

NORTH OGDEN CITY COUNCIL MEETING MINUTES

March 23, 2021

The North Ogden City Council convened in a virtual meeting on March 23, 2021 at 6:01 p.m. <https://us02web.zoom.us/j/88228950131> Webinar ID: 882 2895 0131 Or Telephone Dial: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 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 March 18, 2021. Notice of the annual meeting schedule was published in the Standard-Examiner on December 13, 2020.

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:	Brandon Bell	Associate Planner	
	Jon Call	City Manager/Attorney	
	Dave Espinoza	Public Works Director	
	Katie Gerard	City Recorder	
	Jeremy Hindes	Police Lieutenant	
	Evan Nelson	Finance Director	
	Dirk Quinney	Police Chief	
VISITORS:	Mark Anderson	Scott Holmes	Merrill Sunderland
	Ryan Arbon	Rich Humphreys	Marjean Swanson
	Brenda Ashdown	Scott Holmes	Eric Thomas
	Dallin Barker	Jeff	Greg Wall
	Robert Bolar	Julie	Randall Winn
	Taylor Bolar	Susan Kilborn	Rajan Zed
	Alan Casey	Leonard	Kcj
	Stefanie Casey	Wm "Bill" E. Martindale	801-931-1125
	Brent Chugg	Brandon Mason	
	Susan Clements	Terri McCulloch	
	Ccrowther	North Ogden Coldwater Stake	
	Edythe	North Ogden First Ward	
	David Gordon	Paula	
	Brett Hamblin	Gordon Robson	
	Ricky Hatch	B. Roundy	
	Cal and Sandy Heiner	Manya Stolrow	

Mayor Berube called the meeting to order. Rajan Zed, President, Universal Society of Hinduism, offered the invocation and Council Member Barker led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. READING OF DETERMINATION REGARDING CONDUCTING CITY COUNCIL PUBLIC MEETING WITHOUT ANCHOR LOCATION

Mayor Berube provided a reading of the determination of substantial risk to health and safety associated with holding in-person meetings amidst the COVID-19 pandemic. He then reported he has been working with members of City Administration to move towards a hybrid in-person/virtual meeting and he hopes that will be possible sometime in April. Accommodations will be made for people who are not comfortable attending in person to participate electronically.

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any Council Member had any conflict of interest to disclose. No disclosures were made.

He then asked the Council if they have any objections to accepting public comments after item six on the agenda. No objections were voiced, and Mayor Berube declared that public comments will be heard after item six.

3. DISCUSSION AND/OR ACTION TO CONSIDER FEBRUARY 23, 2021 CITY COUNCIL MEETING MINUTES

Council Member Barker noted a typographical error on page six of the minutes; the word 'conversion' needs to be changed to 'conversation.'

Council Member Swanson motioned to approve the February 23, 2021 City Council meeting minutes as amended. 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.

Council Member Swanson then moved to amend the agenda by moving item 10 ahead of item 5 on the agenda. Council Member Ekstrom seconded the motion; all voted in favor.

ACTIVE AGENDA

4. PUBLIC COMMENTS

City Recorder Katie Gerard stated she received an email from Ashley Mason that she asked to be read into the records:

“Dear Mayor, my name is Ashley Mason, my address is 2663 N. 200 E. I would like to urge the City Council to reconsider plans for the permanent closure of the intersection of Pleasant View Drive and Washington Boulevard and request that it be kept open as a right-turn-only. With the current construction on Washington Boulevard, that intersection has been temporarily closed. That closure has left not only myself, but hundreds of residents with difficult, unsafe options to head east to the City center. In order to take our kids to school, as well as get to the grocery stores, customers of the Lee’s Marketplace currently have the following options: turn left onto 2600, which has proven difficult and unsafe due to traffic congestion and high speeds; or backtrack west to Pleasant View and wind up through the neighborhoods. Neither of these options are safe or convenient. Once again, for the safety of hundreds of residents, please reconsider the permanent closure of this intersection and keep it open as a right-turn-only. Thank you for your time. Thank you for your service and all that you do for our wonderful city.”

Mayor Berube reported he has responded to Ms. Mason to inform her that there has not been an official vote on the closure and a public hearing must be held prior to the intersection being closed permanently. The city is waiting on information regarding the timing of the installation of a traffic signal at 300 East and 2700 North. The city wants to be sure it is providing safe intersections for residents.

Randy Winn, 2412 Barker Parkway, stated he agrees with Ms. Mason that a right-turn-only would be the best configuration for the intersection of Pleasant View Drive and Washington Boulevard. He then referenced the public safety building project; he reflected on the past public works building project and the experience the city had in planning for that project. He noted that the city should plan for the contingency that their bonding plans will not be accepted. In the past, bonding proposals were rejected twice by citizens and they may feel the same way about bonding for this project as they have about bonding for past projects. He stated the city needs to plan for moving ahead with other funding sources. The city’s budget process is currently underway and is very important; the Council and City Administration did a great job at paring down needs during the COVID-19 pandemic and it may be appropriate to continue those efforts to increase the funding available for the public safety building project. Additionally, the city should reach out to contractors that may be able to complete the project at a lower cost than what has been estimated, and possibly phase the project. He concluded he simply wants the

Council and Administration to be prepared for a situation where the residents may not support bond issuance for this project.

