



**CITY COUNCIL MEETING AGENDA
FEBRUARY 23, 2021 AT 6:00 PM
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND BY:

Click the link to join the webinar: <https://us02web.zoom.us/j/84227489641> Webinar ID: 842 2748 9641
Or Telephone Dial: US: 1 669 900 9128 or 1 253 215 8782 or 1 346 248 7799 or 1 646 558 8656 or 1 301 715 8592
YouTube: <https://www.youtube.com/channel/UCrigbePBxTucXEzRr6fclhQ/videos>

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Stoker

CONSENT AGENDA

1. Reading of Determination regarding conducting City Council public meeting without anchor location
2. Call for conflict of interest disclosure
3. Discussion and/or action to consider January 12, 2021 City Council meeting minutes
4. Discussion and/or action to consider January 26, 2021 City Council meeting minutes

ACTIVE AGENDA

5. Public Comments*
6. Discussion and/or action to approve Golden West Credit Union as broker for employee benefit services
Presenter: Jon Call, City Manager/Attorney
7. Discussion and/or action for recommendation to continue/extend contract with Olympus Insurance
Presenter: Jon Call, City Manager/Attorney
8. Budget 2022 Introduction
Presenter: Evan Nelson, Finance Director
9. Discussion and/or action to submit letter to Legislature opposing House Bill 98 (HB98)
Presenter: Council Member Barker
10. Discussion and/or action to consider appointments to the Economic Development Committee
Presenter: Mayor Berube
11. Council Department Reports
 - a. Council Member Stoker – Police
 - b. Council Member Cevering – Public Works
 - c. Council Member Ekstrom – Parks & Recreation
12. Public Comments*
13. Council/Mayor/Staff Comments
14. Adjournment

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 18th day of February, 2021 at North Ogden City Hall, on the City Hall Notice Board, and on the Utah State Public Notice Website, at <http://www.northogdencity.com>. The 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020 Katie Gerard, City Recorder

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

February 23, 2021

**DETERMINATION OF NORTH OGDEN CITY REGARDING PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION**

Pursuant to Utah Code Section 59-2-407, the Mayor of North Ogden City here by determines that conducting an electronic meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the November 8, 2020 declaration by the Governor of the State of Utah regarding the increase in COVID-19 cases and the need for caution in people meeting together.

The FEBRUARY 23, 2021 meeting of North Ogden City will be held electronically and will not have a physical location. All attendees will connect remotely, and links for public participation are available on the North Ogden City Website

Mayor S. Neal Berube
North Ogden City

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

January 12, 2021

The North Ogden City Council convened in a virtual meeting on January 12, 2021 at 6:01 p.m. at <https://us02web.zoom.us/j/84333740932> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or 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 January 11, 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:	Jon Call	City Manager/Attorney	
	Susan Nance	Interim City Recorder	
	Rob Scott	Planning Director	
	Brandon Bell	Associate Planner	
	Dirk Quinney	Chief of Police	
	Evan Nelson	Finance Director	
	Lorin Gardner	City Engineer	
	Tiffany Staheli	Parks & Recreation Director	
VISITORS:	Brenda Ashdown	Jed Barker	Chris
	Jennie Taylor	John Arrington	Stefanie Casey
	James Barker	Jed Barker	Rick Scadden
	Susan Clements	Brett Hamblin	John Hansen
	Danny Wall	Dave Hulme	Meg Sanders
	Robert Bolar	Lyman Barker	

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. 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.

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

Mayor Berube asked if any Councilmember has any conflict of interest to disclose. Council Member Barker referenced item 11 on the agenda; the applicant for that item has the last name Barker as well but is not a member of his immediate family. Even though one of Councilmember Barker’s family members was asked to recuse from participating in that discussion during the Planning Commission meeting, he does not feel that is necessary since he has disclosed the relationship and he does not stand to benefit – financially or otherwise, from the project.

3. DISCUSSION AND/OR ACTION TO CONSIDER NOVEMBER 24, 2020 CITY COUNCIL MEETING MINUTES.

4. DISCUSSION AND/OR ACTION TO CONSIDER DECEMBER 8, 2020 CITY COUNCIL MEETING MINUTES.

Council Member Cevering motioned to approve November 24, 2020 and December 8, 2020 City Council meeting minutes. 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.

5. DISCUSSION AND/OR ACTION TO CONSIDER APPROVING THE ECONOMIC DEVELOPMENT COMMITTEE (EDC) CHARTER

A staff memo from the City Manager/Attorney explained the Economic Development Committee met on November 17, 2020, and unanimously approved a charter to be a guiding document for the Committee. The Committee is now asking for official approval for this charter from the Mayor and City Council. The Charter reads as follows:

North Ogden Economic Development Committee Charter Mission: Promoting business activity in North Ogden City that increases sustainable economic growth and local tax base leading to maintaining and improving the livability and quality of life in the city.

Purpose of Committee:

- To increase public awareness of existing businesses and services within city boundaries through marketing and cross promotion.
- To propose and implement a marketing plan to city council that actively educates the public on the effects of shopping locally.
- To help actively promote the city as a desirable business choice to prospective businesses.
- To promote usage of city resources to help businesses grow and stay in North Ogden.
- To create a positive business atmosphere in North Ogden through recommending to council effective use of RDA and CDA funds.

Members of Committee: 7-8 Members rotating on a 2-year term, renewable once for a total of up to 4 years

Monthly Meeting Agenda:

1. Welcome (led by Chair or pre-assigned committee person).
2. Review and Approve Minutes.
3. Public Comments.
4. Review Action Items.
5. New Action Items to align with mission.

Measurements of Improvement:

Goals	Measurements	Current Data		Goal
		Current	2020 YTD	
	# businesses			
	Sales tax collected			
	Other			

Mr. Call reviewed his staff memo.

Council Member Swanson motioned to approve the Economic Development Committee (EDC) Charter. 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.

ACTIVE AGENDA

6. PUBLIC COMMENTS

There were no public comments.

7. DISCUSSION AND/OR ACTION REGARDING A RESOLUTION TO USE CONDEMNATIONS TO PURCHASE PROPERTIES ALONG THE 400/450 EAST PROJECT.

A staff memo from City Manager/Attorney Call explained the 400/450 East widening project is getting ready to start. Administration has been working with the 26 property owners affected by the project and have been able to reach a solution which works for both parties for 25 of the 26. For one property, the City is at the point that it is necessary to instigate condemnation in order to make sure the project can proceed in the time frame allowed. The home is at the corner of 2850 North and 400 East. In order to proceed with the condemnation proceedings, the Council needs to adopt a resolution authorizing the use of condemnation for the 400/450 east project. The staff recommends the Council adopt the condemnation resolution as presented.

Mr. Call reviewed his staff memo.

Mayor Berube asked for Mr. Call's assurance that City staff has done everything possible to negotiate the sale of the land and accommodate the homeowner before moving in the direction of constitutional taking of the property. Mr. Call stated that he feels he and the City's acquisition agent have done everything they can to resolve this situation without pursuing legal action. The City has extended an offer to let the homeowners stay in the home as long as possible until the project commences, but he has not heard a response to that offer. He added that State Code requires that the City provide written notice of consideration of this matter to the property owner and that they be given a chance to speak; the resident was provided a notice via certified letter, regular mail, and email, but he does not see that they have joined the meeting.

Council Member Swanson asked if this is the Parley Bates home, to which Mr. Call answered yes. Council Member Swanson asked if all options have been clearly discussed with the owners. Mr. Call answered yes; the City has presented four options:

- Purchasing 100% of the property.
- Purchasing the portion needed for the road.
- Purchasing and reselling the property back to the resident so they could either relocate the home to another area of the property as part of this project; and/or
- Purchasing and reselling the property back to the resident and allowing them to keep the home in the same location with the understanding of a diminished value of the property due to the proximity of the home to the road.

Negotiations have been ongoing for three years and the homeowner has been unwilling to agree to a value for the home to facilitate the purchase. The City cannot wait any longer to proceed because the project will commence soon. Council Member Swanson asked if the resident will receive fair market value for the home and property once the condemnation action has been granted by the courts. Mr. Call stated that the value will be determined via an intense appraisal process that is more detailed than the typical appraisal for a real estate transaction; the value of this property has been in dispute given the size of the property and the ability to subdivide it into three lots. He is confident the resident will receive fair compensation for their property.

Mayor Berube asked if the City will still have the ability to negotiate options with the property owner even after the condemnation action has been approved. Mr. Call answered yes; if the resident decides to take one of the options mentioned above, the City will still accommodate that. He suggested that direction be included in a motion to approve the resolution.

Council Member Barker stated that he is torn on this issue; he recently moved into his grandparents old home on Fruitland Drive and could see something similar to this happening to him if that road were to be widened at some point in the future. He stated he is interested to hear how the rest of the Council feels. Mayor Berube stated that he understands that position; however, this is not a decision City Administration has made in haste; they have tried to negotiate with this property owner for over three years and it has been impossible to reach a resolution. He stated condemnation is a last resort, and the City has no other choice.

Council Member Ekstrom stated that she feels that the homeowner may be motivated to choose one of the options previously presented to them once they are aware that the City is proceeding with condemnation.

Council Member Swanson asked when the home was built. Mr. Call answered approximately 1910. Council Member Swanson stated that means it predates any of the actions that have been taken in North Ogden to reduce the right of way width of 400 East. Mr. Call stated that is correct. Council Member Swanson asked if there are any proposals the family has made that are contrary to the options presented by the City. Mr. Call stated that the family has indicated their desire to leave the home in its current location and stay in the home, but the amount they are asking for the property needed for the road exceeds the value the City is authorized to pay by about 40 percent. Council Member Swanson

inquired as to the appraised value of the property at present, to which Mr. Call answered approximately \$400,000. Council Member Swanson asked how much the City would sell the property back to the owners for after the amount needed for the road and sidewalk is deducted, to which Mr. Call answered between \$200,000 to \$220,000.

Council Member Swanson motioned to approve Resolution 01-2021 to use condemnations to purchase properties along the 400/450 East widening project with the option for the family to purchase the unused portion of the property back as undeveloped land. He also stated that we will continue to negotiate if possible, a resolution to this that avoids constitutional taking. Council Member Cevering seconded the motion.

Voting on the motion:

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

The motion passed 4-1.

Council Member Swanson stated he voted in favor because he recognizes the importance of proceeding with the project at this time. He stated he would not be opposed to continuing negotiations with the homeowners and possibly meet them in the middle between the City's offer and the amount that the homeowner was asking. Mayor Berube stated that he also supports continued negotiation, but he is concerned about using Weber Area Council of Governments (WACOG) funding and taxpayer dollars to pay so much more than market value for the property. Mr. Call then noted that if any Council Member wishes to talk to the family, they are welcome to do so, but they cannot without the City's acquisition agent being present. Mayor Berube stated that the City has empowered Mr. Call to perform this work on the City's behalf; while he is not opposed to Council Members talking to the homeowners, he would like for that communication to happen through Mr. Call.

8. DISCUSSION AND/OR ACTION APPROVING A REQUEST BY THE ARTS GUILD FOR A RAMP GRANT APPLICATION FOR A TWO-WEEK PERFORMING ARTS CAMP

Council Member Ekstrom stated the City is very lucky to have such a great amount of talent in the community in terms of arts and theatrical performing. She noted the City has the opportunity to submit for a RAMP grant to support a performing arts camp hosted by the Guild. The total proposed budget for the camp is \$10,000 and the City can apply for a \$5,000 RAMP grant that would cover half those costs. The City would then need to pay

the remaining \$5,000. She asked that the Council support this request to submit a RAMP grant application.

Council Member Barker asked if participants in the camp will be required to pay a registration fee. Council Member Ekstrom answered yes, but noted the fee amount has not been determined. There will also be a scholarship program where those who can demonstrate the need for assistance can apply to have their registration fee covered by the RAMP grant. Council Member Barker asked if the camp will be limited to North Ogden residents given the City will be contributing financially. Council Member Ekstrom stated it is her understanding that the camp would be open to North Ogden residents only.

