

NORTH OGDEN CITY COUNCIL SPECIAL MEETING MINUTES

March 29, 2022

The North Ogden City Council convened in a Council meeting on March 29, 2022, at 6:01 p.m. at the North Ogden City Office at 505 East 2600 North. And electronically on Zoom, recording can be found on 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 March 24, 2022. Notice of the annual meeting schedule was published in the Standard-Examiner on December 16, 2021.

PRESENT:	S. Neal Berube	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Jay D Dalpiaz	Council Member
	Charlotte Ekstrom	Council Member
	Phillip Swanson	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Katie Gerard	Human Resources Manager/Deputy City Recorder
	Scott Hess	Planning Director
	Brandon Bell	Associate Planner
	Jami Jones	Finance Director
	Dave Espinoza	Public Works Director
	Lorin Gardner	City Engineer

VISITORS:	Kevin Burns	Sandy Cochran	Stefanie Casey
	Brenda Ashdown	Dan Birch	Lucy
	Randall Winn	Susan Kilborn	Spencer Alexander
	Susan Clements	Tyler Crittenden	

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 ATTACHED TO PACKET FOR MEETING**

2. 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.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE FEBRUARY 8, 2022, CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve the February 8, 2022, City Council Meeting minutes. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO CONSIDER THE FEBRUARY 22, 2022, CITY COUNCIL MEETING MINUTES

Council Member Dalpias offered a correction to the minutes, under the section dealing with Council Member reports; the minutes indicate he reported the number of building permits issued were lower than the last two years, but it should have said just the last year.

Council Member Dalpias motioned to approve the February 22, 2022, City Council Meeting minutes as corrected. Council Member Ekstrom seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

5. PUBLIC COMMENTS

Tyler Crittenden, North Ogden resident, stated he is seeking to build an attached third car garage on his property and the current regulations for an accessory building are making it difficult for him to proceed with the project. He has spoken with City Manager/Attorney Call and was told that the City may consider less than a 10-foot setback on each side of a property in the R-1-10 zone but told him that he could approach the City Council about reducing the setback from 10 feet to 8 feet on one side of the property. He would like to hear the Council's thoughts and comments on that concept. He indicated he has drawings of what he would like to build on his property.

Mayor Berube asked Planning staff to address the setbacks in the R-1-10 zone. Planning Director Hess stated that the combined setback must be no less than 24 feet total, so meaning 14 feet on one side and 10 on the other side, or 12 feet and 12 feet, unless there is an attached garage on one side, in which case the setback can be reduced to 20 feet, or 10 feet on each side. This is similar to the manner in which setbacks are regulated in other zones in the City, though the combined setback in other zones is lower. Staff has spoken with Mr. Crittenden and advised him to approach the Council to see if there is an appetite for reducing the setback, but it is important to understand that a code amendment would apply to all R-1-10 property, not just Mr. Crittenden's property.

Council Member Swanson asked Planning staff to review the ordinance and provide a recommendation to the Council regarding the concept of adjusting setbacks. The rest of the Council Members supported that request. Mayor Berube addressed Mr. Crittenden and indicated that the matter will be discussed further in a future meeting.

6. DISCUSSION ON FISCAL YEAR 2022-2023 BUDGET

Finance Director Jones used the aid of a PowerPoint presentation to discuss the tentative Fiscal Year (FY) 2022-2023 budget; she summarized growth in revenues and also presented the budget requests of various Departments in the City. She, Mayor Berube, and Council Member Swanson facilitated discussion among the Council focused on expenses or needs that have been deferred in previous years that the City must now consider funding and the impact that will have on the FY2022-2023 budget. The Council communicated their desire to save for the future as that is a fundamental principal that the City should adhere to. This led to a discussion about needed budgetary cuts or the need to increase property taxes to cover future savings. Mayor Berube stated he would propose that the Council determine a total budget for each Department and direct them to manage their Department within that budget; this is a better option than asking each Department to propose their budget, and then telling them that they cannot have everything they asked for. Council Member Swanson stated that a different way of budgeting may be necessary to address ongoing needs in the City.

Discussion then shifted to historical actions taken by the Council regarding fee adjustments and tax increases; City revenues are not keeping pace with inflation, but residents are in the same situation as their income is not keeping pace with inflation and an excessive tax increase could be very harmful for some. The Council acknowledged their role to be fiduciarily responsible for the City; they suggested reevaluating the percentage of the property tax increase to be considered and indicated they felt comfortable with a seven to ten percent increase.

