

**MINUTES OF THE  
SOUTH OGDEN CITY COUNCIL MEETING  
Tuesday, July 21, 2015 – 6:00 p.m.  
Council Chambers, City Hall**

**COUNCIL MEMBERS PRESENT**

Mayor James Minster, Council Members Russ Porter, Sallee Orr, Brent Strate and Bryan Benard

**COUNCIL MEMBERS EXCUSED**

Council Member Wayne Smith

**STAFF MEMBERS PRESENT**

City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Fire Chief Cameron West, Parks and Public Works Director Jon Andersen, Assistant City Manager Andrew Hyder and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Julie Furniss, Jerry Cottrell, Walt Bausman, Carolyn Felder, Adam Hensley

**I. OPENING CEREMONY**

**A. Call to Order**

Mayor Minster called the meeting to order at 6:03 pm and called for a motion to convene.

**Council Member Orr moved to convene as the South Ogden City Council, with a second from Council Member Strate. In a voice vote Council Members Strate, Orr, Porter and Benard all voted aye.**

**B. Prayer/Moment of Silence**

The mayor invited everyone to participate in a moment of silence.

**C. Pledge of Allegiance**

Council Member Porter directed those present in the Pledge of Allegiance.

The Mayor excused Council Member Smith who was out of town. He then opened the meeting for public comments, stating that there would be no decisions made on comments made that evening.

**II. PUBLIC COMMENTS**

**Julie Furniss, 5832 S 1100 E** – Ms. Furniss was present to speak about the west entrance to the Ogden Athletic Club. When the Nature Park and Park Vista Subdivision were developed, the neighborhood was told the fence would go back up and the west entrance would be closed. She was told there was an agreement with the City that it would remain closed, but the agreement could not be found. She had now been told the agreement had been found in the City files. She hoped the City would feel compelled to honor it. Since the barrier had been put up a few weeks ago, the traffic had dramatically decreased, and thought the decrease in traffic would make it so the

City did not need to put in asphalt, curb and gutter. The Club would benefit because people would no longer use the parking lot as a thoroughfare. She said 5700 South was designed to handle the traffic that went to The Club; her neighborhood handled the traffic that went to the Nature Park, and after September, would handle traffic for a drug rehabilitation center. She asked the Council to honor the agreement made to keep the gate up.

Council Member Benard commented that many people in the neighborhood seemed to want to keep the gate open. He was curious as to if she felt most people wanted it closed. Ms. Furniss said the people that were on the main shortcut route took the brunt of the traffic. She also reported The Club manager had said the parking lot was calmer.

Council Member Strate said he had received calls for and against having the gate open. He felt there was a solution that would be beneficial to everyone. Ms. Furniss submitted a copy of her comments for the record (see Attachment A).

**Jerry Cottrell, 5765 S 1075 E** - Mr. Cottrell said there were two issues about the gate: 1) what residents would like to see happen, and 2), whether the City would abide by its commitments. He had also heard opinions for both sides of the gate issue. He endorsed what Ms. Furniss said.

Mr. Cottrell then stated the City currently had no road plan. He had filed a GRAMA request for a road plan and had received a road repair list; it was not a plan. He urged the City to develop a real plan and budget for the road improvements. The City did not have the luxury of saying "as money becomes available we will work down the list". There was nothing in the 2016 Budget for road improvements. He asked the Council to address it. Pretending the problem did not exist was irresponsible.

Council Member Strate commented the City had done a lot of road improvements the last three years.

Mr. Cottrell agreed, but felt they were being done in a haphazard way. He said needs drive budgets, budgets don't drive needs. The City was not being responsible or pro-active.

Council Member Benard said there was a map that had the roads laid out that had been worked on and would be worked on. He said Mr. Cottrell was not entirely informed and his assertion that the roads were being done in a random way was offensive.

Mr. Cottrell said if that was true, the City had violated state law because he had requested a copy of the City's plan and received a copy of the Road Surface Life list.

Council Member Benard suggested Mr. Cottrell have a discussion and become more informed, rather than just submitting a GRAMA request.

Mr. Cottrell asked if money was budgeted in the FY2016 for road improvements. Council Member Strate said there had been some Class C funds budgeted. Mr. Cottrell said that may be so, but they were not linked to a need. He was requesting a more systematic approach. He also submitted a copy of what he had received from his GRAMA request (see Attachment B).

**Walt Bausman, 5792 S 1075 E** – said there did not seem to be any money budgeted for significant road projects this year, even for 37<sup>th</sup> or 38<sup>th</sup> Streets, for which contracts had been approved. He said there seemed to be enough money in unrestricted funds to pay for one of the two streets and there should not be any need to raid the enterprise funds again. Mr. Bausman then said this year's budget planned for deficit spending in the amount of \$441,000 plus whatever would be spent on major road construction. He asked the Council to fix the problem now and found it interesting the City was putting money away for future needs when there were current needs. He asked the Council to consider using the general fund reserves now and also the CDRA funds. He also said the City should consider reducing operating expenditures.

### III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

There were no scouts or students present.

### IV. CONSENT AGENDA

- A. Approval of July 7, 2015 Council Minutes
- B. Advice and Consent of the Appointment of John Bradley to the Planning Commission
- C. Award of Bid to Peck Striping Inc. for Street Striping

The mayor read through the items on the consent agenda and asked if there were any questions. There were no questions so Mayor Minster called for a motion to approve the consent agenda.

**Council Member Porter moved to approve the consent agenda, Items A, B and C. The motion was seconded by Council Member Benard. In a voice vote, Council Members Orr, Benard, Porter and Strate all voted aye.**

### V. DISCUSSION / ACTION ITEMS

- A. Consideration of Resolution 15-32 – Approving an Agreement with UDOT for Exchange of Federal Money

City Manager Dixon explained this agreement was in relation to the 40<sup>th</sup> Street Project. The state approached local governments who had been approved for federal money and offered them the opportunity to exchange their federal money for state money. Although the exchange rate was 85 cents for every dollar, the City would still save money by not having to comply with federal requirements, such as Davis-Bacon Wages and environmental work, which drove the cost of a project much higher. Several cities, including Ogden and Clinton, had taken part in the exchange program and each had saved money by doing so. Mr. Dixon also noted that taking part in the exchange program changed the matching fund requirement from 6.7% to 10%. He went on to explain the City would be receiving \$450,000 from WACOG to help pay the matching fund requirement. The City would also be using approximately \$100,000 in funds it had saved for the project. The City had also asked WACOG to amend their contribution by increasing it an additional \$256,000. In the worst case scenario, the City would have to come up with an additional \$87,000, but they hoped to get it from WACOG. Passing this agreement would allow the City to begin the project by hiring a design team.

Council Member Strate referred to page nineteen of the packet. He was worried that if the costs for the project went over those listed in items F and H, especially since the project would not begin for two years, the City could end up paying much more than the 10% matching funds.

Mr. Dixon said it was possible; costs could go up and the City may end up paying more. This was the City's project and it was responsible to pay for it. He also reminded the Council that any additional beautification aspects of the project would cost more than what the estimate for the road was and the Council would have to decide if it wanted to appropriate funds for the additions.

Council Member Orr asked if the costs for acquisition of the properties involved were included in the projected costs or if they would be additional as well. Mr. Dixon said they were included in the costs.

Council Member Strate brought to light a county road that accessed 40<sup>th</sup> Street. The road wasn't paved and he was concerned how it would relate to 40<sup>th</sup> Street. City Manager Dixon said staff would look into it; they may just not allow access to the road from 40<sup>th</sup>.

Council Member Orr wondered if WACOG would also give additional money for the beautification of 40<sup>th</sup> Street. Mayor Minster said the City could ask.

Mr. Dixon asked the Council to include in their motion that he have the ability to clarify some language in the agreement and make a decision to go forward with the agreement based on the clarification. The language seemed to suggest that the City would have to come up with 100% of the money and then get reimbursed; however in his conversations with UDOT, that had not been his understanding. If the language in the agreement was that the City had to come up with 100% of the costs and then request reimbursement, he would bring the agreement back to the Council for further consideration. He suggested the Council approve it on condition of this issue being answered to the City Manager's satisfaction, and if it were not that it come back to the Council for further consideration. There was no more discussion. Mayor Minster called for a motion.

**Council Member Porter moved to adopt Resolution 15-32, pending the City Manager's satisfaction that the City would not have to pay 100% of the costs upfront. If the City were required to pay upfront, the agreement would come back to the Council for further consideration. Council Member Benard seconded the motion. The mayor asked if there were further discussion, and seeing none, he made a roll call vote:**

<b>Council Member Porter-</b>	<b>Yes</b>
<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>

**Resolution 15-32 was adopted with conditions.**

**B. Consideration of Resolution 15-33 – Approving an Agreement With Peck Striping Inc. for Street Striping**

Mayor Minster invited Parks and Public Works Director Jon Andersen to come forward and speak to this item. Mr. Andersen said this was an annual contract that was bid out. It was for the larger roads for which the City did not have equipment to stripe. He pointed out the bids had been very competitive; within 10 cents. This year they had added a one year extension option for up to three years to the agreement; it would allow the City to not have to go through the bid process every year. Mr. Andersen explained what services the agreement covered. The mayor then called for a motion.

**Council Member Benard moved to approve Resolution 15-33, followed by a second from Council Member Orr. There was no further discussion. The mayor called the vote:**

<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Porter-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>

**Resolution 15-33 was adopted.**

**C. Consideration of Resolution 15-34 – Approving a Memorandum of Understanding With Utah Department of Public Safety for Evidence Retention and Disposal**

City Attorney Bradshaw spoke to this item. He explained that when cases that involved evidence were heard by the court, there were rules about how the evidence was held and disposed of. Prosecutors had the authority to say when they no longer needed the evidence. The Department of Public Safety wanted the process formalized and that is what this MOU accomplished. He recommended approval.

There were no questions from the Council. The mayor entertained a motion.

**Council Member Orr moved to adopt Resolution 15-34. The motion was seconded by Council Member Porter. After determining there was no further discussion, Mayor Minster called the vote:**

<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Porter-</b>	<b>Yes</b>
<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>

**The Memorandum of Understanding was approved.**

**D. Consideration of Previously Continued Ordinance 15-13 – Amending and Re-Adopting the City’s Annexation Policy Plan**

City Manager Dixon reminded the Council they had last looked at this ordinance on May 5. The motion then was to accept the Planning Commission’s recommendation that Areas 2, 5 and 6 be removed from the Annexation Policy Plan, as well as Area 3. There was a subsequent amendment to the motion; the Council voted 3 to 1 to reserve discussion and decision on Areas 3 and 5. Since that time staff had attempted to contact Washington Terrace and set up a meeting to discuss the concerns of the Area 5 between the two communities, but with no success.