Council Member Swanson asked if those interested in attending the camp will need to audition or fill out some sort of application. Council Member Ekstrom stated there has been some discussion about screening those interested in attending because the participation level may be limited to 50, but the camp will likely be open to participants on a first come, first serve basis. Council Member Swanson stated that if City funds are going to be used, he would prefer a 'first come, first serve' scenario; if people are going to be turned away because they are deemed undedicated or not talented enough, he would not want to support the event. Council Members Stoker and Ekstrom agreed. Council Member Swanson stated he would also like to make sure the event is limited to North Ogden residents only. Mr. Call stated that the only problem with that stipulation is that it may reduce the viability of the grant application.

Council Member Swanson motioned to suspend the rules and allow the public to speak regarding this topic. 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.

Jennie Taylor offered clarification on any type of screening process the Arts Guild would employ in relation to choosing who can attend the camp. She stated that in the past, camps have opened registration on a first come, first serve basis and they received 53 applications before the registration deadline. She stated she feels the participation may be less because of the COVID-19 pandemic. She stated the Guild is happy to iron out the details of the registration process and who the camp would be open to; they have not done that to this point because they were unsure whether they have the ability to do that or if those decisions must be made by the Parks and Recreation Department. She stated the Guild simply wants support from the Council to apply for the RAMP grant and is

happy to work with the Council or City staff to determine appropriate policies regarding registration. Mayor Berube stated that given the Council is the body that approves the grant application and matching funds, they will have control over the registration policies for the camp. He stated he would simply like for the Guild to consider the Council's comments tonight regarding their desires for registration policies.

Meg Sanders, 2915 N. 875 E., stated that her daughter participated in the camp in the past and absolutely loved it. She supports the idea of a first come, first serve process; otherwise, the process may become political or unfair. Mayor Berube stated he believes the Council is supportive of that as well as they want to pursue inclusionary policies and practices City-wide.

Council Member Swanson motioned to authorize the RAMP Grant application on behalf of the Arts Guild and to provide matching funds if the Grant is approved, with the condition of obtaining more details on the inclusionary tactics that are used by the Arts Guild, including how registration will take place, with the understanding that the City does not have to match the grant if the Guild fails to develop an application process accepted by the Council. 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.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY LOCATED AT APPROXIMATELY 1550 NORTH WASHINGTON BOULEVARD FROM COMMERCIAL (CP-2) TO MASTER PLANNING COMMUNITY (MPC-CT)

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, land use text amendments, and development agreements. Legislative actions require that the Planning Commission give a recommendation to the City Council.

Typically, the criteria for decision making related to a legislative matter requires compatibility with the general plan and existing codes.

The Planning Commission conducted a public hearing on this application on January 22, 2020.

The City Council considered the application on February 11, 2020. The City Council was concerned with the project not being mixed-use, the excessive building heights, and denied the request.

A revised plan was submitted to the City Council on October 27, 2020. The City Council granted approval of the site plan and directed that an ordinance and development agreement be brought back for approval.

The applicant has worked with city staff to refine the development agreement and prepare an ordinance for consideration.

The following summary itemizing the City Council's agreement for provisions to be included in the development agreement is below:

Mixed-Use

The revised project includes a commercial component, a 4,500 square foot commercial building and apartment complex.

Building Orientation

The buildings along Washington Boulevard now front the street instead of having a side elevation.

Buildings and Density

The number of units and density are spelled out in the agreement. There are 152 dwelling units, a commercial building, clubhouse, and amenities. The density is 21.13 units per acre.

Building Height

The building height is 46 feet with a 6 / 12 roof pitch.

Building Elevations and Materials

The apartment building materials primarily consist of brick veneer and cement board siding. The commercial building design will be reviewed by the Planning Commission as part of a site plan review application.

Building Placement and Setbacks

The varied setback standard for Washington Boulevard was approved from 10 to 24 feet. The building setbacks on 1525 North were approved from 15 feet to 26 feet.

Landscape Plan

A landscape plan has been submitted. A final landscape plan that includes the streetscapes for Washington Boulevard and 1525 North will be approved by the Planning Commission.

Outdoor Lighting

Lighting details for buildings will be approved at the time of building permit review. The street lighting along Washington Boulevard will be reviewed in conjunction with the streetscape review. The applicant is responsible for the cost of lighting improvements.

Parking

The parking requirements are spelled out in the agreement in provision 16.

Boundary Line Adjustment with Ogden City

The two southern parcels located are within Ogden City; the development agreement identifies North Ogden's support for a boundary line adjustment.

1525 North

1525 North will be constructed as a public street and will be extended to Washington Boulevard with a 60 foot right of way. A provision to include the Walker Theater property in the proposed subdivision is included.

Land Use Impact and Buffering

The site plan shows a landscape buffer around the perimeter of the project. A provision to contact the Walker Theater owner regarding a gate access is included.

Signage

Signage will be approved through the building permit process. A welcome to North Ogden sign provision is included.

Subdivision

A subdivision application has been received and must be approved and recorded prior to any building construction.

The General Plan map calls for this property to be developed as Southtown Mixed-Use; the MPC zone is consistent with this designation.

The memo offered the following summary of Land Use Authority considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the MPC request appropriate for this neighborhood?
- Does the application meet the October 27, 2020 City Council direction?

The memo concluded the Planning Commission is recommending approval of the requested zone change from CP-2 to MPC (CT) on a 6 -0 vote with one abstention due to a conflict of interest. The City Council can consider the rezone and development agreement for approval.

Mr. Scott reviewed his staff memo.

Council Member Swanson stated he is still confused about the timing of the commercial element of this project; it is obvious the commercial development must commence at the same time as phase one of the residential portion of the project, but there is no clear information about a deadline for project completion. Mr. Scott stated that he is unsure of the applicant's timeline, and though he is anxious to begin the project he understands that he cannot begin work in phase two of the residential element until the shell of the commercial building is complete.

Mayor Berube stated that he feels very strongly that the development agreement for the project should include a timeframe for the commercial component of the project. He would also like to ask the applicant to make a financial contribution towards the project to erect a new "Welcome to North Ogden" sign at the City's southern border. Additionally, he would like for the agreement to include a provision that requires Council approval for the project to be sold or reassigned to another party. Finally, in his private employment he has seen many projects fail due to a lack of financial strength of a developer; he feels the City has the duty to ensure that an applicant has the financial ability to complete the project for which they are seeking approval and he would like to include language to that end in the development agreement.

Council Member Covering agreed with the points made about the importance of a timeline for the commercial component of this project. He also asked if the developer will be required to submit bonds that would cover the cost of public improvements in the case that the project stalls or is never completed.

Council Member Ekstrom stated she is still concerned about the parking plans for the project; she feels that the amount of parking spaces available directly impact the success of commercial enterprises and she feels it may be appropriate to increase the number of parking spaces in this project.

Mayor Berube invited input from the applicant and asked him to address the points that have been raised.

Rick Scadden, 188 Lomond View Drive, stated that he feels the concerns raised tonight can be easily overcome; he is willing to start the work on the commercial component at the onset of the rest of the project if the City desires. However, it will just be a shell until a tenant is secured and there is a clear understanding of their needs in terms of buildout of the building. He then expressed concern about the comments regarding his or his partner's financial stability; his partner is the developer/builder for the project, and he is

very financially stable. He stated that he is somewhat disappointed in the comments regarding the finances for the project as he has been ready and waiting for a year to proceed with this project. He then stated that the design of the project has been accepted and he has moved forward with continued work on the project based upon the opinions that were expressed at previous meetings. He stated that he feels there is sufficient parking for the commercial space; there are 25 parking stalls for 4,500 square feet of commercial space and he feels that is adequate. He identified the location of the commercial parking stalls – which are unassigned stalls – and indicated that on street parking will also be permitted adjacent to the commercial spaces.

Council Member Ekstrom stated that her only concern was relating to the commercial parking, but she believes the design of the rest of the project is lovely.

Mayor Berube apologized for the disappointment caused by his question relating to financial solvency of the project, but he has worked in the banking industry for enough time to see many developers who have not had the ability to complete a project they started. He then asked Mr. Scadden if he is willing to make a financial contribution towards the installation of a “Welcome to North Ogden” sign. Mr. Scadden stated he does not have enough information about that, and he asked if the City has determined an amount for him to contribute; he offered to contribute \$2,500 to the project. Mayor Berube then asked Mr. Scadden if he is willing to consider a provision in the agreement that would give the City approval authority over the sale or assignment of the project to another party. Mr. Scadden stated he and his partners plan to complete the project and see it through to the end. For that reason, he is not opposed to including a provision in the contract requiring Council approval of sale or transfer of the project to another party.

Council Member Ekstrom motioned to approve Ordinance 2021-01 to rezone property located at approximately 1550 North Washington Boulevard from Commercial (CP-2) to Master Planning Community (MPC-CT). 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.

Council Member Barker suggested that the clubhouse building be constructed first, followed by the commercial building. Mayor Berube stated he can support that proposal and he asked the Council to include in their motion Mr. Scadden’s commitment to contribute \$2,500 to the “Welcome to North Ogden” sign. Council Member Swanson

stated he would like for the commercial building to be built in conjunction with the club house. Mr. Scadden stated that he is willing to accept verbiage in the agreement that states work on the commercial building will start simultaneously with building e – the club house building.

Mayor Berube then asked Mr. Scadden if he is comfortable providing financial data for the project for the City’s review. Council Member Swanson suggested that the Mayor be the party to review the financial data rather than the sensitive information being provided to others in the City. Mr. Scadden stated he is comfortable with that.

Council Member Stoker motioned to approve Agreement A01-2021, a Development Agreement with the four amendments which were discussed; time frame of starting the commercial building, contribution of \$2,500 towards a welcome to North Ogden sign, a requirement for the City to approval the sale or assignment of the property to another party, and financial review to be completed by Mayor Berube. 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.

Council Member Barker motioned to amend agenda order and switch item number 11 and item number 10. 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.

11. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE PROPERTY LOCATED AT APPROXIMATELY 2175 NORTH 850 EAST FROM SUBURBAN RESIDENTIAL (RE-20) TO SINGLE-FAMILY RESIDENTIAL (R-1-12.5)**

A staff memo from Associate Planner Bell explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The applicant is requesting a zone change for the property located at approximately 2175 North 850 East from Residential Estate (RE-20) to Residential (R-1-12.5). The request is part of the next phase of the Coldwater Meadows subdivisions, amending Phase 2 along with the new Phase 3. The rezone is a precursor to the subdivision consideration. The previous phases were approved with the R-1-12.5 zone designation.

The property is located at the east end of the 2175 North Stub Street. Phase 3 of the subdivision proposes to and extend this development to accommodate the proposed 3 lots. (See Exhibits A and B)

CONFORMANCE WITH GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential and is within the Coldwater Neighborhood.

Zoning and Land-Use Policy

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.

Staff Comment: The low-density general plan designation calls for a variety of single-family zones including the R-1-12.5 zone. This rezone application will allow for the next phase of the Coldwater Meadows subdivision which will border upon agricultural lands to the north.

- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

Staff Comment: This parcel is the next phase of transitioning from agriculture to residential.

- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff Comment: These proposed lots will be located on a local street and are proposed to have the same R-1-12.5 zone on both sides of the street.

- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff Comment: The proposed zone change will not cut across individual lots. The zone change is proposed to be effective only when the subdivision is recorded, in order to follow this guideline. The proposed ordinance has been adjusted from a prior version to be consistent with this guideline.

Residential Guidelines:

- Avoid isolating neighborhoods.

Staff Comment: The proposed zone change will not isolate the existing neighborhood.

- Require excellence in design.

Staff Comment: A building permit will be processed for the future home and accessory building meeting city standards. Applicable setbacks and other City ordinance requirements are verified as part of the approval process for building permits.

- Consider development agreements to assure higher quality development.

Staff Comment: No development agreement is proposed.

The memo offered a summary of City Council considerations:

- Is the proposal consistent with the General Plan?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded the Planning Commission voted 6-0 to recommend the property be rezoned to the R-1-12.5 zone, with one abstention. The City Council should consider the application, the General Plan rezoning guidelines, and determine if this application for a zone change from Suburban Residential RE-20 to Single-Family Residential R-1-12.5 meets these guidelines.

Mr. Scott reviewed his staff memo as well as an aerial image to orient the Council to the property subject to the requested zone change.

Council Member Ekstrom asked if this will be the final phase of the project or if it would be appropriate to wait to change the zoning of all property that will be part of future phases. Mayor Berube stated he had a similar question; he wondered if this action would commit

the City to change the zoning of the remainder of the property to the same zoning designation in the future. Mr. Bell answered no; the General Plan calls for low density residential zoning in this area, but there are several zoning designations that meet the definition of low density. He added that staff spoke with the applicant about their desires for changing the zoning of the remaining property that could be developed as future phases of this project, but they chose to pursue just the zone change of the subject property at this time. Mayor Berube stated his only concern is that approving this zone change would bind the hands of the City in the future as it would be obligated to grant the same zone to the remainder of large, undeveloped parcels in close proximity to this project. Mr. Bell stated that is not necessarily the case; this action would not be binding for future zoning applications and there are many areas in the City where there are different zoning designations located adjacent to one another.

Council Member Swanson asked Mr. Call to share with the rest of the Council the General Plan Steering Committee's proposal regarding updates to the General Plan map; he has commented in the past that he does not want to act on any zone changes until after the Council has formally heard and acted upon the Committee's recommendation. However, the current proposal identifies this area as low density residential and he is comfortable approving the zone change for these three lots.

Mayor Berube invited input from the applicant.

John Hansen, 1165 W. 4000 N., Pleasant View, stated he is representing the applicant. He noted that the applicant is asking for a zone change of just these three lots at this time because there is still some hesitation on the part of the property owner to develop a larger portion of their property because they want to continue farming it. However, they would like to provide residential lots for their children to build homes on. He indicated he feels the proposal is consistent with development that has occurred in the area surrounding the subject property.

Council Member Cevering motioned to approve Ordinance 2021-02 to rezone property located at approximately 2175 North 850 East from Suburban Residential (RE-20) to Single-Family Residential (R-1-12.5). 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.

10. **DISCUSSION TO CONSIDER OPTIONS FOR THE MPC ZONE, WITH DIRECTION REGARDING THE LAND USE CODE**

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes.

BACKGROUND The City Council and Planning Commission held a joint work session on April 7, 2020 to introduce the Land Use Code project and held a subsequent meeting on December 16, 2020. During that meeting the City Council requested that a further discussion be held regarding the MPC zone.

The MPC zone was adopted in 2015. The MPC zone has been applied to four projects: The Village at Prominence Point, Patriot Pointe, Cherry Springs Villas, and Coopers Towne.

Purpose Statement The purpose statement identifies the relationship of the MPC zone to the General Plan and its appropriateness.

11-7K-1: PURPOSE

The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood-oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development must follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement.

Features of the MPC zone

Area Requirement. The MPC zone requires a minimum size of 5 acres. There is only one remaining property along Washington Boulevard that meets this size requirement. The property is located at approximately 1825 North Washington Boulevard and is best identified as the property with a silo.

There may be other properties that could combine parcels to meet the 5-acre minimum, e.g., the properties south of 1700 North that are yet to be annexed. The City Council will control the zoning at the time of annexation.

There is a provision that would allow the City Council to approve a smaller area requirement if the project will “fulfill the objectives of the City.” If the City Council wants only five acre projects or larger then this provision should be removed from the code.

Rezone Requirement. All zone changes are legislative decisions. The City Council has wide discretion in making rezone approvals. For example, if the City Council decided not to rezone further properties as MPC it is a legislative prerogative. The rezone criteria for the MPC zone are below:

11-7K-2: MASTER PLANNED COMMUNITY REZONE REQUIRED

Not all properties will be eligible for the Master Planned Community zone designation. Each proposed parcel shall be evaluated on its own merits and a rezone is required. All the following criteria shall be used to assess the suitability of the parcel to be considered for the Master Planned Community zone:

1. The proposed parcel shall encompass a minimum of five acres; however, projects on smaller parcels may be considered if they fulfill the objectives of the City.
2. The proposed parcel shall be located within or adjacent to the North Ogden Downtown, Southtown, between those nodes along Washington Boulevard, or to the west of Downtown, where more diverse and intense uses are anticipated in the General Plan.
3. The primary use shall be residential.
4. At least 5% of the total square footage of all buildings in the entire proposal shall be devoted to a secondary use, such as residential mixed with commercial uses or office uses. Greater mixes are encouraged.
5. Proposals shall demonstrate an excellence in architecture, site design, and walkability.
6. Proposers shall be willing to enter into a development agreement that runs with the land.
7. Proposals shall demonstrate how the potential project will address the specific goals and values found in the North Ogden General Plan and within the Downtown chapter.
8. The entire parcel shall be reflected in a specific site plan.

Non-conforming. There are four MPC zoned properties. Removing the MPC zone from the zoning ordinance would make those four projects non-conforming. It is recommended that the zone remain in the code to avoid this circumstance.

Density. The MPC ties density to the General Plan. For medium density designations the density is six to 18 units per acre and for high density designations the density range is 18 to 40 units per acre.

Building Height and Unit Size. The maximum building height is 36 feet. There are no restrictions on the number of units per building.

Conflicting Provisions. The required development agreement may modify the zoning ordinance standards. The provision provides flexibility for the Planning Commission and City Council to address the unique designs of each project.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. A key component for implementing the General Plan is establishing codes that reflect the desired future for North Ogden. The Land Use Code's foundation is the Vision, Goals, Policies, and Strategies found in the General Plan.

The following excerpt is from the General Plan Vision statement.

The Vision for North Ogden

- North Ogden City will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:
- Assure that North Ogden remains a beautiful place to live, work, and recreate.
- Create a unique downtown that complements the desires of the community with an improved appearance and public spaces.
- Promote housing variety with a broad spectrum of high-quality housing options along Washington Boulevard, 2700 North, and especially within and adjacent to the Downtown and Southtown.
- Assure improved visual quality for all types of development.
- Improve current and future streets in terms of appearance, connectivity, and by providing additional city-wide choices for travel in addition to Washington Boulevard and 2700 North.
- Continue to provide a variety of parks, trails with connections to the mountains and within the community, and open spaces for the community to enjoy.
- Recognize that the proximity to the mountains also results in many environmental issues that need to be proactively addressed through community policies, incentives, and ordinances.
- Engage and connect with the community through active governmental transparency, public WIFI systems, and places for people to gather.
- Strive to create a more balanced community that results in a better, more sustainable tax base, which anticipates and reflects the diversity of housing and services necessitated by changing population life cycles, norms and preferences.

- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

A key Strategy is found in the Housing Goals, “Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community’s housing goals.

The memo offered the following summary of potential Land Use Authority considerations:

- Is the City Council satisfied with the MPC zone?
- Should the existing zoned MPC properties retain the MPC zone designation?
- What direction does the City Council wish to give regarding the MPC zone?

The memo concluded staff recommends that the Council conduct a discussion regarding the future of the MPC zone; staff recommends the Council retain the MPC zone so as to not have the existing MPC projects become non-conforming. Staff also recommends any future rezone requests be reviewed on a case by case basis and give staff direction on desired modifications to the MPC zone.

Mr. Scott reviewed his staff memo.

Mayor Berube facilitated high level discussion among the Council regarding their desires for the MPC zone. There was a focus on the maximum building height of residential buildings allowed in the MPC zone and the Council communicated they would like to cap residential buildings at a height less than four-stories or 50-feet. Council Member Swanson stated he is not convinced that it is necessary to retain the MPC zone; there have been several problems associated with MPC projects and he is not concerned about creating non-conforming status for existing projects if the MPC zone is eliminated. Council Member Barker stated he is not a fan of most projects in the MPC zone, but in speaking with Mr. Scott yesterday, he learned the Cherry Springs project is an MPC project and it is a nice project. He agrees with Mr. Scott that it would be best for the City to retain the zone and make modifications to the zoning ordinance to address concerns that have arisen in association with other MPC projects in the City. Council Member Ekstrom agreed; there are some MPC projects that have not yet been completed and she would like for those projects to be completed before making a decision regarding whether the zone should be eliminated. Council Member Barker added that he would also like to discuss minimum acreage requirements for the MPC zone; he would prefer that nothing smaller than five acres be considered as a viable property size for a MPC project.

Mayor Berube stated that an owner of a large parcel of property on the City’s hillside has indicated a desire to develop; he asked if that parcel would qualify for the MPC zoning designation, to which Mr. Scott answered no and indicated the zoning designation is only available to properties along Washington Boulevard.

Mayor Berube asked Mr. Scott to draft an ordinance that would amend the MPC zone responsive to the feedback provided by the Council tonight and present it to the group at a future meeting.

12. REVIEW AND DISCUSSION OF THE 2020 LAND USE SURVEY

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes.

BACKGROUND

North Ogden City conducts periodic updates to the city's land base by conducting a land use survey. The survey identifies the amount of land that is transitioning between various land uses, e.g., since 2014 the city increased in size through annexations by 61 acres to approximately 4,811 acres (7.5 square miles) The survey divides the land base between urbanized and non-urbanized lands with sub-categories. These projections assist in monitoring needed services and the availability of land for future development.

The previous survey was completed in 2014. This survey will be compared to the 2020 Census in regards to tracking trends against the General Plan.

The memo offered the following summary of Land Use Authority considerations:

- What indications for North Ogden's future are contained in the 2021 Land Use Survey?

Mr. Scott reviewed his staff memo and indicated this item was included on the agenda to give staff the opportunity to introduce the Council to the survey; he asked that the Council review the document and noted he is willing to answer any questions the Council may have regarding its subject matter. The Survey is also available to the public on the City's website.

13. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY CODE FOR REGULATING ANIMAL CONTROL

A staff memo from City Manager/Attorney Call explained the Animal Control Officer identified some issues in the ordinance as her office has been working through a dangerous animal abatement. Administration proposes the following changes.

1. Make appropriate changes to language regarding requirements for the animal control officer to be a sworn officer or special functions officer.
 - a. We have occasionally had individuals who have various certifications; however, I do not believe it should be a requirement.

2. Make appropriate changes to change the individual who orders abatement of animals to the Administrative Law Judge/Administrative Hearing Officer as opposed to the justice court.
 - a. This change is recommended by the state through our Justice Court Judge. The state has concerns with judges handling any items which are not entirely criminal in nature. Abatement of animals is not a criminal offense.
3. Formalizing the City policy that if somebody has an unlicensed dog when they pay their fine a portion of that fine, if paid within 30 days, is applied to the license fee to bring the animal into compliance.
4. The final change is to eliminate all the ordinances which are regulating business activities which may no longer be needed or are covered under the City's business licensing and zoning provisions.
 - a. This is a large section, but is tied to the discussion related to breeding animals had by the Council at the meeting in December.

Mr. Call reviewed his staff memo and facilitated discussion among the Mayor and Council regarding the implications of the proposed ordinance amendments; Mayor Berube expressed concern about the policy by which the City would give someone in violation of the ordinance credit towards their license fee when their fine is paid. He likened this policy to a 'get out of jail free' card. Mr. Call stated that the policy is intended to incentivize compliance with the ordinance; however, the Council can opt for a different policy. The Council briefly discussed the matter and concluded they are comfortable with formalizing the policy as specified in the staff report.

Council Member Barker motioned to approve Ordinance 2021-03 amending North Ogden City Code for regulating animal control. 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.

14. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING NORTH OGDEN CITY CODE FOR TRAFFIC VIOLATIONS AND PENALTIES

A staff memo from the City Manager/Attorney explained the current city ordinances have some moving violations as infractions and others as misdemeanors. With recent changes in the state code staff feels it is appropriate to downgrade some offenses to infractions to eliminate mandatory court appearances for these single violations. In situations where a

person is guilty of multiple violations they still may need to appear in court, but not on these violations alone.

- Safe and Proper Lookout
- Driving to Right

Mr. Call reviewed his staff memo and indicated staff recommends these changes be approved.

Council Member Ekstrom motioned to approve Ordinance 2021-04 amending North Ogden City Code for traffic violations and penalties. 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.

15. DISCUSSION ON CONDUCTING A RESIDENT SURVEY ON A PUBLIC SAFETY BUILDING AND OTHER ITEMS AS NEEDED

Council Member Swanson stated that over the past few years, the Council has had discussions about employing Y2 Analytics to perform a survey of City residents to gauge their feelings about critical issues; the Council can then base decisions on this information rather than anecdote. He stated he would like to use the tool in connection with the Public Safety Building project to get an understanding of how residents feel about a bond for the project. He noted that it would be necessary to publish a new RFP for the survey project and he asked that the Council vote to move in that direction tonight.

Mayor Berube noted that if the survey is used, the Council needs to be committed to abiding by the citizen feedback. Council Member Swanson agreed. Council Member Berube stated that if the majority of the citizens indicate they do not want a new Public Safety facility, the Council needs to follow that direction.

Council Member Cevering stated that he agrees with the importance of surveys for some issues, but he is not sure he feels a survey is needed for this project as he does not believe there is a group that would oppose the project. He would rather not spend \$13,000 to \$14,000 for this project. Council Member Swanson stated that while there may not be an objection to the project itself, there is a group who is opposed to bonding for the project.

He feels that the Council needs clear and reliable data about the financing of the project. Mayor Berube stated he is not sure how someone can be in favor of the project, but not in favor of bonding. The real question that should be posed to residents is whether they are willing to pay an increase in property taxes, and – if so – how much. Council Member Swanson stated it seems a rational thought that if someone supports the project, they would also support a bond, but that is not always the case; in the past, there has been a strong resistance to bonding or entering into debt for a City project. He stated that if the Council is confident that the City needs a new Public Safety facility and that residents should pay for it, the City should issue a revenue bond for the project rather than submitting a general obligation (GO) bond question to the residents on the next election ballot. Issuing a revenue bond will allow the City to accelerate the project by almost a year. Mayor Berube stated he is open to receiving input from the citizens as the City is spending their money; he is simply concerned about soliciting public feedback and then not adhering to that feedback.

Council Member Ekstrom stated that she feels the Public Safety building project is the highest priority for the City at this time and the City must invest in the project; there is such a thing as detrimental frugality and she wants to avoid that. While she is always open to hearing from the public, she does not think the City should pursue a survey for this project because it is clear that the project must move forward. She would, however, like to be educated on the differences between a GO bond and revenue bond. Mayor Berube stated that Mr. Call is prepared to provide that education tonight. He added that it has been his position that the City should allow the residents to vote on a GO bond during this year's municipal election. He understands Council Member Swanson's recommendation to pursue a survey is based upon his hope that the citizens will use the survey to communicate their support for bonding for the project and the Council can rely upon that support to issue a revenue bond and accelerate the project. However, if the results of the survey are that the residents do not support the project or going into debt for it, it would be very problematic to then proceed with issuing a revenue bond. Council Member Swanson agreed, but noted that it seems that those in opposition to an issue are typically most engaged and have some control over election outcomes; his greatest concern is that the entire population of North Ogden – 21,000 people – need a Public Safety building and it is important for the Council to gauge the public sentiment regarding the project with as little emotion as possible. Mayor Berube stated that he feels that the same group of people who are passionate in their opposition to a bond will also participate in a survey. He then facilitated philosophical discussion among the Council regarding the best way to proceed at this point; he polled each Council Member regarding their support for waiting for the November 2021 municipal election and a vote on a GO bond or publishing a public survey regarding the project now and proceeding with issuance of a revenue bond if there is support. Council Member Stoker stated she understands the desire to get public buy-in regarding the project, but noted she is very concerned about the impact that the current facility has on the safety of the community. She asked the Council to consider how they will feel if a life is lost due to the inadequacy of the current Public Safety facility. Mayor Berube echoed that sentiment and wondered what liability the City has associated with the condition of the current facility. Council

Member Barker then stated that he is also supportive of accepting public input, but he feels that a new Public Safety facility is desperately needed in North Ogden and he is supportive of moving forward with a bond for the project. Council Member Cevering referred to his comments earlier in the discussion, noting he does not want to publish a public survey regarding this project as he feels that there is consensus the project is needed.

Council Member Swanson stated it seems clear that the entire Council agrees the Public Safety project is a top priority; there is no other way to pay for it but to bond. He referenced his comments from the Council's last meeting that each City Council Member was elected to represent their constituents and make hard decisions. If the Council is confident a new Public Safety facility is needed, they should make the hard decision to issue a revenue bond and move forward with the project. The citizens always have the opportunity to circulate a petition and force the issue on the ballot, but the Council was elected to make these decisions and he is one-hundred percent confident that this Council will carefully evaluate the project scope and move forward with a project that is appropriate and responsible. He is willing to fulfill his responsibility to make decisions that are best for the entire community and is willing to deal with the outcome if residents choose to vote him out of office as a result.

Mayor Berube stated that he is also supportive of the building as he feels it is a 'need' rather than a 'want' for the community; however, the project cost will be the largest expenditure the City has ever made.

Council Member Stoker asked if the Council will be holding a work session in February to review the line item budget for the project and hear from Zion's Bank about the costs associated with different bonding options. Mayor Berube stated that has been planned, but it is his understanding that the costs for a revenue bond are very close to those for a GO bond, but that the City does not have clear information on project costs at this time. Mr. Call has asked Zion's Bank to prepare a debt service schedule based on a theoretical project cost of \$10 million and they have indicated annual payments would be approximately \$600,000.

Mayor Berube stated he feels everyone has voiced their opinion and understands there are pros and cons associated with the options available to the Council relative to funding the project; he asked the Council to consider the points that have been raised tonight in preparation for a vote on the matter in a future City Council business meeting.

Mayor Berube asked Council Member Swanson to report on a recent meeting between the two of them, Representative Wilcox, Judge Lambert, and staff of the Justice Court. Council Member Swanson stated that Representative Wilcox was invited to participate in the meeting because one of his assignments as a State Legislator is overseeing the Public Safety Committee. They toured the City's existing Public Safety facility and then toured the Kaysville Public Safety facility; the facility has two holding cells, but they are never used because anyone that needs to be held is transferred to the Davis County jail. This led

the group to believe that the holding cells could be removed from the North Ogden project for the same reason. Additionally, the North Ogden project includes a \$500,000 outbuilding that would be used for storage of vehicles or other items seized by the Police and in need of processing. A similar facility at Kaysville is underutilized and it may be possible to reduce the size of the outbuilding included in the North Ogden project scope or defer that component of the project until a later date. There appears to have been a misunderstanding among those reviewing the project scope regarding the difference between a holding cell and an interrogation room; Chief Quinney has indicated the interrogation room could be used as a holding cell and it is possible to remove the holding cells from the facility design. Chief Quinney feels that the outbuilding is needed, but Council Member Swanson feels that the size could be reduced or that it could be constructed at a later date. He added that the foyer area for the Kaysville facility is very large and grand but is likely not entirely necessary. The group felt that the foyer area in the North Ogden facility could be reduced. He added that Kaysville has offered to make the facility open for more tours to any representative from the City.

Mayor Berube added that during the meeting there was also a discussion about whether the City needs its own court and if it may be possible to pursue a regional court for North Ogden, Pleasant View, and Harrisville. Judge Lambert indicated that would be a very difficult project to pursue and would likely not receive support from the judiciary system at the State level. He added that another tough question that was asked was whether the City must have its own police force or if it is possible to ensure the safety of the City by pursuing a relationship with a public safety district. He stated he is relaying this information simply to communicate to the rest of the Council and to the public that very difficult questions are being asked. He added that the recording of the meeting can be provided to the entire Council and be made publicly available.

Council Member Stoker echoed the sentiment that it would be very difficult – nearly impossible – to gain approval of a regional court. She added that she wished that residents would take the time to tour the existing facility to get an understanding of its deficiencies and that, in its current state, it is not providing adequate protection for the City and its Police Officers. Council Member Cevering agreed and noted that if a reasonable message communicating those facts along with the information about the manner in which the project scope has been adjusted in an attempt to save costs whenever possible, will be well received by the residents. Mayor Berube agreed, but noted that he wants to include information about the estimated bond amount and the associated increase in their property taxes. He then noted that he will include an item on an upcoming agenda to allow the Council to vote on whether to proceed with issuance of a revenue bond for the project.

16. PUBLIC COMMENTS

Susan Clements, 668 E. 3125 N., thanked the Council for the wonderful conversation on the Public Safety facility project. She was pleased to find a video on the City's YouTube Channel offering a tour of the current Public Safety facility; the video was enlightening to

her and she encouraged the City Council to share that video with as many people as possible so they can get an understanding of the condition of the facility.

Brenda Ashdown, 193 E. Pleasant View Drive, stated she also appreciates the conversation regarding the Public Safety facility project; the difference between this project and the Public Works project, which was publicly discussed in the past, is that the current City Council is willing to look carefully at the project scope and determine what is truly needed in the building. Citizens want to know what they are bonding for and she feels the discussion tonight shed some light on those details. She then addressed Council Member Swanson's comments about the City's representative form of government; it is true that Council Members were elected to make decisions on behalf of the public, but given that each Council Member is elected at large and not assigned to a specific area of the City, it is not possible for them to understand how the public want them to vote on an issue. She then inquired as to the difference between a GO bond and a revenue bond. Mayor Berube stated the City is preparing a frequently asked questions (FAQ) document regarding the project and that question will be addressed; he noted that a revenue bond is repaid using sales tax revenue and does not require a vote of the citizenry. A GO bond is repaid with property tax revenues and the residents would need to vote to approve an increase in the City property tax rate to provide that additional revenue. Ms. Ashdown then noted she recalls that some time ago the citizens were asked to vote on whether they wanted a new swimming pool in the City; the residents voted the project down, but the City proceeded with it anyway and she resents that. She feels many residents would also indicate resentment over that decision. If the Council is truly considering a vote, they should abide by what the residents say. She is supportive of the Public Safety building and thinks it is a necessity; she feels most people in the community will recognize it is a necessity, until it comes time to pay increased property taxes. When the City was first considering the Public Works facility project, the cost was estimated at \$10 million; citizens protested, and the project was put on hold. She was not paying attention to what was happening in the City at that time and she was surprised when the Public Works project commenced. When she asked about why she was not made aware of the project as she lives directly across the street from where the facility was constructed, she was told it was not her business and the facility was being built on Weber County property. She was told that the City had contracted with Weber County for the project and the citizens did not have a say in that project any longer; that was extremely offensive. She stated that transparency is very important and if the Mayor and Council can refer to public information about the project and efforts taken to determine what is truly needed in the project, they will understand the issue and likely support the project.

Brent Hamblin, 963 Deer Meadows Drive, stated that he is retired and on a fixed-income and he does not want his property taxes to increase; however, after hearing all the information tonight about the Public Safety building project, he agrees that it is needed. Even though he does not want his taxes to increase, that is what needs to happen and it must happen as soon as possible to increase the safety of the community. He is confident in the Council and their ability to determine that the project will be built to a scope that meets the City's needs, but not be excessive. He stated that the Barker Park Amphitheater

was not voted upon by the residents and his fear that if this project is put on a ballot, so many people will vote against it because they have not listened to the public dialogue regarding the project and do not understand why it is so desperately needed. He suggested that the Council not publish a public survey about the project because they have already determined that it is needed, and that determination is based on careful thought and evaluation of the project.