7. **DISCUSSION ON GENERAL PLAN FUTURE LAND USE MAP**

Planning Director Hess explained that the General Plan Advisory Committee (GPAC) has provided the Council with a recommendation to adopt a Future Land Use Map; staff has emphasized the majority of the 2021 General Plan Future Land Use Map is recommended to remain consistent with the 2015 Plan. The 2015 Plan is well thought out and preserves the character of the existing community in many areas of the city, with highly desirable housing options, excellent access to open space, and productive commercial areas. There are however areas of change and opportunity within the community. These four key areas are: Residential Hillside Cluster, Urban Agricultural Protection Area, South Town Mixed Use, and the North Ogden Downtown Area. He then presented the draft map to identify the areas where changes have been proposed when compared with the 2015 map, after which he concluded that The Planning Commission has been an integral part of the General Plan Future Land Use Map creation. This includes members of PC attending and participating in the General Plan Advisory Committee, as well as attending the joint GPAC and PC meeting. The PC held a public hearing, discussed the Future Land Use Map, including each of the individually called out land use areas, and came to a recommendation to the City Council. The Planning Commission made recommendations regarding future neighborhood commercial areas. Staff left the proposed commercial nodes on the map for the City Council's consideration. The Planning Commission made a recommendation for approval of the 2021 Draft General Plan Future Land Use Map with the change that neighborhood commercial areas be identified through permissive language in the General Plan text, and not located specifically on the map.

8. **DISCUSSION ON XERISCAPING AND SECONDARY WATER POLICIES**

City Manager/Attorney Call presented the critical water emergency declaration made by Mayor Berube in July of 2021; drought conditions continue, and City Administration has been considering a similar declaration for 2022 as well as code amendments aimed at encouraging xeriscaping throughout the City. He summarized the proposed code amendments and facilitated discussion among the Council to solicit their ideas for additional amendments. The Council discussed additional ideas and opportunities for incentivizing drought tolerant landscaping or xeriscaping.

9. **COUNCIL DEPARTMENT REPORT:**

a. Council Member Swanson - Finance

Council Member Swanson presented a report summarizing sales tax collections for Fiscal Year (FY) 2021-2022 to date; sixty-seven percent of the FY has lapsed to date, but general fund revenues exceeded 67 percent prior to the receipt of January sales tax revenues. The City's financial position is very positive at this point, especially since sales tax revenues continue to exceed projections.

Finance Director Jones added the City has \$447,000 in excess revenues. The Police Department has requested to purchase one of their new vehicles this FY rather than next FY because one of their vehicles is having mechanical issues. She asked if the Council is comfortable including this vehicle purchase in a budget amendment that will be considered in April. The Council indicated they would like to see the cost of that purchase before making a decision. Ms. Jones stated she will provide the information as soon as possible.

Council Member Cevering asked Public Works Director Espinoza to provide the

10. **PUBLIC COMMENTS**

Stefanie Casey, North Ogden resident, addressed the budget and land discussions earlier in the meeting; Council Members made comments about North Ogden being a great place to live and the need to generate additional revenue to keep it that way. It would be great to get public input on that manner as 'being a great place to live' can mean a number of things to different people. It is important for the Council to carefully evaluate how taxpayer dollars are being spent and to ensure that essential needs are taken care of. Some things are needs while other things are wants and she hopes the Council takes that into consideration.

Mayor Berube stated that relative to land use, the State Legislature continues to pass laws that take control away from cities and give it to the State; he suggested that residents get involved and reach out to their representatives to discourage those actions. He stated he would like to hold a budget open house as well as additional open house events regarding the future Land Use Map.

Randy Winn, North Ogden resident, stated he appreciates the budget discussion that took place earlier tonight, but he offered some caution relative to increasing taxes and increasing the reserve funds in the City. The Council has increased the City budget largely in the past two years after having not increased taxes for nearly 17 years. Population growth as well as property value growth helps to increase the funding the City

naturally receives, and he would be very cautious about an additional tax increase this year. He stated inflation is out of control right now and if the City tries to connect a tax increase to inflation, the result will be that of the City compounding and furthering inflation. Most residents and businesses are not experiencing an increase in their own budget that is equal to inflation. He stated that everyone values Police Officers, but the public safety budget is 38 percent of the City's budget; North Ogden is one of the safest cities in the State and it may not be that the City needs as many Officers as other cities. He stated that last month he witnesses a situation where two young men at a City park required a police response and there were five police vehicles on the scene within five minutes; this is a great response, but it signals to him that there are not many other things going on in the City that require a police response. The City does not need to strive to have the largest Police Department in the State.

Mayor Berube noted that the Council has only approved a true tax increase one time; in one year, the Council shifted a \$3 transportation fee to property taxes as that was the more appropriate way to collect the revenue and last year the Council approved a legitimate tax increase that was warranted. He stated he personally feels there is a correlation between a quality, sufficiently manned Police Department and the safety of the City. He then noted that he is aware that many businesses are increasing wages for their employees because of a labor shortage; inflation is having an impact on City costs, and it is appropriate for the Council to respond. He stated that it is inaccurate to say that the Council continues to increase property taxes when this Council has only approved one true tax increase.

