

NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

August 11, 2015

The North Ogden City Council convened in an open meeting on August 11, 2015 at 6:35 p.m. at the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on August 10, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT: Brent Taylor Mayor
 Kent Bailey Council Member
 Lynn Satterthwaite Council Member
 Cheryl Stoker Council Member
 Phillip Swanson Council Member (via speakerphone)
 James Urry Council Member

STAFF PRESENT: Annette Spendlove City Recorder/HR Director

EXCUSED: Bryan Steele City Administrator/Finance Director

VISITORS: Carl Turner Bob Buswell
 Tiffany Turner North Ogden Youth City Council

Mayor Taylor welcomed those in attendance.

Council Member Stoker offered the invocation and led the audience in the Pledge of Allegiance.

Council Member Bailey motioned to allow Council Member Swanson to participate in the meeting via electronic means. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey aye
Council Member Satterthwaite aye
Council Member Stoker aye
Council Member Urry aye

The motion passed unanimously.

AGENDA

1. PUBLIC COMMENTS

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

2. SWEARING IN OF YOUTH COUNCIL

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

- 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

City Recorder Spendlove administered the oath of office for the new members of the North Ogden Youth Council. Each member of the Council congratulated the newly sworn in members of the Youth Council. Mayor Taylor recognized the Youth Council Advisor, Tiffany Turner, for the excellent job she does with the youth; this is one of the best youth programs in the State of Utah.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

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

4. DISCUSSION AND/OR ACTION ON A DEVELOPMENT AGREEMENT WITH CHARTWELL CAPITAL PARTNERS

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

5. PUBLIC COMMENTS

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

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

6. COUNCIL/MAYOR/STAFF COMMENTS

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

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

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

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

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

The meeting reconvened at 8:19 p.m.

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

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

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

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

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

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

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

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

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

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

6. COUNCIL/MAYOR/STAFF COMMENTS (CONTINUED)

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

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

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

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

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

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

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

7. ADJOURNMENT

Council Member Stoker motioned to adjourn. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 8:50 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved