

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

May 10, 2022

The North Ogden City Council convened in a Council meeting at 6:00 p.m. on May 10, 2022, immediately following an Open House which was held at 5:00 p.m. at the North Ogden City Office at 505 East 2600 North. The meeting was also on Zoom. Recording can be found on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on May 5, 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
	Joyce Pierson	Deputy City Recorder
	Jami Jones	Finance Director
	Scott Hess	Planning Director
	Bryce Nelson	Administrative Services Manager/Treasurer
	Dirk Quinney	Police Chief
	Clark Crowther	Lieutenant
	Dave Espinoza	Public Works Director
	Tiffany Staheli	Parks & Recreation Director
	Kristi Morgan	Accountant
	Jason Reney	Culinary Water Supervisor

VISITORS:	Sandy Cochran	John Arrington	Kevin Burns
	Mike Dussol	Curtis Peters	Merrill Sunderland
	Stefanie Casey	Cory Jones	Madeline Robles
	Rod Layton	Susan Clements	Terri McCulloch
	Jeana Frederick	Eric Johnston	Spencer Alexander
	Brenda Ashdown	Keith Ashdown	Kcj

OPENHOUSE AT 5:00 PM – FISCAL YEAR 2022-2023 TENTATIVE BUDGET

1. FISCAL YEAR 2022-2023 TENTATIVE BUDGET

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

PRESENTATION

2. UPDATE ON CHILDREN’S JUSTICE CENTER (CJC)

Rod Layton provided the Mayor and Council with an update on the CJC project, including information regarding ownership of the building that will house the facility; partnership with other entities in the community; movement through the City’s zoning and development application process; fundraising/sponsorship efforts; and eventual construction of the project. He thanked the City of North Ogden for its continued support.

CONSENT AGENDA

3. 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.

4. DISCUSSION AND/OR ACTION TO CONSIDER THE MARCH 29, 2022, CITY COUNCIL MEETING MINUTES

Council Member Cevering motioned to approve March 29, 2022, City Council Meeting minutes. Council Member Swanson 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

Eric Johnson, North Ogden Resident, stated he is trying to build a swimming pool in his backyard but is unable to move forward because of the City's current setbacks for pools; he is requesting an exception to the current ordinance or an ordinance amendment that would adjust the setbacks to six feet. Otherwise, he would need to reengineer his pool plans, which will be costly.

City Manager/Attorney Call reported that such an amendment would require a recommendation from the Planning Commission to the City Council. He added he believes the current setbacks are in line with the International Building Code, but that will be for Planning staff to determine. Mayor Berube stated he is comfortable with Planning staff reviewing the matter and discussing with Planning Commission.

Madeline Robles stated she is not a North Ogden resident, but she is the new coordinator for the Weber County Communities That Care (CTC) Coalition; she wished to introduce herself to elected leadership of North Ogden and noted she looks forward to working with North Ogden and its youth council.

Jeana Frederick, North Ogden resident, addressed the Council's recent action to adjust accessory building regulations; there is a 2,400 square foot accessory building in her neighbor's side yard and now they are enlarging it and she is concerned about how big it will be and how close it will be to her home. She asked how large an accessory building can be based upon the Council's recent ordinance amendments. She believes the property owner is running a business out of the accessory building without a license.

Mayor Berube stated that the ordinance provides for a 20-foot setback; he asked Mr. Call to provide Ms. Frederick with additional information. Mr. Call stated that the ordinance previously required a setback as well as for an accessory building to be located a certain distance from neighboring buildings; the neighboring building distance was eliminated. Additionally, size standards are related to total lot size and an accessory building cannot exceed 25 percent of the rear yard of a property. He stated he has performed a calculation on the property referenced by Ms. Frederick and found that the accessory building, in theory, could be enlarged to 4,000 square feet without violating the City's ordinance. Ms. Frederick stated that is very concerning; she feels that a building of that size will devalue the other properties in her small residential subdivision. She is also very concerned about her neighbor possibly operating a business out of the building. She asked that the City consider denying his building permit and his business license; she also suggested the Council reevaluate the recent ordinance amendments based upon the impacts that it could have on neighborhoods throughout the City.

Mike Dussol, North Ogden resident, stated he has lived in the City for over 30 years; in 2018 he attended an open house meeting and asked what becomes of the six percent franchise tax the City imposes on electric bills and the one percent franchise tax on phone bills. He was told that the

City receives approximately \$1 million in revenue from the franchise taxes. Additionally, Weber County increased its sales tax on non-food items a few years ago; for quite a long time the Smith's store was charging lower taxes than the Walgreen's store across the street. He then noted that he understands that the Police Department is ordering ammunition from a distributor rather than a manufacturer; this means that it takes longer to get ammunition and it is more expensive.

Brenda Ashdown, North Ogden resident, addressed Mr. Dussol's comments about ammunition and noted that it is also very hard for a regular citizen to buy certain ammunition; it has become hard to get at local sporting goods stores. She then noted she sent the City Council an email about recycling, and she would like them to carefully consider her concerns before proceeding with adjustments to the current recycling scenario. She added that current recycling practices at the central dumpsters need to be improved and monitored as it only takes a small contamination to ruin an entire dumpster of recyclable materials.

Mr. Dussol reapproached and stated that a few years ago he personally recycled metal materials from his home, and he earned \$.34 per pound; he has learned that aluminum has increased to \$.76 per pound. However, most recyclable materials – aside from cardboard – are shipped out of state to be recycled. Transportation costs are very high and make it hard for a recycling program to be successful. Other states have an easier time of achieving success because of their location and proximity to mills for various recyclable materials.

6. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING FISCAL YEAR 2022-2023 TENTATIVE BUDGET

Jami Jones, Finance Director, reported on Administration's proposed Fiscal Year (FY) 2022-2023 tentative budget. As required by State law, the City Council must approve a tentative budget tonight and hold a public hearing in July before action on a final budget. If the Council chooses to go through Truth in Taxation, the final budget adoption will be proposed in August. Otherwise, the final adoption will be presented in June of 2022.

Mayor Berube invited Council Member Swanson to provide an explanation of the certified tax rate for properties in the County and the manner in which a tax increase will impact the taxes charged in North Ogden City.

Ms. Jones then noted that on March 29, 2022, the City Council approved percentages for each of the General Fund departments based on actual expenditures for the last five years. Each department has presented to the Council on outcomes and deliverables budgeted for FY 2022-2023. She provided the following breakdown of various funds in the budget:

General Fund – Revenues over all projected at \$9,672,337

- Sales Tax revenues projection increased by 3% growth + 7% inflation rate
- Property Tax revenues projection increased by 3% growth + 7% inflation rate = \$222,000
 - Growth @ \$90,000
 - 7% Truth in Taxation Increase @ \$132,000 or \$20/year per household

General Fund – Expenditures (\$73,000) under-funded; deficit was reduced by eliminating depreciation from the budget.

Items included are:

- 23rd officer starting Jan 1 + vehicle = \$134,000
- 80 hours employee cash out = \$73,000
- Two staff positions moving from part-time to full-time in the Public Safety department = \$86,000
- Salary increases at market rate is \$215,000 to the General fund = \$333,000 total for all funds
- Bond payment = \$410,000
- \$500,000 transfer to Capital Projects Fund (CIP)
- Unfunded depreciation removed = (\$235,000)

Discussion among the Mayor and Council centered on the concept of removing depreciation costs from the General Fund budget; Mayor Berube stated he is concerned about removing completely and noted he would rather spread the cost across multiple future year budgets. He noted the Council can make decisions on this matter upon adoption of a final budget.

