

48 **AGENDA**

49

50

51 **1. PUBLIC COMMENTS**

52

53 Carl Turner, 2683 N. 950 E., thanked the Mayor, City Council, and North Ogden City staff for
54 the kind gesture of sending flowers following his mother's passing.

55

56

57 **2. SWEARING IN OF YOUTH COUNCIL**

58

59

60 Mayor Taylor listed the names of the new members of the North Ogden Youth Council as
61 follows:

62

63

64

65

66

67

68

69

70

- Mayor – Cade Peterson
- 12th Grade Representative – Taylor Wood
- 11th Grade Representative – Ashley Potaker
- 10th Grade Representative – Justin Roylance
- 9th Grade Representative – Joshua Turner
- At Large Representative – Naomi Elmer
- Recorder – Brook Reynolds

71

72

73

74

75

76

77

78

79

80

81

78 **3. DISCUSSION AND/OR ACTION ON A RESOLUTION ENCOURAGING THE**
79 **WEBER COUNTY COMMISSION TO PLACE THE HB 362**
80 **TRANSPORTATION SALES TAX ON THE NOVEMBER 2015 ELECTION**

82

83

84

85

86

87

88

89

90

91

92

93

A memo from Mayor Taylor explained earlier this year hundreds of other city leaders encouraged the Utah Legislature to address the significant shortfall of revenues for local roads. The Gas Tax had not been raised in over 20 years, while significant improvements in fuel economy and vehicle technology meant that cars were driving far more miles on our roads, while paying less Gas Tax. This dichotomy had created a revenue shortfall, as the Gas Tax is the primary revenue source for local cities and counties to fund road improvements and maintenance.

The Legislature was very responsive and listened to the concerns of local government leaders statewide, and ultimately passed a compromise solution that indexed the Gas Tax to the price of fuel, and also provided a new sales tax option that would simultaneously fund local roads and public transportation. The compromise passed by the Legislature allowed counties to impose a

94 local option 0.25% sales tax for local road funding, upon the approval of county voters in an
95 election. This 0.25% sales tax would be split as follows: 40% going to cities, 20% going to
96 counties, and 40% going to UTA to fund additional public transportation services.
97

98 As with any compromise, there are advantages and disadvantages to this proposed sales tax, and
99 we need a public debate and discussion on the features of this proposal and whether this tax
100 should be implemented in Weber County. The election this fall is a municipal election, and large
101 numbers of voters will be engaged in local government issues and city elections. This presents an
102 ideal opportunity to debate and vote on this local sales 2 tax, instead of waiting for the
103 Presidential election next year when national and statewide issues will take center stage. As such,
104 we have an opportunity to encourage the County Commission to put the vote on this possible
105 Transportation Sales Tax on the November ballot, and to give the voters of Weber County the
106 opportunity to debate this proposal and to decide the future of this sales tax in Weber County by
107 public vote.
108

109 The enclosed Resolution would be relative to placing this item on the ballot only, and will not
110 serve as an official endorsement by the City or the City Council of the ballot measure itself. The
111 City will not take an official position on the ballot measure and will remain neutral on whether
112 the measure should pass or not.
113

114 Mayor Taylor reviewed his staff memo and highlighted the message of the five parts of the
115 proposed resolution. He stated he feels the resolution is appropriate and should be passed
116 because it does not take a position on the tax; rather, it encourages the county to move forward
117 with the process of allowing residents to vote on the tax. He added he thinks this fall is the best
118 time to add the issue to the ballot because this is a municipal election year and voters will be
119 more engaged in issues that impact them locally.
120

