

**MINUTES OF THE  
SOUTH OGDEN CITY COUNCIL MEETING  
Tuesday, May 21, 2013– 6:00 p.m.  
Council Chambers, City Hall**

**COUNCIL MEMBERS PRESENT**

Mayor Pro Tem Wayne Smith, Council Members Sallee Orr, Russell Porter, Bryan Benard and Brent Strate

**EXCUSED**

Mayor James F. Minster

**STAFF MEMBERS PRESENT**

City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Bryan Duggar, Jan Carlsen, Ann Booth, Ricky Hatch, Wayne Potter, Andrew Potter, Jack Fawbush, Janet Dabney, Donald E. Bateman, Juan Chavez, Seth Jones, Betty Johnson, Steve Heil, Jamie Dobson, Nathan Hunt, Laron Zaugg, Jan Hassell, Philip Allen, Cheryl Bell, Keiichi Kato, Jon Garner, Matthew Bell, Jill Koford, Steve Pruess, Valerie Shekarforoosh, Vahed Shekarforoosh, Pam Dalton, Dave Dalton, Doug Woolsey, Diane Woolsey, Rich Singleton, Sharron Pruess, Jonathan Pruess, Stephanie Stephens, Russ Stephens, Dix Cloward, Sheila Woodward, Darin Woodward, Stuart Wheelwright, Dan Linford, Carlyle Shaw, Rod Thatcher, Debbie Walker, Robert Mc?, Jonathan Ford, Ryan Jones, Craig Visser, Ron Hill, P Visser, Robert Higgs, June McNabb and others

**I. OPENING CEREMONY**

**A. Call to Order**

Mayor Pro Tem Wayne Smith called the meeting to order at 6:00 p.m. and asked for a motion to convene.

**Council Member Porter moved to convene as the South Ogden City Council, seconded by Council Member Orr. Council Members Orr, Strate, Benard, Smith and Porter all voted aye.**

Mayor Pro Tem Smith excused Mayor Minster who was not feeling well.

**B. Prayer/Moment of Silence**

The mayor pro tem then led those present in a moment of silence.

C. **Pledge of Allegiance**

Council Member Porter directed everyone in the Pledge of Allegiance.

II. **PUBLIC COMMENTS**

Ricky Hatch, Weber County Clerk Auditor, came forward to speak as the county election official. He wanted to give information concerning the upcoming by-mail election in June, making it clear that he was not there to represent either side of the issue, but just speak concerning the voting process. He explained all registered voters would receive a by-mail ballot in the mail in approximately two weeks. Voters could return the ballot with the postage paid envelope provided, drop the ballot off at one of six secure locations in the county, or bring the ballot on Election Day to one of six voting centers throughout the county. Many controls were in place for the by-mail voting process; some listed by Mr. Hatch were: ballots would be under constant lock and key once they were received from the post office; ballots would never be handled unless two or more election employees were present; and every voter's signature would be verified. The envelopes had also been specially designed to separate the voter ballot from the voter verification; all voters will be verified by signature and the verification form separated from the ballot, so there would be no way to tie the voter to the ballot, thus ensuring a secret ballot. Mr. Hatch invited anyone with questions or concerns to contact his office.

There were no more public comments.

A. **Recognition of Scouts/Students**

Mayor Pro Tem Smith invited any scouts or students to come forward. Jonathan Pruess came forward and was presented with a South Ogden pin by Council Member Porter.

The mayor pro tem then called for a motion to enter into a public hearing.

**Council Member Benard moved to adjourn the city council meeting and move into a public hearing to receive comments on the proposed business license and good landlord program fees. The motion was seconded by Council Member Porter. Council Members Strate, Benard, Orr and Porter all voted aye.**

III. **PUBLIC HEARING**

A. **To Receive and Consider Comments on Proposed Changes to Business License Fees**

Mayor Pro Tem Smith invited those commenting on business license fees to come forward first and asked that they limit their comments to three minutes.

**Steve Heil, Basin Market, 925 Chambers** – said he was required to pay for a new license when he bought the business, even though there was time left on the previous license. He had dealt with both Riverdale and South Ogden police departments and felt the disproportionate fee was incorrect base on the services he had received from each. He felt the city did not take other taxes businesses pay into consideration.

**Keiichi Kato, owner of Temari Restaurant** – felt the increase for restaurants was too much. It was very difficult for local smaller restaurants to compete with national chains and he felt smaller restaurants should not have to pay as much as larger restaurants.

**Jack Fawbush, South Ogden Gun and Pawn** – was concerned that his license was being increased 400%. He said the state had passed legislation stating license fees had to be charged on public services, not gross revenue; he had not called for police or fire services to his business. He said the rates were out of line and discouraged businesses in the city.

**Bryan Duggar, Ogden Athletic Club** – commented it was his members that used the city's services, not the business. He also pointed out the study had created a separate category for his business, and had raised fees 42 times more than what they were currently paying. He wondered why fitness centers were categorized differently from athletic clubs.

**Cheryl Potter, Good Landlord Program** – felt the city was licensing rentals to get more money. She questioned whether rentals did get more calls and asked if bank owned properties were going to have to license as well. She compared the city's proposed rates to other cities and felt they were high. She felt the city was discouraging people from investing in rentals in South Ogden.

**Debbie Walker, Preschool Express** – felt the license rates were too high. A 50% increase for a small business was very difficult. She felt the city needed to be considerate of small businesses.

**Craig Visser, Mt. Ogden Grill** – felt the increase was ridiculous and said he saw half of South Ogden's police force sitting in the parking lot across the street from his business doing nothing. He also said the sign ordinance was ridiculous.

**Robert Higgs, Burch Creek Mercantile** – felt the proposed fees were unfair for small businesses. Small businesses did not get the food buyer discounts large businesses received. Businesses would be forced to roll the extra expense over to their customers. He had called the city numerous times concerning a broken sprinkler near his business and it had never been repaired. Mr. Higgs said larger restaurants that had more volume could afford the fee increase, but not smaller businesses.

**Phyllis Visser, co-owner of Mt. Ogden Grill and representing smaller restaurants in South Ogden** – the rates were too high for family owned businesses. She wondered if the fees could be divided differently so that smaller restaurants would not have to pay so much. For a restaurant to pay \$775 for a business license and pay for a beer license in addition, it was almost \$1,000. A business would have to sell about \$3,000 worth of food to pay for it.

**John Garner, owner of a home based consulting business** – said his license fee was doubling. He felt the process was wrong; when the city had a shortfall, they increased business license fees. The city should find a way to not have a shortfall in the first place. He did not need all the services, and the city should spend its money more wisely.

**Jill Kofford, representing a car dealership** – said her fees were going up 400%. Their business was highly regulated by the state and they paid many fees to the state. She had visited the League of Cities and Towns website and looked at cities the League had clustered together as similar. South Ogden aligned most closely with North Logan, whose fees were in line with what businesses were paying now. For a small business, the fees were being increased much too high.

**Vahed Shekarforoosh** – felt small business owners were being penalized by the federal government, as well as by cities. Small business owners did not get raises but were just barely getting by. He felt cities should encourage small business owners instead of discouraging them. If increases need to be made, do it by 10%, not 4,000%.

**Dean Brewer, Gridelli's** – was told that increases to restaurant license fees were because restaurants use more fire and police services. He said he had to pay a fee already to have an independent company come in and do a fire inspection on his restaurant and the city just had to check that things were tagged. He owned other retail businesses in other cities that did not pay the amount of fees being proposed by South Ogden. He felt the fees were ridiculous.

**Russ Stephens, Arctic Circle** – He put his business in South Ogden because he lived here and liked the community. He asked why there was a shortfall in the city. He also asked the council to consider what they would do if their house payment went up 42 times. He said the city needed to look at and reconsider the fees.

There were no more comments on business license fees, so Mayor Pro Tem Smith called for comments concerning the good landlord program.

B. **To Receive and Consider Comments on the Proposed Adoption of a Good Landlord Program**

**Laron Zaugg, Prudential Real Estate, representing several LLC's with real property holdings in South Ogden City** – was aware of the good landlord program and dealt with it in other cities. He proposed that property owners who had real estate licenses with the state, or management companies whose managing member was a licensed real estate agent, be exempt from the training required through the good landlord program. He felt they were already educated through obtaining of their real estate license.

**Jan Hassle, rental owner in South Ogden** – opposed the good landlord program. She felt she should be able to choose who she rents to, that it was her right. She did background checks already, but wanted to be able to choose.

**Ron Hill, owner of duplex in South Ogden** – was a member of good landlord program in Ogden City; his fee there was \$12, but South Ogden wanted to charge \$100 a year. He said he is an excellent landlord, he keeps his property up, does background checks, and will have to pass the cost of the license fee to his renters.

**Dix Cloward, 4814 S 850 E** – asked if the city had a shortfall, why it giving a discount to members of the good landlord program. He said it did not make sense.

**Stu Wheelwright, owner of rental properties in South Ogden** – felt this was just a new tax that would generate a lot of money. What was the city going to do with all the money? He felt the rates were too high, and it wasn't a license, it was a tax. If renters were creating problems, the city should create laws where the landlord could evict them in three days.

**Doug Woolsey, rental owner in South Ogden** - felt he was being held hostage until he took a useless class. He was already doing the things he was supposed to be doing. He found the program appalling and felt it was a burden.

**Diane Woolsey** – had renters on disability and could not pass the fee on to them because they are on a fixed income. She said her renters had called the city concerning a pit bull running loose in the neighborhood, and nothing had been done.

**Wayne Potter, rental owner in South Ogden** – didn't see how the program would help him, as he already made an effort to screen tenants. This would take money out of his pocket and he viewed it as another tax. It wouldn't change anything he does.

**Craig Hanni, rental owner** – felt this was a useless fee with no motive besides revenue. The city did not enforce the statutes it had on the books for property owners. He had given lists to the mayor and Council Member Orr concerning single family homes that have multiple people in them. He had been told the city doesn't have the manpower to take care of the problem. What would the money from the good landlord program cover? He said the city should identify the slumlords and make them take care of their properties. He said it was the city's responsibility to get rid of its bad citizens, not the landlord's.

**Robert Fusis, resident and rental owner in South Ogden** – didn't agree that if he gave the city money, all the benefits listed in the letter would happen.

**Valerie Shekarforoosh, resident and rental owner in South Ogden** – had experience with good landlord program in other cities, but felt it was just about raising revenue and pushing people out; she felt it was becoming punitive. As a citizen of the country, state and city, she felt everyone should be able to live where they wanted to.

Everyone paid taxes and had the right to receive services. South Ogden was just jumping on the bandwagon because other cities had good landlord programs.

**Andrew Potter, rental owner in South Ogden** – said his rentals were investments for his future. He was a small investor, so the fees were harder for him to handle than with larger rental investment companies. As a landlord, he made sure he rented to reasonable people, but he could not be there to monitor every action they made. If fees continued to go up, he would have to sell. He felt the current fee did not give adequate discounts to landlords with fewer units.

**Steve Pruess, 785 41<sup>st</sup> Street** – felt the fees were excessive and he felt that everyone in the room were probably already good landlords. He said the good landlord program was good, and wished that it had been implemented sooner, but the fees should be reduced.

**Richard Singleton, 3168 Adams** – asked who is a landlord? Does renting to family count? He did agree that properties in the older area of the city needed improvement, and perhaps the program would help.

**Cheryl Bell, owner of apartments at 4500 Adams Ave.** – said her apartments had always been well kept, and she was unaware of service calls to her units. She screened her tenants carefully and felt like the city was trying to fix something that wasn't broken. She felt the fees were too high and she was not receiving services from the city; she had called about her water bill three times and could never get a call back.

**Vahed Shekarforoosh, rental property owner** – felt the freedoms of everyone were being diminished, especially those of small business owners. He also said he had been discriminated against by landlords because of his country of origin, and as a landlord he wanted to be fair to those he rented to. He felt the good landlord fees were very high, and the program itself was punishing people again for crimes they had already paid for. He wondered where people with criminal backgrounds would live; they had families like the rest of us and needed to find housing for them.

There were no more comments from the public. Mayor Pro Tem Smith called for a motion to close the public hearing.

**Council Member Strate moved to leave the public hearing and reconvene as the city council, with a second from Council Member Orr. Council Members Strate, Orr, Porter and Benard all voted aye.**

#### IV. CONSENT AGENDA

- A. Approval of May 7, 2013 Council Minutes
- B. Set Date for Budget Work Session (May 28, 2013 at 6 p.m.)

Mayor Pro Tem Smith informed the council the minutes had not been completed and said they would be on the next agenda. He then called for a motion concerning the consent agenda.

**Council Member Porter moved to approve the consent agenda, item B. Council Member Benard seconded the motion. The mayor pro tem then called a voice vote. Council Members Benard, Orr, Porter and Strate all voted aye.**

#### V. PRESENTATION

Mayor Pro Tem Smith informed those present that item B under presentations had been rescheduled. He then turned the time to Scott Jones from the Weber County Library.

**A. Information on Upcoming Election for Weber County Library Bond**

Mr. Jones introduced himself as the Assistant Director for the Weber County Library System. He thanked the council for allowing him to present the library’s capital plan. He gave a presentation (see Attachment A) concerning the upcoming bond election for the library system. He outlined the increased use of the library system and the needs of the various buildings in the system that prompted the bond election. Mr. Jones entertained questions from the council and concluded his presentation.

**VI. DISCUSSION/ACTION ITEMS**

**A. Consideration of Ordinance 13-11 – Providing for an Appeals Hearing Officer Rather Than an Appeals Board**

Mayor Pro Tem Smith invited City Attorney Bradshaw to comment on the ordinance concerning the appeals hearing officer. Mr. Bradshaw explained the ordinance would replace the current board of appeals with an appeals hearing officer. The officer would be appointed by the mayor, with advice and consent of the council, and would be preferably law trained. Having an officer would give the city a better defensive position legally, and would be better for everyone involved. Staff recommended approval.