Brandon Mason, 1114 E. 3300 N., stated that in general terms, the city often gets in a situation where it shies away from bonding because of the association that comes with debt. He does not disagree that a bond is a debt, but he does feel it is a decent mechanism for paying for a project like the public safety building. Either way, the building is funded with tax dollars, but what bonding does is shift the payment of that utility to those that use it. He thanked the Mayor and Council for their service.

Manya Stolrow, 301 W. Pleasant View Drive, stated she would really like for Pleasant View Drive not to be closed; she uses the road every day and the closure of the intersection with Washington Boulevard would negatively impact her. She stated that it's really difficult to turn left onto 2600 North from 300 East without a traffic signal because there is a great deal of traffic there; closing Pleasant View Drive will only increase traffic and those unsafe conditions will worsen. She encouraged the Council to reconsider this matter.

Dallin Barker used the Zoom chat feature to state "I would like to say that I am in favor of doing the public safety project in phases; if we can keep using the courthouse while we acquire more funds to build a new one, it would shave roughly \$2 million off the cost of the initial building. If we can go without the sally port and the auxiliary, that will shave an additional \$1.5 million, bringing the overall initial cost down to maybe \$6.5 million. I know there are other variables, but those are my initial thoughts without hearing any other information that has not been presented yet."

Leonard Looney, 2527 N. 525 E., stated that he thinks the city really needs a new public safety building; he understands the city has already acquired the rights to the ground to build the new building upon and he thinks the police need and deserve that new building.

10. DISCUSSION AND/OR ACTION ON RANKED CHOICE VOTING.

A staff memo from City Recorder Gerard explained that in 2018, House Bill 35 (HB35) was passed into law, creating a pilot project to permit municipalities to conduct nonpartisan municipal races using instant runoff voting. Instead of choosing one candidate, ranked choice voting allows voters to rank all candidates according to their preference.

For reference, the section of code outlining the Municipal Alternate Voting Methods Pilot Project is 20A-4-601 through 20A-4-604.

The following is for informational purposes only and we have not verified and do not necessarily support the views contained therein:

Utah State Law: https://le.utah.gov/xcode/Title20A/Chapter4/20A-4-P6.html?v=C20A-4-P6_2018050820180508

Utah Ranked Choice: <https://utahrcv.com/>

Fair Vote (National): https://www.fairvote.org/rcv#where_is_ranked_choice_voting_used

Ranked Choice Voting Resource Center (National): <https://www.rcvresources.org/>

Ms. Gerard reviewed her staff memo and introduced Ricky Hatch from the Weber County Clerks's Office; she invited him to provide his position regarding the ranked choice voting method. Mr. Hatch stated that this is a very complex issue; the governing body has the authority to select the voting method by which their municipal elections will be managed, and Weber County is happy to offer assistance in administering elections. He spoke to the Mayor and Council two years ago about his concerns regarding ranked choice voting and his concerns have not changed since that time. He suggested that if North Ogden City does want to consider utilizing ranked choice voting, they should hold a work session to have a detailed discussion regarding the way votes are cast and tabulated in a ranked choice system and what it would mean if the city chose to go in that direction. He stated this would give the Council the ability to gain a full understanding of the ramifications of holding a ranked choice voting election.

Council Member Ekstrom asked Mr. Hatch if he has held a mock election to compare traditional voting formats with ranked choice voting to determine if the outcome of the election would change under either format. Mr. Hatch answered no, he has not personally done that. However, he has researched and analyzed outcomes of ranked choice voting elections in other communities. He found that the winner of the first round was the same as the winner in the second round in 97 percent of the races; in three percent, the outcomes changed. He stated he feels the same outcome would be true if he were to hold a mock election to compare voting methods.

Mayor Berube thanked Mr. Hatch for his input and agreed that it would be appropriate to hold a work session to discuss the issue in greater detail.

Council Member Swanson motioned to continue with the traditional voting method for the 2021 Municipal Election; this motion is based upon the information provided by Ricky Hatch two years ago and again tonight, as well as his own research that has led him to believe there is no advantage to moving to a ranked choice voting election. 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.

5. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING AN ANNEXATION PETITION FOR A PARCEL LOCATED AT 1700 NORTH FRUITLAND DRIVE.

A memo from Deputy Recorder Nance explained Jeffrey and Padma Randall have submitted an application for annexation of approximately 1.11 acres located at 1700 North Fruitland Drive in Weber County, Utah. As required by Utah State Code, the Weber County Surveyor is currently reviewing the annexation plat map and working with Landmark Surveying Inc. for corrections. The property being proposed for annexation is within the North Ogden City's Annexation Declaration Policy Map. The Petitioner is requesting an R-1-8 Zone, which the Planning Commission will review and make recommendation to the City Council at a later date. The petitioner meets all the requirements to start the annexation process and it is recommended that the City Council accept the petition to start the annexation process.

City Manager/Attorney Call reviewed the staff memo and noted the action before the Council tonight is to accept the petition and refer it to the Recorder's Office for certification prior to a public hearing being scheduled regarding final action on the annexation petition.

Council Member Ekstrom moved to accept the annexation petition for a parcel of property located at 1700 North and Fruitland Drive. 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.

Mayor Berube acknowledged the recent passing of former Mayor Lynn Muirbrook; he offered his condolences to the Muirbrook family and commented on the great service provided by Mayor Muirbrook. He noted that some have asked that the flag at City Hall be flown to half mast and he was saddened to have to communicate that it would not be

possible. The lowering of the flag is permitted by the President of the United States or the Governor, only.

6. DISCUSSION AND/OR ACTION ON PUBLIC SAFETY BUILDING

City Manager/Attorney Call presented information from his staff memo regarding this item. The city has been evaluating the need for a new public safety building over the past several years. The city put together a committee for this specific project. Committee members and council have been working on the best decision for the city. There have been eight committee meetings, council meeting discussions, and several joint meetings between the two groups to help narrow in on the needs and goals of this potential project.

Part of the feasibility study from JRCA gave a total cost estimate for the project of just over \$11,000,000. The city has had discussions with additional contractors and other individuals and concluded that more than likely the cost would be in that general ballpark, with cost reductions achievable by removing certain facilities included in the JRCA assessment. He stated that he does not recommend the elimination of items from the JRCA assessment without specific involvement of those who understand and know how these types of facilities should work and function.

The goal for this council meeting and discussion is to determine if the city should move forward with the plans to construct the facility. If the decision is to move forward then the Council will need to direct staff to prepare RFP's for an architect, contractor, and then determine the funding mechanism to pay for the project. The city does not have funds to pay for this building on hand. The Council can either look into bonding, loans, or potentially save up funds until the project can be paid for with cash.

Administration recommends the Council consider a cash infusion along with an appropriate bond to fund the project and start construction in the next six to nine months.

- **CASH** - The cash only option is not feasible given the market increases in construction and other associated costs. Assuming the city had \$2,000,000 it could spend today on a public safety building the city would still need to save an additional \$9,000,000 to fund the project. With the average construction inflation (4.2%) considered, the city would need to save \$462,000 just to keep up with inflation to construct the building next year. By year ten the cost of the project would have risen to almost \$16,000,000 meaning the city would need to save on average \$1,400,000 per year for ten years to pay for the building with cash, including the \$2,000,000 currently on hand.
- **BONDING** - The bonding estimate would show a total cost of just under \$11,950,000 if the city financed the entire project over 20 years. If the city infused \$2,000,000, the total cost of the project would be around \$11,775,000. These bonding numbers are estimates based on the current bonding rates. Those rates will not be locked in until the Council passes an official resolution to initiate the bond, or a General Obligation Bond election is held and the bonds are issued.

- LOANS - Occasionally, the State or other organizations authorize low interest loans for projects like our public safety building, however, to date we have not found any programs which North Ogden City would qualify.

Mr. Call's memo communicated that City Administration understands this is a sensitive topic given the additional expense which could be added to the city's underlying budget for the next 20 years. The Public Safety Committee and Council have put a lot of time and energy into this project. There is a frequently asked question document which has been linked in the staff report compiled by Chief Quinney.

Police Chief Quinney then reviewed his staff report regarding the Public Safety building project. For several years there have been on and off again discussions regarding the need and timing of a new public safety building, as the current facility is reaching the end of its life. Our current building, which houses the police and justice court, was never built or designed to function as a police department and the portion dedicated to the court has long been out of compliance with state regulations. This makes for a facility that is unsafe for staff, visitors, and detainees.

In April 2019 talks became more serious. The police administration toured several new facilities to learn more about the project steps, the execution of the project, as well as to see what new public safety buildings looked like and were utilized in the application of current and best practices. During these tours they saw several public safety buildings which had common features and characteristics. The emphasis in these new buildings was first and foremost to provide the users of the facilities a safe and secure place to conduct business. Another noticeable concept was how the layout and flow of the buildings were conducive to a functional and efficient work process.

In June of 2019, the Council took another step forward when the funds were approved to have a feasibility study done regarding the need for a new public safety building. Later that summer JRCA Architects were hired to complete the feasibility study and needs assessment. JRCA spent the next several months working on the study. They conducted site visits with staff, council members, and other city administrators to learn as much as possible about the current and future needs. JRCA conducted interviews with police, court staff and administrators to learn where the needs were from the perspective of the various functions. JRCA presented their final report to the Council in May of 2020 where they concluded that North Ogden City needs a new facility.

About the same time JRCA began their study, the Public Safety Building Committee was formed. The committee consists of key members of our community, including residents, police and court personnel and current and past city leaders. The committee was an important part of the feasibility study as they were able to provide JRCA with input from many different perspectives from both staff and citizen views. The committee has also been an important part in providing information to the council and citizens regarding the project and its progress. Some of the outreach work the committee has done includes personal contacts, open houses, virtual tours, photographs, and videos. There has been an

overwhelming show of support from most of the community regarding the need for the new facility.

Chief Quinney also presented a document containing useful links regarding the project.

Mark Anderson of Zion's Bank, the city's financial advisory, then used the aid of a PowerPoint presentation to discuss North Ogden's bonding options. Municipal bonds are a long-term financing tool that governments use to borrow money for a capital project and there are three different types of bonds typically used for public safety facility projects: general obligation bonds, excise tax revenue bonds, and lease revenue/capital lease bonds.

General obligation bonds:

Advantages:

- This type of bond provides the lowest interest rate
- Does not necessarily impact existing city revenues
- Tax impact to taxpayers decreases as the city's taxable value increases
- Allows for voter input
-

Disadvantages:

- A bond election can only be held once per year which increases the interest rate risk
- Bonds are hard to get approval for in an election
- If a bond election fails, the City may still need to move forward with the project
- They allow for voter input.