Capital Projects (CIP) \$13,196,000 Projects included:

- Public Safety Building
- Capital Facilities Plan/Impact Fee Study
- Lomond View Park
- Wadman Park
- Parking lot behind Senior Center
- Trailhead Improvements (RAMP Grant)
- Barker Park Audio & Theatrical Equipment (RAMP grant)
- Close out of 2600 N/400 E project
- B&C Road construction/repair

Enterprise Funds

- Water Fund - Capital Projects Total - \$5,800,000 (includes \$2.4m in ARPA funds)
 - Fruitland Dr. Water line
 - 2.0m gallon water tank – Randal Reservoir
 - Waterline replacements
 - Equipment at two well sites
 - PRV monitoring station
- New position + vehicle = \$125,000
- \$78,000 shortfall (after depreciation) that would require a water rate increase of \$1.00 per month.
 - The current water base rate is \$16.02. The total increase would be \$17.02
- The Water Impact Fee will be moved over to its special revenue fund for better tracking and transparency for those fees.

- Sewer Fund – Capital Projects Total - \$425,000
 - Sewer lining project
 - Manhole projects
 - Sonar equipment for sewer lines
 - Flowmeters
- Utility Revenue does include the proposed \$.80/month rate increase to cover the Central
- Weber Sewer increase passed along. The total would increase from \$18.07 to \$18.87.

- Storm Waste Fund – no Capital projects this year
 - The rate increase for garbage tipping fees was presented at \$.30/month.
 - The rate increase for fuel recovery cost increase from Republic \$.30/month.
 - The current Garbage rate is \$12.39 – in total, including both proposed increases to \$12.99
 - There is a projected shortfall of \$30,000 before depreciation. This fund has been in a shortfall for a few years, but it's been the support to use the fund balance.
 - Total increase of \$2.40/month or \$28.80/annually

Administration still needs a decision from the Council regarding recycling at \$2.52/month rate increase (assuming these are 2022 costs). The program wouldn't start until July 2023 (next budget year), but the City needs to advise the garbage hauler now so they can get a recycling truck ordered. Another option would be to consider other service providers.

Discussion and debate among the Council centered on utility rate increases contemplated in the budget and costs associated with salary increases for City employees; Mayor Berube stated that considering the needs of the City at this time, he would recommend that – at a minimum – the Council consider maintaining the current property tax rate in order to capture inflation associated with increases in property values.

a. Public Hearing to receive comments on FY 2022-2023 Tentative Budget

Mayor Berube opened the public hearing at 6:58 p.m.

Mike Dussol referenced a letter from the Mayor in a recent publication of the North Ogden Connection magazine; the letter discussed North Ogden property taxes. He understands that the largest taxing entity in Weber County is the school district, and they adjust their taxes regularly. He stated he has heard that the main reason for regular tax increases associated with school is the large number of illegal aliens in the Ogden area. He then addressed the City's storm sewer fee and asked if that is intended to generate revenue to cover the cost of the street sweeping machine that cleans gutters in the City. He has never seen anyone cleaning the grate in the gutters, which would be helpful in maintaining the City's storm sewer system.

John Arrington addressed charges for services for zoning/plan check fees and asked if the projected revenue is associated with an expected increase in development in the community or if fees are being increased. Ms. Jones stated the former is the case. Mr. Arrington stated that if the

City plans to spend more time and money on plan check activities, it would be appropriate to increase the fee to pass those costs onto those specifically receiving and benefitting from the service. He then addressed the new budget for Recorder/Human Services and asked where those costs were previously assigned. Ms. Jones answered that the Recorder/Human Services budgets were previously included in the general Administration budget. Mr. Arrington stated that salaries in the Administration budget only decreased by \$25,000. Ms. Jones stated that the staffing in Recorder/Human Services has been increased and a new budget has been created for transparency purposes. Mr. Arrington stated that he only recognized that the cost increase for the new budget did not equal the decrease in the Administration budget.

There were no additional persons appearing to be heard.

Council Member Ekstrom motioned to close the public hearing. 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.

The public hearing was closed at 7:05 p.m.

b. Discussion and/or action to consider an Ordinance approving Fiscal Year 2022-2023 Tentative Budget

Council Member Barker motioned to approve Ordinance 2022-11 approving Fiscal Year 2022-2023 Tentative Budget. Council Member Ekstrom seconded the motion.

Council Member Dalpias stated that during the Council's last budget discussion, there was mention of removing the Lomond View park project from the budget, but it is still included in the tentative budget. Mayor Berube noted the document before the Council tonight is the tentative budget and it can be modified between now and July, when action on a final or operating budget is required. However, the tentative budget has a deficit, and it is necessary for the Council to balance the budget tonight before taking action. Ms. Jones noted Administration's recommendation as to cover the \$73,000 deficit by reducing the transfer from the General Fund to Capital Projects.

Council Member Barker amended his motion to approve Ordinance 2022-11 approving Fiscal Year 2022-2023 Tentative Budget, with a reduction in the transfer from the General Fund to the Capital Projects Fund by \$73,000. Council Member Ekstrom seconded the amended 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.

- c. Discussion and/or action to recess the City Council meeting and convene in the RDA

Council Member Dalpias motioned to recess the City Council Meeting and convene in the RDA. 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.

City Council Meeting recessed at 7:10 p.m.

The RDA meeting convened at 7:10 p.m.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE APPROVING THE RDA FISCAL YEAR 2022-2023 TENTATIVE BUDGET**

Jami Jones, Finance Director, presented the proposed Fiscal Year (FY) 2022-2023 Redevelopment Agency (RDA) budget:

RDA/CDA – Revenues - \$1,015,000

- Property tax = \$915,000
- Transfer from GF – WFRC grant for the North Ogden Plaza project - \$100,000

RDA/CDA - Expenditures

- North Ogden Plaza project \$100,000
- City rebranding efforts - \$50,000
- Transfer to General fund to support - \$26,000
 - Watering flowers \$11,000
 - WFRC project \$15,000
- Transfer to Aquatic Center - \$180,000 (if needed)
- CDA Fund balance reserve of 5% fund balance deficit

Mr. Call noted the \$50,000 request for rebranding efforts was made by the City’s Economic Development Committee (EDC); they will be making a formal presentation to the Boar in June.

Board Member Swanson noted that the Board is carefully considering whether it is appropriate to place live flowers along Washington Boulevard this summer; the Board is very cognizant of the costs associated with maintaining those flowers as well as the limited availability of water during the ongoing drought.

a. Public Hearing to receive comments on RDA FY 2022-2023 Tentative Budget

Mayor Berube opened the public hearing at 7:16 p.m.

There were no persons appearing to be heard.

Board Member Swanson motioned to close the public hearing. Board Member Dalpiaz seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Ekstrom	aye
Board Member Swanson	aye

The motion passed unanimously.

The public hearing was closed at 7:17 p.m.

b. Discussion and/or action to consider an Ordinance approving the RDA Fiscal Year 2022-2023 Tentative Budget

Board Member Cevering motioned to approve Ordinance RDA 2022-12 approving the RDA Fiscal Year 2022-2023 Tentative Budget. Board Member Barker seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Ekstrom	aye
Board Member Swanson	aye

The motion passed unanimously.

c. Discussion and/or action to adjourn the RDA meeting and convene in the City Council Meeting

Board Member Ekstrom motioned to adjourn the RDA meeting and convene in the City Council Meeting. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Ekstrom	aye
Board Member Swanson	aye

The motion passed unanimously.

The RDA meeting adjourned at 7:20 p.m.

The City Council Meeting convened at 7:20 p.m.

8. DISCUSSION AND OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

Jon Call, City Manager/Attorney, summarized the proposed amendments to the City's Consolidated Fee Schedule; this matter was discussed in a previous meeting, but the Council expressed concern about the fee associated with a 'stop work red tag' for failure to obtain a

building permit. He has spoken with the City’s Building Division and is satisfied that the fee is justified, and that the City will continue to educate residents and developers on requirements to obtain building permits for various types of projects.

Council Member Dalpias referenced Mr. Arrington’s recommendation earlier in the meeting to increase plan check fees to ensure that the party that is benefitting from the service is paying for those costs. He wondered if it would be appropriate to adjust that fee this evening. Mr. Call stated that the State of Utah has provided guidance on thresholds for various building fees; before taking an action to adjust the fee, he would rather perform a more thorough analysis to determine if expenses are being covered by fee revenues.

Council Member Barker stated that it is important to keep in mind that any increase in building fees will eventually be passed on to a resident who are paying a contractor for certain building improvements. Mayor Berube agreed.

