

NORTH OGDEN CITY COUNCIL MEETING MINUTES

November 30, 2021

The North Ogden City Council convened on November 30, 2021, at 6 p.m. at the North Ogden City Office at 505 East 2600 North. And also available electronically on Zoom or YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6felhQ/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 November 23, 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	attended via Zoom

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Susan Nance	City Recorder
	Lorin Gardner	City Engineer
	Clark Crowther	Lieutenant
	Jeremy Hindes	Lieutenant
	Kai Johnsen	Planning Technician
	Jami Jones	Finance Director
	Dirk Quinney	Chief of Police
Brandon Bell	Associate Planner	

VISITORS:	Jay D Dalpiaz	Brenda Ashdown	Stef Casey
	Bob Buswell	Carson Jones	Susan Kilborn
	Susan Clements		

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

CONSENT AGENDA

1. SPECIAL MEETING SIGNED AGENDA

This is the attachment of the official Special Meeting Signed Agenda for the packet.

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

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

ACTIVE AGENDA

3. PUBLIC COMMENTS

There were no public comments.

4. DISCUSSION AND/OR ACTION TO CONSIDER ACCEPTING AN ANNEXATION PETITION FOR LAND LOCATED AT APPROXIMATELY 1500 NORTH AND 150 EAST

City Recorder Nance explained Dan Birch has submitted an application for Howard D. Cheney to petition for annexation of 11.114 acres located at approximately 1500 North 150 East in Weber County, Utah. As required by Utah State Code the Weber County Surveyor has reviewed and given conditional approval of the annexation plat map to Ensign Engineering. The property being proposed for annexation is within the North Ogden City's Annexation Declaration Policy and Map. The Petitioner is requesting the R-4(PUD) Zone, which the Planning Commission will review and make a 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.

Council Member Ekstrom motioned to accept an annexation petition for land located at approximately 1500 North and 150 East. 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.

5. DISCUSSION ON POTENTIAL REZONE FOR QUAIL PONDS SUBDIVISION

Carson Jones approached and identified a 5.7-acre parcel of ground that he has under contract to purchase; upon purchasing the property he would like to expand the Quail Ponds Subdivision. However, due to the unique shape of the property and the need to connect to existing transportation infrastructure, he is seeking to amend the zoning to assign the Quail Ponds zoning to the project. He wanted to have a discussion with the Council about that idea before proceeding with filing an annexation petition for the property.

Mayor Berube inquired as to the current zoning for the property. City Manager/Attorney Call stated that it is currently located in Weber County, and it is zoned A-1, which is an agriculture zone that has a minimum lot size of 40,000 square feet. Mayor Berube inquired as to the zoning designation for the Quail Ponds subdivision, to which Mr. Jones answered there is a specific zoning designation that was created for that project, and it is called the Quail Ponds zone. Mr. Call noted that it is similar to the R-1-5 zone; it is a Planned Residential Unit Development (PRUD) zone that was created specifically for that project. He presented the proposed General Plan land use map, which will be presented to the Council in December for consideration and possible adoption. On the map the property is identified as open space.

Mayor Berube stated he is concerned that this is an action that would amend the General Plan future land use map immediately after it is adopted. He stated that is concerning to him because the Council asked the General Plan Advisory Committee to develop a proposed map and plan update that would result in the future land use map being vested in order for property owners in the City to rely upon it.

Council Member Barker stated he would rather wait to hear from the General Plan Advisory Committee and Planning staff before considering an amendment to the zoning for the property. Mayor Berube stated that Mr. Jones is simply asking if the Council would entertain a zone change for the property before he proceeds with purchasing it. Council Members Barker and Stoker stated they are not willing to offer support for a zone change before first hearing the recommendations of the General Plan Advisory Committee, which should happen during the December 14 meeting.