In the meantime, Bruce Stephens had also petitioned to annex some property in Area 5 to Washington Terrace. South Ogden, realizing that Washington Terrace had no interest in sitting down and discussing concerns, had filed a protest with the Weber County Boundary Commission concerning the petition to annex. The Boundary Commission had upheld Mr. Stephen’s petition to annex into Washington Terrace. Staff now felt it was time to bring the ordinance back to the Council for further discussion of Areas 3 and 5.

There was some discussion as to what or if the Council needed to make a decision concerning Areas 3 and 5.

Council Member Strate said he would like to let Washington Terrace know South Ogden was perpetually willing and desirous to sit down and work out their differences on Area 5 as well as Area 1, which was the Ogden Golf and Country Club.

City Attorney Bradshaw said the Council either needed to include or exclude Areas 3 and 5 from the Plan. Staff needed to know what the Council’s decision was so they could know how to move forward; if they took Area 5 out of the Plan, then further discussion with Washington Terrace was moot.

Council Member Benard asked Mr. Bradshaw if he felt South Ogden had fulfilled the state statute requiring that we “attempt to avoid” an overlap. Mr. Bradshaw said he believed the City had fulfilled the statute; just because no one had responded did not mean we had not made the effort.

Council Member Strate noted that Area 5 and Area 3 were very different. Area 3 had some road issues that would need to be worked out. Council Member Benard asked why the Planning Commission did not want to include Area 3. City Recorder Leesa Kapetanov reminded him the Planning Commission’s recommendation had been to include Area 3 in the plan. Council Member Orr said the Council had held Area 3 open for discussion based on comments at the public hearing; however, she saw no reason to not keep it in the plan. Council Member Strate asked if there were an advantage or disadvantage to either leaving Area 5 in the plan or taking it out and being able to challenge what goes there. Whether Area 5 was in South Ogden City or Washington Terrace, his main concern was protecting the rights of South Ogden residents living in the neighborhood. He wanted to know what would give them the best leverage.

City Attorney Bradshaw said from a legal standpoint, it was best to have something in Annexation Policy Plan that would give them “traction”. However, under a broader political view the Council may want to ask under what circumstances South Ogden would most likely have influence with Washington Terrace concerning the future of the area; was it to add Area 5 to the Annexation Policy Plan, and as such “throw it in their faces”, or try to build good bridges with them.

Council Member Benard pointed out the Boundary Commission had recognized that the petition to annex just a narrow area of land to Washington Terrace was out of spite towards South Ogden City and a direct response to South Ogden’s considering adding it to our Annexation Policy Plan. Mr. Benard feared that if we put Area 5 in the plan, the rest of the area would be added out of spite as well. He would rather leave it open, neither take it out or leave it in the Plan, but rather keep it open for further discussion at a later time. He did not want to have to start the process over with public hearings and trying to contact Washington Terrace again concerning the overlap. As to Area 3, he felt it should stay in the plan.

City Manager Dixon asked how long was too long to keep it open for discussion. He questioned whether it was in the public’s interest to do so. Mr. Bradshaw said he would review the statute to make a determination. He also said that from a public records standpoint, Area 5 would not be included in the Annexation Policy Plan, only those Areas that had been adopted would be.

City Manager Dixon asked if a definite amount of time could be specified to keep Area 5 open for discussion. City Attorney Bradshaw said it was both a good and a bad idea to specify a certain amount of time. In the worst case, the Council could just leave Area 5 out of the plan and move on. If they wanted to add it in at a later time, they could just start the process over.

The Council discussed postponing making a decision. Council Member Porter said too much time and resources had already been used to discuss the issue and a decision needed to be made. There was no more discussion. Mayor Minster called for a motion.

**Council Member Benard moved to adopt Ordinance 15-13, changing Area 3 from continued to included, and leaving Area 5 as continued. The motion was seconded by Council Member Porter.** Council Member Strate asked if there would be a time frame specified for the continuance. Mr. Bradshaw suggested there not be a time set. Mr. Strate said he preferred the time be indefinite, as they were always willing to sit down and discuss it with Washington Terrace. **The mayor then made a roll call vote:**

**Council Member Benard- Yes**

The mayor called for Council Member Porter’s vote. Mr. Porter wanted to clarify if Area 5 was removed from the plan. Mr. Bradshaw said it was out in the sense that it was open for consideration. Mr. Porter said if keeping it open for consideration was indefinite, his vote would be no.

**Council Member Porter- No**  
**Council Member Orr- Yes**  
**Council Member Strate- Yes**

**The motion carried.**

**E. Consideration of Previously Tabled Ordinance 15-18 - Amending Title 11 of the City Code Having to Do With Subdivisions and Title 10, Chapter 12 of the City Code Having to Do with Cluster Subdivisions**

City Manager Dixon reminded the Council this item had been tabled at their last meeting due to some questions the Council had concerning legislative versus administrative processes. Mr. Dixon turned the time to City Attorney Bradshaw to answer the questions. Mr. Bradshaw said some key points needed to be addressed; the first being 11-5-1a, which presently read "the City Council may without petition consider and approve any proposed vacation,..." but then cited UCA §10-9a-608. Mr. Bradshaw recommended the language in 11-5-1a be amended to read "the land use authority may consider and approve any proposed vacation, alteration or amendment in a recorded subdivision plat as provided under this chapter and UCA§10-9a-608 as amended". Section 10-9a-608(1a) stated "a fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended." This statute showed the state gave the authority to the land use authority; the Council had designated the Planning Commission as the land use authority.

