

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

August 13, 2024

The North Ogden City Council convened on August 13, 2024, at 5:00 p.m. at the North Ogden City Public Safety Building at 515 East 2600 North.

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 August 8, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor (Zoom)
Ryan Barker	Council Member/Mayor Pro Tempore
Blake Cevering	Council Member
Jay D Dalpias	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Brian Eynon	Police Chief
Scott Hess	Community and Economic Development Director
Jami Jones	Finance Director
Dave Espinoza	Public Works Director/Assistant City Manager
Trent Wilkins	Sanitary Sewer Superintendent
Ryan Nunn	Planner
Bryce Nelson	Administrative Services Manager

VISITORS:

Phillip Swanson	Reed Miller
Kevin Burns	Merrill Sunderland
Brenda Ashdown	Meg Sanders
John Hansen	Julia Cole
Stefanie Casey	Collette Mabey
Rick Magness	Mike Mabey

Brian Bartholomew
Dave Jacobson
Susan Jacobson
Renee Keeny

Alan Giles
Susan Kilborn (Zoom)
Sandy Cochran (Zoom)
Christina L (Zoom)

0:0:02 Mayor Pro Tempore Ryan Barker called the meeting to order and Council Member Dalpiaz gave the invocation and led in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:01:38 No conflict of interest was disclosed.

ACTIVE AGENDA

2. PUBLIC COMMENTS

0:02:02 Phillip Swanson, a North Ogden resident, expressed cautious support for the idea of requiring a certain percentage of owner-occupied homes in the Century Farms Development Agreement, noting that it's a new and untested concept in North Ogden. Phillip raised concerns about the enforcement of such an agreement, questioning whether the City has the necessary staff and resources. He also highlighted the potential impact on development and warned of the risk of losing land use authority to the State Legislature if the City mishandles the situation.

Drawing from his experience on the City Council during the 2014-2015 Village at Prominence Pointe project, Phillip advised the current Council to proceed cautiously. He recounted how the Council at that time rushed into the project, leading to long-term consequences for both the City and its residents. Phillip recommended starting with a modest 15-20% owner occupancy requirement to test the waters before considering higher percentages in future projects. He emphasized the importance of taking a measured approach to avoid repeating past mistakes.

3. DISCUSSION AND/OR ACTION TO CONSIDER THE COST INCREASE TO THE TRANSMISSIVE ACOUSTIC INSPECTION SEWER LINE RAPID ASSESSMENT TECHNOLOGY (SL-RAT) MULTI-ANNUAL AGREEMENT

0:07:08 Sanitary Sewer Superintendent Trent Wilkins explained the multi-year contract for sewer line assessments using a technology called Transmissive Acoustic Inspection, also known as Sewer RAT (Rapid Assessment Technology). The proposed agreement includes an annual sewer assessment over the next four years, with a 2-4% price increase each year.

Trent explained that this technology uses sound waves between upstream and downstream manholes to assess the condition of sewer lines, scoring them on a scale from 1 to 10 with color indicators from red to green. Based on the assessment, the City can then clean and inspect the necessary lines, which prolongs the life of the City's sewer truck and reduces water usage. As a result, the City has avoided hiring an additional employee in the Sewer Department, thus saving costs.

City Manager/Attorney Jon Call noted that the contract requires Council approval because it spans multiple years. The current cost of the service is \$57,000, which has already been budgeted for this year. Council Members discussed the benefits of the technology, noting its efficiency and effectiveness.

Council Member Cevering motioned to approve the cost increase to the Transmissive Acoustic Inspection Sewer Line Rapid Assessment Technology (SL-RAT) Multi-Annual Agreement. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO ACCEPT THE RECOMMENDATION FROM THE NORTH OGDEN PLANNING COMMISSION AND APPROVE THE REZONING OF THE PROPERTY LOCATED AT 2575 N 400 EAST FROM MULTIFAMILY RESIDENTIAL (R-4) TO COMMUNITY COMMERCIAL DOWNTOWN ZONE (CC-DT)**

0:12:23 Planner Ryan Nunn presented the proposed rezone for the property currently housing the America First Credit Union (AFCU) branch building. The rezone is intended to address the northern parcel as part of a redevelopment effort.