Mayor Berube thanked Mr. Hamblin for his comments. He noted he is also on a fixed income, but he wants the City to be safe. It is true the Mayor, Council, and Administration is working diligently to reduce the burden that will be placed on citizens if bonds are issued for the project. This includes utilizing excess revenues already available to the City or pulling from the General Fund to reduce the amount of debt. It will be possible to make final decisions regarding those options once the 2020 audit is completed.

17. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Barker reported he participated in a recent meeting with fire officials across the State to discuss pending legislation in the 2021 Legislative Session; there is a piece of legislation the City needs to follow: House Bill 98. This bill proposes that builders can pursue a project in the City but opt out of City inspection fees and requirements and – instead – hire a third-party inspector. This will result in a dramatic decrease in City revenues. He stated he would like for the City to reach out to its representatives and indicate that North Ogden does not support it. Mayor Berube asked Mr. Call to provide the entire Council with more information about the legislation and communicate the City's position to the Utah League of Cities and Towns (ULCT). Mr. Call answered yes and stated he will provide the Council with a link to a State website that gives them the ability to track the status of legislation that is moving through the session.

Mr. Call then asked Mayor Berube if he would like to make an announcement regarding his selection of a new City Recorder. Mayor Berube stated that the Council voted on that matter last week in a closed meeting and is aware of the selection, but he invited Mr. Call to publicly announce it. Mr. Call reported the City has extended an offer to Katie Gerard and she has accepted the offer; she will start her employment with the City on January 29. She comes from the Wasatch Front Regional Council (WFRC), which is a quasi-governmental agency and the role she fulfilled there is very similar to the role of City Recorder. He stated he is excited for her to join the City and for the City to benefit from her skillset. The appointment can be officially voted upon by the Council during their February 9 meeting.

Mayor Berube thanked the Council for their participation in the interview process for the City Recorder position; this is a very important position for the City and one with which the Council interacts regularly. He then thanked the Council for their candor, courage,

and transparency tonight. While the group may not always agree with one another, they respect one another and desire to serve the citizens and keep North Ogden a great place to live. Over the past year he has learned that public service is not always easy, but it is the right thing to do and it is important to be courageous in making the right decisions for the community. He is anxious for the pandemic to come to an end, so it is possible to meet with citizens again in person, but he hopes residents appreciate the efforts towards being more transparent and open with them.

Council Member Swanson thanked Mayor Berube for creating an environment where Council Members can speak freely and candidly during meetings; he runs the meetings exceptionally well and he is grateful for the leadership he has shown over the past year. Mayor Berube stated he is grateful for the opportunity he has been given and he thanked Mr. Call and other City employees for their assistance in conducting meetings properly. He stated that there was some real concern during the last municipal election that this group of officials would not get along and would operate based on their individual agendas; that has not been the case and he is happy they are able to work together for the better of North Ogden.

Council Member Stoker then asked Mr. Call if the City has been able to follow up with the owner of the duplex that she referenced in a previous meeting. Mr. Call stated the follow-up inspection has not been conducted, but he hopes it will be possible to move forward this week or next. Council Member Stoker then stated that there are many employees in the City and in the Police Department specifically who serve the City with no expectation of recognition or thanks. She wants to recognize them without mentioning names and hopes that they understand and believe that she is very grateful for them and the service they provide. Mayor Berube echoed that gratitude; he then briefly reported on agenda items that are forthcoming.

18. ADJOURNMENT

Council Member Stoker 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 Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 10:20 p.m.

S. Neal Berube, Mayor

Susan Nance, CMC
Interim City Recorder

Date Approved

NOT APPROVED

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

January 26, 2021

The North Ogden City Council convened in a virtual meeting on January 26, 2021 at 6:05 p.m. at <https://us02web.zoom.us/j/82054663857> or by Telephone: US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or 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 January 22, 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 (arrived at 6:30 pm)
 Charlotte Ekstrom Council Member
 Cheryl Stoker Council Member
 Phillip Swanson Council Member

STAFF PRESENT: Jon Call City Manager/Attorney
 Susan Nance Interim City Recorder
 Evan Nelson Finance Director
 Brandon Bell Associate Planner
 Dave Espinoza Public Works Director
 Lorin Gardner City Engineer
 Rob Scott Planning Director
 Dirk Quinney Chief of Police

VISITORS: Brenda A Dennis Carlton Kimsha Byrne
 Korilyn Hietala Lisa Christensen Randall Winn
 Stefanie Casey Susan Clements Tom West
 Matthew Jay D Dalpias Don Waite
 Susan Kilborn Rachelle Krohn

Mayor Berube called the meeting to order. City Manager/Attorney Jon Call offered the invocation and 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.

2. **CALL FOR CONFLICT OF INTEREST DISCLOSURE.**

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

3. **DISCUSSION AND/OR ACTION TO CONSIDER DECEMBER 22, 2020 CITY COUNCIL MEETING MINUTES.**

4. **DISCUSSION AND/OR ACTION TO CONSIDER JANUARY 5, 2021 CITY COUNCIL MEETING MINUTES**

Council Member Swanson motioned to approve December 22, 2020 and January 5, 2021 City Council meeting minutes. Council Member Stoker seconded the motion.

Voting on the motion:

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

The motion passed unanimously.

ACTIVE AGENDA

5. **PUBLIC COMMENTS**

Randy Winn, 2412 Barker Parkway, addressed item six on the agenda; he recognizes that not everyone who gets a tattoo is an undesirable person, but he feels that putting tattoo parlors in the town would create an undue temptation for young people and will also attract undesirable people from other communities to come here. He recommended the Council vote against the proposed ordinance.

Dennis Carlton, 2421 N. 400 E., echoed Mr. Winn's comments; he understands that businesses benefit the City by way of increased tax revenue, but allowing this type of business the City is a risk. He echoed Mr. Winn's recommendation to vote against the ordinance. He then noted previously he has asked for assistance from the City's Police Department; he is from another State and is a victim of federal wire fraud and elderly financial abuse. If he had the time, resources, and energy to pursue justice, he would; however, he needs the assistance of law enforcement and he asked for support from North Ogden by way of further research by the Department's detectives assigned to those types of cases. Mayor Berube stated that he will mention the request to Police Chief Quinney.

Jay D. Dalpiaz, 734 E. 2700 N., addressed item six; he encouraged the Council to be careful not to rush to judgement about this type of business. While he would not personally patronize a tattoo parlor, he knows many great people who are interested in that service. He asked the Council to consider the economic benefit the City stands to realize if the use is allowed.

6. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE NORTH OGDEN CITY CODE TO ALLOW TATTOO STUDIOS IN COMMERCIAL ZONES.**

A staff member, Associate Planner Bell explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes.

Kimsha Byrne submitted an application requesting a zoning text amendment to allow tattoo studios as a permitted use for the C-2 zones. The applicant has also submitted a business license application that has received limited approval for other uses inside the proposed facility, such as microblading, permanent makeup, and massage services.

In reviewing that business license application, which included a proposed tattoo studio, Staff did not believe we could properly classify tattoo studios, under one of the currently permitted use categories such as a beauty salon.

On a related note, however, as we surveyed planners throughout the state regarding these types of businesses, one planner did state that these types of businesses are similar in nature regarding their impact on the community to a beauty salon (i.e., the amount of traffic that they generate, etc.). This planner also stated that they hadn't had any issues arise from these businesses; that they are quiet, lowkey and that they don't generate an excessive amount of traffic. Another planner stated in his role serving as a member of a Planning Commission, that they had included requirements regarding building colors, signs being limited, and an outside area to linger.

With regards to historical context, tattoo studios are generally more broadly accepted than they have been in the past. Legally, the City can choose to allow them as a permitted use, not permit them as a use, or allow them as a use with some additional requirements, such as standards for hours of operations, distances from other tattoo studios, etc. The Planning Commission expressed no concerns that were specific to this use, which are not already addressed by other governmental entities.

CONFORMANCE WITH THE GENERAL PLAN:

Goals from the Economic Development section of the General Plan that may apply to this decision are as follows:

Goal #1 - Increase revenue at a rate that matches or exceeds population growth.

Strategies

- Reduce the regulatory burden and processing time on retail development by amending zoning regulations and streamlining processes. Consider the suggestions made in this Chapter.

Goal #2 - Diversify the entertainment, restaurant, and retail offerings within the City.

Strategies

- Consider ways to reduce the cost of creating retail development. Examples include assembling land, waiving or reducing fees, municipal service credits, and providing incentives through the use of economic development tools like Community Development Areas (CDA's).
- Promote new development and leasing opportunities through developer recruitment and Chamber participation, to assist in recruitment and outreach to commercial real estate brokers, developers, and target business types.
- Meet regularly with existing businesses to learn what the City can do to provide support, help grow their sales, and attract other businesses and developers who can help achieve established economic development goals.

Goal #3 - Assure a quality commercial shopping environment.

Strategies

- Promote improvement in City appearance through ordinance changes that require enhanced streetscapes, well designed and located buildings, and interesting, environmentally appropriate landscaping.
- Promote walkable commercial areas through City ordinances and incentives to achieve the vision for the Downtown and Southtown.

The memo summarized policy options for Council consideration:

- Allow as a Permitted Use
- Not Allow as a Permitted Use
- Allow as a Permitted Use with Requirements
 - Potential Requirements as part of this Option:
 - Distance from Other Establishments of the Same Use
 - Distance from Other Uses
 - A Specified Range of Hours of Operation
 - Other?

The memo offered the following summary of Land Use Authority considerations:

- Should the standards for the Commercial zones allow Tattoo Studios as a permitted use?
- Should there be additional standards?

- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission voted unanimously to recommend that this ordinance be adopted, with a minor change that body piercing be added to the ordinance as a related use (which adjustment has been made to the proposed ordinance). The City Council should discuss the potential amendment, and make a determination regarding whether to adopt the ordinance adding Tattoo Art Studios, as a permitted use or not.

Mr. Bell reviewed his staff memo.

Mayor Berube asked if the City's current ordinance prohibits tattoo parlors in the City. Mr. Bell stated the ordinance does not explicitly state that tattoo parlors are not allowed; however, tattoo parlors are also not listed as a permitted use. Mayor Berube asked if it would be simpler to list prohibited uses in the ordinance rather than list permitted uses. Mr. Call stated that some cities have tried to take that approach, but courts have typically ruled on the side of listing permitted uses with the understanding that certain uses may be broad, i.e., retail, and would allow for many different types of retail uses. He noted that a tattoo parlor is a distinctive use and staff felt it more appropriate to list it as a permitted use rather than try to fit it within one of the broader categories.

Council Member Swanson stated he understands there are several different types of services that may be provided at the applicant's business, but it appears the most common service will be permanent makeup and massage services, which are fairly standard present day. It appears traditional tattooing would be an ancillary service provided and he personally does not have a problem with the proposed use and feels it should be permitted.

Mr. Bell then offered a brief clarification; the ordinance is written to allow the use in the City's C-1 and C-2 zones, but due to the way the Land Use Code is configured, any uses permitted in the C-1 and C-2 zones are also permitted in the CP-1 and CP-2 zones. These zones are located along Washington Boulevard.

Council Member Stoker stated there is extensive training providers must undergo in order to be able to provide permanent makeup services to clients.

Council Member Barker stated that he is not opposed to the use; it may be appropriate to limit how close multiple tattoo parlors can be to one another, but he does not feel it is necessary to limit hours of operations or other business operations. Council Member Ekstrom agreed with Council Members Barker and Stoker. She stated while she does not have a desire to get a tattoo, she likely knows more people with tattoos than without. She noted that she feels that a tattoo parlor in North Ogden will attract quality people to the community.

Mayor Berube wondered if it would be discriminatory in nature to require tattoo parlors to locate a defined distance from one another; there are multiple coffee shops and fast food restaurant in the City and the City has not required them to locate a certain distance from one another. Council Member Ekstrom agreed and noted that is the nature of business competition. Council Member Swanson agreed and noted that the only business for which the City Code provides distance requirements is a sexually oriented business; he does not feel a distance requirement is needed for tattoo parlors as he does not feel the City will be flooded with tattoo parlor applications.

Mayor Berube invited input from the applicant.

Kimsha Byrne, 4743 S. 500 W., Riverdale, stated she is joined by her husband, Joel, and they are business partners. She thanked the Council for their time and consideration this evening and indicated their willingness to answer questions.

Mayor Berube thanked the Byrnes for their willingness to consider locating their business in North Ogden. Mr. Byrne stated that they actually sought out North Ogden because of the type of tattooing they focus on; tattooing has changed dramatically over the past decade, but the history of tattooing is based in healing or an intent to define an individual. In the early 1900's, American traditional tattooing emerged and was surrounded by illegal activity. In the past 10 years, however, it has become much more socially acceptable and common and people from every walk of life have entered his shop for a tattoo that signifies something important in their life. He stated that this is so important to him and his wife that they are working to get tattooing back to its original spiritual nature; they are involved in worldwide education opportunities to teach artists how to tattoo in the historically acceptable fashion.

Mayor Berube asked if massage services will be offered at the business. Ms. Byrne stated there will be one massage therapist at the store; this will not be a large portion of the business. Additionally, there will be just one individual in each trade/service offered at the store in order to reduce competition between artists. Mayor Berube asked if the services are subject to sales tax, to which Ms. Byrne answered yes.

Council Member Cevering stated that in reading the application for this item, he was impressed the Byrnes holistic approach to tattooing; he asked if this will be more of an 'upscale' tattoo parlor versus one that provides traditional tattooing across the board. Ms. Byrne answered yes. Council Member Cevering stated he is not opposed to the use and does not want to limit residents who are interested in getting a tattoo, but he is happy that the Byrnes' approach is more holistic and will be an upscale business. Ms. Byrne stated that she and her husband hope to set a standard of professionalism and approach tattooing as a form of healing.

Council Member Cevering motioned to approve Ordinance 2021-05 to amend the North Ogden City Code to allow tattoo studios in commercial zones. 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. PUBLIC HEARING ON SURPLUS PROPERTY LOCATED AT APPROXIMATELY 3970 NORTH JACKSON BOULEVARD AND CONSIDERATION FOR AN EASEMENT AGREEMENT

City Manager/Attorney Call explained the City was recently approached about providing an access easement for lot 48 in the North Ogden Cove. The Council met and discussed this option and instructed staff to come back with an agreement or proposed language for the continued use of the driveway provided the beneficiary of the easement not block the City's access and agree to maintain the access. Staff has prepared an agreement that could address this issue; the Council will hold a public hearing on the disposition of real property and then make a decision on whether to accept this agreement. He then noted there has been some discussion about whether the City will be compensated for the easement. He stated at this point, there has not been discussion between the City and the party interested in acquiring the easement about compensation, but he has informed that individual that is an issue that may be raised tonight.

Council Member Cevering asked if it is truly necessary to declare the property as surplus property and if the other party is seeking a permanent or temporary easement. Mr. Call stated it is a permanent easement in the sense that it will be tied to lot 48 in perpetuity; the property owner could lose the right to the easement if they are not upholding their terms of the agreement relating to ongoing maintenance of the property.

There was high level discussion among the Council and Mr. Call about situations in the past when the City has granted easements to private property owners and whether it is common for the City to be compensated for such an easement. Mayor Berube stated that since the City will maintain ownership of the property, the private property owner will not be paying property taxes for it. Mr. Call stated that is correct.

The Council then reviewed the site plan for the private property to determine how the easement will be used. Mr. Call deferred to the applicant to answer questions about their intended use of the property.

Mayor Berube invited input from the party seeking approval of the easement.

Lisa Christensen stated she is the builder and the home is designed in an angular l-shaped manner; the lot is narrow in front and it is necessary to place the garage at the rear of the home. This is not a secondary garage, but the primary garage with multiple car parking spaces. The area between the public road and the garage area is very steep and she is fighting the grade to create a secondary driveway. The access road that will be placed in the easement will be used every day.

Council Member Ekstrom stated she is not opposed to granting the easement for that purpose.

a. Public Hearing to receive comments on surplus property at approximately 3970 North Jackson Boulevard

Mayor Berube opened the public hearing at 7:04 p.m. There were no persons appearing to be heard.

Council Member Swanson 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 Ekstrom	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

Public hearing closed at 7:04 pm.

b. Discussion and/or action to consider an Easement Agreement for property located at approximately 3970 North Jackson Boulevard

Council Member Cevering stated he wants to avoid inconsistency; if the City has charged for easements in the past, he wondered if the City should charge for this easement. Mayor Berube facilitated high level discussion among the Council regarding their feelings about compensation for the easement. Council Member Swanson stated the easements for which the City has charged in the past are utility easements. The easement that has been requested in this situation is simply to make it possible for the property owner to use their property in a practical fashion and it will not restrict the City's access to City-owned property. Council Members Ekstrom and Stoker agreed. Council Member Cevering stated

that answers his question and concerns; if the Council is prepared to defend a decision to not charge for this easement, he is comfortable proceeding.

Council Member Swanson motioned to approve Easement Agreement A2-2021 for property located at approximately 3970 North Jackson Boulevard and adding the legal description to Agreement before signatures. 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 TO CONSIDER A RESOLUTION TO HONOR AND THANK DON WAITE FOR HIS DEDICATED SERVICE ON THE PLANNING COMMISSION.

Mayor Berube reported Don Waite's term on the Planning Commission is coming to an end and Mr. Waite has indicated his desire to retire; therefore, he has not sought reappointment. However, Mr. Waite has served the City in the role of Planning Commission for many years and dedicated a great amount of service to the City. He read from the resolution that has been prepared to honor Mr. Waite; Mr. Waite served from August 2013 to January 2021. He has served in leadership roles and also served as a member of the General Plan Steering Committee. He indicated that he has reviewed, voted or recommended to the City Council on more than 70 commercial and residential projects, countless site plans, conditional use permits, rezones of property, annexations, and amendments to City Code. He then invited Mr. Waite to provide input.

Mr. Waite stated he has enjoyed his time as a Commissioner; it has been interesting and educational, but he feels it is time for him to give that opportunity to someone else. He stated he has raised his family in the City, and it has been a great community and he felt obligated to give back. It is great to know that ordinary citizens can work with their local government to get things done; that is likely not an option in many other countries. Mayor Berube thanked him for his service and stated he hopes that he will stay involved.

Each Council Member briefly thanked Mr. Waite for the contribution he has made to the City of North Ogden.

Council Member Barker motioned to accept Resolution 02-2021 to honor and thank Don Waite for his dedicated service on the Planning Commission. 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 TO CONSIDER APPOINTMENTS TO THE PLANNING COMMISSION.

Mayor Berube reported on the process to recruit applicants to fill the vacancy created by Don Waite's resignation. He recommended that the Council appoint Johnson Webb to the Planning Commission seat. Mr. Webb has lived in the City for a good portion of his life and he is very passionate about the opportunity to serve on the Commission.

He then noted that Commissioner Nicole Nancarrow's term on the Commission is drawing to an end and he would like to reappoint her to her position.

Council Member Ekstrom motioned to approve the reappointment of Commission Nancarrow and the appointment of Johnson Webb to the Planning Commission. 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.

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

Finance Director Nelson explained staff would like to propose three changes to the Consolidated Fee Schedule:

- Building Department Reinspection Fee:

- This fee would be applied in cases where contractors fail to meet the requirements of the building code after multiple inspections. The amount is set equal to other similar fees currently in the schedule.
- Transportation Utility Fee:
 - This fee is proposed to be eliminated due to a pending lawsuit against another Utah city. The City stopped charging this fee in 2020. Eliminating it from the schedule would align the document with current practice.
- Fire District Impact Fees:
 - The Fire District modified their impact fees. It is proposed that the City schedule be updated to reflect the new fees.

Council Member Barker inquired as to at which point in a project a building department reinspection fee will be imposed; he wondered if it will be after a defined number of re-inspections. Mr. Nelson stated that was not specified. City Manager/Attorney Call stated that the fee is not meant to be imposed if there is a mistake found in an initial inspection and reinspection is necessary; rather it can be imposed by the building department in instances where an applicant fails to show up for their scheduled inspection or is otherwise unprepared and it is necessary for a reinspection to be scheduled.

Council Member Stoker motioned to accept Resolution 03-2021 to amend the Consolidated Fee Schedule. Council Member Swanson seconded the motion.

Council Member Barker disclosed that he is employed by the Fire District, which is one of the entities modifying their fees, resulting in a City increase. However, he does not stand to benefit financially as a result of this action.

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.

11. DISCUSSION ON CONSIDERING BROKERAGE FOR THE POND PARCEL

Council Member Swanson stated he does not feel the property that is listed for sale by the City is being adequately marketed and he proposes hiring a broker to assist the City. He understands the City will pay a fee to the broker associated with the transaction, but he feels it will be worthwhile.

Mayor Berube asked Mr. Call if the City has any pending purchase offers that warrant a response. Mr. Call stated that there are two or three parties that have expressed interest and if one of those parties end up purchasing the property, they should be excluded from the brokerage agreement. Mayor Berube asked Council Member Cevering for his professional opinion on that matter. Council Member Cevering asked if any of the parties have submitted a letter of intent. Mr. Call answered no, however, he can reach out to them to encourage them to express their intentions in writing before the City pursues a relationship with a brokerage. Council Member Cevering then noted the typical broker fee for a real estate transaction is six percent, but that fee is negotiable.

Mayor Berube polled the City Council to determine if they are in favor of engaging a broker to aid in selling the property, after following up with interested parties to determine if they are willing to submit a letter of intent first. All Council Members expressed their support for engaging a broker. Mayor Berube asked Mr. Call to reach out to the three parties that have expressed interest in the property and give them two weeks to submit a formal offer or letter of intent before hiring a broker.

12. PUBLIC COMMENTS

Susan Kilborn, 3370 N. 400 E., stated this is her first time attending a City Council virtual meeting. She served as a City Council Member in Citrus Heights, California, with a population of over 900,000 for eight years and there is a big difference between that city and North Ogden. She is concerned about the number of people who are missing out on these meetings and she wants to mount a campaign aimed at increasing participation and engagement. She is tired of reading about the complaints other citizens have about the actions taken by the Council, even though they have not taken the opportunity to give input. She asked that she be given the ability to submit ideas she has for incentivizing participation. Mayor Berube stated that he is happy to accept her recommendations. Ms. Kilborn then stated she loves this City and wants to participate; she wants to encourage others to participate as well. She then addressed Randy Winn's previous comments; she is one of those undesirable people who has multiple tattoos. One is dedicated to her deceased parents and another to a sports team that she loves very much.

13. COUNCIL/MAYOR/STAFF COMMENTS

Mayor Berube reported the City's new City Recorder will be joining the City this Friday; he will be at City Hall to welcome her to the City and he invited the Council to do the same at their earliest convenience.

Council Member Stoker stated it has come to her attention that a few people would like to publicly thank Mayor Berube for his service to residents by way of shoveling their driveways and sidewalks. She also commended City Public Works crews for their quick and efficient response to snowstorms.

Council Member Ekstrom stated that the Cherry Days celebration may be several months away, but planning will begin very soon. She asked that the Council be thinking very seriously about the events the City can safely hold if the COVID-19 pandemic is still in strong effect in the summer months. Mayor Berube stated that some have offered suggestions about adjusting the route for the Cherry Days parade and that may be something for the Council to discuss in the future. Council Member Ekstrom stated she forwarded that recommendation to Parks and Recreation Director Staheli and she noted that the route was debated in recent history and the Council voted on it. Mayor Berube stated he understands that but is willing to discuss those details in the coming weeks and months.