Council Member Benard asked why 11-5-1b wouldn't also be changed to the land use authority. Mr. Bradshaw answered that the Council had authority to vacate streets and alleys and it was a legislative act as opposed to an administrative act.

City Attorney Bradshaw then addressed 11-5-2f which said the Planning Commission would review and give a recommendation to the City Council on all petitions to vacate, alter or amend a subdivision plat. He said the Planning Commission would make a legislative determination on a vacation, alteration or amending of a subdivision plat and the City Council would then make an administrative decision on final approval.

Mr. Bradshaw felt the ordinance was correct in every aspect except for 11-5-1a where he suggested making the change of language discussed earlier.

Council Member Orr asked if they should even look at final subdivision approval, since it was administrative in nature and they had determined they should not work on administrative type decisions. Mr. Bradshaw said the Council's approval of a subdivision was more informational than anything else. He then reviewed the changes that were made when the state adopted LUDMA (Land Use, Development and Management Act).

Council Member Strate asked what could happen if the Planning Commission approved a subdivision with a road that did not meet the road width requirements; could the City Council challenge the approval? Mr. Bradshaw said if the road met the requirements of the PRUD standards which allowed narrower roads, the City was under obligation to approve it. However, if the road did not meet any City standards, they could deny approval. If a developer wanted a variance from the required road width, he would have to ask for one from the hearing officer. The state was very specific of the criteria that needed to be met in order for a variance to be granted.

Council Member Strate said they had recently adopted the Public Works Standards but there had been some typos discovered after adoption. He asked if the typos had to be corrected by ordinance as well. Mr. Bradshaw said if the typos were amended in the motion to adopt the Standards, nothing more needed to be done; however if the typos were not mentioned in the adoption of the ordinance, a new ordinance would have to be adopted and perhaps another public hearing held. Council Member Strate requested that a new ordinance be put on the agenda to make the corrections. There was no further discussion. Mayor Minster called for a motion.

**Council Member Strate moved to adopt Ordinance 15-18.** Council Member Benard asked if that was with the amended language. Council Member Strate said he would let someone else make the motion.

**Council Member Orr moved to adopt Ordinance 15-18, with the proposed language to 11-5-1a as suggested by counsel. The motion was seconded by Council Member Benard. The mayor asked if there were further discussion, and seeing none, he made a roll call vote.** City Recorder Kapetanov said a motion had been made by Council Member Strate,

and asked if he wanted to withdraw it. Council Member Strate said he withdrew the motion. **The mayor then called a vote on the motion made by Council Member Orr.**

<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>
<b>Council Member Porter-</b>	<b>Yes</b>

**The motion carried.**

**F. Consideration of Ordinance 15-19 – Adopting Fireworks Restrictions in Certain Areas of the City**

Mayor Minster invited Fire Chief Cameron West to speak to this item. Chief West said staff was recommending approval of the ordinance restricting discharge of fireworks in some parts of the City. The areas restricted were outlined on page two of the ordinance. He reminded the Council they had restricted fireworks in the past and said with the high levels of heat and the excessive vegetation staff felt the restrictions should be put in place again. Council Member Porter said he agreed with the areas of restriction except for the parks; he felt the parks were a good place to set off fireworks as they were not dry. He felt the parks were better than in the middle of a residential street. Other than the Nature Park, he felt that people should be allowed to do fireworks in the parks.

City Attorney Bradshaw said they had included parks due to the liability to the City. If people were hurt by the fireworks which the City allowed in the parks, the City could be held liable.

Council Member Porter said using that logic would be like saying if someone in the park was hurt playing baseball, it was the City's fault.

Council Member Orr asked if it was for legal reasons the parks had been restricted or if it was due to fire hazards. Mr. Bradshaw answered it had been both.

The Council discussed the matter. Council Member Porter said he would still like to see the parks taken out of the ordinance as restricted areas.

Council Member Benard asked what "immediate vicinity" meant in the ordinance and if a number should be designated. City Attorney Bradshaw said he did not think it was necessary. Mayor Minster called for a motion concerning Ordinance 15-19.

**Council Member Orr moved to adopt Ordinance 15-19. Council Member Strate seconded the motion. Mayor Minster asked if there were further discussion.**

Council Member Strate asked if it would be more amenable if they took out city parks. Council Member Porter said he thought it would be better and that people were usually responsible.

Council Member Strate said he could see a situation where lighting fireworks in a park would be the responsible thing to do. Council Member Porter agreed. Council Member Benard felt the City did not need to go above and beyond what was in state code. City Attorney Bradshaw said this ordinance was the same as the Council had adopted in previous years, other than the parks being included. There was some discussion by the council on the motion made.

**Council Member Orr withdrew her motion.**

**Council Member Porter moved to adopt Ordinance 15-19, with the amendment that "Any City Park" be removed. The motion was seconded by Council Member Strate. The mayor asked if there were further discussion. There were no other comments. The mayor called the vote:**

<b>Council Member Porter-</b>	<b>Yes</b>
<b>Council Member Strate-</b>	<b>Yes</b>
<b>Council Member Benard-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>No</b>



**Ordinance 15-19 was adopted with the amendment.**

**VI. DEPARTMENT DIRECTOR REPORTS**

**A. Parks and Public Works Director Jon Andersen – Project Updates**

Mr. Andersen thanked the Council for the opportunity to attend emergency management training in Emmetsburg. He felt it was very beneficial.