The mayor pro tem called for a motion.

**Council Member Porter moved to adopt Ordinance 13-11, providing for an appeals hearing officer rather than an appeals board; Council Member Strate seconded the motion. There was no further discussion on the motion, and a roll call vote was called:**

Council Member Porter-	Yes
Council Member Orr-	Yes
Council Member Strate-	Yes
Council Member Benard-	Yes
Mayor Pro Tem Smith-	Yes

**Ordinance 13-11 was passed.**

**B. Consideration of Ordinance 13-12 -- Approving a Franchise Agreement with Questar Gas Company**

Mr. Bradshaw explained the city had previously had a franchise agreement with Questar Gas Company, but it had expired. The new agreement allowed for the maximum amount of return allowed with a franchise. This was a “housekeeping” item, and staff recommended approval.

Mayor Pro Tem Smith entertained a motion for Ordinance 13-12.

**Council Member Strate moved to adopt Ordinance 13-12, approving the Questar franchise agreement. The motion was seconded by Council Member Benard. The mayor pro tem called for further discussion, and seeing none, called the vote.**

Council Member Strate -	Yes
Council Member Porter-	Yes
Council Member Benard -	Yes
Council Member Orr -	Yes
Mayor Pro Tem Smith -	Yes

**Ordinance 13-12 was adopted.**

**C. Discussion on Business License/Good Landlord Program Fees**

City Attorney Bradshaw pointed out the council had now held the public hearing concerning business license fees and the good landlord program, and now was an opportunity for the council to talk about what they would like to do and give staff direction.

Mayor Pro Tem Smith directed council they would begin the discussion talking about business license fees.

Council Member Porter began by saying there was not a shortfall in the city and this was not a money grab; the fee study was a way for the city to look at license fees since it had been so long since they had done it. It was good for the city to know where the disproportionate calls were going. However, Mr. Porter felt some of the increases were too high and needed to be looked at. He also wanted to look at breaking categories like restaurants into smaller sub-categories.

Council Member Benard said he would like staff to look at how in line the city's fees are with neighboring communities, as well as with like clustered cities according to the Utah League of Cities and Towns. He would also like to see the call data for businesses, since many business owners claimed never to have called for police or fire services.

City Attorney Bradshaw explained the business license fee study was full of data for the council, but he pointed out that just because the study gives the costs to the city, the city doesn't have to use those numbers for the business license fees. The council had the ability to pass a lesser cost to businesses if they thought the other costs were too burdensome, but the difference of the actual costs and the license fees would have to be absorbed from the city's general operating fund. The only restriction from the state was that businesses in the same category must be charged the same fee.

Council Member Benard said he would like to look at charging the categories with higher service costs more, rather than just breaking the disproportionate service call categories into two (big box/ large retail and all others).

Council Member Strate felt it was important for the city to be pro-business, and the costs to the city would be greater if businesses left because of high license fees, than if the city absorbed some of the license costs.

Council Member Orr asked that some of the categories be broken into different levels, so that smaller businesses didn't have to pay the same as larger ones. She also would like to look at the difference between an athletic club and a fitness center.

The council discussed having another work session concerning license fees and the good landlord program. They also determined they would like to send a letter to the businesses to let them know the council had heard their concerns and were considering the matter further. Mr. Bradshaw asked the council to submit some language they would like to see in the letter and submit it to City Recorder Kapetanov; staff would then draft the letter and send it out.

The council then turned their discussion to the good landlord program. Council Member Strate said he did not want to lose the overall goal of the good landlord program, which was to improve the city. He felt the program was overdue in the city, but said the fees should be looked at. Council Member Benard wanted to look at making the incentive greater for single family and duplex owners. Council Member Orr said just the fact that landlords had to license gave the city more "teeth" to ensure that ordinances were being complied with. Council Member Porter commented that the fact other cities had implemented good landlord programs was forcing South Ogden's hand to do the same. He did want to look at the fees to offer a larger incentive to landlords who were members of the program. Mayor Pro Tem Smith said he would like to look at the single family and duplex rates and policies; they seemed to be less of a problem and more permanent than larger complexes. He asked if the city should license single family and duplexes. He also wanted to look at educating landlords through a voluntary program rather than a mandatory one.



Council Member Strate suggested that the city find some way of doing the training online; he wanted to make it as easy as possible for the landlords. The council then moved on to a discussion on the amphitheater.

**D. Amphitheater Use**

Mayor Pro Tem Smith asked Parks and Public Works Director Jon Andersen for some input. Mr. Andersen asked council for some direction as to how they would like the new amphitheater used. The original intent was as a classroom setting for the Nature Park, but the amphitheater could also be utilized for concerts, movies, group rentals, etc. If the council wanted to make the use of the amphitheater available to outside groups, they would need to determine a fee. He pointed out there currently was no power to the amphitheater; because of that, the council may want to consider only having a deposit fee for its use. The council agreed people should only have to pay a deposit at this time. They then discussed concerns with noise levels of groups using the amphitheater and the effects on the surrounding neighborhood. Mr. Andersen thanked the council for their direction and stayed at the podium for his report.

**VII. DEPARTMENT DIRECTOR REPORTS**

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

Mr. Andersen reported on several projects:

**Amphitheater**- the granite had not turned out as expected and they were now looking at using exposed aggregate. The cost would be the same.

**Sprinklers for Friendship Park** - the interior loop was almost completed and then they would begin on the exterior sprinkler loops. It should be completed in a few weeks; meanwhile, the old system was still working.

**5100 South Road Project** – the bid opening was scheduled for next week.

**South Ogden Pride Day** – because of the rain, the day had not turned out too well. However, the public works crew had been able to accomplish some good work with storm drain clean up.

**City Hall Chiller**- the bids that had come in were between \$30,000 and \$35,000.

**Street Light Replacement** – all the decorative lights were being replaced first, the cobra heads would be next. There was one person working on the retrofit, and the job should be completed by the end of June.

**VIII. REPORTS**

- A. Mayor Pro Tem** – reported he and the council had been contacted by someone concerning the streetlights. The person wanted to know if the lights would be more disruptive to star gazing than the old ones. Mr. Andersen was not sure and said he would get back with the information. Mayor Pro Tem Smith then thanked the public works department for taking care of some issues in his neighborhood.



**B. City Council Members**

**Council Member Strate** – asked if he could put together a neighborhood group to get rid of the Dyers Woad growing in Nature Park. Mr. Andersen indicated he would supply bags if the group needed them.

Mr. Strate then reported there had been a good turnout for the public hearing concerning the monastery.

**Council Member Benard** – had attended a luncheon for the Benedictine Sisters. They had been thanked for their many years of service to the community.

**Council Member Orr** – thanked the public works crew for showing up for the pride day in the rain. She hoped the next pride day would have better weather.

**Council Member Porter** – said it was good to have the community out to council meeting, even if some of them were unhappy. He also reported rec baseball was going well.

**C. City Manager** – not present.

**D. City Attorney Ken Bradshaw** – remarked on the public hearing and some of the comments made.

City Recorder Leesa Kapetanov then reminded the council that recordings would be placed on the public website and the council should be aware of it.

**IX. ADJOURN**

Mayor Pro Tem Smith then called for a motion to adjourn city council meeting.

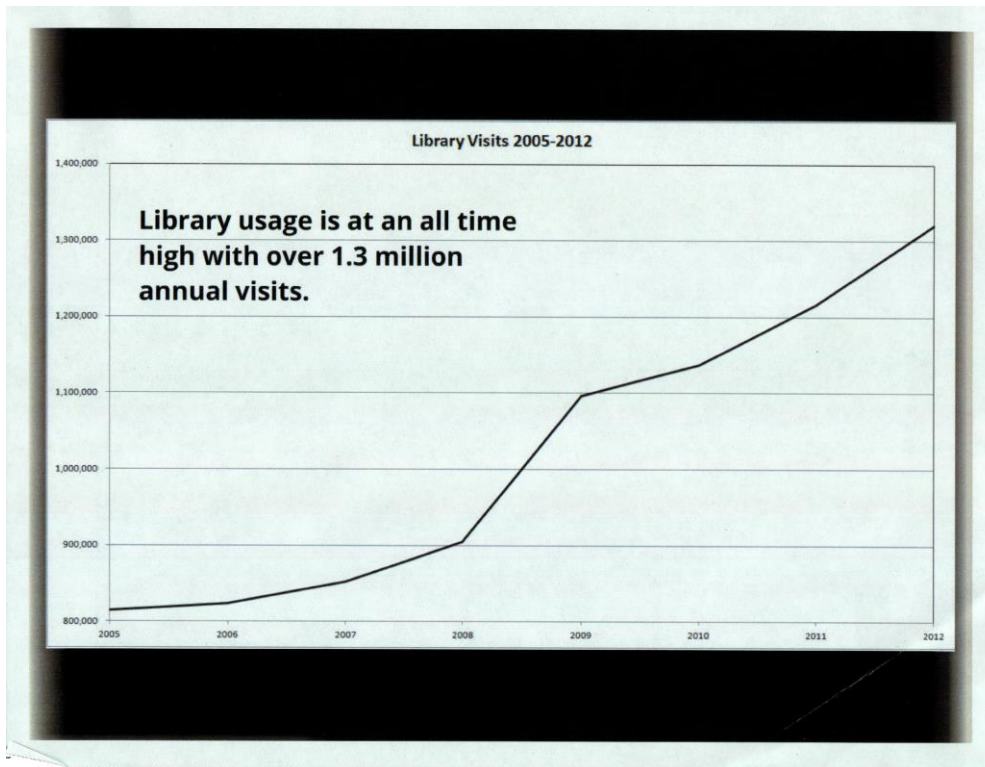
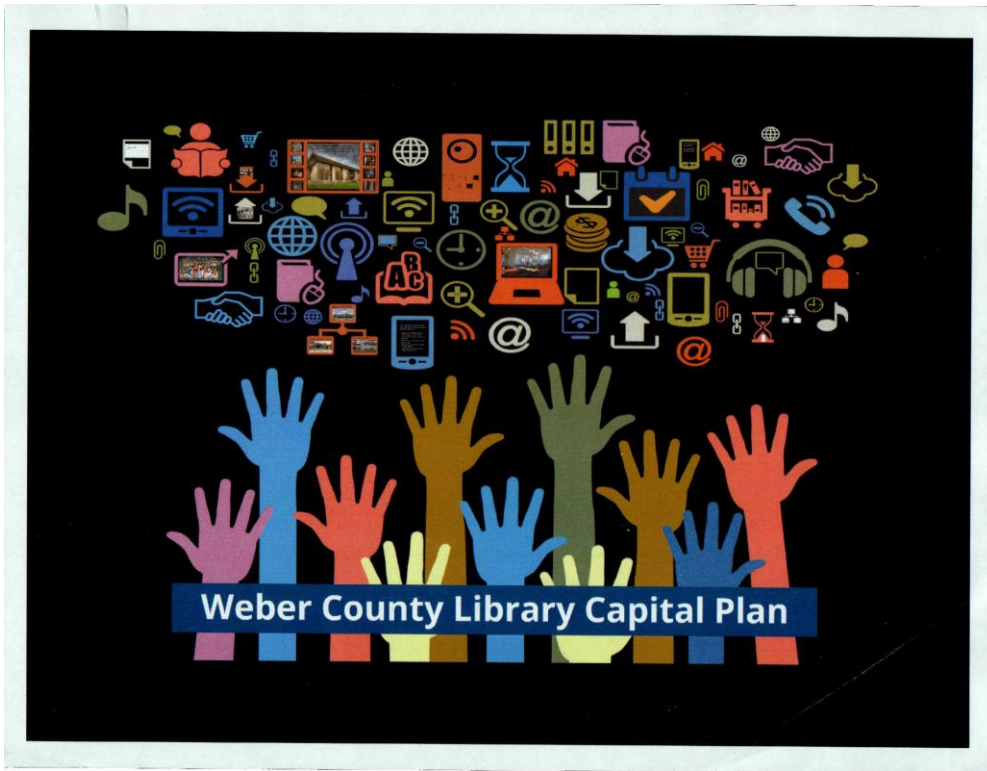
**At 8:34 p.m., Council Member Smith moved to adjourn city council meeting, with a second from Council Member Porter. Council Members Benard, Strate, Porter, Smith and Orr all voted aye. The meeting was adjourned.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, May 21, 2013.

  
Leesa Kapetanov, City Recorder

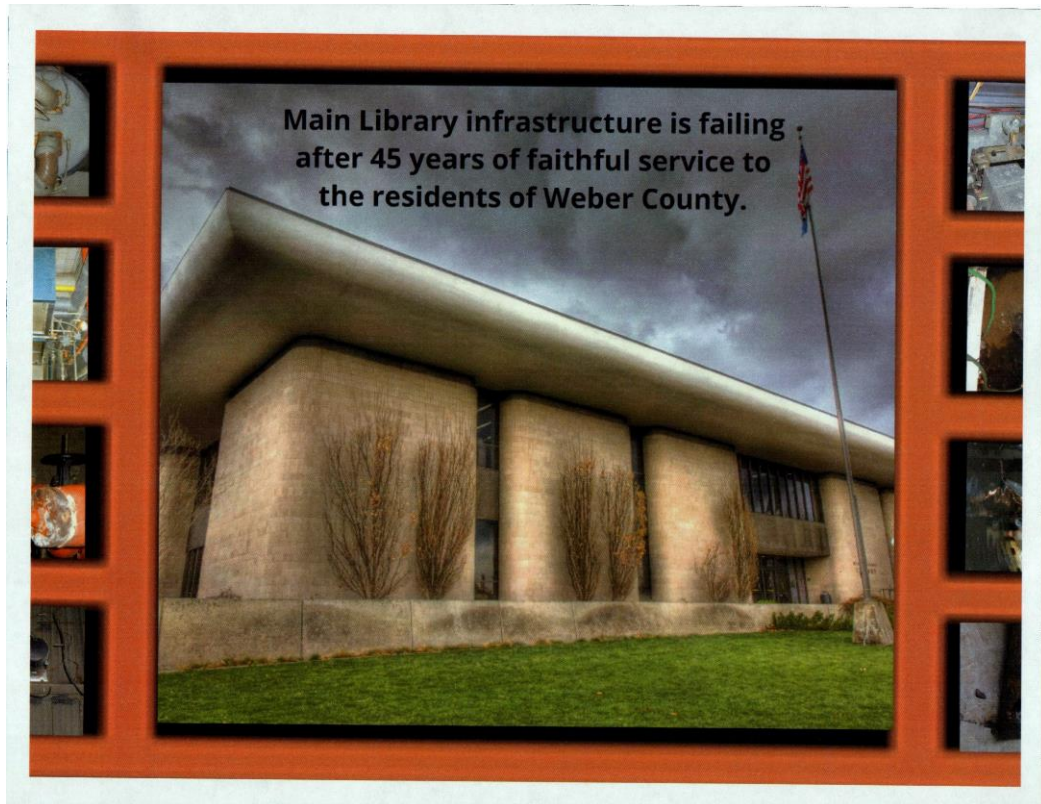
Date Approved by the City Council June 18, 2013