Mayor Berube stated that traffic levels at the intersection of Fruitland Drive and 2100 North continue to increase and residents have asked for a traffic study. He noted he has talked with Mr. Call and Chief Quinney about that option and he will keep the Council informed about any progress.

Council Member Barker stated that last week he reported on items of legislation currently moving through the Legislative Session; he noted the legislation that would give builders the ability to hire a third-party building inspector is still pending. Many agencies in the State have voiced their opposition to the bill and the sponsors have indicated that if opposition increases, they will amend the proposed legislation to include commercial projects. He then noted that there is another bill regarding governance of accessory dwelling units (ADUs) and there is much opposition to that bill as well.

Mayor Berube stated he was contacted by a resident who was interested in house bill 60 (HB) 60, which would eliminate the requirement for a conceal carry permit; he will be following that legislation with interest.

Mayor Berube then noted he received an email from a neighbor of his who was asking about Public Works' snow removal budget, route plans, and process. Many people have complained that their street does not get the attention it needs following a snowstorm. He asked Council Member Cevering to respond to that question. Council Member Cevering stated he can ask for additional information from Public Works Director Espinoza and respond to the email.

Council Member Cevering reported the City's Youth Council Advisor has resigned and it is necessary to find someone to fill that position. He asked the Mayor and Council Member to forward any recommendations to him.

Mayor Berube reported the budget will be discussed in a work session meeting next week and there will be a focus on reinstatement of items that removed in an effort to cut costs at the onset of the COVID-19 pandemic. He asked the Council to be prepared for that discussion.

Mr. Call reported the City's Justice Court Judge, Judge Lambert, was awarded a Lifetime Achievement Award by the State of Utah Board of Justice Court Judges. He has provided a great service to North Ogden and he wanted the Council and citizens to understand how lucky North Ogden is to have him.

Council Member Stoker stated that she toured the City's outbuildings today to get an understanding of how the City makes use of those facilities; it was eye opening to her and she truly believes the outbuilding for the Public Safety facility needs to be replaced or upgraded.

Police Chief Quinney briefly reported on recent scams in the community: one being where someone calls residents asking for donations for the Police Department. Another is a phone call where the caller is posing as border patrol and indicating there is an outstanding warrant for the person being contacted. He stated both are scams and he asked the public to be aware of them.

14. 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 7:57 p.m

S. Neal Berube, Mayor

Susan Nance
Interim City Recorder

Date Approved

NOT APPROVED



NORTH OGDEN CITY STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: JON CALL, CITY MANAGER/ATTORNEY
SUBJECT: EMPLOYEE BENEFIT INSURANCE BROKER
DATE: 2/18/2021

Periodically the City requests proposals for qualified individuals or firms to provide employee benefits insurance broker services. The staff have reviewed proposals by several qualified firms and is recommending the Council approve Golden West Credit Union as the broker for employee benefit services. The City will need to complete a contract with GWCU, but does not have it available at the time of this staff report. We anticipate having that agreement ready prior to Council meeting.

Staff recommends acceptance of GWCU as the employee benefit broker for a term of 5 years. We will come back with additional information as GWCU is takes over and helps the City work through the bidding out insurance carriers who will actually provide the insurance coverage to our employees.



NORTH OGDEN CITY STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: JON CALL, CITY MANAGER/ATTORNEY
SUBJECT: COMMERCIAL INSURANCE BROKER
DATE: 2/18/2021

Periodically the City requests proposals for qualified individuals or firms to provide commercial insurance brokerage services. We had several firms apply and interviewed three very qualified firms. After considering all the options staff is recommending we continue with the current broker Olympus Insurance. Olympus has some specialization which helps our organization as well as some programs and other benefits which have helped the City elevate it's risk management, include safety program upgrades and other things.

Staff recommends the Council approve the attached agreement for brokerage services. Staff would also recommend the council review the term of the contract and consider whether five years is appropriate. The minimum term the staff would recommend is two years and our code requires a maximum term of seven years.

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services ("Agreement") is entered into by and between North Ogden City, (hereinafter referred to as "City"), and Olympus Insurance Agency, a Utah Corporation (hereinafter referred to as "Consultant").

Whereas the City desires to obtain insurance brokerage and consulting services from Consultant, and Consultant desires to provide these services to City.

Now therefore, City and Consultant agree as follows:

1. **RETENTION AS CONSULTANT.** City hereby retains Consultant, and Consultant hereby accepts such engagement, to perform the services described in Paragraph 2 of this Agreement. Consultant warrants it has the qualifications, experience, and facilities to properly perform these services.
2. **DESCRIPTION OF SERVICES.** The services to be performed by Consultant shall be as set forth in the following: (a) the North Ogden City Request for Qualifications for Insurance Brokerage and Coverage Services, due on December 15, 2020 (the "RFQ"), which is incorporated herein by this reference; (b) the Consultant's proposal dated on or about December 15, 2020 (the "Consultant's Proposal"), which is incorporated herein by this reference; and (c) this Agreement. In the event of any conflict between the aforementioned documents, this Agreement shall be controlling.
3. **COMPENSATION AND PAYMENT.** The brokerage fee payable to Consultant by City for the services described in the RFQ response shall not exceed \$16,000 per year. All payments shall be made within thirty (30) calendar days after the City's receipt of the invoice, for the renewal term.
4. **EXTRA SERVICES.** City shall pay Consultant for extra services which are authorized in writing in addition to the services described in the Consultant's RFQ response, in such amounts as mutually agreed to in advance. Unless the City and Consultant have agreed in writing before the performance of extra services, no liability and no right to claim compensation for such extra services or expenses shall exist.
5. **SERVICES BY THE CITY.** The City shall provide Consultant with additional information necessary for performance of Consultant's services under this Agreement. City shall promptly review Consultant's work and provide Consultant with comments, if any, in a timely manner.
6. **TERM; RENEWAL.** This Agreement shall be effective as of March 1, 2021 ("Effective Date") and, unless terminated early as set forth in Paragraph 12, shall expire without further action after five one-year terms (March 1, 2026), unless extended. Consultant shall commence work within fourteen (14) calendar days after the Effective Date. Consultant shall not perform services or be compensated for

services performed after expiration of the Initial Term or any Renewal Period, unless the City has provided notice of renewal.

7. **OWNERSHIP OF DOCUMENTS.** All data, analyses, reports and other documentation, prepared by Consultant in the performance of these services shall be deemed the property of City upon payment in full of all compensation then due Consultant. This shall include duplication of such documentation.

Consultant may use outside parties, wholesalers, co-brokers, or intermediaries for the placement of insurance coverages. In such situations, full disclosure of third-party placement sources will be made to the City upon binding or placement of such coverage.

Consultant warrants it is and will remain in compliance with Utah Code Ann. § 63G-12-302 (2012) as well as Utah Code Ann. § 13-47-201 (2012) and that it will also require compliance for any of its subcontractors by participating in the Status Verification System as required by state law in order to enter into a contract with a political subdivision of the State of Utah.

8. **HOLD HARMLESS AND INSURANCE.**

A. Indemnity.

Consultant shall defend, indemnify, and hold the City, its elected and appointed officials, officers, and employees harmless from all claims, lawsuits, demands, judgments, or liability including, but not limited to, general liability, automobile and professional errors and omissions liability, arising out of, directly or indirectly, the negligent acts, errors and/or omissions of the Consultant in performing the services described.

B. Insurance.

Consultant shall, at Consultant's sole cost and expense and throughout the term of this Agreement and any extensions thereof, carry:

- I. Professional Liability Errors and Omissions insurance in the amount not less than \$1,000,000 per occurrence with a \$3,000,000 annual policy aggregate limit.
- II. General Liability in the amount not less than \$1,000,000 per occurrence with a \$2,000,000 aggregate, for bodily injury, property damage, products & completed operations, and personal and advertising injury. and property damage.
- III. Automobile liability coverage, in an amount not less than \$1,000,000 combined single limit per accident for bodily injury and property damage. "Any Auto" coverage is required.

- IV. Workers' compensation and employer's liability insurance as required by the State of Utah; unless a waiver of coverage is allowed and acquired pursuant to Utah law. In the event any work is subcontracted, the Consultant shall require its subcontractor(s) similarly to provide workers' compensation insurance for all employees.
9. **RELATIONSHIP OF THE PARTIES.** The relationship of the parties to this Agreement shall be that of independent contractor(s). In no event shall Consultant be considered an officer, agent, servant, or employee of City. The Consultant shall be solely responsible for any worker's compensation, withholding taxes, unemployment insurance and any other employer obligations associated with the described work.
10. **STANDARD OF CARE.** Consultant services shall be performed in accordance with the skill and care ordinarily exercised by members of the same profession performing the same or similar services at the time Consultant's services are performed. Consultant shall, at Consultant's sole expense, re-perform any services not meeting this standard.
11. **FINANCIAL SECURITY.** All insurance policies secured or placed on behalf of the City shall be issued by a financially responsible company or companies authorized to do business in the State of Utah which are: (a) currently rated A- or better by AM Best Company; or (b) Listed in the United States Treasury Department's current Listing of Approved Sureties (Department Circular 570), as amended.
12. **EARLY TERMINATION.** This contract may be terminated for cause by either party, in advance of the specified termination date, upon written notice being given by the terminating party. The party in violation will be given ten (10) working days after notification to correct and cease the violations, after which the contract may be terminated for cause. This contract may be terminated without cause, in advance of the specified expiration date, by either party, upon 30 days prior written notice being given the other party. On termination of this contract, all accounts and payments will be processed according to the financial arrangements set forth herein for approved services rendered to date of termination.
13. **ACCEPTANCE OF FINAL PAYMENT CONSTITUTES RELEASE.** The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release to City from all claims and liabilities for compensation to, or claimed by, Consultant for anything done, finished, or relating to the Consultant's work or services. Acceptance of payment shall be any negotiation of the City's check.

However, approval or payment by the City shall not constitute nor be deemed a release of the responsibility and liability of Consultant, its employees,

subcontractors, agents and consultants for the accuracy and/or competency of the information provided and/or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by the City for any defect or error in the work prepared by Consultant, its employees, subcontractors, agents or consultants.

14. **WAIVER; REMEDIES CUMULATIVE.** Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such party's right to demand strict compliance by such other party in the future. No waiver by a party of a default or breach of the other party shall be effective or binding upon such party unless made in writing by such party, and no such waiver shall be implied from any omission by a party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach and/or period of time specified. All of the remedies permitted or available to a party under this Agreement, or at law or in equity, shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.
15. **CONSTRUCTION OF LANGUAGE OF AGREEMENT.** The provisions of this Agreement shall be construed as a whole according to its common meaning and purpose of providing a public benefit and not strictly for or against any party. It shall be construed consistent with the provisions hereof, in order to achieve the objectives and purposes of the parties. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neutral genders or vice versa.
16. **MITIGATION OF DAMAGES.** In all situations arising out of this Agreement, the parties shall attempt to avoid and minimize the damages resulting from the conduct of the other party.
17. **GOVERNING LAW; VENUE.** This Agreement, and the rights and obligations of the parties, shall be governed and interpreted in accordance with the laws of the State of Utah. Venue shall be in Salt Lake City, Utah.
18. **CAPTIONS.** The captions or headings in the Agreement are for convenience only and in no other way define, limit, or describe the scope or intent of any provision or section of the Agreement.
19. **AUTHORIZATION.** Each party has expressly authorized the execution of this Agreement on its behalf and bind said party and its respective administrators, officers, directors, shareholders, divisions, subsidiaries, agents, employees, successors, assigns, principals, partners, joint ventures, insurance carriers and any others who may claim through it to this Agreement.