Spencer Alexander reported on a meeting he attended last week with Trout Unlimited; there was discussion about a grant program that could provide a significant amount of money to rehabilitate a section of Cold Water Creek. He then noted that on April 12 a group of students from Venture Academy will perform a service project to clean up the wetlands area along the Creek.

Brenda Ashdown, North Ogden resident, stated she has three comments; she disagreed with Mr. Wynn's comments about the size of the Police Department. She feels that safety is the most important thing for a City to consider and she supports the funding for the Police Department. She then addressed the discussion regarding the General Plan Land Use Map and open space preservation; when a developer approaches the City about developing a property, the Council does not have the ability to reject a proposal based upon pre-determined zoning. If the Land Use Map is adopted, the Council will have that authority going forward. She concluded her third item relates to the annexation of her property into North Ogden City several years ago; when she was annexed, she began paying for sewer, but she never had actual access to connect to the sewer. She also has never had access to secondary water, and she is concerned that with the changes being made to the secondary water system that she may be charged for a connection that she does not have.

Mayor Berube stated that he feels that the secondary water changes will apply to new construction/connections.

Susan Kilborn, North Ogden resident, stated tonight's meeting has been great. She supports the direction that has been discussed regarding budgeting and she has suggestions for the Council to consider.

Mayor Berube suggested that Ms. Kilborn reach out to Council Member Swanson directly to provide her suggestions regarding the budget.

Susan Clements, North Ogden resident, addressed the discussion regarding xeriscaping; it is necessary to clearly define the term as it means using less water rather than using no water. Many people do not understand that. She stated that she removed her grass park strip last year and has installed rock and brick. It is still quite beautiful and is helping to save water for the community.

Sandy Cochran, North Ogden resident, referenced a section of sidewalk on Washington Boulevard in front of the Village at Prominence Point project that is buckling and is holding standing water. She asked that the sidewalk and the land around it be repaired for the safety of pedestrians in the area.

Mayor Berube asked that Council Member Ekstrom and Public Works Director Espinoza follow up on Ms. Cochran's comments.

11. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Cevering asked for a report of the status of the City's culinary water sources. Public Works Director Espinoza stated that the City's wells are continuing to produce as normal; springs are producing as levels comparable to this time last year. He expects that the spring production will reduce moving into the summer months, and it will be necessary to rely more heavily on wells in the City. He plans to provide a presentation on April 12 that will explain the rotation of dependence on wells and springs that serve the City.

Mayor Berube stated that last year the Council increased the fee for pumping water; he wondered if it would be possible to decrease that fee responsive to the amount of water available to the City. Mr. Espinoza stated that it will likely be necessary to continue to pump water this year and he suggested that the increased fee remain intact.

Council Member Cevering then suggested the installation of signage prohibiting motorized vehicles on certain areas of hillsides in the community; there are signs, but they are in locations where they are not easily seen, and he suggested that they be placed in more prominent locations. Mr. Espinoza stated that he can look for more prominent locations.

Council Member Barker reported on his participation with the Mosquito Abatement District. He then noted the open burn season starts tomorrow and runs through the next two months.

Council Member Swanson stated he has been asked by a number of residents if the Council will be discussing a recycling program for the City. He asked that an agenda item be included on an agenda in May to discuss the recycling market. Mr. Call stated Administration planned to discuss that during budget discussions. Council Member Swanson then reported he has been invited to attend a Youth Suicide and Substance Abuse Prevention Summit in June of this year; he looks forward to the event and will report back to the entire Council. He then stated that he would love to invite experts to an open house event regarding xeriscaping; there are many great planting options that residents could take advantage of if they had the information. He echoed Council Member Cevering's request to increase efforts at keeping all terrain vehicles (ATVs) off of the City's hillsides; he suggested placing concrete bollards across roads to keep most vehicles out.

Mayor Berube also echoed the comments about keeping ATVs off hillside areas.

12. ADJOURNMENT


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

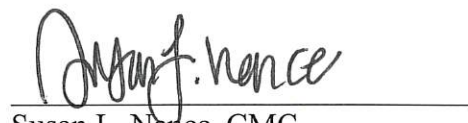
Voting on the motion:

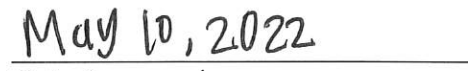
Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 8:56 p.m.


S. Neal Berube, Mayor


Susan L. Nance, CMC
City Recorder


Date Approved