He then reported on several projects:

**Willow Wood Street Project** – was completed at the end of June.

**38<sup>th</sup> Street Road Project** – construction will begin on August 10.

**Splash Pad UV Filter** – was installed on July 14. The splash pad was only down for a few hours during installation. He thought they were using fewer chemicals due to the filter.

**Chip Seal** – were completed by June 30. They came back on July 1 to fog the roads they had chip sealed.

**Friendship Park** – most of the electric power issues had been resolved and the scoreboards were all working. There were still some issues to be worked out for power for South Ogden Days.

**Playgrounds** – the repairs and upgrades of the playgrounds were 50% completed. Mr. Andersen informed the Council a slide at Friendship Park was no longer functional. It would cost between \$800 and \$1,600 to replace.

**Nature Park Restroom** – Mr. Andersen referred the Council to an aerial photograph of the Nature Park. He indicated the location of the restroom would be near the amphitheater if the Council agreed. The council was fine with the proposed location.

**Heavy Truck Traffic on Adams Avenue** – Mr. Andersen passed out a report (see Attachment C) done by the City Engineer concerning the heavy truck traffic and the effect it was having on Adams Avenue. He pointed out this was not an ideal situation; in order to build the school, the contractor had to be able to get materials in and out. The recommended route would be to come down 43<sup>rd</sup> Street, turn onto Adams and then go out to Washington Boulevard via 44<sup>th</sup> Street; however, the large trucks were having a very difficult time making the turn from 44<sup>th</sup> onto Washington Boulevard. The next best solution was to stay on Adams up through Burch Creek Drive and onto Sunset Drive and then out on Highway 89. That was the route the trucks were currently using. The contractor had been cooperative with the City and said the smaller trucks that could navigate the turn onto Washington Boulevard from 44<sup>th</sup> Street would take that route.

Council Member Benard then asked if 5600 South was on the list to be striped. Mr. Andersen said it was.

Council Member Strate asked about 1550 East. The road was brand new, but due to the construction on the intersection of Highway 89 and Harrison Boulevard, it had been dug up quite a bit. He asked if the fee to dig in our roads was enough to compensate. Mr. Andersen said staff was working on a study of the fees now, but he felt the current fee was close to being sufficient. Council Member Strate asked if the work weakened the compaction on the sides of the roads. Mr. Andersen answered that whoever was digging in the road was required to do tests to ensure that the compaction still met our standards. He also assured Council Member Orr that staff was making sure that inspections were done on roads after they were completed to make sure any additional work that needed to be done was completed within the guarantee time limit.

**B. Police Chief Darin Parke – Quarterly Code Enforcement Report**

Chief Parke came forward and reminded the Council this report was by their request to keep them up to date on code enforcement. He reviewed the statistics from the last quarter, pointing out that the majority of the calls were officer initiated. Parking violations made up most of the code violations, with weeds being the next highest. There had been one weed abatement ordered on a property. A lien would be filed against the property so the city could get the cost of the abatement back.

Chief Parke then reported that most of the ordinance violation calls were at rental properties, and most of those were initiated by officers and addressed very quickly. Council Member Orr asked if it was possible to speed up the weed abatement process since the weather was drier. The Chief said they were bound by state ordinance as far as the number of notices given and the time allowed to take care of a weed problem. The process could not be sped up.

**C. Good Landlord Program Coordinator Andrew Hyder – Good Landlord Program Quarterly Report**

Mr. Hyder reported staff would soon be sending out a final letter to those who had not responded to the City's other attempts to contact them. He had been working on making sure the list of those to be contacted was correct and that staff had the right mailing addresses. He had reduced the number needing to be contacted by quite a few.

Mr. Hyder gave statistics concerning the Good Landlord Program, pointing out that fewer of those currently licensing are choosing to join the Good Landlord Program; most give the reason that they do not have the time or interest to take the class and would prefer to pay the higher licensing fee. One of the vendors who teach the class had an online class for those seeking renewal, but not for those needing to take the longer first time class.

Council Member Orr asked several questions concerning the program. Council Member Strate asked if any action had been taken at the state level concerning Good Landlord Programs. Mr. Hyder said there had been talk concerning it, but no action taken.

**VII. REPORTS**

**A. Mayor – informed the Council that Jennifer Crouse, CEO of the Northern Utah Rehabilitation Hospital had been elected Ms. Wheelchair of Utah and would represent Utah at the National Competition.**

The mayor then wished everyone a good 24<sup>th</sup> of July Holiday.

**B. City Council Members**

**Council Member Porter** – nothing to report.

**Council Member Orr** – asked what the dates were for the meetings in the park. City Manager Dixon said the Council had not scheduled any for this year.

She then asked that the windows be cleaned up at the City Hall entrances.

Ms. Orr asked for an updated list of the legislative versus administrative processes as well as copy of the updated Public Works Standards.

**Council Member Benard** – pointed out the current newsletter listed the completed street projects for the last three years as well as the crack seal and overlay projects totaling 4 million dollars. The City had not been neglecting the roads.

Mr. Benard then asked if designs for the new sign at the intersection of Highway 89 and Harrison Boulevard had been begun. He felt the sign should be up as soon as the project was finished.

He then reminded those present about the request at the last meeting for creating a small dog area at the dog park. He thought it was a good idea and asked staff to look at options. He had also driven by a “Bark Park” in Riverside, CA, and really liked the name.