121 Council Member Satterthwaite stated that the reality is that the ballot measure will likely be
122 included on the ballot because 13 of the 15 cities in the county have already passed a resolution
123 encouraging the county to proceed. He stated his concerns regarding the resolution is that there
124 has been little to no discussion about why the Utah Transit Authority (UTA) needs or deserves
125 40 percent of the revenue generated by the tax; however, as the measure will likely be included
126 on the ballot it is the right thing to do to educate voters on the issue and this resolution commits
127 North Ogden to educate its citizens via an open house and other communication efforts. He
128 stated the need for road funding has been visible in the past several months and he is convinced
129 the need is significant and surpasses his understanding of the need just six months ago.
130

131 Council Member Urry stated that one thing the City needs to be very aware of is that no City
132 funds should be spent to encourage voters to vote in support of the tax. City Attorney Call stated
133 that both sides of an issue must be given an opportunity to provide input regardless of the City's
134 position. Council Member Urry stated that anyone opposed to the tax must be invited to the
135 open house event to be given a chance to be heard. Council Member Bailey stated he would
136 expect that the intent of the open house will not be to advocate for the tax, but to provide an
137 opportunity for public discussion of the issue. He stated he feels the fact that UTA will get such a
138 large portion of the tax revenue is a 'deal killer'. He added he likes the fact that a discussion
139 about the tax will be held in the public arena and that residents will be provided with information

140 about the City's needs. He stated he appreciates Council Member Urry's concern about the
141 potential legal implications of an open house, but he believes it will simply be an objective open
142 house as the City will not be advocating for the tax; rather, the City will simply be sharing
143 information about the City's transportation needs. Council Member Urry stated that if the City
144 does that, it is advocating for the tax in essence. Council Member Bailey disagreed and asked
145 for Mr. Call's input. Mr. Call noted the County has the opportunity to provide voters with a
146 voter information pamphlet that provides information about ballot issues and people on both
147 sides of an issue have an opportunity to provide their opinion on the ballot issue. He stated the
148 City is allowed to provide a forum to discuss the issue without taking an official position on the
149 issue, but elected officials or any resident of the City can take an official position on the issue.
150 Council Member Bailey asked if providing information about the City's transportation funding
151 needs equates to advocating for the ballot issue. Mr. Call stated the City can provide a brief
152 statement about its position and the reason for that position so the City could provide information
153 about transportation funding needs without advocating for the tax. He reiterated that people on
154 both sides of the issue need to be given equal access to provide information as well. He stated
155 that the City cannot use public funds to influence the vote. Council Member Urry stated he
156 simply wants to make sure that the City is careful and does not cross the line to influence votes
157 during the open house that will be funded using public funds. Mayor Taylor agreed and stated he
158 does not want the City to take a position on the issue, but he is in favor of encouraging healthy
159 debate and he would invite anyone to share their opinion or position at the open house meeting.

160
161 Council Member Urry then stated that he also has significant concerns about the share of the
162 revenues that UTA would receive from the tax. He stated that he has received a number of phone
163 calls about the new \$3.00 transportation fee the City is charging and he is concerned about
164 further increasing the burden on taxpayers of the City. He stated that if the City cannot afford to
165 meet needs, it may be more appropriate to adjust the City's budget; however, he is comfortable
166 proceeding with the open house regarding the tax in order to give citizens the opportunity to
167 provide input and vote on the tax.

168
169 Council Member Swanson stated this is not a decision that should be made by the County
170 Commission or the City Council and it is appropriate to add it to a ballot to give the voters an
171 opportunity to make the decision. He stated the resolution simply supports adding the issue to
172 the ballot to allow that to happen.

173
174 Council Member Satterthwaite stated that he would like to send an invitation to UTA to allow
175 them to provide input to the residents about the share of the tax revenues they will receive.
176 Council Member Urry stated he has been told that the money will be used to provide increased
177 bus routes and he wants to understand how that will impact North Ogden. Mayor Taylor stated
178 he has also been told that the money will not be used for capital projects and will, instead, be
179 used to improve existing bus routes. Council Member Urry asked if money will be used to
180 connect FrontRunner to Pleasant View, to which Mayor Taylor answered no.

181
182 Mayor Taylor then asked if any member of the Council wished to make changes to the
183 resolution. Council Member Stoker stated she would like the resolution to indicate the City's
184 neutral position on the tax and that the Council wants the residents to have the opportunity to
185 vote on the tax. Council Member Urry agreed. The Council engaged in a brief discussion

186 regarding the appropriate language to include in the resolution to communicate the City's
187 neutrality. They decided upon the following: "The North Ogden City Council and Mayor take
188 no position, either positive or negative, regarding the House Bill 352 transportation sales tax."
189

190 Mr. Call then reminded the Council that any time there is a ballot measure that could impact the
191 City, the Council Members should not use their public email to discuss it; if they are going to
192 advocate for or against it they should do so using their private email or in face to face
193 discussions. The fine that could result from using public email addresses is \$250 for the first
194 violation and \$1,000 for each violation thereafter and it would not be covered by the City.
195

196 **Council Member Satterthwaite motioned to adopt Resolution 9-2015 encouraging the**
197 **Weber County Commission to place the HB362 transportation sales tax on the November**
198 **2015 election, with the following change:**

199 **Section 1. The North Ogden City Council and Mayor take no position, either**
200 **positive or negative, regarding the House Bill 352 transportation sales tax.**

201 **Council Member Bailey seconded the motion.**
202

203 **Voting on the motion:**
204

205 **Council Member Bailey** aye

206 **Council Member Satterthwaite** aye

207 **Council Member Stoker** aye

208 **Council Member Urry** aye
209

210 **The motion passed unanimously.**
211

212 Mayor Taylor noted he will provide the City's resolution to the County Commission and UTA
213 and invite them to provide information to North Ogden voters regarding the proposed tax.
214
215

216 **4. DISCUSSION AND/OR ACTION ON A DEVELOPMENT AGREEMENT WITH**
217 **CHARTWELL CAPITAL PARTNERS**
218

219 Mayor Taylor stated he would like to ask for a closed session to discuss an issue related with this
220 development prior to the Council taking action on the issue. He stated he would like to discuss
221 the remaining items on the agenda prior to convening in a closed session.
222
223

224 **5. PUBLIC COMMENTS**
225

226 Bob Buswell stated he is the Kiwanis Club representative on the North Ogden Senior Center
227 Board and he has heard some talk about how the operations of the Center will be controlled in
228 the future. He stated he wanted to know how the Council feels about the City or the Board
229 making decisions for the Center. Mayor Taylor noted that the message that has been relayed
230 regarding the City's position on the operation of the Senior Center is a little more dramatic than
231 what actually occurred; the City is trying to look at the management of the building and not the

232 operations at the facility itself. He stated the City needs to ensure that there is adequate
233 communication regarding use and scheduling of the building and some minor programming
234 issues such as taxpayers being given priority for rental or use of the facility. The City plans to
235 discuss the issues related to the Center further with the Board and Weber County. Council
236 Member Urry added that the Council received an email from a member of the Board who
237 indicated that he and the Mayor are trying to take over the Senior Center Board and the Center
238 itself. He stated that is not his intention and he agreed with Mayor Taylor's explanation of the
239 situation. He stated his biggest concern is that the Board believes they have ultimate say
240 regarding what can or cannot happen in the building and that is not the case since the City owns
241 the building.
242
243

244 **6. COUNCIL/MAYOR/STAFF COMMENTS**
245

246 Mayor Taylor reported the Utah Taxpayers Association conducted a recent survey detailing the
247 cost of city governments for the 2014 fiscal year. He reviewed the actual report and noted that
248 North Ogden City received a very high ranking in the study. The 15 largest cities were
249 compared based upon per capita costs and the amount of government revenue and taxes per
250 \$1,000 of citizen income; in both categories, North Ogden City was the fifth and fourth lowest,
251 respectively, for cost of government among the 15 cities. He reviewed some of the statistical
252 data contained in the report and noted the entire report is available on the Utah Taxpayers
253 Association website. He stated it is great for residents to have this tool to understand the cost of
254 government and he feels the City is doing very well due to the City Council and staff budgeting
255 practices.
256

257 Council Member Urry stated that North Ogden has also been reported as one of the top 10 safest
258 cities in the State of Utah.
259

260 **Council Member Bailey motioned to convene in a closed session to discuss the purchase,
261 sale, exchange, or lease of real property. Council Member Satterthwaite seconded the
262 motion.**
263

264 **Voting on the motion:**
265

266 Council Member Bailey	aye
267 Council Member Satterthwaite	aye
268 Council Member Stoker	aye
269 Council Member Urry	aye

270

271 **The motion passed unanimously.**
272

273 The Council convened in closed session at 7:26 p.m. Council Member Swanson did not
274 participate in the closed session. City Recorder Spendlove left the meeting at 7:30 p.m.
275

276 The meeting reconvened at 8:19 p.m.
277

278 **4. DISCUSSION AND/OR ACTION ON A DEVELOPMENT AGREEMENT WITH**
279 **CHARTWELL CAPITAL PARTNERS (CONTINUED)**

280
281 A staff memo from Mayor Taylor explained the Council has discussed this possible Developer
282 Agreement for a series of properties within the city's Redevelopment Agency (RDA). The
283 purpose of the RDA is to redevelop blighted or vacant parcels of property. In this case, there are
284 several abandoned homes along Washington Blvd. that present themselves as prime candidates
285 for redevelopment opportunities. There are some challenges that make development of these
286 properties cost prohibitive, however, including Storm Drain access and road access to the
287 parcels.

288
289 The developer has requested City participation with RDA funds in order to overcome the
290 prohibitive obstacles to redevelopment of these properties. Enclosed is the proposed
291 Development Agreement. Our City Attorney will present analysis of other possible options for
292 inclusion in the Agreement. The Development Agreement is not in final form, and we have
293 several possible changes to be made, based on your input and desires.

294
295 Mayor Taylor summarized the memo. He asked for Council guidance regarding the development
296 agreement. Council Member Stoker stated she would like for the development agreement to
297 include a maximum offer amount of \$150,000 for the project. Council Member Bailey added
298 that City Attorney Call should be instructed to proceed as discussed in the closed session to draft
299 language regarding the developer's reimbursement and change the title of the document from
300 'development agreement' to 'letter of intent'. Council Member Urry noted Better Cities should
301 receive no payment according to the letter of intent. Council Member Bailey agreed.

302
303 Mayor Taylor summarized the Council's position regarding the issue:

304 The Council is comfortable with the terms of the agreement with the addition of the language
305 regarding the City's participation being limited in relation to participation from the Utah
306 Department of Transportation (UDOT).

307 The Council would like to insert language to cap the City's participation in the project at
308 \$150,000 including the road and other items included in the agreement, which already have their
309 own caps.

310 The Council will rename the document 'letter of intent' with plans to sign a future development
311 agreement with the developer after due diligence is completed and they are ready to move
312 forward with the project.

313
314 Council Member Bailey stated he would like to include language in the letter of intent indicating
315 that a development agreement is forthcoming.

316
317 Council Member Stoker noted that there should also be language indicating the City will not
318 participate in the condemnation of any property. Mayor Taylor agreed and noted that he will
319 work to amend the document in preparation for a vote in two weeks.

324 **6. COUNCIL/MAYOR/STAFF COMMENTS (CONTINUED)**

325
326 Council Member Stoker thanked staff for all their hard work and dedication to the City. She also
327 thanked the other members of the Council for their willingness to disagree but continue to work
328 together for the good of the City.

329
330 Council Member Bailey noted he received a phone call from the resident who reported that
331 asphalt that has been scraped off roadways in the City has been taken to the green waste facility
332 and he asked if that is just a temporary situation. Mayor Taylor stated asphalt has been taken to
333 the green waste pit before, but he is not familiar with this particular case and he will look into it.

