 commitment. Before agreeing to provide additional funding, the Council must have faith that the Committee will be able to raise funding to repay the funding. He would like for the Committee to eventually be a 501(c)3 entity that is independent from the City because he is somewhat uneasy about revenue being generated from the use of funding initially provided by the City. He added that later in the meeting the City will consider a contract for inflatable rentals for the event and if the City authorizes that agreement and executes it, the City will ultimately be liable to pay the costs included therein. Mr. Call noted that the cost of the agreement is roughly \$44,000. Melanie Ewing, Cherry Days Committee member, stated that the scope of the agreement can be adjusted to reduce the cost if the City is not comfortable with the amount.

The Mayor, Council, and staff then engaged in philosophical discussion and debate about whether to increase funding for the Cherry Days celebration; Council Member Swanson reiterated his proposal to provide an additional \$25,000 in funding from the City's General Fund Fund balance. The Council debated whether to require the additional \$25,000 to be repaid. Council Member Barker stated that he is of the opinion that if the Committee does not create a 501(c)3 entity, they should repay the full amount this year; if they can create the entity, they can retain some money as seed money for future events. The Council supported this thought.

Council Member Swanson motioned to provide an additional \$25,000 to the Cherry Days Committee, funded from the General Fund Fund Balance, increasing the total City funding amount to \$50,000 and directing City Administration to negotiate repayment terms of the additional \$25,000. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

There was brief discussion between the Mayor, Council, and Ms. Ewing and Mr. Kerbs regarding the total commitment from the City.

Ms. Ashdown stated that in past discussions about Cherry Days, the existing Committee members have indicated they do not plan to create a 501(c)3 and she wondered if existing Committee members plan to serve for more than one year. Mayor Berube stated that this is something of a trial program and it may be that not all Committee members will participate in future years; however, the Committee has been created to ensure that there will be adequate membership in the Committee in future years.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH BOUNCIN' BINS INFLATABLE RENTALS FOR CHERRY DAYS

City Manager/Attorney Call summarized the terms of the proposed contract with Bouncin' Bins Inflatable Rentals. The Company is providing the service and the City is providing a location and the Committee has negotiated with the Company to provide additional employees to staff each ride in order to reduce the City's liability for any damages or injuries. The proposed location is the main baseball field at North Ogden park, the only concern being allowing rides with water at that location. He asked the Mayor and Council to discuss those issues and provide some direction. He also advised them of the total number of rides and operators, with the total cost being approximately \$44,000; if the Council eliminates some rides, that cost will be further reduced, and the Committee can negotiate a new agreement to finalize the terms.

Melanie Ewing then stated that there are a few rides she would like to consider removing from the event in order to bring a petting zoo to the park. She noted that there are three or four rides that do have water and they can be placed strategically to help mitigate any potential damage caused by the water. Kids enjoy the water rides, especially during the heat of July. She noted that she can work with the Company to modify the agreement even if the Council takes action tonight to approve it in its current form. She stated that she does need some authorization from the Council tonight in order to provide a deposit for the rides.

The Council indicated they are willing to approve an 'up to' amount for the agreement to give the Committee the ability to negotiate the number and types of rides that will be included.

Council Member Dalpias moved to approve Agreement A06-2023 with a ‘not to exceed’ amount of \$37,500.

There was no second and the motion died for lack of a second.

Mayor Berube reminded the Council that the most important part of the event to the citizens is the fireworks show and he hopes that the Committee takes that desire seriously and is committed to ensuring there is adequate funding.

Council Member Barker stated that the Council just voted to increase the budget to \$50,000 and he does not believe the City should micromanage how they are using the funding. He would like to approve the agreement with the ‘up to’ amount of \$44,000 and let the Committee decide if that is really how they want to spend their money. Mayor Berube stated it is important for the Council to be involved because elected officials will ‘take the heat’ if the event does not meet the desires of the residents. There are two things that the City is counting on: the parade and the fireworks and everything else could be left undone with no major outcry from residents.

Council Member Barker motioned to approve Agreement A06-2023 for up to \$44,000 with Bouncin’ Bins Inflatable Rentals for Cherry Days. Council Member Swanson seconded the motion.

Council Member Swanson stated that his vote on this issue is an expression of his faith in the Committee that has been assembled to produce the Cherry Days Celebration. He believes they are able to get things done and he is willing to accept responsibility for authoring this contract and increasing funding for the celebration.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpias	nay
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed 4-1.

Council Member Dalpias stated that he is also very confident in the Committee, but his opposing vote is an effort to try to limit the City’s liability associated with the Celebration.

5. DISCUSSION ON FISCAL YEAR 2023-2024 BUDGET

Mayor Berube thanked City Manager/Attorney Call and Finance Director Jones for their efforts on the Fiscal Year (FY) 2023-2024 budget; he also thanked the citizens budget sub-committee for their review of the tentative budget and for the input they have provided. He stated that he is pleased to present a budget that provides the City the ability to maintain current levels of service, and that does not include a tax increase. He advised the Council to look to the future to plan for growth of the City; primary drivers of the budget are fairly static, but there is some uncertainty related to the economy in the near future due to escalating inflation and operational costs. He stated he does not think the City is ready for a zero-based budgeting approach. There are some uncertainties in the coming months that will impact the budget, including the following:

- Whether the City will replace the Parks and Recreation Director or leave that position vacant and unfunded;
- A vacant position in the Planning Division of the City (included in the budget);
- A request for a 23rd Officer in the Police Department (not included in the budget);
- Direction regarding the use of any increase in property tax revenue;
- Some personnel realignments;
- Sales tax revenue projections;
- Increased costs of snow removal over the winter of 2022-2023;
- Expenses associated with flooding on 1700 North;
- Building the capital improvements fund;
- Capping property tax increases;
- Large equipment purchases (all requests of Departments are included in the budget);
- RAMP Grant matches; and
- Public Safety Impact Fee.

Ms. Jones then summarized the changes that have been made to the tentative budget since the Council's last review, emphasizing that the budget is balanced, and levels of service will be maintained if it is adopted. She discussed efforts to refine and reduce costs, including staffing adjustments and non-departmental expenses. She noted an additional drone for the Police Department has been removed from the budget. The Mayor and Council discussed this adjustment and concluded they would like to include the needed \$3,500 for the drone in the budget given it is vital to investigative operations of the Department. Ms. Jones concluded she is appreciative of the efforts of each Department as well as the citizens budget sub-committee. She feels confident in recommending acceptance of the tentative budget for the General Fund of the City.

Mayor Berube inquired as to the total increase in expenses in the City. Ms. Jones stated that last year the budget was \$10.8 million and this year it is \$10.7 million; however, this is due largely to fluctuations in personnel rather than reduced expenses. Expenses have increased, but that increase is offset by reduced personnel costs. Mr. Call added that he feels the City can operate under the budget that has been proposed; some areas he will keep a close eye on include the Departments that have reduced staffing and if additional revenues come available and there is a need to increase staffing, he will make that proposal.

Ms. Jones then discussed the City's enterprise fund budgets; there is a proposal to increase utility fees slightly to cover increased employee support for utilities. She also discussed the administrative transfer from the General Fund to enterprise funds to cover administrative support for utilities. She added that a five-year plan has been developed for the City's enterprise fund and while the \$2.60 increase in utility fees will cover operations for this year, it will be necessary to increase water utility rates to provide additional funding for water infrastructure projects. Depreciation of utility infrastructure has not been adequately funded and Administration will work to identify utility lines that have been listed on the depreciation schedule to be appropriately accounted for. This led to high level philosophical discussion and debate among the group regarding the importance of depreciation funding, other opportunities for providing funding for needed capital projects in the City, and a brief focus on prioritization of capital projects needed in the City. Continued discussions of the proposed utility fee increases, and depreciation funding will be held in future meetings.

Mayor Berube drew the Council's attention to the use of \$175,000 from the Redevelopment Agency (RDA) fund to help the North Shore Aquatic Center break-even; he knows that City staff is working on different programs for increasing revenue at the Center, but the Council should be considering other opportunities for replacing the funding from the RDA when access to that funding mechanism expires. Council Member Swanson stated that the Council needs to have a broad discussion about the expiration of the RDA, and he is hopeful that discussion can be scheduled for some time in the coming months.

Ms. Jones presented a color-coded five-year capital improvement plan that identifies funding sources for each of the projects; the Council discussed the scope of various different projects included on the list and the type of rate increases that would be needed each year for the next five years to fund all projects.

6. PUBLIC COMMENTS

Sandy Cochran, North Ogden resident, stated she is not opposed to the Cherry Days Celebration growing this year to add a few more activities, but she is unsure why it is necessary for the event to 'explode' this year rather than grow gradually. She stated that the Committee has not explained how the additional money will be used and she suggested that the Council may not care about that matter. She stated that she is a member of the budget sub-committee, and each Department Head was required to visit with that sub-committee and explain where every penny of their budget would be spent, but the same logic has not been required of the Cherry Days Committee. She is surprised that the Council did not say no to the request or ask for more information at least.