**Council Member Strate** – asked for an update on the key points of the current contract for garbage services in the City.

He then asked about a section on 5600 South that was overgrown with weeds. He wondered who was responsible for the area and if the City could have it deeded to us so we could maintain it.

Mr. Strate then said he felt the City needed to focus on how it could come up with the 11 million dollars needed to fix the roads in the City; the City needed both a short and a long term plan for the roads. He also thought it was a good idea to hold budget work sessions throughout the year.

He then concluded by saying having the gate closed at The Club had made a big difference. There were different opinions as to whether the gate should be kept open or closed, but he felt all the stakeholders should come together and find a solution that benefited everyone.

**C. City Manager –**

Reported there were several positions open in the City, including Police Officers, HR Specialist and Public Works Administrative Assistant. Mr. Dixon then reported on several other items:

**City Logo** – he would be receiving some more concept ideas that week.

**Invitation to Treeo Ribbon Cutting** – this would take place on August 15 at 11 am.

**Information Concerning Unified Fire District** – discussions had been taking place between some entities in the County concerning the potential consolidation of fire service. He had responded by saying South Ogden’s Council had not discussed the matter and he could not speak for them. It appeared that Roy and Riverdale were very serious about combining services and were now looking at it on a broader scale to include South Ogden, Washington Terrace and southern unincorporated areas of the County. He would keep the Council updated as the discussions moved forward.

**D. City Attorney Ken Bradshaw – nothing to report.**

**VIII. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION**

**A. Pursuant to UCA §52-4-205 1(c) to discuss pending or reasonably imminent litigation**

Mayor Minster indicated it was time to hold an executive session and entertained a motion to do so.

**Council Member Orr moved to convene into an executive session. The motion was seconded by Council Member Porter. The vote was unanimous in favor of the motion.**

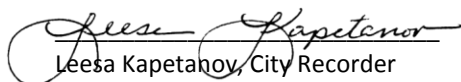
The Council moved to the adjoining conference room for the executive session at 8:35 pm.

**IX. ADJOURN EXECUTIVE SESSION, RECONVENE CITY COUNCIL MEETING AND ADJOURN**

At 8:56 pm, the Council re-entered the Council Chambers and Mayor Minster called for a motion to adjourn the executive session, reconvene Council Meeting and adjourn.

**Council Member Benard moved to adjourn the executive session, reconvene City Council Meeting and adjourn. Council Member Porter seconded the motion. All present voted aye.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, July 21, 2015.

  
Leesa Kapetanov, City Recorder

Date Approved by the City Council \_\_\_\_\_ August 4, 2015 \_\_\_\_\_

**Attachment A**  
Julie Furniss Written Comments

Julie Furniss

5832 South 1100 East

I would like to address the council regarding the west exit to the Ogden Athletic Club.

10 years ago when Park Vista was opened for development, the splash pad, and the nature trail, we were told, as a neighborhood, that the FENCE would be put BACK UP that closed the west exit of the Club. We were disappointed to not have that happen and many of us came to the city asking for that to be done. One of the things that was told to me is that the agreement could not be found, so who was to say what that agreement was about. We now understand that indeed the agreement was found in the city's files.

We are now hoping to have the agreement honored that was given to us as a neighborhood 10 years ago.

I realized that changes over the past 10 years would make a GATE at the present west exit rather than a FENCE desirable. It would I save the cost of putting in a new entrance, as well as curb and gutter.

I feel that this gate could address and solve the concerns that I have heard of.

FOR THE CITY: Adequate parking spaces (38) are already provided directing west of the splash pad and nature trail. Speaking to neighbors whose backyard touch that parking lot, they said that on busy days in the summer the parking is well used but never full. Many hours of operation there are about 5-10 cars.

1. Access to the parking lot for city events would be as easy as opening the gate. An open gate indicates that permission is given to park even in the private lot.
2. SAFETY.....since the west entrance closed 3 weeks ago, the traffic in our neighborhood has dramatically decreased, thus making that spot considerably safer.

FOR THE CLUB: Parking lot used a short cut through fare to get from one side of the gully to the other

I spoke to Jan Carlson, manager of the Club, who indicated she is fine with either decision made. If a gate goes up she would like ....

1. Access to open on snow days until the city snow plows have cleared the main entrance.
2. Accommodate the city fire trucks

FOR THE NEIGHBORHOOD:

As I stated before, we were told that the west entrance to the Club would never be opened, and now you are possession of that document. We would like to be able to trust that promises, accompanied by documents, would be sufficient to have this request honored. We feel that 5700 South was designed to and still can handle traffic going to the Club. There was no expectation given to residents on that street that traffic to the Club would not flow on 5700 South.

Our neighborhood now has the traffic generated by the splash pad and nature trail, and as of September is being asked to bear the traffic the commercial business, the Drug Rehab, located in our residential area. I do not feel it is necessary to ask the neighborhood to bear commercial traffic from both businesses, especially in light of being told by the city that the Club traffic would not go through our neighborhood.

**Attachment B**  
Information Submitted by Jerry Cottrell

### Road Repair List

Based on need (Road Surface Life - RSL)  
Repairs done as money is made available.

Street inventory was off of the 2011 Iworq Assesment.  
Cost is determined off of price per yd^2 from lastest bid (58.00/yd^2) for rebuild (worst case scenario).