Council Member Swanson asked if a City's decision to assign a specific land use to a property in its General Plan and then denying any consideration of a zone change is essentially a constitutional taking of the property. Mr. Call stated that the City may be required to accept an annexation of the property, but the City is not required to grant the zoning requested; rather, the City could assign the RE-20 zone to the property based upon the County's zoning designation and the City's General Plan land use map. This means that some sort of development could occur. Council Member Swanson stated that the General Plan Advisory Committee has been working on their present assignment for two years and one of the concerns he expressed when the Advisory Committee was created was that it would essentially place a de-facto halt on building in the City and that halt would stretch on and on. He has a concern about that when it comes to landowner rights. He is also concerned that the City would tell a landowner that his property must be open space or have some sort of conservation easement on it whether they like it or not. It should be the City's responsibility to purchase the land in order to conserve it. He stated that he understands the concerns that R-1-5 zoning may not be appropriate, but the opposite could be argued because that zoning would reflect the current character of the area. He stated he feels the Council has a duty to consider a landowner's request to have the zoning of their property changed.

Mayor Berube stated that the City has rezoned numerous properties during the time that the General Plan Advisory Committee has been working on the assignment from the Council. Council Member Swanson agreed, but noted that some have been denied on the basis that they may not be as widely accepted and the explanation that has been used is that the Council is waiting for a comprehensive recommendation from the Advisory Committee. Mayor Berube stated that he does not disagree, but he is concerned about consideration or acceptance of a future land use map, with the intent to change the zoning of one property immediately after. He stated, however, that there is no reason that the City shouldn't consider the annexation. This led to high-level discussion and debate regarding whether to consider the annexation and zone change, and the timing of such actions. Mayor Berube stated that he does not feel the Council can give any guarantee that a petition to rezone the property to a zoning designation similar to R-1-5 would be approved. Council Member Swanson stated he does not want to give a guarantee of such, but it would not be unreasonable to consider a zone change application and the City may be obligated to consider something denser than RE-20 based upon the development of the property surrounding this property.

Council Member Cevering stated that he would like to wait to make a decision on this issue until after the Council has received the recommendation from the General Plan Advisory Committee. Mr. Jones stated he is comfortable with that, but expressed his concern that placing a conservation easement on the property would be the same as the City taking the land from the landowner.

Council Member Barker stated that it appears that the Quail Ponds subdivision is actually R-1-8. Mr. Jones stated that is not correct and it may be necessary to more closely

examine the City's zoning map. He concluded he is comfortable waiting to engage in more discussion about his request after the Council hears the formal proposal from the General Plan Advisory Committee.

6. DISCUSSION ON CITY COUNCIL GOALS FOR LONG-TERM PLANNING

Mayor Berube stated he would like to engage in discussion with the City Council, including Council Member-elect Delpias, regarding long term goals, priorities, and plans for the City. He presented a list of priorities he has identified, as follows:

- Completion and occupancy of Public Safety Building
- Maintaining and growing police force in accordance with population
- Improvement of trail heads with emphasis on 2750 North
- Phasing and construction of Barker Park (Pickleball courts) – Fund raising
- Development of commercial corridors (2700 North property)
- Installation of lights and sound system at amphitheater ramp/citizens
- Plan for use of RDA funds to enhance economic development - new law
- Preservation and restoration of natural waterways - ordinances
- Enhancement of city water system – new water tank on 2100
- Preservation of open space – parks growth strategy
- Development of Arts guild and enhancement of meaningful activities
- Develop and implement a long-term financial plan
- Thoughtful Growth - Parks

He then facilitated high level discussion regarding these priorities and invited them to suggest additional projects to be included on the list; this included topics such as examining projects that are eligible for funding utilizing RDA funds, exploring grant programs that could assist the City in completing vital infrastructure or community development projects, and coordinating with other cities on projects that benefit the community as a whole. Mayor Berube then asked that each Council Member complete a survey form to assign a priority ranking to each of the listed projects. He then stated that in order to accomplish a list of identified priorities, it is important for the City to have a financial plan. He presented a draft of such a plan and noted he would like for the Council to identify policies and procedures aimed at improving the City's financial management. He noted the policies should be somewhat informal, but structured and he reviewed his draft as follows:

“North Ogden City Financial Plan

North Ogden's financial plan should incorporate a long-term perspective that promotes and facilitates positive change that results in enhanced financial strength and provides for

long-term planning. Specific policies and procedures should be identified that contribute to excellence and improved fiscal management. Developed policies should be formal and result in maintaining a structurally balanced budget that defines the level of unrestricted fund balances in the general fund, capital projects funds and enterprise funds. The city's financial plan should also set targets that provide adequate working capital for each fund.