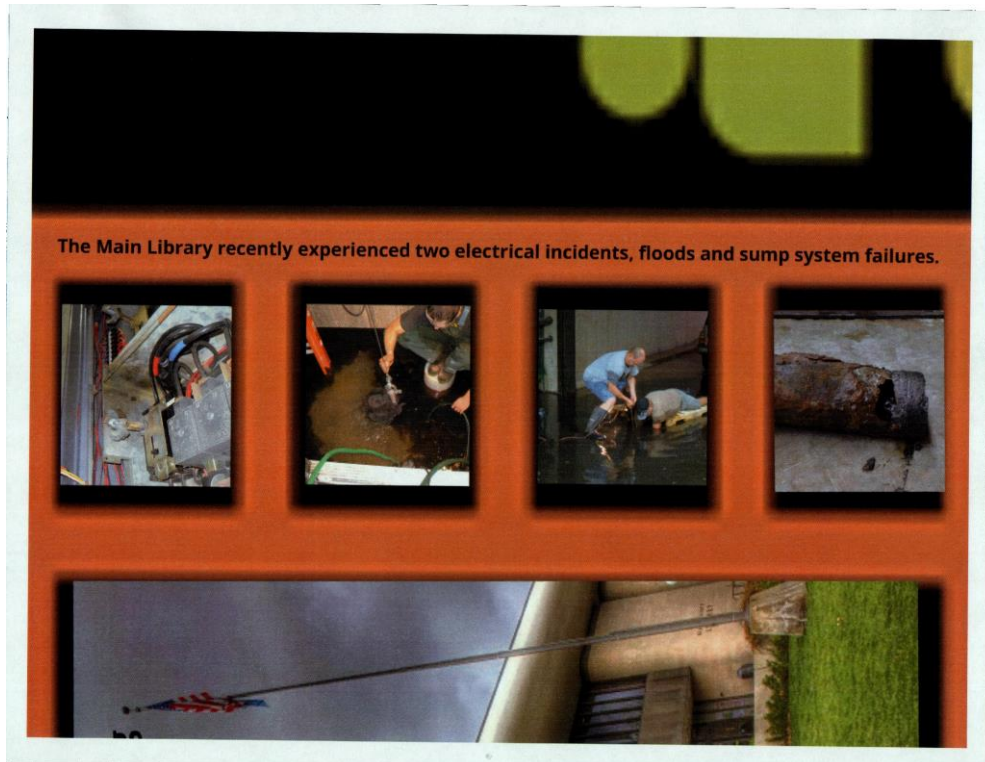
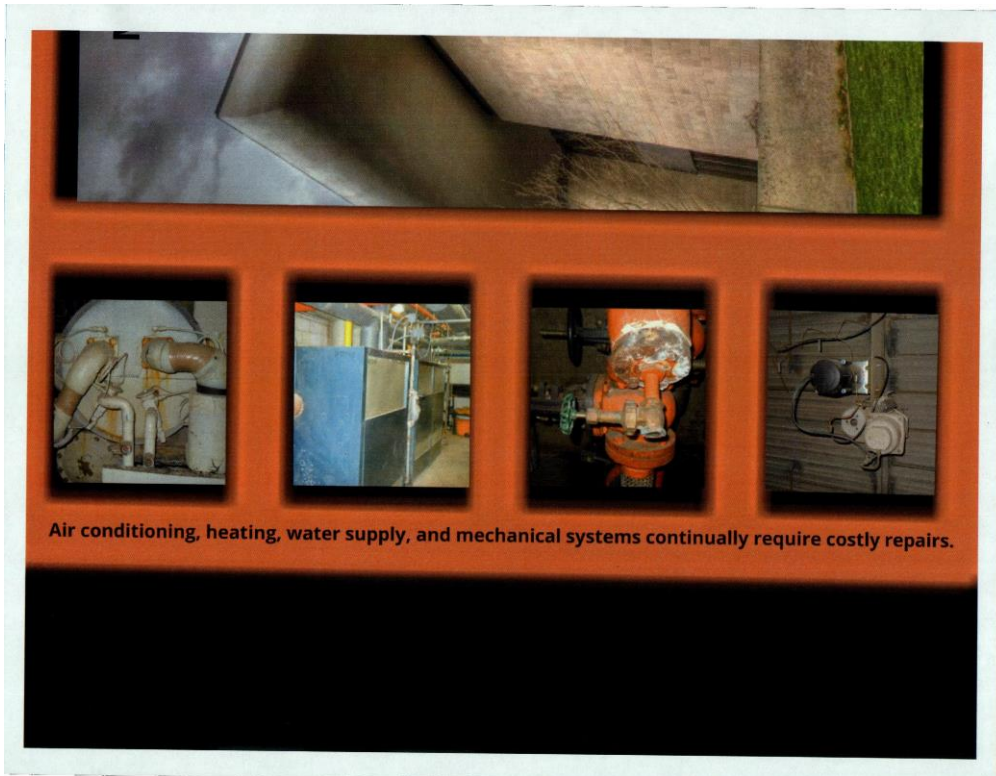
**Attachment A**  
Library Bond Presentation



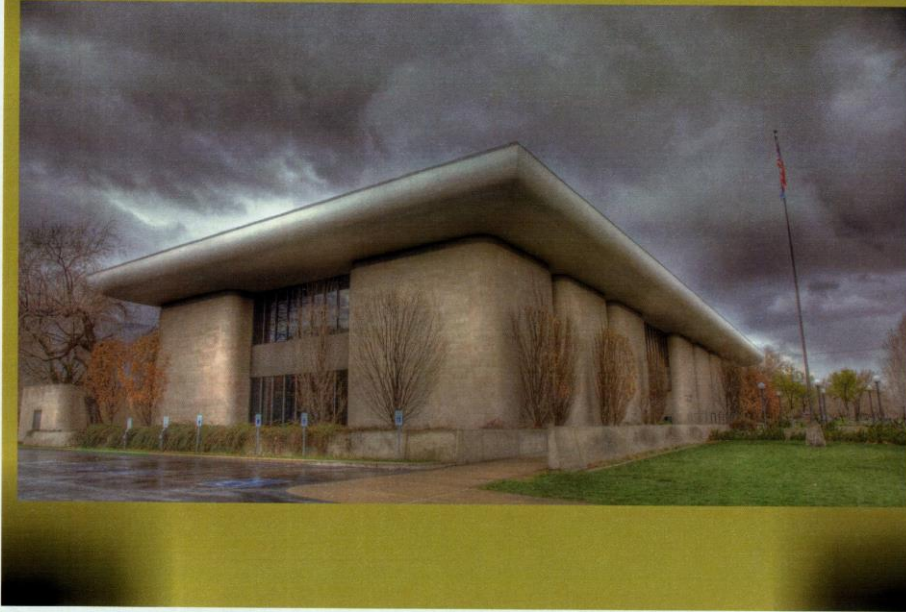












**The Southwest Branch opened in 1976. Currently this 11,000 square foot building, the smallest in the Library system, serves the fastest growing area of the county.**





**The North Branch opened in 1983. This 23,040 square foot facility was never finished and only offers 10,000 square feet for public service, the remainder is utilized as system storage.**




**With expanded parking, Ogden Valley Branch can accommodate large groups and serve as a community center.**



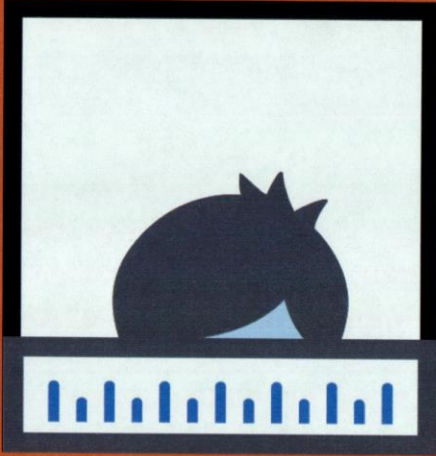
Libraries are measured by their ability to serve their population.

Modern building guidelines urge 1 person per 1 square foot of area.



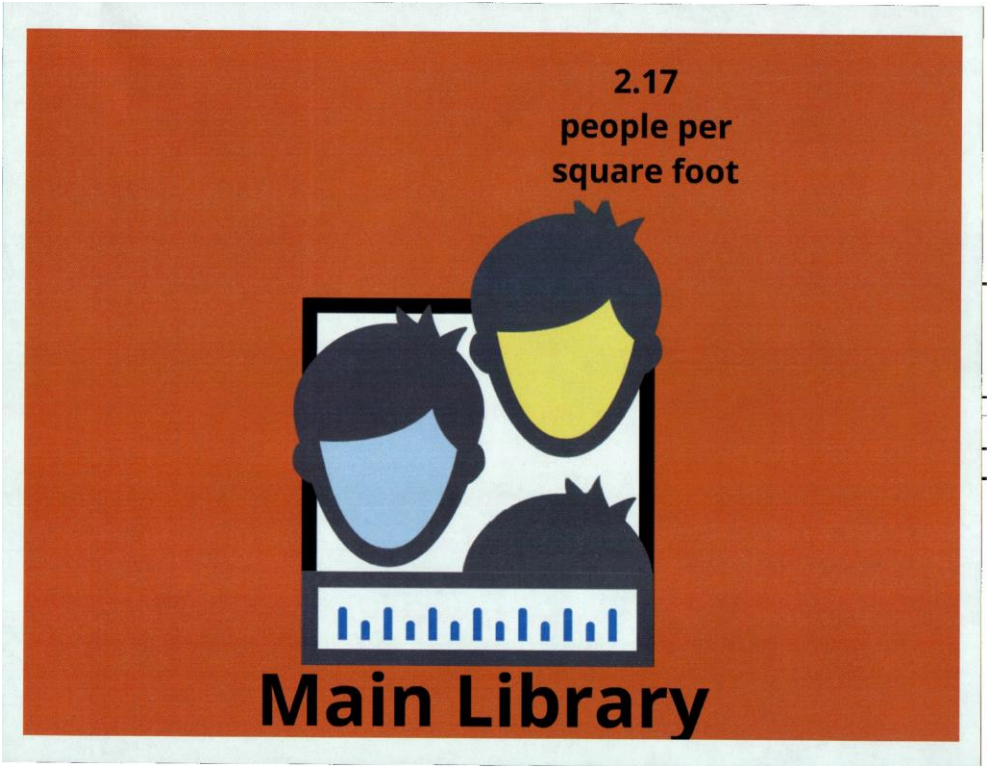
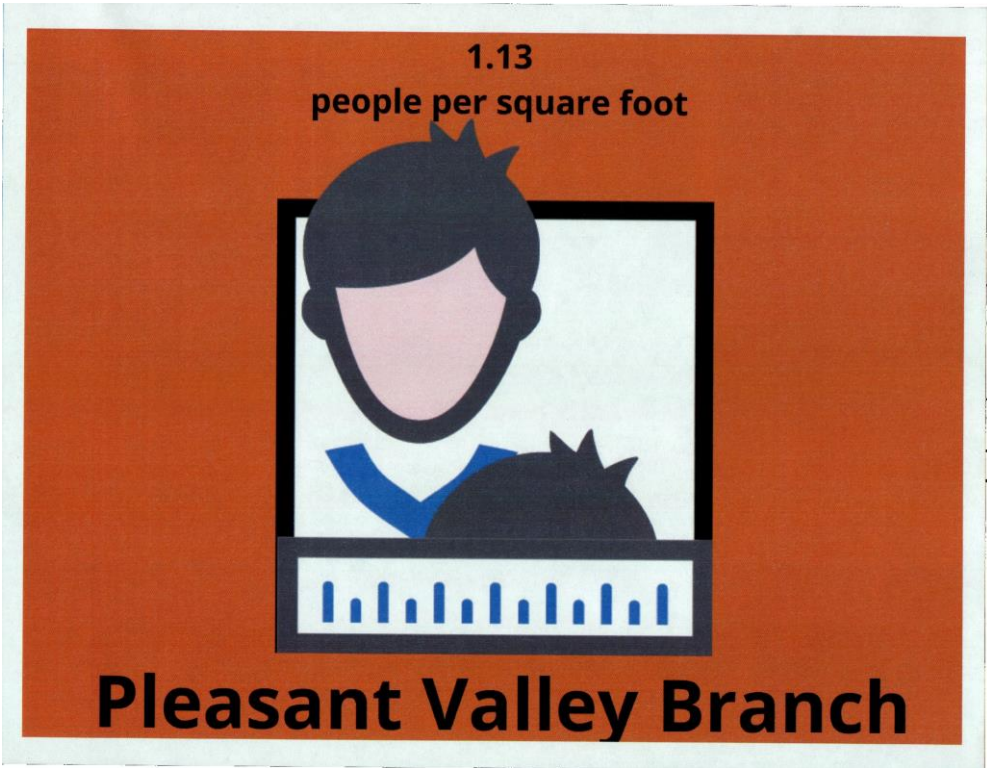
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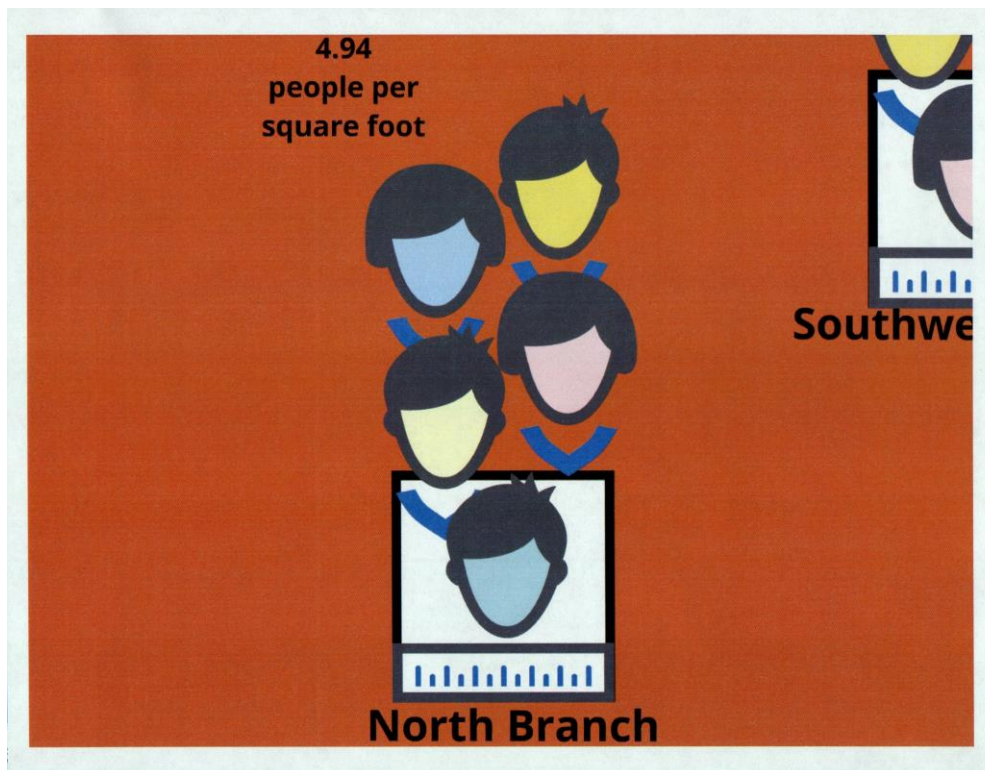
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people per square foot