RSL 0	Area (yd^2)	Cost
Adams Ave.(4400 S. to 4600 S.)	6,656	\$386,048
Porter Ave.(37th St. to 38th St.)	2,724	\$157,992
Porter Ave(4400 S. to 4600 S.)	3,584	\$207,872
Jefferson Ave.(36th St. to 37th St.)	2,704	\$156,832
Ogden Ave.(36th St. to 37th St.)	2,856	\$165,648
Ogden Ave(37th to 38th)	2,856	\$165,648
Stephens Cir.(850 E. to End)	797	\$46,226
37th St.(Washington Blvd. to Ogden Ave.)	1,552	\$90,016
37th St.(Ogden Ave. to Adams Ave.)	1,508	\$87,464
37th St.(Porter Ave. to Jefferson Ave.)	1,544	\$89,552
38th St.(Porter Ave. to Jefferson Ave.)	1,860	\$107,880
38th St.(Adams Ave. to Porter Ave.)	1,760	\$102,080
38th St.(Jefferson Ave. to Orchard Ave.)	1,236	\$71,688
38th St.(Grant Ave to Kiesel Ave.)	1,652	\$95,816
44th St.(900 E. to Vista Dr.)	1,612	\$93,496
4500 S.(Monroe Blvd. to 850 E.)	1,056	\$61,248
5750 S.(Meadow Ln. to End)	1,472	\$85,376
<b>Total:</b>	<b>37,429</b>	<b>Total: \$2,170,882</b>
RSL 2		
Adams Ave.(4600 S. to Burch Creek Dr.)	1,520	\$88,160
Club View Ln.(5700 S. to End)	1,248	\$72,384
Country Club Dr(Country Club Dr. to Gibbs Cir.)	994	\$57,652
Eastwood Blvd.(Village Wy to Redwood Ln.)	2,304	\$133,632
Jefferson Ave.(44th St. to 45th St.)	1,704	\$98,832
Laker View Dr.(Madison Ave. to Liberty Ave.)	1,708	\$99,064
Orchard Ave.(36th St. to 37th St.)	3,074	\$178,292
41 St.(Adams Ave. to Porter Ave.)	1,344	\$77,952
5375 S.(1300 E. to 1350 E.)	1,332	\$77,256
5600 S.(800E. to 825 E.)	1,302	\$75,516
5600 S(700 E to 800 E.)	1,988	\$115,304
<b>Total:</b>	<b>18,518</b>	<b>Total: \$1,074,044</b>



**RSL 4**

Edgewood Dr.(800 E. to 850 E.)	3,167	\$183,686
Madison Ave.(4625 S. to Panorama Dr.)	1,720	\$99,760
Madison Ave.(4750 S. to 800 E.)	1,864	\$108,112
Nordin Ave.(Raymond Ave. to 38th St.)	448	\$25,984
Skyline Dr.(Ridgeline Dr. to 1550 E.)	4,746	\$275,268
Bel Mar Dr.(Raymond Ave. to End)	3,436	\$199,288
1050 E.(5700 S. to 5750 S.)	1,587	\$92,046
4400 S.(Jefferson Ave. to Orchard Ave.)	1,023	\$59,334
4600 S.(Adams Ave. to Porter Ave.)	674	\$39,092
5400 S(700 E to 800 E.)	2,418	\$140,244
5600 S.(825 E. to 850 E.)	1,504	\$87,232
5725 S.(Meadow Ln. to End)	1,636	\$94,888
<b>Total:</b>	<b>24,223</b>	<b>Total: \$1,404,934</b>

**RSL 6**

Burch Creek Hollow(5000 S. to Jefferson Ave.)	3,617	\$209,786
Burch Creek Hollow(785 E. to 5000 S.)	708	\$41,064
Crestwood Dr.(Hwy 89 to 1325 E.)	2,212	\$128,296
Country View Dr.(Lavina Dr. to Ridgeview Dr.)	1,344	\$77,952
Dixie Cir.(Ridgeview Dr. to End)	688	\$39,904
Jefferson Ave.(Edgewood Dr. to Burch Creek Hollow)	348	\$20,184
Jefferson Ave.(Lavina Dr. to 4625 S.)	1,280	\$74,240
Lavina Dr.(Madison Ave. to Country View Dr.)	870	\$50,460
Panorama Dr.(Country View Dr. to Vista Dr.)	4,108	\$238,264
950 E.(5000 S. to Burch Creek Hollow)	2,056	\$119,248
1150 E.(5000 S. to 5100 S.)	2,780	\$161,240
42nd St.(Madison Ave. to Liberty Ave.)	2,862	\$165,996
4825 S.(800 E. to 4750 S)	2,916	\$169,128
5275 S.(1035 E. to End)	1,784	\$103,472
5700 S.(Club View Ln. to Maplewood Dr.)	400	\$23,200
<b>Total:</b>	<b>27,973</b>	<b>Total: \$1,622,434</b>

**RSL 8**

Adams Ave.(39th St. to 40th St.)	2,196	\$127,368
Country View Dr.(Ridge View Dr to Panorama Dr.)	1,360	\$78,880
Country Club Dr.(Greenwood Cir. To Country Club Dr.)	1,789	\$103,762
Chamber St.(Holroyd Dr. to Glassman way)	4,658	\$270,164
Jefferson Ave.(40th St. to 41st St.)	3,816	\$221,328
Madison Ave.(41st St. to 42nd St.)	3,036	\$176,088
Panorama Dr.(Nancy Dr. to Heights Cir.)	2,144	\$124,352
Village Wy.(5775 S. to 5850 S.)	1,796	\$104,168
Vista Dr.(4400 S. to 850 E.)	2,198	\$127,484
Windemere Ln.(Holroyd Dr. to End)	2,696	\$156,368
1050 E.(5675 S. to 5700 S.)	896	\$51,968
4400 S.(Porter Ave to Jefferson Ave.)	1,524	\$88,392
4500 S.(Jefferson Ave. to Orchard Ave.)	1,536	\$89,088
5000 S.( Glassman Wy to 1050 E.)	2,272	\$131,776
5630 S.(Fox Chase Dr. to End)	960	\$55,680

<b>Total:</b>	<b>32,877</b>	<b>Total:</b>	<b>\$1,906,866</b>
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**RSL 10**

Ben Lomond Ave.(Chambers Dr. to Sunset Ln.)	2,148	\$124,584
Crestwood Dr.(Main Point Blvd. to 1325 E.)	1,192	\$69,136
Country Club Dr.(Grenwood Cir. To Hillcrest Cir.)	916	\$53,128
Chambers St.(Ben Lomond Ave. to Holroyd Dr.)	6,736	\$390,688
Country Club Dr.(Yale To End)	1,887	\$109,446
Fox Chase Dr.(5630 S. to 5640 S.)	1,292	\$74,936
Fox Chase Dr.( 5640 S. to 1425 E.)	3,644	\$211,352
Holroyd Dr.(Chamber St. to Windemere Ln.)	2,738	\$158,804
Highland Springs Rd.(Willowwood Ct to Highland Springs Cir.)	3,840	\$222,720
Meadow Ln.(5750 S. to 5775 S.)	1,060	\$61,480
Madison Ave.(Bel Mar Dr. to 38th St.)	1,791	\$103,878
Meadow Ln.(5725 S. to 5750 S.)	879	\$50,982
Madison Ave.(Lakerview Dr. to 4300 S.)	1,078	\$62,524
Park Vista Dr.(5800 S. to 5950 S.)	2,924	\$169,592
Wasatch Dr.(Eastwood blvd to 5775 S.)	6,697	\$388,426
700 E.(5400 S. to 5450 S.)	1,088	\$63,104
900 E.(Country Hills Dr. to 4100 S.)	3,980	\$230,840
1375 E.(5875 S. to End)	811	\$47,038
1420 E.(5850 S. to 5875 S.)	1,140	\$66,120
37th St.(Madison Ave to End.)	2,687	\$155,846
38th St.(Nordin Ave. to Evelyn Rd.)	2,731	\$158,398
40th St.(Liberty Ave. to Nordin Ave.)	548	\$31,784
4250 S.(675 E. to Orchard Ave.)	1,145	\$66,410
900 E.(4350 S. to 4275 S.)	1,128	\$65,424
45th St.(850 E. to Monroe Blvd.)	1,080	\$62,640
5275 S.(1300 E. to 1200 E.)	1,816	\$105,328
5300 S.(700 E to 750 E.)	1,748	\$101,384
5825 S.(Wasatch Dr to End)	797	\$46,226

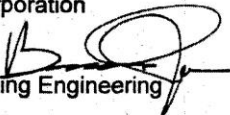
<b>Total:</b>	<b>59,521</b>	<b>Total:</b>	<b>\$3,452,218</b>
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<b>Grand Total:</b>	<b>401,082</b>	<b>Total:</b>	<b>\$11,631,378</b>
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**Attachment C**  
Engineer Report for Adams Avenue



**To:** Jon Andersen, Public Works Director  
South Ogden City Corporation

**From:** Brad C. Jensen, P.E.   
Wasatch Civil Consulting Engineering

**Date:** July 21, 2015

**Subject:** **Marlon Hill School - Construction Traffic Impact on City Streets**

We have been asked to provide information regarding the potential impact to City streets experienced from the work being done on the Marlon Hills School site. Typical streets in South Ogden are designed for a 20-year life. If they are constructed properly, experience typical residential traffic and receive routine maintenance, the road can easily last through its design life.

Pavement fatigue is progressive damage from repeated applications of axle loads. How much fatigue is experienced depends on the weight and arrangement of a vehicle's axles. The lower the axle load, the less a pavement bends and the longer it will last. Typical residential traffic in the Marlon Hills School area would consist of passenger vehicles with occasional delivery trucks and heavier vehicles (concrete or dump trucks). Trucks are the primary concern due to their great weight. A relatively large number of trucks hauling excavated material from the Marlon Hills Site will age the affected streets significantly.

Because there are multiple factors at work such as the age of the pavement, the axle arrangement on the truck and the weight of the load being applied, it is difficult to determine how much damage is occurring to the affected streets. However, since the axle weight on the loaded trucks are significantly higher than what the road was designed for, it can also be assumed the streets in question are receiving significant fatigue related damage. Since some of the streets are relatively old anyway, they may even require reconstruction following the completion of the work.

We recommend that as many trucks as possible be routed down 43<sup>rd</sup> Street, onto Adams Avenue, then onto 4400 South. They will then have to turn left to get on Highway 89. The trucks that cannot make the corner at 4400 South and Highway 89 will have to continue to go up Burch Creek Drive.

If you have any questions or require additional information, feel free to contact me at my office (801) 775-9191.

PHONE 801-775-9191 • FAX 775-9197