In developing the budget, the city council and departments heads should consider the following:

- Maintaining a focus on outcomes
- Establishing a link to agreed upon priorities
- Developing communication plans that are transparent and understandable
- Including a component of the budget plan that incentivizes city employees to keep North Ogden a great place to live.
- Avoiding short term thinking

Some things to consider in setting specific policies, procedures, and targets:

- Maintaining a minimum 15% of qualifying revenues in an unrestricted general fund balance that can only be utilized for the following as approved by the city council.
Funding a shortfall in the public safety budget that is determined to be necessary to protect the safety of North Ogden citizens.
An emergency declaration made by the mayor and supported by the city council that requires monetary funding to provide essential services that protects the health and well-being of North Ogden citizens.
- Maintenance of an available \$1 million in the capital projects fund for opportunities that may arise that cannot be funded by available impact fees.
- The creation of a capital improvements category in the capital projects fund that can be utilized to maintain physical facilities in the city.
- Funding of the capital projects and capital improvements fund would be derived from excess sales tax dollars above the annual budgeted sales tax revenues. Annual sales tax budgeted increases would be limited to an amount no greater than the previous year's CPI and an authorized growth factor set by the city council.
- 80% of excess sales tax dollars would fund the capital projects fund and 20% would be identified for use in funding capital improvements.
- Additional capital projects funding may be allocated from the unrestricted general fund balance once its balance exceeds 20% and an amount is approved by the city council.
- Capital expenditures in excess of impact fee availability that are not funded by grants would be limited to 85% of the prior year's depreciation in the respective fund.
- Unrestricted fund balances in each enterprise fund should be maintained at X% of budgeted revenues unless specifically approved by the city council.

- Allocations of unrestricted non-property tax revenues should be allocated as follows:
 1. First to fund bond payments on the revenue bond issued to construct the public safety building
 2. Secondly to supplement public safety when there is an inadequate amount of property taxes to fund the approved public safety budget.
 3. An amount set by the city council to provide an agreed upon excess of revenues over expenses. (Could be used for early principal payments on the bond)
 4. The remainder allocated in specific dollar amounts to each respective general fund department.
- Carryover Provision – Specifically identified one-time expenditures that are not completed in the respective fiscal year can be carried over to the subsequent year and reserved in the capital projects fund.”

Council Members offered support for the ideas behind the draft plan; they indicated that this type of policy will take personality and politics out of the budgeting process as it will provide clear priorities and goals to inform the annual budget process. Mayor Berube stated there will be continued discussion of the matter among the Governing Body and the City’s Department Heads as the group moves in the direction of adopting a formal policy. He indicated he would like to implement some of the ideas identified in the draft policy in the coming budget process this spring. He added he looks forward to hearing public input as well.

Chief Quinney referenced the item on the Mayor’s priority list to maintain staffing levels in the Police Department; this is very important for the safety of the entire community. He added he would like the Council to consider and discuss how to handle the growing need for code enforcement efforts in the future. Mayor Berube agreed the demand for code enforcement will increase as the City grows and this is something that should be discussed by the Council. Chief Quinney stated that the number one crime deterrent is the fear of getting caught and the increase in the visibility of Police Officers reinforces that fear. Mayor Berube agreed.

7. **PUBLIC COMMENTS**

Stefanie Casey, North Ogden resident, thanked the Council for their discussion about priorities and a financial policy. She then referenced the previous discussion regarding the zoning matter raised by Carson Jones and the comments made by Council Member Swanson regarding the General Plan Advisory Committee. She is a Co-Chair of the Committee, which is a volunteer board and the members have worked very hard on a subject that they did not initially understand. They have taken the time to learn and look

into what other cities are doing to preserve open spaces. They have worked under the direction and guidance of City Manager/Attorney Call and Planning Directors Scott and Hess. They did not arbitrarily select piece of land that should remain open space. The property identified by Mr. Jones, for which the Committee has recommended open space preservation or placement of a conservation easement, had that same General Plan future land use direction in the 2015 version of the Plan and map. The Committee worked to determine what open space preservation would mean in the North Ogden community and she looks forward to presenting that information to the Council. When residents are willing to step forward and get involved, that means something. Council Member Swanson was a member of the Committee when she first began participating and according to the minutes of the Committee's meetings, he was excused from every meeting until February of 2021. Given that he is so passionate about these issues, she would have loved for him to be involved and to share his thoughts and input in a productive way. However, she has sat through two Council meetings and been blasted for the work being done by the Committee. She stated that she has seen a lot of people dedicate their personal time to learn and understand about land use issues because they care about this City.