Ogden Valley Branch



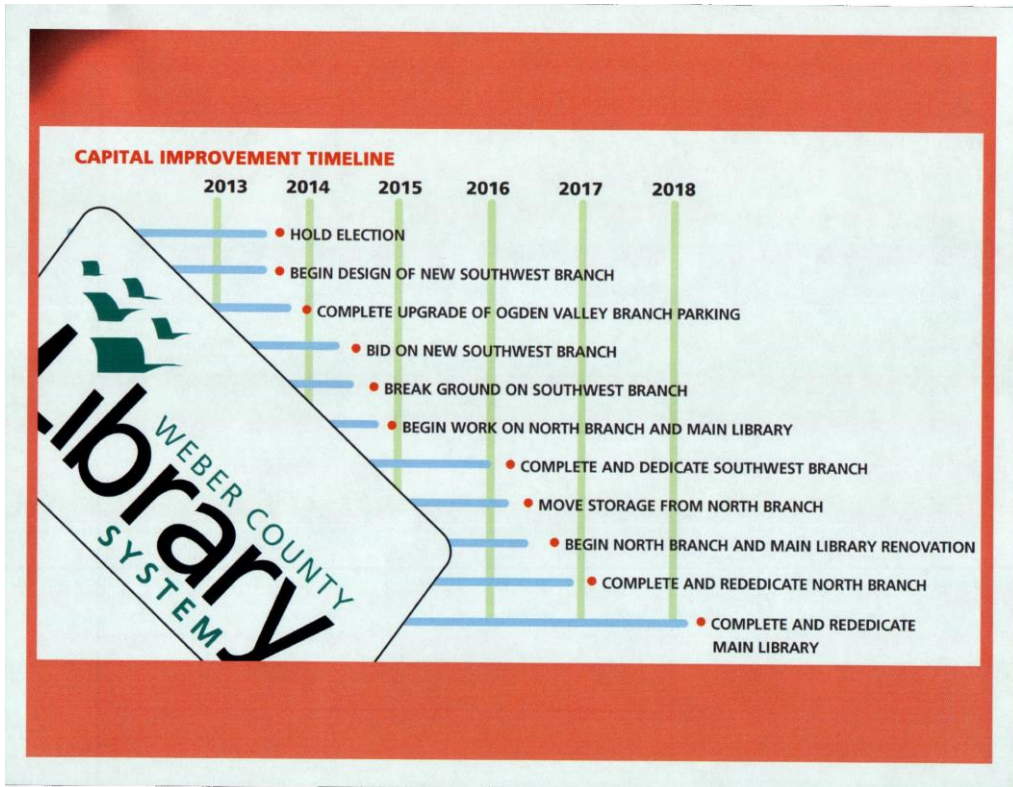
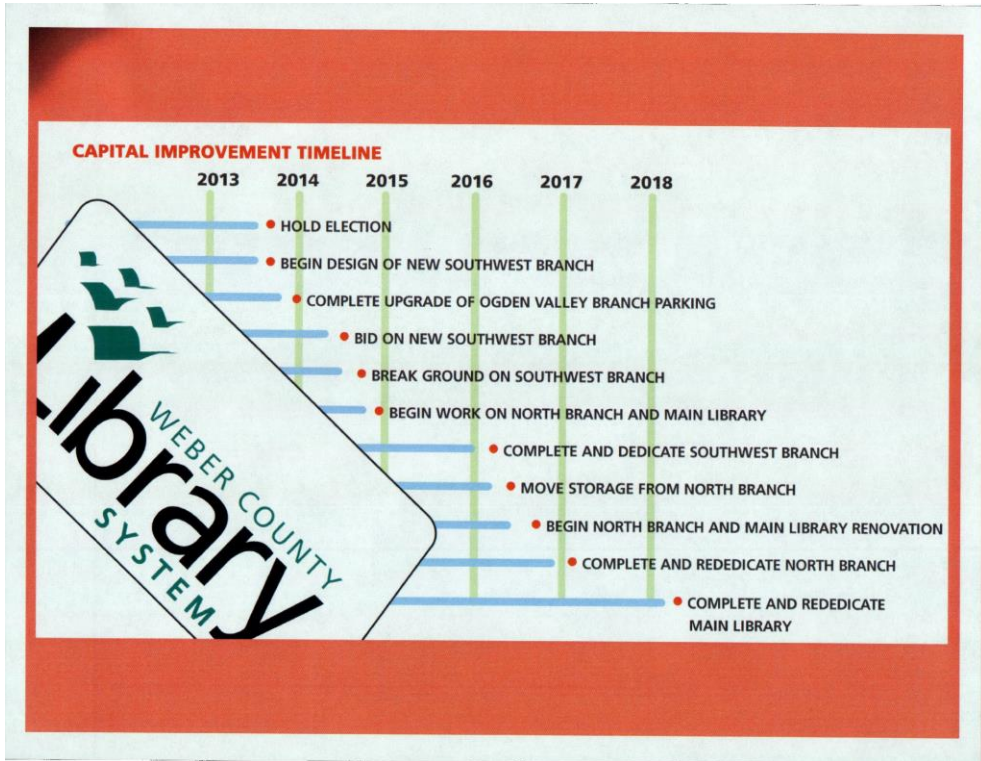