Mayor Berube stated that he and each member of the Council has seen the detailed budget for Cherry Days, even if that information was not discussed tonight. The Council did tell them no to the full request; they granted the \$25,000 that was originally budgeted, \$6,000 left over from last year, and an additional \$19,000 that will need to be repaid. If the Cherry Days Committee cannot

raise the money to repay that funding, there will be a strong message sent about the issue. He stated he does not want anyone to believe that the Council flippantly acted on the request without sufficient information. Mr. Call added that the budget has been presented to the Council and it can be made available to the sub-committee.

Brenda Ashdown, North Ogden resident, stated that her husband watched a video recently on sewer lining options that can help to save cities money; that may be something appropriate for North Ogden to consider. She noted she also does not agree with the action taken regarding the Cherry Days Budget, she feels it is 'too much too fast'. She noted she feels sorry for Department Heads who have been told to keep their budgets in check while the Council makes efforts to find money to give the Cherry Days Committee more than they were told they could spend. She noted the budget sub-committee will meet tomorrow and she asked that someone from the Council attend to provide information about the details of the Cherry Days budget. She then referenced a project being completed by John Hansen, which has been approved by the City; the City put a deadline on development of a park included in the project, but she asked what will happen if the homes are not built and, therefore, there is no money to build the park by that deadline.

Mr. Call stated that Mr. Hansen must start work and record his project within one year of receiving final approval; Mr. Hansen is aware the City expects the money for the park according to the terms of the agreement regardless of whether the residential development starts on schedule.

Mayor Berube stated that he has only missed one meeting of the budget sub-committee; he is not available tomorrow and he had not planned to say where he will be, but he disclosed that he and Mr. Call and the Police Chief are going to visit with the three officers who were involved in a recent shooting event in the community. He will prioritize that visit over the meeting with the budget sub-committee to go over papers for two hours. If he makes it back, he will attend the meeting, but he may not. Ms. Ashdown stated that she understands, but someone needs to be available to answer questions about the Cherry Days budget. She then asked if the City is going to build the park once it receives the money from John Hansen. Mayor Berube stated that the City cannot delay the project too long because there is a RAMP grant for it, and it must be completed by a deadline in order to prevent losing that money.

Chris Pulver, North Ogden resident, stated he has tried to follow the money associated with the Cherry Days celebration; he can only see expenses, but no revenue lines. Ms. Jones identified the location in the budget where revenues in the FY22-23 budget are identified. Mr. Pulver thanked the Mayor and Council for their efforts to review all budget information and make wise decisions for the City in the future.

7. MAYOR/COUNCIL/STAFF COMMENTS

Finance Director Jones stated she wanted everyone to be aware that the action to be taken by the Council next week is consideration of accepting the tentative budget for continued review; the

public hearing and final action will not be taken until June 13, so the Mayor, Council, staff, and the public have additional time to review and discuss the budget until that date.

Council Member Ekstrom stated that as a resident, she is very hesitant about relying upon sales tax revenue to fund so many things in the budget; she feels that it is more appropriate to consider appropriate property tax increases to fund the needs of the City.

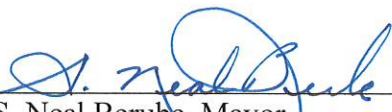
Mr. Call noted that the City's inspectors have been doing a good job at inspecting various development projects in the City and requiring developers to clean up their projects; he advised the Mayor and Council that they may be hearing from angry developers and that is why. He then stated Administration will be bringing an ordinance to the Council to consider regarding turf changes and water conservation responsive to mandates from the Utah government. Mayor Berube added that Administration will also recommend retraction of the emergency water declaration from last year, which will mean that residents will need to install yards on a timely basis and the Council can debate that matter when it is presented to them.

Mayor Berube then reported the City's Public Works Department is aware of damage on various roads throughout the City as a result of a heavy snow year and recent flooding; they are working to respond to those problems in a timely manner and he asked that residents of the City be patient.

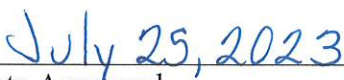
8. ADJOURNMENT

Council Member Ekstrom motioned to adjourn the meeting.

The meeting adjourned at 8:56 p.m.


S. Neal Berube, Mayor


Joyce Pierson
Deputy City Recorder


Date Approved