Council Member Ekstrom motioned to approve Resolution 06-2022 amending the Consolidated Fee Schedule. Council Member Barker 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.

9. DISCUSSION AND/OR ACTION TO CONSIDER A COLLECTION POLICY

Bryce Nelson, Administrative Services Manager/Treasurer, explained the proposed collection policy provides a process for employees to follow when trying to collect money owed to the City. He summarized the content of the proposed policy, focusing on notification methods the City will use when trying to collect a debt. Mayor Berube suggested the policy be amended to require that notices be sent via certified mail to ensure that the City can make the argument that notices were delivered to anyone subject to debt collection. Mr. Call and Mr. Nelson indicated they feel that is a good adjustment to the policy.

Council Member Swanson motioned to approve a Collection Policy, with an amendment to require certified delivery of debt collection notices. 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.

10. COUNCIL DEPARTMENT REPORTS:

a. COUNCIL MEMBER CEVERING – POLICE

Council Member Cevering reported the Police Department will be participating in the torch run for the Special Olympics on May 19. He added the Department is going through the taser recertification process. The Department has recently discovered counterfeit fentanyl in the community in the form of pills or are being mixed in with other drugs in lethal doses. The Department posted an article about these findings, and they are advising residents to be careful.

Mayor Berube noted he is aware of many difficult issues the Police Department has been dealing with lately and he asked Chief Quinney to pass his gratitude on to his Officers.

b. COUNCIL MEMBER EKSTROM – PUBLIC WORKS

Council Member Ekstrom reported the green waste facility will be open through Saturday for spring cleanup materials free of charge. She added, the demolition of two houses is nearly complete. She then reported on upcoming road/waterline infrastructure projects that will cause sporadic road closures.

Mayor Berube asked Public Works Director Espinoza for an update regarding plans to burn the materials at the green waste pit. Mr. Espinoza stated the facility will be closed at the end of day Saturday and burning will commence next week. The City must secure a permit from the State of Utah for the burn, and it must be done by the end of May. He will ensure that proper advertisement of burning activities is provided and residents that live near the facility will receive in-person notification of plans to burn.

11. PUBLIC COMMENTS

Curtis Peterson, North Ogden resident, stated he enjoys living in North Ogden. He discussed construction in the Lakeview Heights area and noted that with the extension of a road in that area, there has been a dramatic increase in traffic and motorists are driving at very high rates of

speed. He asked for some enforcement efforts and asked if it may be possible to install a sign and light that notifies people that they are driving in excess of the speed limit. Mayor Berube stated that Chief Quinney has heard Mr. Peterson's comments and will respond appropriately.

12. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Swanson reported on email communications he has received regarding a pickleball project in the area. He then reported on the North Ogden divide road closure from June 6 to July 1 this summer.

Council Member Cevering stated he has met with Casey Hunsaker regarding emergency preparedness issues; efforts are underway to secure emergency preparedness supplies for the City.

Council Member Barker referenced the burn at the green waste facility; there are restrictions on dates and times and it is necessary to find three days in a row where the clearing index is above 500 so that smoke properly dissipates. Council Member Swanson asked Public Works Director Espinoza to provide the Council with an updated bid for a chipper to be placed at the green waste facility; this would help to reduce the need to burn at the end of the spring season.

Mayor Berube offered comments for Council consideration regarding the City's reliance upon volatile revenue sources. He then discussed persisting drought conditions and stressed the importance of encouraging residents to participate in water conservation efforts.

Mr. Call then noted that any code enforcement issue can be reported via dispatch services; there are many ongoing code enforcement issues and proper reporting/routing of issues is key in achieving compliance as soon as possible.

Mayor Berube noted that the City has received complaints about tall grasses/weeds at City parks; this is due to the difficulty the City has encountered in hiring people to maintain park areas. He asked for patience from the public or perhaps volunteers to assist in maintaining open spaces of the City.

13. ADJOURNMENT


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


Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Ekstrom	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 7:55 p.m.


S. Neal Berube, Mayor


Joyce Rierson
Deputy City Recorder

7/5/22
Date Approved