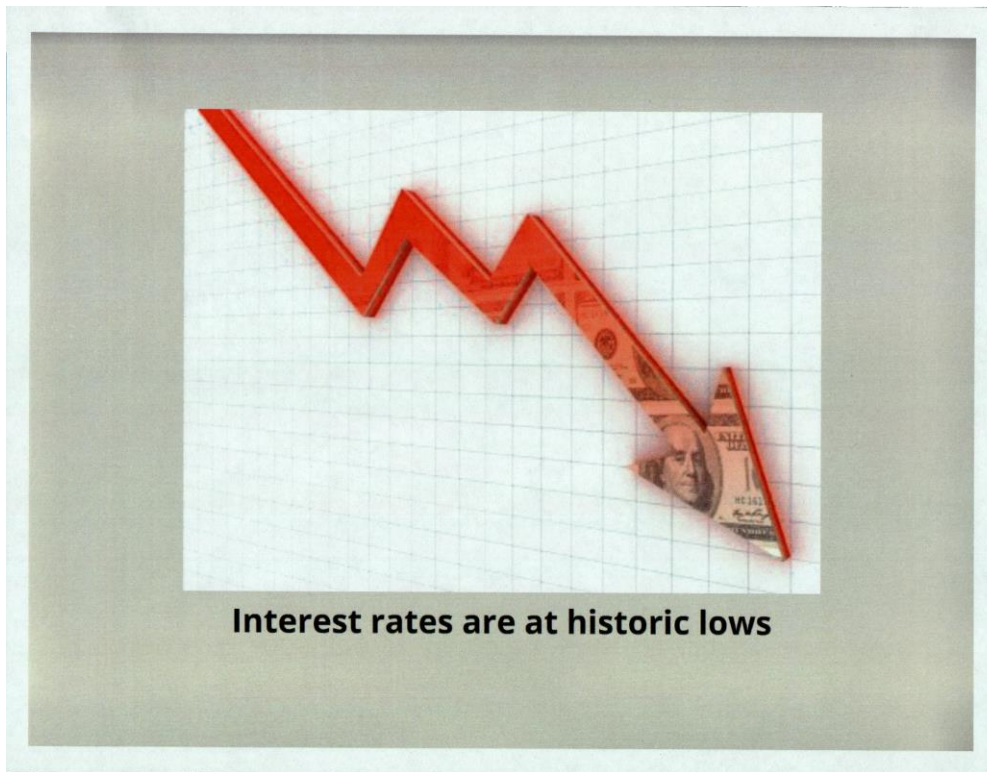
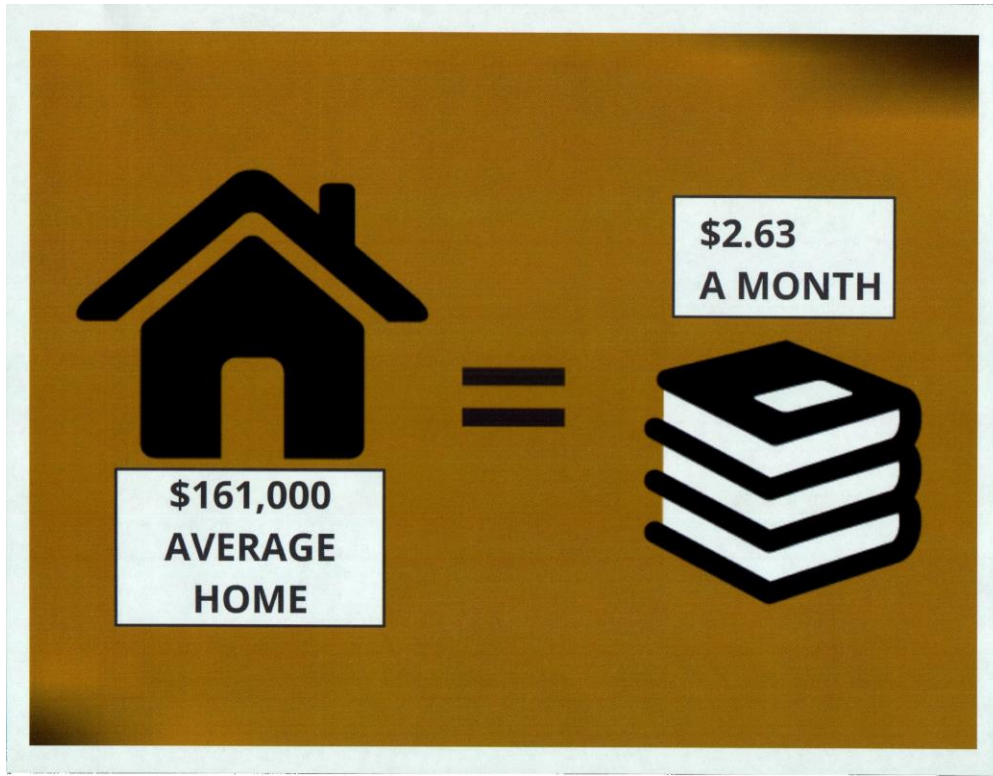


The Library Board's capital plan will resolve the current issues in a tightly integrated sequence.

- Replace the Southwest Branch with a larger, modern library constructed on land provided by Roy City.
- Renovate and upgrade the historic Main Library.
- Modernize and double the space of North Branch.
- Add safe, street parking at the Ogden Valley Branch.











**RETURN ON INVESTMENT  
OF PUBLIC LIBRARY SERVICES  
TO UTAH'S ECONOMY**

Total Economic Value of Public Libraries <sup>†</sup>	\$ 706,854,261
Total Direct Benefit (Cost)	\$ 84,617,790
Utah Population Served by Public Libraries*	2,570,830
<b>Dollar Return per Dollar of Public Tax Support</b>	<b>\$ 7.35</b>

State Comparisons

State	ROI
SW Ohio (2006)	\$ 3.81
Wisconsin (2007)	\$ 4.06
South Carolina (2005)	\$ 4.48
Denver Public Library (2006)	\$ 4.96
Pennsylvania (2006)	\$ 5.50
Florida (2005)	\$ 6.54
Vermont (2006)	\$ 7.26
Utah (2008)	\$ 7.35