334
335 Council Member Satterthwaite stated that Wednesday night he attended the first part of the
336 Planning Commission meeting to hear a discussion about a development near his home and he
337 was disturbed that the staff work on the project was lacking and the presentation was missing a
338 significant amount of data, most glaring being that the number of home sites reported was
339 wrong. He added that the staff report recommended approval, though none of the City
340 Engineer's recommended work had been completed; staff ultimately recommended denial or
341 tabling of the application, but he feels that work is necessary to improve staff review of projects
342 and appropriate communication to the Planning Commission. Mr. Call noted that the same issue
343 was addressed by the Chairman at the end of the meeting. Council Member Satterthwaite
344 reported on a newspaper article regarding the North Branch Library project and he noted more
345 discussion is necessary regarding that issue. Mayor Taylor noted that he has an update to
346 provide the Council regarding the issue and he will send it to them in the coming days. Council
347 Member Satterthwaite then stated that for the most part staff is doing a great job and he thanked
348 them for all they do.

349
350 Council Member Stoker noted that she has spoken with staff about an issue in the road that leads
351 to Oaklawn Park; there seems to be something happening in the road, such as a sink hole, that is
352 causing problems that are not being fixed by filling it with road base or asphalt. She asked that
353 staff follow up on that issue. Mayor Taylor stated he will speak with Public Works Director
354 Espinoza regarding the issue.

355
356 Council Member Urry noted that a couple of residents on 2100 North received a notice on their
357 door nearly a month ago about scheduled road work, but no work has commenced. Mayor Taylor
358 stated that 2100 North was scheduled for a mill and overlay on the western portion near
359 Washington Boulevard and he will follow up to get information about the scheduling of that
360 project. Council Member Urry reported he has also received phone calls regarding fees charged
361 by the City; he wanted to tell residents where to find the fee schedule on the website, but the only
362 way he could find it was through searching minutes. He stated that document needs to be readily
363 available to citizens. Mayor Taylor reported the new website should be online by the first of
364 September. He stated that on August 26 and 27 all Department Heads will work together and
365 will not close the meeting until the website is completed. He stated the new website will be very
366 user friendly and searchable, but for the next few weeks it may be necessary to continue to find
367 information in past Council packets. Council Member Urry then referenced the two newspaper
368 articles regarding the North Branch Library project and it appears that the 'nail is in the coffin'
369 regarding the site and scope of the project. He suggested that the City search for grant

370 opportunities to fund the construction of a community center that could include an auditorium
371 since that will not be available in the library proposed by the Weber County Library Board. He
372 then added that most upsetting to him were comments by a County Commissioner that North
373 Ogden should bear some of the burden for additional parking at the library; he wondered why
374 North Ogden should have to do that when parking at other libraries has been completely paid for.
375 The Council briefly discussed ongoing issues associated with the library project, with Mayor
376 Taylor reiterating that he will provide more in-depth information to the Council in an email over
377 the next couple of days.

378
379 Mayor Taylor briefly reviewed Council calendar items and reminded them of upcoming dinners
380 for various City committees that are concluding their work for the City.

381
382
383 **7. ADJOURNMENT**

384
385 **Council Member Stoker motioned to adjourn. Council Member Bailey seconded the**
386 **motion.**

387
388 **Voting on the motion:**

389
390 **Council Member Bailey** aye
391 **Council Member Satterthwaite** aye
392 **Council Member Stoker** aye
393 **Council Member Urry** aye

394
395 **The motion passed unanimously.**

396
397
398 **The meeting adjourned at 8:50 p.m.**

399
400
401
402 _____
403 Brent Taylor, Mayor

404
405 _____
406 S. Annette Spendlove, MMC
407 City Recorder

408
409 _____
410 Date Approved
411