The property is currently zoned as multifamily residential (R-4) but has been used for commercial purposes for several decades. The rezone will align the zoning with its long-standing commercial use. It was noted that when previous zoning changes occurred, this parcel was mistakenly left out. The Council agreed that rezoning to commercial is logical and consistent with the property's current and future use. Council Member Dalpiaz mentioned that they had reviewed the Planning Commission's discussion on the matter and supported the rezone.

Council Member Dalpiaz motioned to approve the rezoning of the property located at 275 North 400 East from Multifamily Residential (R-4) to Community Commercial Downtown Zone (CC-DT). Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO CONSIDER THE DEVELOPMENT AGREEMENT FOR CENTURY FARMS

0:15:58 City Manager/Attorney Jon Call provided details about the Development Agreement, including a reduction in setbacks, the inclusion of a public road, and a financial contribution from the developer. A unique aspect of the agreement is a 5-year ownership restriction on 12 of the units, requiring them to be owner-occupied. This restriction is designed to prevent the entire complex from being converted into a rental property and is intended to support home ownership. The enforcement of this restriction would primarily fall on the Homeowner's Association (HOA), with the City having oversight to ensure compliance.

Council Members expressed concerns and support for the proposal, particularly around the balance between developer concessions and the benefits to the City, such as the new park and financial contributions.

The park is planned to include features like a water play area, benches, and a walking path. The Council discussed the enforcement of the owner-occupancy restriction, with suggestions for an annual affidavit from the HOA to confirm compliance. Despite some concerns about the ownership percentage, the Council recognized the project as a positive compromise and a potential model for future developments. The staff recommended approval of the agreement, emphasizing the importance of the park and the overall benefits to the City.

Council Member Dalpiaz motioned to approve the Development Agreement for Century Farms. Council Member Watson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	nay
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed on a 4 to 1 vote.

0:39:00 Council Member Dalpiaz motioned to saunter the meeting until 6:00 p.m. Council Member Watson seconded the motion.

The meeting reconvened at 6:00 p.m.

6. TRUTH IN TAXATION PUBLIC HEARING ON PROPOSED PROPERTY TAX RATE

a. Presentation by City Council

0:40:20 City Manager/Attorney Jon Call explained the primary focus of the meeting, which was to gather resident feedback on the proposed property tax adjustments. He emphasized the importance of deciding on the property tax rate increase by August 27th to meet the State's September 1st deadline.

The proposed tax changes aim to reduce the City's reliance on sales tax for public safety expenses, which are currently funded 60% by property tax and 40% by sales tax.

Several key items require funding this year, including a sidewalk repair program, a new dump truck, a lift truck, increases in employee salaries and benefits due to market conditions, new finance positions, and rising motor pool costs. The additional funding required for these needs is approximately \$583,300. To cover these expenses, the City anticipates increased sales tax collections, revenue from the proposed property tax rate increase, new growth from homes and businesses, and funds from commercial property tax that were previously allocated to a redevelopment area, totaling around \$580,000 in new revenue. The proposed property tax increase of 9.59% would result in an average annual increase of \$32.50 for a typical North Ogden home valued at \$525,000. Due to variations in property valuations, some residents may see higher or lower tax bills. Jon also informed residents that they could challenge their property valuations by September 15th and that those eligible for tax relief, such as veterans with disabilities, could apply through the County. The discussion also touched on the sidewalk replacement program. The cost of replacing sidewalks has significantly increased due to rising concrete prices, which has drastically reduced the number of panels the City can replace each year. Mayor Berube added that the decision to increase funding for sidewalk repairs is not only based on cost but also to prevent potential lawsuits related to unsafe sidewalks, ensuring the City meets its obligation to maintain safety and protect against litigation. Mayor Berube emphasized the importance of addressing sidewalk safety to avoid lawsuits, aligning with the City's broader goal of protecting residents and maintaining infrastructure.