Excise sales tax bonds:

Advantages

- Usually meets coverage requirements to issue bonds for General Fund related projects
- Is seen as reliable source of revenue and demands a competitive interest rate
- Is authorized by a Resolution adopted by the Council

Disadvantages

- Pledges tax revenues that will not be available for other financing needs the City may have
- No new revenues are generated to aid in the payment of debt service
- Higher interest rate than a GO Bond

Lease revenue bonds:

Advantages

- Does not pledge specific revenues of the City which gives more flexibility for financing other future projects
- Works well when the project is funded by several sources (e.g. Public Works building)
- Is authorized by a Resolution adopted by the Building Authority and Council

Disadvantages

- Because the lease is subject to annual appropriation, interest rates are higher than GO or Revenue Bonds
- Title insurance is required because the asset is the collateral for the loan
- Lease agreements between the city and the Building Authority are prepared by bond counsel that increase the costs of issuance
- No new revenues are generated to aid in the payment of debt service

High level discussion among the Council and Mr. Anderson centered on the city's bond rating and repayment of a bond. Council Member Swanson stated that he feels that bonding is the best option to pursue at this time because the project could be built at today's costs rather than the city paying for inflation in construction costs as it delays the project to save enough money to pay for the project. He stated he favors the revenue bond option; the Council was elected to make hard decisions and the new public safety facility is a dire need for the safety of the city; this need has been kicked down the road for many years. If the residents decide they want input on the matter, they can circulate a petition to place an item on an election ballot to provide input on the item. Council Member Barker agreed with Council Member Swanson. He is concerned about the dramatic increase of construction costs and worries that will only get worse; the cost for a single-family residential home is increasing at a rate of \$25,000 per month and he believes that will just continue to increase and the amount the city will pay in the future for the project if it is delayed will be astronomical. While he understands the concern about going into debt, he is more concerned about paying for the project at today's costs rather than the costs the city would be facing in the next five to 10 years. Council Member Stoker agreed; she noted this is not an easy decision, but the city truly does need an updated public safety facility. She is also concerned about the costs of construction increasing. Council Member Cevering stated that he is very conservative when it comes to his own family's budget and debt, but working in the real estate field, he has seen the dramatic increases in housing and construction prices. He does not believe it would be best for the city to wait in order to save money to pay for the project; rather, he feels that bond issuance is the best option at this time and he is comfortable moving forward. Council Member Ekstrom echoed the comments that had been made. She noted there is a common gut reaction in the community whenever the discussion turns to debt; many people are opposed to debt, but there are some things that are worth going into debt for and she feels the public safety facility is one of those things. This is not a want – instead, it is a need. The existing facility has exceeded its useful life and she supports proceeding with a revenue bond at the present time.

Mayor Berube stated this is a very significant decision and one that the Council has the authority to make; from the start he has talked about his support for a general obligation bond as he believes the citizens have the right to speak. However, he understands the financial ramifications of delaying action on the bond until the election can be held. He stated he was shocked to hear the project proposal of over \$11 million, but he believes it is a facility that only meets the city's public safety needs until build out. It is obvious that the city could never save enough money to build the project because of constantly

increasing construction prices. Additionally, there are many other projects that the city needs, and it is important to preserve funding for those. He stated the Council has been very conservative in their budgeting practices while being proactive in planning for needed improvements in the city. While it is hard to project the future, the city does need this project and the Council has looked at every funding opportunity available; he reiterated he sees no way to delay the project and save funding to pay for it in cash at a point in the future. He looks forward to hearing the input of residents regarding their ideas for the project as citizens typically provide creative solutions. He would hate for growth to outpace the city's ability to serve its citizens and administration has looked at many other options for providing protection; cost is not the same as value when it comes to serving residents, specifically in terms of public safety response. He has received an email from a resident who asked if the city has considered becoming part of a unified police force to share responsibilities across more than one entity and he believes that Council Member Barker can respond to that given his experience with the local Fire District. However, he again feels it is important to keep in mind that the value of public safety is much more important than cost. He is comfortable with the knowledge that the Police Chief, the Public Safety Committee, City Administration, and the City Council have carefully reviewed the estimates for this project to ensure that nothing is being included in the building that is not a true need. He stated he does not like the idea of going into debt, but he compared this type of project for the city to a individual family buying a home to live in; for some projects and expenses, debt is appropriate and said that he cannot promise that no tax increase will be needed in the future. He provided examples of instances where the city has cut costs in order to avoid passing a fee or tax increase on to residents. He then asked for a motion to suspend the rules to allow for public input.

Council Member Swanson motioned to suspend the rules and allow public input. Council Member Cevering seconded the motion; all voted in favor.

Council Member Stoker stated that she participated in discussions regarding the idea of joining with the Weber County Sheriff's Department to provide public safety protection for North Ogden residents and some of the things that were concerning to her were the timeliness of response to calls in North Ogden as well as the lack of a police presence in North Ogden. She is not sure that the city would save any money by joining with the county because the county's costs will increase, and those costs will be passed onto the city and its residents. Mayor Berube agreed and noted that the sheriff told him that one of the biggest deterrents of crime is police presence and that would be lost if the city did away with its individual police department and moved in the direction of joining with the county or a special service district.

The Mayor then invited public input. He asked that each speaker limit their comments to three minutes.

Alan Casey used the Zoom chat feature to reference the public safety facility needs analysis and expressed support for option E, with no phasing. He stated the renderings

show that the buildings will be two stories in height and he asked what the top floor will be used for.

David Gordon used the Zoom chat feature to indicate he is in favor of a new facility but is not in favor of raising local taxes in order for citizens to pay for a construction bond. For at least the last four years, taxes have increased at the city, county, and federal levels and the combined impact of these increases may cause citizens to move or have reduced financial security. The current cost of construction is at an all time high and will most likely drop after pandemic panic eases. Waiting or a phased approach may help, and he requested cuts in other areas of the city. He believes the structure should be functional before focusing on a structure that the city is proud of. He inquired as to what will happen if citizens vote no.

Susan Kilborn used the Zoom chat feature and stated she agrees with some comments partially; it is not possible to predict the future of construction cost increases. The city needs to get the project done now and quit delaying it. She is supportive of cutting costs in other areas and stated she would like to see a lot of cuts.

Stafanie Casey, North Ogden resident, stated that she would like to propose an idea regarding a possible opportunity for raising funding for the project. In recent years, a pond project was presented to the council and approval was granted after the same project had been voted down two or three times. The presentation regarding that project contained some information that was not true, and she wondered if that is cause for reconsidering the approval that was granted. The presentation indicated that the \$1.6 million from the sale of the existing detention basin could be used to fund the new pond project. She believes that is untrue and that instead, the money would need to go to water and sewer funds. She asked if that is correct. Mayor Berube stated he does believe that is the case as the pond is part of the storm sewer fund, which is an enterprise fund. He also believes that one component of the new pond project is for storm sewer processing so some of the \$1.6 million proceeds could be used but cannot use the entire amount because it belongs to the storm sewer fund. Ms. Casey suggested that the city consider using some of that money for this project; additionally, the city has not been awarded the NRCS grant for the project and she suggested that the project be revisited to determine if costs can be cut or if the project can be delayed as the public safety facility project is much more important and more needed than another recreation facility in the city.

Eric Thomas, North Ogden resident, thanked Chief Quinney and the entire police department for the service they provide to the community. He would support some analysis of possibly joining with Pleasant View to create a police department that could serve both cities, but beyond that, he is not supportive of the city joining with another special service district as he agrees with the mayor that the value would be sacrificed to reduce costs. He stated he is in favor of a revenue bond and fully supportive of proceeding with the project. The police officers deserve a new facility just as much as residents do; it is important to keep in mind that the facility is intended to serve the city at buildout. It will never be possible to wait long enough or save enough money to cover the

cost of this type of project fully with cash. Construction costs will only continue to increase, and he suggests securing the financing while interest rates are low and while construction costs are lower than they will be years from now, let alone at the end of this year. This is a great opportunity for the citizens to get together and support the city and its public safety officials in this endeavor.

Mayor Berube noted he is aware that Mr. Thomas is in the construction industry and he asked if he agrees with the assessment that it is appropriate to build the facility to meet the city's needs at buildout rather than waiting and retrofitting the building in the future. Mr. Thomas agreed and stated it is typically much more expensive to expand or retrofit a building than it would have been to build the facility at the size needed at the onset of the project.

Mayor Berube stated the council has the obligation to stay ahead of growth and provide adequate infrastructure and amenities needed by the increased population; it is always better to be proactive than reactive.

Susan Clements agreed with Mr. Thomas; she asked if the city has an idea of how many residents currently live in the city. Mayor Berube answered just over 21,000 and the city will be just over 41,000 at build out. Ms. Clements asked if this facility will be adequate to serve that population. Mayor Berube stated those who have created the plans believe it will be; it will also allow for growth in other areas of operation in the city. Ms. Clements addressed Mr. Anderson's presentation regarding bonding and the fact that the city would have the ability to pay off the debt after 10 years. She suggested that the city make its best effort to save money each year that could be used to pay off the debt at the 10-year mark. Mayor Berube stated he thinks that is a great idea and the council will work closely with their assigned departments to be prudent and generate the greatest amount of cost savings as possible. He then noted that it is important for residents to understand that the city has made its best effort to keep property taxes low and reduce the burden on citizens by maintaining the rate year over year. Many people believe that the city's tax revenue has increased because home values have increased, but with the city holding the rate, that has not been the case.

Dallin Barker also thanked Chief Quinney and his department for their service. He also agreed with Mr. Gordon that it is important to analyze all costs included in the budget and determine if there are wants that can be cut in favor of proceeding with needs. He supports Ms. Casey's recommendation to reevaluate the city's pond project to see if funding could be taken from that project for this project. He thinks the mayor and council are doing a great job; moving forward with the project is the right thing to do, but he wants the council to do so responsibly and carefully.

Ryan Arbon used the Zoom chat feature to provide the following input: "Mayor and Council, great meeting. Thank you for all the hard work you are doing. I love that your first priority is public safety. As you know, I am neutral on this issue. I fully support the

decision you will make. Please let me know if there is anything I can do to help the process and your decision be the most successful. Thank you again.”

Leonard Looney, North Ogden resident stated he has owned homes in three other cities besides North Ogden and he feels having arrived in this city, he is in the best place he has ever lived. The city has a great police force that does a great job. He has seen the facility they are working in now and they do not meet the state standards for a public safety facility. He is 100 percent in support of moving ahead and getting the project started. He is in favor of the revenue bond as it seems to be the quickest way to proceed. He does not understand the entire process but supports the mayor and council to do what is right.

Gordon Robson, 797 E. 2450 N., stated he is in favor of this project and he thanked the council for taking the time to carefully consider the project and for making this tough decision. He has lived here since 1994 and is not part of the 30 percent of the population that is opposed to nearly everything; he has not seen the city spend recklessly; the city has had and still has wonderful leadership. Each homeowner faces the need to maintain and update their own home and he likened this project to that type of situation. He is in favor of the city proceeding.

Susan Kilborn, 3370 N. 400 E., stated she is so impressed by the city council’s comments and the attention they are paying to the constituents that have voted them into office. She is completely on board with getting the building built; this discussion has been going on for five years and it is time to get it done. The revenue bond is the way to go, and it would be prudent for the city to lock in a low interest rate. She then referenced the Barker Park amphitheater and the city pond and asked if one of those projects can be reconsidered to free up additional funding for this project.

Mayor Berube stated the city has a contractual obligation to dedicate \$1.2 million to the Patriot Point pond project; the city has no additional contractual obligations for the Barker Park amphitheater. Perhaps Mr. Call and Finance Director Nelson could provide a more detailed response to those questions. Mr. Call stated Mayor Berube’s comments are correct; the obligation to the Patriot Point project are a mix of enterprise funds and general funds. Additionally, the city plans to retain 15 percent of its total budget in the rainy-day fund from year to year and to continue to build up a cushion in the capital projects fund to make funding available for other projects that are needed in the city. Mayor Berube added that the city may be receiving some federal stimulus monies that can be used for capital projects, but it is important to be prudent in building up the city’s reserves for future projects. He stated he feels that this public safety project is an example of being prudent and planning for the growth of the city, however, it is not possible to anticipate all future costs and save for everything that may come up. Finance Director Nelson added that under the mayor’s direction, administration has been very conservative in revenue estimates and any overages have been saved and made part of surplus monies to reduce the impact this project will have on taxpayers. Mayor Berube added that the city has transferred approximately \$620,000 per year to the Capital Projects Fund which

would be nearly adequate to cover annual debt service payments on the bond. He is hopeful that sales tax revenues will continue to increase.

Brett Hamblin, 963 Deer Meadows Drive, stated he has attended several meetings over the years and is totally confident in the decisions they are making and in the council's thoughtfulness. He is in total favor of the revenue bond; this gives the council the authority to make the decision, which is what they were elected to do. He noted that the police do not currently have the resources and facilities they need, and he likened that to the fire department being charged with putting out fires with a garden hose. He is afraid that if the city waits too long to put this issue on a ballot, people will oppose it because they believe the police can continue to function with the resources they have made due with for so long.

Merrill Sunderland, 1195 E. 2850 N., stated that the point he would like to make is one of risk analysis; he has a concern that there are other high priority items, issues, and situations that will happen in North Ogden over a certain period. He is not opposed to the public safety facility, and the discussion about the project has been great as it has been focused on trimming down the scope of the project. However, there will be other emergencies that will arise that could bring regret for the decisions that are made now. One possibility is any need to improve an intersection in North Ogden to increase traffic safety. He asked that the city plan for those things in light of the scope of this project. He thanked the mayor and council for the work they do.

Mayor Berube stated that this is the reason we have put a floor on the amount of money we need to have for unanticipated expenditures, have a plan to continue building the projects fund and to restore the general funds balance to the appropriate level overtime.

Susan Kilborn reapproached and asked the city to think about what is important right now. She lives in Lake View Heights and there is a proposal for an additional 600 homes above her on the hill side. The city cannot wait to build this project; the city is in desperate need of the project and she asked that the project move forward. She asked the council to carefully consider if there are funds available from the amphitheater project or pond project that can be redirected to a down payment for this project. She also asked if the city has explored different types of grant programs that could be pursued for this project.

Mayor Berube asked Council Member Barker to respond to the idea of joining with Pleasant View and even Harrisville City to create a joint police department that could serve both cities. Council Member Barker stated that the police departments are different than the North View Fire District as that district is an independent taxing entity that receives tax increment funding as well as funding from ambulance services revenue. If the police department did the same thing, their citation revenue would be turned over to the State of Utah and each city would need to double or triple their property taxes to create the joint district as it is not an option to fund such an entity with sales tax revenue.

Currently, the cities can use sales tax to fund their police forces and that ability would go away if a unified district entity were created.

Brent Chugg thanked the council and mayor for their consideration of this item; he does not believe it is feasible to pursue a unified police district for the reasons that Council Member Barker discussed. He would hope to put that idea to rest.

Susan Kilborn used the Zoom chat feature to state: "I want to address an email circulating in North Ogden selectively undermining the efforts of the mayor and city council. I ask this email author to step forward publicly or forever hold your remarks that are not in tune with the unity we are seeking."

There were no additional persons appearing to be heard.

Mayor Berube then facilitated discussion among the council regarding the option of considering a motion on the matter of bonding at this time. Mr. Call stated the motion would be to move forward with the public safety project and direction on which type of bond mechanism they would support. Mayor Berube polled the council regarding whether they would like to wait to make a motion in order to digest the input they received tonight. The entire council indicated they do not need additional time and are comfortable moving forward at this time to try to avoid additional inflation.

Council Member Ekstrom motioned to move forward with the public safety building project and utilize a revenue bond to fund the project. 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.

7. DISCUSSION AND/OR ACTION ON RESOLUTION 04-2021, CITY COUNCIL RULES OF PROCEDURE

City Manager/Attorney Call noted that the council recently discussed adjusting their rules to no longer require that anyone addressing them during the public comment period of a meeting to state their address; the resolution that has been prepared by staff would formally make that change in the council's Rules of Procedure.

Council Member Cevering motioned to adopt Resolution 04-2021 amending the City Council Rules of Procedure. 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.

8. DISCUSSION AND/OR ACTION ON MAJOR'S MINI-FARM SUBDIVISION

A staff memo from Associate Planner Bell explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has a narrow degree of discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant has submitted an application for a 3-lot subdivision for this property, which is located in an infill environment with development around the property that the subdivision is proposed for. City ordinance 12-6-3 (A) (3) (j) specifies the maximum length of cul-de-sacs as 600 feet, measured from the center of the cul-de-sac bulb to the center of the intersection of the connecting street. An applicant may apply for an increased cul-de-sac length, per our Special Exception ordinance, 12-1-12.

The applicant is requesting that the cul-de-sac length be allowed to be extended beyond the standard 600' limit which is provided for as a possibility in city code.

The ordinance regarding special exceptions for extended cul-de-sac lengths is as follows:

12-1-12: SPECIAL EXCEPTIONS (D) (4) & (E)

4. Cul-de-sacs may be granted a special exception as to length if all of the following criteria are met:

1. The maximum cul-de-sac length with a special exception extension is 750 feet.
2. There is no reasonable opportunity for connecting to the adjoining street network at this time. If connectivity to an adjoining property can be made in the future; a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and or right of way dedication.
3. The property to be subdivided is an infill and surrounded by developed subdivisions.
4. The maximum acreage of the subdivision to be served is 5 acres.

5. If a special exception is granted connectivity to trails and pedestrian walkways may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.
6. If a special exception is granted, the number of lots on the cul-de-sac may be up to 20 as approved by the Planning Commission.
- E. Conditions: In approving Special Exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. The Planning Commission may recommend any condition(s) it feels is relevant to the approval of the Special Exception.

Staff Comment: Please note that according to our ordinance regarding special exceptions, all of the above criteria need to have been met, in order to qualify for a special exception. Staff has provided the following commentary on each of the specific conditions in the above ordinance:

1. The maximum cul-de-sac length with a special exception extension is 750 feet.

Staff Comment: The City Engineer has measured the cul-de-sac length at 647.47 feet (See Exhibit C). If the subdivision is not granted the exception, the present design of the cul-de-sac would need to be reduced by at least 47.47 feet. On a related note, the applicant has indicated that the cul-de-sac length may change slightly in the final subdivision design. Staff recommends, that if the special exception request is recommended to the City Council to be approved, that any motion specify an adjustment to the length of the cul-de-sac, so long as it is within the maximum length permitted for a cul-de-sac, with a special exception.

2. There is no reasonable opportunity for connecting to the adjoining street network at this time. If connectivity to an adjoining property can be made in the future; a development agreement is required specifying the conditions and timing of the improvement, e.g., providing for a fire access road and or right of way dedication.

Staff Comment: Staff is of the opinion that with the existing home already in place to the north of the subdivision, there is not a reasonable opportunity for a road to go through to 3100 North. Any connection, furthermore, would be to a residential street, whereas connections to arterials should be the higher priority. The Planning Commission should determine if they believe there is a reasonable opportunity for a road to go through at this time.

3. The property to be subdivided is an infill and surrounded by developed subdivisions.

Staff Comment: The application meets this requirement; the property is surrounded by existing single-family development.

4. The maximum acreage of the subdivision to be served is 5 acres.

Staff Comment: The application meets this requirement; the area of the property in this proposed subdivision is less than 5 acres.

5. If a special exception is granted connectivity to trails and pedestrian walkways may be required by the Planning Commission after considering a recommendation from the Parks and Recreation Department.

Staff Comment: *There is no required trail in the area as part of the Trails Master Plan.*

6. If a special exception is granted, the number of lots on the cul-de-sac may be up to 20 as approved by the Planning Commission.

Staff Comment: *This application proposes far less than 20 lots.*

The ordinance also specifies the following:

Conditions: In approving Special Exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. The Planning Commission may recommend any condition(s) it feels is relevant to the approval of the Special Exception.

Staff Comment: *If this special exception is recommended to the City Council, the Planning Commission should determine if there are any conditions that they believe will secure the objectives of the special exception regulations and include those conditions in their recommendation to the Council.*

The memo offered the following summary of potential City Council considerations:

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?
- Does the special exception request comply with the proposed Special Exception Code?

The General Plan map calls for this property to be developed as residential low-density. The subdivision this special exception request relates to the preliminary approval, where it was determined to meet the requirements of the applicable North Ogden City ordinances, given some conditions of approval. Comments relating to the subdivision application were given at that prior meeting, as a separate agenda item.

The memo concluded staff recommends that the Planning Commission reviewed the above criteria and recommended unanimously the approval of a special exception regarding the cul-de-sac length for the Major's Mini-Farm Subdivision. They also included, as part of their recommendation, that any approval of a special exception includes any adjustments to the length of the cul-de-sac, in the final subdivision design, so long as it is within the maximum length permitted with a special exception.

Mr. Bell reviewed his staff memo.