Susan Kilborn, North Ogden resident, thanked Council Member Stoker for her years of civil service and her dedication to the City. She also thanked the entire Council for their very thoughtful comments about important issues that were discussed tonight. As a 33-year resident of the City, she cares about what is happening and she would like to see increased efforts aimed at getting other residents involved. She does not want just a handful of people making decisions that impact the lives of all residents. She then addressed the discussion regarding priorities for the City and asked if law enforcement officers are required to live in North Ogden City. Mr. Call answered no and indicated most cannot afford housing prices in North Ogden, but they are required to live within a certain distance so they can respond quickly if needed. Ms. Kilborn stated the City has a major problem with recruitment and retention of quality officers and the City needs to find a way to address those issues. This is a big priority for her as the safety of the community is of utmost importance. She then noted that President Biden passed an infrastructure bill, and the State of Utah should receive some funding; she asked if North Ogden will receive any of that money. Mayor Berube stated that the City will try to secure its fair share, but the details are yet to be addressed.

8. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson responded to Ms. Casey's comments and stated that he did not mean to come across the way that she interpreted his comments. He referenced her comments about his lack of attendance of General Plan Advisory Committee meetings and noted that was because of known personality clashes that would have created more problems than progress. He had resigned from the Committee and is unsure why he continues to receive invites to their meetings. He has not officially been a member of the

Committee for well over 15 months. He appreciates the work that the Committee has done, but he does believe it has taken longer than it should have.

Council Member Cevering referenced a recent media article discussing an audit of Utah courts and the suggestion that they should improve their collection of fines. He asked if North Ogden struggles to collect fines and fees through the Justice Court. Mr. Call stated there are two different types of fines; the first is the fine for the crime and the second is restitution. He stated he will read the news article referenced by Council Member Cevering and consider whether the City's Justice Court needs to make modifications to its fines and fees processes.

Council Member Ekstrom referenced the property on 1700 North, which was previously annexed, would require the installation of curb/gutter and sidewalk infrastructure; however, these improvements would essentially be an island of improvements and she wondered if this should really be required. Mr. Call stated he will discuss the property with Public Works Director Espinoza and provide a response to the Council. Council Member Stoker stated that the City has adopted an ordinance that governs public improvements for new development and if an exception is going to be made for a specific property, the Council needs to understand they would be deviating from their ordinance. Mayor Berube agreed and stated it would be important to review that ordinance.

Mr. Call then reported that he feels Department Heads will be very excited about the Council's direction regarding City-wide priorities and financial planning. He then reported on the status of the rewrite of the zoning code relating to code enforcement; Planning Director Hess is requesting feedback from the Council as soon as possible. Council Member Ekstrom asked for a hard copy of the document for review. Mr. Call then reported that the phone system at City Hall will be changed in the coming weeks; the City is currently using three different systems and this change will make the system much more dynamic. He then noted the City has received comments about the intersection of Washington Boulevard and Pleasant View Drive; the median has been restriped and a barrier placed at the intersection. The City has attempted to enhance visibility of signage at the intersection and the Police Department has been helping to educate motorists on the new traffic configuration. He reported the holiday lighting ceremony will be held this Saturday at 5:00 p.m. at Barker Park. Also, the Police Department is administering the annual sub for Santa program and anyone in the City can contribute to that program.

Mayor Berube commented on the intersection of Washington Boulevard and Pleasant View Drive, as well as other traffic adjustments in the City's commercial area; he is concerned about the impacts that these changes have on local businesses. The City needs to proactively address such changes with the Utah Department of Transportation (UDOT) to help to protect businesses. He then thanked the Council and staff for their service to the community and thanked residents for their participation. An open house will be held to commemorate Council Member Stoker's service as a Council Member; details about the event are forthcoming.

9. **ADJOURNMENT**

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

Voting on the motion:

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

The motion passed unanimously.

The meeting adjourned at 8:12 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder

January 25th, 2022
Date Approved