Council Member Covering motioned to open the Public Hearing. Council Member Pulver seconded. All those in attendance voted aye.

b. Public Hearing to receive comments on the proposed tax rate

0:54:20 Meg Sanders, a North Ogden resident, expressed concerns about the City's approach to funding infrastructure improvements, specifically sidewalks. She questioned what sources of revenue the City has to address such needs. Meg noted that other places, like Ogden's Business Depot Ogden (BDO), use revenue-generating projects to fund infrastructure. In contrast, North Ogden frequently rezones commercial areas for residential use, which she believes diminishes the City's ability to generate revenue necessary for infrastructure repairs. She emphasized the importance of holding developers accountable to include the promised commercial elements in mixed-use projects, citing examples like Village at Commons, where the anticipated commercial development has not materialized.

Meg argued that these commercial projects are crucial for generating the sales tax revenue needed to maintain and repair the City's sidewalks and roads.

0:55:22 Reed Miller, a North Ogden resident, voiced concerns about the impact of the proposed 9% tax increase on residents, particularly those with fixed incomes. He emphasized that while improvements and City developments are appreciated, repeated tax increases place a significant burden on individuals. Reed expressed a sentiment that the City's decisions might prioritize the City's needs over the well-being of individual residents. He urged the Council to consider the personal financial strain these increases impose on the community when making their assessments.

0:57:02 Dave Jacobson, a North Ogden resident, shared his concerns about the significant increase in his property taxes since he and his wife moved to the City in 2019 after his retirement. He noted that their total property tax was \$2,407.79 in 2019, and with the proposed increases for 2024, it would rise to \$3,863.05, reflecting an overall increase of approximately 60.23% over five to six years. He highlighted that the North Ogden portion of their tax increased from \$208.29 in 2019 to a projected \$449.28 in 2024, a 115.69% increase. Jacobson emphasized this substantial rise in the City's portion of the tax for the Council's consideration.

0:58:40 Julia Cole, a North Ogden resident, expressed concerns about the significant increase in property taxes, particularly affecting her household, where she cares for her elderly parents, aged 94 and 92. She mentioned that her husband's annual raise averages around 3%, and she urged the City to adopt a similar approach by committing to not raising taxes beyond a certain amount each year and then managing within that budget. Cole emphasized that this is how many residents manage their finances and urged the City to consider a more restrained approach to tax increases.

0:59:47 Susan Kilborn, a North Ogden resident, expressed a contrary opinion during the public comment period. She commended the City for its efforts to keep City taxes low and voiced her frustration with State Taxes, which she acknowledged are beyond the City's control. Susan questioned why some residents are upset over a \$33 annual increase in property taxes, noting that many people willingly spend money at local restaurants, fast food places, and coffee shops. She contrasted these spending habits with complaints about taxes and stated she was prepared to defend her stance, even if it drew criticism on social media.

1:01:04 Phillip Swanson, a North Ogden resident, began his comments by thanking the Council for the many hours spent reviewing the budget.

He acknowledged that the City had denied some department requests and delayed certain expenditures, which helped reduce the overall budget. Phillip stated that while he doesn't like taxes, he appreciates the services they fund, such as road maintenance, street sweeping, police protection, and storm sewer management. He highlighted the importance of these services in maintaining the City's infrastructure and safety, particularly mentioning the challenges with road funding and the City's efforts to allocate more budget towards road improvements. Phillip noted that after carefully reviewing the budget himself, he couldn't find any areas he'd be willing to cut to lower taxes. He expressed his gratitude for the Council's hard work, recognizing the difficulty in both imposing and accepting tax increases.