20. **ETHICAL STANDARDS.** The Consultant represents that it has not: (a) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee; or (c) knowingly influenced (and hereby promises that it will not knowingly influence) a City officer or employee or former City officer or employee to breach ethical standards.
21. **EQUAL OPPORTUNITY CLAUSE.** The Consultant agrees to abide by the provisions of Title VI and VII of the Civil Rights Act of 1964 (42USC 2000e) which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agrees to abide by Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; 45 CFR 90 which prohibits discrimination on the basis of age; and Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disabilities. Also, the Consultant agrees to abide by Utah's Executive Order, dated June 30, 1989, which prohibits sexual harassment in the workplace.
22. **ENTIRE AGREEMENT BETWEEN PARTIES.** Except for Consultant's Proposal and the City's RFQ response as referenced in Section 2 above, this Agreement supersedes any other agreements, either oral or in writing, between the parties hereto with respect to the rendering of services and contains all the covenants and agreements between the parties with respect to said services. Any modifications of this Agreement will be effective only if it is in writing and signed by both parties.
23. **PARTIAL INVALIDITY.** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.
24. **NOTICES.** Any notice required to be given hereunder shall be deemed to have been given by depositing said notice in this United States mail, postage prepaid, or by facsimile with proof of transmission, and addressed as follows:

TO CITY: City Recorder
 North Ogden City
 505 East 2600 North
 North Ogden, Utah 84414

TO CONSULTANT: Mr. B. Darrell Child
 Olympus Insurance Agency
 220 East Morris Avenue, Suite 340
 Salt Lake City, Utah 84165-0608

In concurrence and witness whereof, this Agreement has been executed by the parties effective on the first day of March 2021.

NORTH OGDEN CITY:

ATTEST:

S. Neal Berube, Mayor

[_____], City Recorder

CONSULTANT

By: _____

Its: _____

STATE OF _____)
: SS

CITY OF _____)

On this _____ day of _____, 20____, personally appeared before me, _____, who being by me duly sworn did say that he/she is the _____ of Olympus Insurance Agency, a Utah corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, and he/she acknowledged to me that said corporation executed the same.

NOTARY PUBLIC



NORTH OGDEN CITY STAFF REPORT

TO: CITY COUNCIL
FROM: EVAN NELSON, FINANCE DIRECTOR
SUBJECT: BUDGET 2022 INTRODUCTION
DATE: 2/23/21

In this meeting we introduce the budget process for Fiscal Year 2022. This process is an opportunity for the City to look to the future and establish priorities and plans for City services and programs. The attached Budget Calendar outlines dates for Council discussion and approval of the budget. Each of these are public meetings and at each meeting opportunity will be provided for public comment on the budget. A formal public hearing will be held on May 25th to receive comments on the budget.

The discussion at the Council meeting on February 23rd is an opportunity for staff to hear initial Council budget priorities that can be incorporated into preliminary budget proposals. Staff is also seeking Council direction on employee compensation to guide budget proposals. The discussion may also reveal needed budgetary analysis that can be initiated. More in-depth discussions will occur in subsequent meetings.

We look forward to a constructive and engaging process as we work together to prepare the Fiscal Year 2022 budget for North Ogden City.

BUDGET



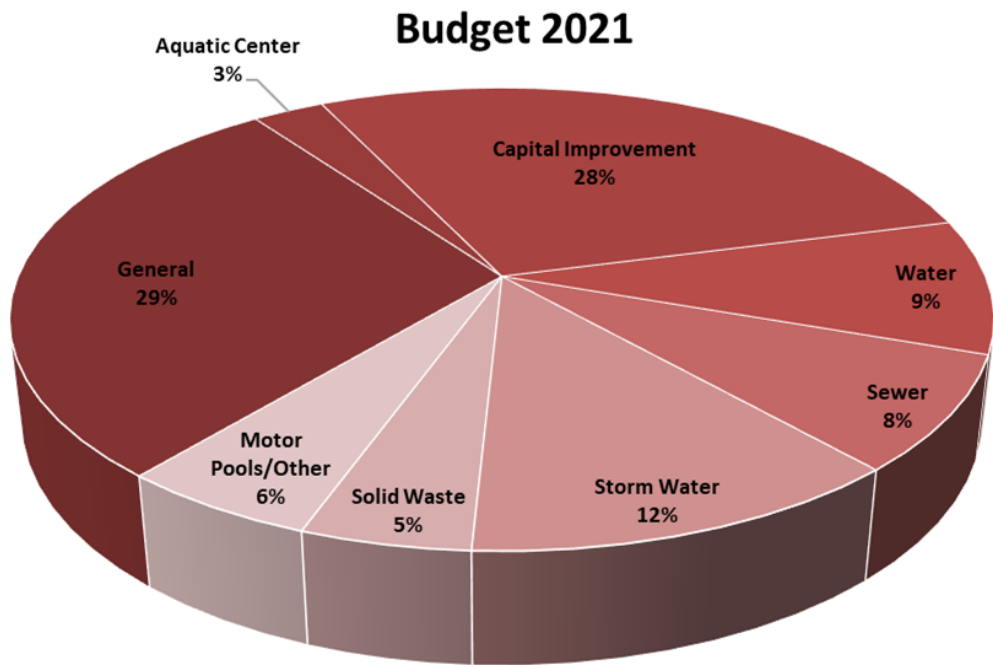
Budget Calendar

- Feb 23 @ 6pm
Budget Intro
- Apr 13 @ 6pm
Employee Benefits
General Fund
Capital Imp. Funds
Aquatic Center
RDA/CDA
Motor Pools
- May 4 @ 6pm
Water Fund
Sewer Fund
Storm Water Fund
Solid Waste Fund
Utility Rates
- May 11 @ 6pm
Adopt Tentative Budget
- May 25 @ 6pm
Budget Public Hearing
- Jun 8 @ 6pm
Adopt Final Budget
Approve Prop. Tax Rate

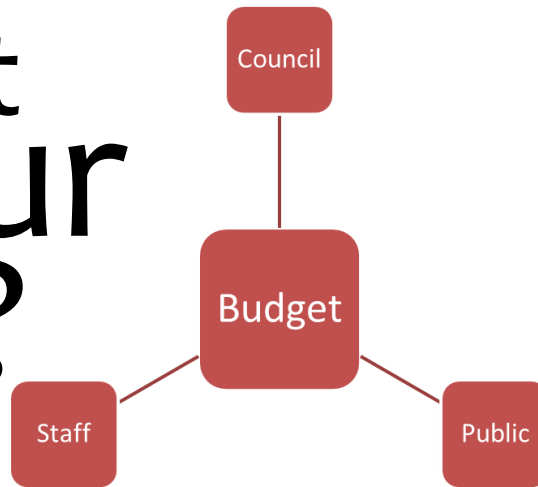
BUDGET: The City's financial plan to provide services and build and maintain facilities and infrastructure for the fiscal year, including estimates of revenues and authorization of expenditures.

\$29,280,820

Total Budgeted Expenditures in Fiscal Year 2021



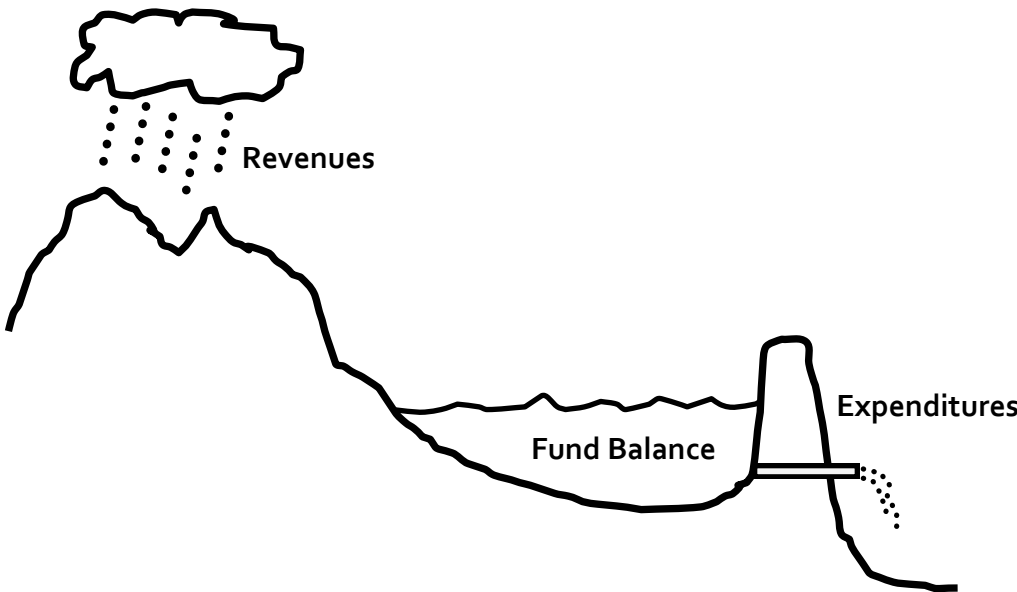
What is your Role?



List of City Funds

- General
 - Legislative
 - Judicial
 - Finance
 - Administration
 - Police
 - Planning
 - Animal Control
 - Building
 - Streets
 - Public Works
 - Parks
 - Recreation
- Aquatic Center
- Transportation Utility
- Transportation Impact Fee
- Transportation Sales Tax
- Sewer Impact Fee
- Storm Impact Fee
- Capital Improvement
- 400/450 East Improvement
- Water
- Sewer
- Storm Water
- Solid Waste
- Motor Pool
- Police Motor Pool
- Redevelopment Area
- Community Dev. Area

FUND: A tool for tracking revenues, expenditures, assets, and balances that have a common purpose. . . .
It's sort of like a reservoir. . .





NORTH OGDEN CITY STAFF REPORT

TO: MAYOR AND CITY COUNCIL
FROM: JON CALL, CITY MANAGER/ATTORNEY
SUBJECT: HOUSE BILL 98
DATE: 2/18/2021

The state legislature is currently considering a bill which would allow for all residential home contractors to hire their own building inspectors to perform the required inspections. Several cities are opposing this bill, and it is likely to be one of the most controversial bills in the legislature this year. We have been asked if we would like to submit the attached letter to the governor expressing concerns over this type of legislation.

If the Council would like to submit this letter or a letter similar to this one it should be discussed and approved by the Council prior to submitting this letter. Staff has some real concerns with the proposed language of House Bill 98 because it doesn't limit who the inspectors can be employed by or even require a 3rd party to do the inspection. Staff would support sending an official communication to the Governor expressing concerns over this type of legislation.



Mayor S. Neal Berube
Council Ryan Barker
Blake D. Cevering
Charlotte Ekstrom
Cheryl Stoker
Phillip D. Swanson

February 18, 2021

Governor Spencer J. Cox
350 N State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114-2220

Dear Governor Cox,

RE: HB 98 – Local Government Building Regulations

As a united City Council, we reach out to express our concerns and objections with House Bill 98 – Local Government Building Regulations. As you know, this bill would allow developers to bypass municipality building inspections. The bill is purportedly justified due to reports of undue delays in municipalities performing inspections. We hold that this is a misrepresentation of how the majority of Utah cities, ours included, that have worked diligently during the past decade to handle the incredible growth rates that Utah has experienced. North Ogden City has invested the time, staff, and resources to respond in an appropriate and responsible timeframe.

More importantly, municipalities perform this duty as a public safeguard for our residents and businesses. Building inspections confirm the safety of buildings as they are constructed under real world situations that are not anticipated in the original architectural and engineering drawings. Practically every inspection finds at least a handful of issues that are against code – namely construction errors and fire/safety issues. These inspections are essential in maintaining public and personal safety for individuals, families, and businesses throughout the State and should not be lightly discarded.

We strongly encourage you to act against HB 98 as it encroaches upon a municipality’s ability to provide essential public safety measures to residents and businesses in favor of a conceived efficiency for developers. Please support our municipalities as we strive to protect our residents.

Sincerely,

S. Neal Berube, Mayor

Ryan Barker, Council

Blake D. Cevering, Council

Charlotte Ekstrom, Council

Cheryl Stoker, Council

Phillip Swanson, Council