Council Member Swanson stated that the preliminary plat for the project identifies a hammerhead rather than a traditional bulbed cul-de-sac and he asked if that is the design

that has received approval at this point. Mr. Bell answered yes; the Fire Marshall has approved that design and there are no intentions to change that layout.

Mayor Berube invited input from Planning Commission Vice Chairman Mason. Mr. Mason stated that the Commission has reviewed this project carefully several times and has found that it meets the criteria for receiving approval of a special exception. The Commission heard public input and the public was unanimously in favor of the project.

Mayor Berube invited input from the applicant.

Greg Wall stated he is the engineer working on the project for Ms. Taylor; he thanked the City Council for their consideration of this application and for staff's assistance in moving through the application process.

Council Member Ekstrom moved to approve the special exception regarding the cul-de-sac length for the Major's Mini-Farm Subdivision, based on the findings and subject to the conditions listed in the staff report. 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.

9. DISCUSSION AND/OR ACTION REGARDING ACCESS EASEMENT REQUEST IN NORTH OGDEN COVE

City Manager/Attorney Call stated he has received a letter from Rich and Kim Humphreys requesting the council approve a private access point across an asphalt path which was designed and installed for access to the storm water basins near Dillon Way. He presented a map to identify the Humphreys property and the city's property, noting this is a similar request to one the council received a few months back for an individual to utilize a section of asphalt as a portion of the primary access/driveway to a home to be constructed. The staff has some concerns with the way this driveway would become a secondary access to Nebo Avenue for the neighbors and the individuals requesting this accommodation. Additionally, this access would be running between two lots, that are not being serviced by the access, like a flag lot access or alleyway. He noted that if the council wants to pursue this request staff would recommend the council schedule a public hearing and direct staff to work on the appropriate easement and other language to facilitate this type of an agreement.

Council Member Barker asked if this lot can be defined as a double-fronting lot. Mr. Call stated that would only be the case if the easement were determined to be permanent and exclusive. Council Member Barker stated if that happened, the city could need to consider a special exception for the property.

Mayor Berube facilitated high level discussion among the council and Mr. Call regarding the most appropriate way to proceed with this request; Council Members Barker and Cevering stated they are willing to consider allowing the Humphreys to continue to use the pathway, but they want to pursue an agreement that cover liability and maintenance responsibilities for the pathway. Mayor Berube stated it would be difficult to address that as there could be as many as 30 families that are using the pathway. Mr. Humphreys stated there are just a family or two using the pathway and usually only when they cannot get up the hill on the public road during a snowstorm. He then invited the council to visit the site before they make a final decision so they can get their own understanding of the current condition of the pathway.

Council Member Stoker stated she is not in favor of letting the Humphreys use the pathway for their own private use; they built their home in an area where they knew the roads were steep and snow levels would be greater than in other areas of the city. Council Member Swanson agreed; he noted that he supports denial because the Humphreys chose to pave the area knowing the land did not belong to them and he made no attempt to find the owner and ask for permission. The city does not have input from the other two property owners that would be impacted by allowing access to continue.

Council Member Swanson moved to deny the request. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion carried on a three to two vote.

11. COUNCIL DEPARTMENT REPORTS:

A. COUNCIL MEMBER STOKER – POLICE

Council Member Stoker reported the department recently promoted two officers to detective. Additionally, for one vacant officer position, the department received 14 applicants, only six of which showed up for an interview. She then reported that one

officer is moving through the Police Academy and should graduate next month. The new Community Service Division is doing well, and they are becoming familiar with animal control and code enforcement operations. She then advised the community to be aware of phone scams where the caller asks for payment with a gift card.

B. COUNCIL MEMBER CEVERING – PUBLIC WORKS

Council Member Cevering reported the 400/450 East and 2600 North project is nearly one month ahead of schedule. Crews have dug out driveways and installed water lines up 2600 North and will be replacing concrete within a few weeks. He noted that Public Works Director Espinoza thanked the council for their foresight in purchasing pipe at lower costs before the increase; since the purchase was authorized, the prices have increased by about 20 percent, so the city has saved roughly \$70,000.

Mayor Berube asked for an update on the status of the RFP for garbage collection service. Council Member Cevering stated there is a meeting scheduled this Friday to evaluate the proposals the city received in response to the RFP.

C. COUNCIL MEMBER EKSTROM – PARKS AND RECREATION

Council Member Ekstrom reported the department is entering into its busy season and is working on planning for the Cherry Days celebration and summer recreation programs. They are also recruiting employees for the Aquatic Center.

Mayor Berube reported that at some point the council needs to consider whether to cancel or proceed with the 4th of July fireworks celebration. Additionally, the city has been told the cost to hire lifeguards is increasing substantially and the council needs to come up with a plan to cover those additional expenses. He asked Council Member Ekstrom to follow up on that issue and come back with a proposal for how to deal with that.

12. PUBLIC COMMENTS

Robert Bolar used the Zoom chat feature to thank the council for their support of the Major's Mini Farm special exception and subdivision. This is an amazing project and Jennie Taylor's family will ultimately have a great home to live in.

13. ADJOURNMENT

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

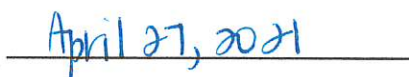
The meeting adjourned at 9:59 P.M.



S. Neal Berube, Mayor



Katie Gerard, City Recorder



Date Approved