1:03:15 Brian Bartholemew, a North Ogden resident, expressed concerns about the proposed tax increase. He noted that after living in his home for 11 years, he saw a street sweeper pass by for the first time last week, suggesting that some services might be handled individually by residents rather than being funded by the City. Reflecting on past discussions with the Council, Brian admitted he hadn't reviewed this year's budget but hoped the Council had. He recalled reviewing the budget a few years ago and identifying areas that could be cut, drawing from his experience as a small business owner where cuts are often necessary. Brian pointed out a discrepancy between the 9.46% tax increase noted on his tax notice and the 9.59% figure presented by the City, arguing that even a 9.5% increase is too high. He urged the Council to aim for a more modest 2-3% increase, emphasizing the value of small government, which he believes should mean lower taxes and more self-reliance among residents. He acknowledged the difficulty of the Council's position but reiterated his stance on keeping the tax increase lower.

1:05:40 Renee Keeny, a North Ogden resident, voiced her belief that taxes are a form of theft. She agreed with the previous speaker that residents could handle certain tasks, such as leaf removal, on their own without relying on City services like street sweeping. Renee expressed frustration over a pothole in front of her house that she was told would be fixed but has not yet been addressed. As the pothole worsens and winter approaches, she questioned the necessity of government involvement in many of these issues.

Council Member Covering motioned to close the Public Hearing. Council Member Pulver seconded the motion. All those in attendance voted aye.

7. **MAYOR/COUNCIL/STAFF COMMENTS**

1:07:48 City Manager/Attorney Jon Call pointed out that the official notice published in the paper indicated a 9.59% tax increase.

Jon acknowledged that individual percentages for each home might vary due to assessments, meaning not every property will see a 9.59% increase. He noted that they would verify his tax notice to confirm the percentage but wanted to ensure the Council was aware of the official figure.

1:08:28 Council Member Pulver highlighted that in the past two years, the Citizen Budget Subcommittee has dedicated at least 200 hours to reviewing the City budget. He recommended that anyone interested in understanding the complexities of the City budget consider participating in this process. Pulver noted that despite his initial hopes to significantly reduce taxes, the budgeting process proved to be more intricate than anticipated, emphasizing the value of hands-on experience for those looking to engage with the budget. Council Member Pulver acknowledged that City government is not a simple task and noted that the City Council takes advice from the Citizen Budget Subcommittee.

1:09:40 Council Member Dalpiaz acknowledged the lengthy and thorough process involved in preparing the City budget, noting that many of the items have been discussed extensively over the past 7 to 8 months. He encouraged residents to get involved early and provide guidance to help the Council address their needs and suggestions. Council Member Dalpiaz shared that he recently switched careers and has been struggling with the tax increase, given his lack of a pay raise for the past three years and the impact of inflation on his personal budget. He expressed empathy for residents facing similar challenges and invited anyone with questions to reach out to him or speak with him after the meeting.

1:11:37 Council Member Covering emphasized the extensive deliberation the City Council and staff have invested in the budget since January. He acknowledged Reed Miller's contributions to the community and stressed that decisions are made with the well-being of residents in mind. Covering pointed out the challenges of balancing service levels with budget constraints, noting that cuts could impact essential services like snow removal and water supply. He expressed frustration at claims that the budget process has not been thoroughly considered, asserting that significant effort has been put into ensuring the City can continue to provide necessary services while understanding the financial impact on residents, including Council Members themselves.

1:13:33 Mayor Berube thanked the Council for their efforts in finalizing the budget and acknowledged the complexity of balancing various needs and priorities. He emphasized the importance of addressing issues proactively rather than deferring them, noting that postponing maintenance can lead to higher costs in the future. Mayor Berube expressed pride in the Council's courage to tackle current challenges and appreciated the work of Jami, the Finance Director, for her extensive efforts in managing the budget and related issues.

8. **ADJOURNMENT**

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 6:35 p.m.

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved