

**MINUTES OF THE  
SOUTH OGDEN CITY COUNCIL MEETING  
Tuesday, June 17, 2014 – 6:00 p.m.  
Council Chambers, City Hall**

**COUNCIL MEMBERS PRESENT**

Mayor James F. Minster, Council Members Sallee Orr, Russell Porter, Wayne Smith, Bryan Benard and Brent Strate

**STAFF MEMBERS PRESENT**

City Manager Matthew Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Fire Chief Cameron West, Good Landlord Program Coordinator Ben Robbins and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Jesse Straube, Heidi Straube, Gary Boyer, Sloney Bowden, Bonnie Bowden, Mitch Bowden, Jerry Cottrell, Kim Didier, Norb Didier, Walt Bausman, Patti Johnson Smith, Stephen Smith, Tracie Davies, Tom Davies, Cindy Carty, Aaron Carty, Johnny Cammark, Greg Pack, Jared Wayment, James McGregor, Luke Amsden, Chad Walton, Paxton Ronnow, Lucas Walton, Colby Fugate, Carter Miller, Vance Miller, DeeAnn C ??field?, Michael Canfield?, Nancy Gibson-Fagg, Laurel DeGroot, Tyler DeGroot, Delores Miller, Makenna Dillingham, Ami Dillingham, Margo Milianta, Breeann Duran, Cassandra Graham, Stephen Hensley, Cynthia Johnston

**I. OPENING CEREMONY**

**A. Call to Order**

Mayor James F. Minster called the meeting to order at 6:00 pm and asked for a motion to convene.

**Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Benard. The vote was unanimous to convene the meeting.**

**B. Prayer/Moment of Silence**

The mayor led those present in a moment of silence.

**C. Pledge of Allegiance**

Council Member Strate directed everyone in the Pledge of Allegiance.

Mayor Minster indicated it was time for public comments and invited anyone who wished to speak to the council concerning issues not on the agenda, to come forward. He reminded them to keep their comments to three minutes, and no action would be taken that evening on comments.

## II. PUBLIC COMMENTS

**Gerald Cottrell, 5765 S 1075 E** – Expressed his concern over zoning issues in his neighborhood and said he was frustrated as a resident. He felt there had been a breakthrough with the city on June 11<sup>th</sup>, when members of his neighborhood and city staff had met. At the meeting it had been suggested an ad hoc committee be formed to look at some of the zoning issues in the neighborhood. It was also suggested that a moratorium for development be placed in the area. Mr. Cottrell stated he wished to go on record to strongly endorse the city's proposal that a committee be formed and the moratorium be passed.

**Gary Boyer, 5925 S 1075 E** – Mr. Boyer said he was there representing the Northern Wasatch Homebuilders Foundation. He had brought with him the last donation check for \$15,000 to go towards a restroom facility for Nature Park. He asked if at a later time he could have a status report on the facility so he could report to the foundation.

There were no more comments from the public.

## III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster then invited the scouts present to come forward. Council Member Benard presented each scout with a South Ogden pin as they introduced themselves. Scouts present from Troop 251, who were there to earn their Citizenship in the Community merit badge were: Jared Wayment, Johnnick Mack, Chad Walton (Scoutmaster), Carter Miller, Colby Fugate, Eric Carty, Paxton Ronnow, Luke Amsden, Lucas Walton, and Thomas Davies.

Amy Dillingham, a student present to earn service hours, also came forward.

## IV. CONSENT AGENDA

- A. Approval of June 3, 2014 Council Minutes
- B. Award of Bid to Granite Construction for Chambers Road Project
- C. Award of Bid to Advanced Paving & Construction for 1075 East Street Project
- D. Award of Bid to Ormond Construction for Willow Wood Waterline Project
- E. Advice and Consent of the Appointment of Bonnie Bowden to the Urban Forestry Commission

The mayor read through the items on the consent agenda. He thanked Bonnie Bowden for being present and asked that she stand so people could acknowledge her. Mayor Minster asked if there were questions or comments concerning the consent agenda. Council Member Strate, referring to the street projects, asked why one street would have three inches of asphalt and the other four. Parks and Public Works Director Jon Andersen indicated one street had more traffic and therefore needed thicker asphalt. Council Member Strate then asked if the newer roads were slated for chip-seal this construction year. Mr. Andersen indicated they were; it was customary to wait a full year after completion of a new road to come back and do a slurry or chip seal on it. There were no more questions. The mayor called for a motion concerning the consent agenda.

**Council Member Porter moved to approve the consent agenda, items A thru E. The motion was seconded by Council Member Benard. The mayor then called a voice vote. Council Members Porter, Orr, Strate, Benard and Smith all voted aye.**

**All items on the consent agenda were approved.**

The mayor then indicated it was time to move into a public hearing concerning the three items listed on the agenda.

**Council Member Benard moved to adjourn city council meeting and enter into a public hearing for the items listed. Council Member Porter seconded the motion. The vote was unanimous to enter into a public hearing.**

## **V. PUBLIC HEARING**

### **A. City's Intent To Continue Its Practice Of Not Charging Itself For Water, Sewer, Storm Drain And Garbage During the 2014 Fiscal Year**

Mayor Minster invited anyone who wished to come forward to comment on this item.

**Tracie Davies, 4175 Jefferson** – Ms. Davies asked what roads the city was planning on working on. She had noticed the street to South Ogden Junior High as well as Adams Avenue was very rough. There were many roads in disrepair.

The mayor indicated there was a list available and Ms. Davies should contact Parks and Public Works Director Jon Andersen. Council Member Benard also pointed out Adams Avenue belonged to Washington Terrace, but was slated for work in the near future. Council Member Strate also commented the city's focus was on maintaining roads before they fell apart.

Mayor Minster then clarified that at this point they were accepting comments for item A, the city's intent to continue its practice of not charging itself for water, sewer, storm drain and garbage during the 2014 fiscal year. He asked if there were any comments on this item.

**James McGregor, 975 E 5900 S** – he asked what the impact of the city not charging itself was on the citizens in the city. City Manager Dixon explained the public hearing was in response to the city auditor's interpretation of some accounting requirements. Informing rate payers of the fact the city was not charging itself for services and what estimated amounts of the non-charged services were, satisfied the auditor as far as meeting the requirements. If the city metered and charged itself for the public services it provided, it would mean less money in the part of the budget the city was able to use for things like street repairs, public safety, etc.

City Attorney Bradshaw added there had been no change made; the city had been in the practice of not charging itself for public services forever. There had only been a change in state law requiring cities to inform their residents concerning the practice.

Council Member Benard also added if the city did not inform its residents and hold a public hearing, the only other option would be to have meters installed at all its facilities, which would be very costly.

There were no more comments concerning the city's practice of not charging itself for water, sewer, storm drain and garbage during the 2014 fiscal year. The mayor then invited comments concerning item B., the transfer of enterprise funds to the general fund for the purpose of street improvements.

### **B. The Transfer of Enterprise Funds to the General Fund For the Purpose of Street Improvements**

**James McGregor, 975 E 5900 S** – Mr. McGregor asked if the excess funds in the enterprise funds were earmarked for maintenance of the infrastructure of the city, and would the general fund reimburse the enterprise fund later for what was taken out. He also asked how it would affect citizens in the community.

City Manager Dixon explained the enterprise funds were allowed to build up funds for the purpose of maintaining infrastructure and unforeseen emergencies. The water, sewer, and storm sewer facilities all had impacts on the city roads, so the council directed staff to review each fund to determine how much could safely be transferred out of the various enterprise funds to go to much needed road repairs, but still leave very healthy and financially stable funds. Mr. Dixon also explained this would be a one-time transfer of money, but not a loan that would be paid back to the enterprise fund.

Mr. McGregor raised the question as to whether residents were being overcharged for the various services, specifically the garbage service, which was contracted to an outside vendor. Since there was no garbage infrastructure, he felt there should not have been a \$425,000 excess in the garbage fund, and it would indicate the city was charging too much for garbage service. Mr. McGregor also asked if the city's audit report was available to the public. Mr. Dixon indicated it was. Council Member Strate suggested it may be helpful for Mr. McGregor to review the past month's council minutes, as many of Mr. McGregor's questions had been asked and discussed by the council. Council Member Smith also pointed out that at certain times in the past, there had been gas surcharges, due to the high cost of gas, levied by the company providing garbage service. Extra funds needed to be available to cover such unforeseen costs.

**Gregory Pack, 1085 E 5850 S** – said he saw the issue as a zero sum difference issue; no matter which fund the money was taken from, it did not make a difference. His only concern was if there was interest income lost. Otherwise, he saw a very wise city that had built a buffer in case of a catastrophic event. He did not object to the transfer of funds.

There were no more comments concerning the transfer of funds.

The mayor then invited anyone who wished to comment on item C, amendments to the FY2014 budget to come forward. There were no comments on this item.

Mayor Minster called for a motion to leave the public hearing.

**Council Member Smith moved to close the public hearing and reconvene as the South Ogden City Council. The motion was followed by a second from Council Member Strate. In a voice vote, Council Members Smith, Porter, Benard, Orr and Strate all voted aye.**

## **VI. ACTION ON PUBLIC HEARING**

### **A. Consideration of Ordinance 14-09 – Amending the FY2014 Budget**

City Manager Dixon told the council that Finance Director Steve Liebersbach was out of town for the week and was not available to answer whether a JAG Grant had been accounted for in the budget amendments. Consequently, Mr. Dixon asked the council to include as part of their motion in approving the amendments, the ability of staff to make any non-substantive changes regarding the JAG grant.

Council Member Strate asked if the wording changes involving "committed" and "restricted" funds, as discussed in a previous meeting, had been included in the amendment. Mr. Dixon referred Council Member Strate to the first four lines of the amendments where the changes had been made. There were no more questions concerning the FY2014 budget amendments.

The mayor entertained a motion concerning Ordinance 14-09.

**Council Member Orr moved to adopt Ordinance 14-09, amending the FY2014 budget, including any non-substantive changes. Council Member Strate seconded the motion. The mayor called for further discussion, and seeing none, he made a roll call vote.**

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

**The FY2014 budget amendments were approved.**

## **VII. DISCUSSION / ACTION ITEMS**

### **A. Consideration of Ordinance 14-10 – Adopting the FY2015 Budget**

The mayor asked City Manager Dixon to comment on this item. Mr. Dixon said he was happy to present a balanced budget to the council. This budget did not anticipate any rate increases, property tax increases or similar changes. It did anticipate the approval of the transfer of funds from the enterprise fund to the general fund for the purpose of road improvements. There were also no new full time positions being considered for the budget. The total operating budget came to 10.6 million dollars. Mr. Dixon then pointed out the police department received funds from the state based on liquor taxes. These funds had to be used for things like DUI enforcement and equipment. Chief Parke had chosen to hold back part of last year's money to combine with this fiscal year's money in order to purchase a new vehicle for the LPR machine. He referred the council to line item 10-55-132, explaining that it was his understanding that the line amount should read \$39,000 and not \$32,000; however he was unable to verify it with Finance Director Liebersbach. Mr. Dixon again asked the council to include a phrase in their motion which would allow staff to address line item 10-55-132. The mayor asked if there were questions concerning the budget, and seeing none, he called for a motion.

**Council Member Porter moved to adopt Ordinance 14-10, including the alcohol fund carry-over. The motion was seconded by Council Member Benard. After determining there was no further discussion, the mayor 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>
<b>Council Member Smith-</b>	<b>Yes</b>

**The FY2015 budget was approved.**

### **B. Consideration of Resolution 14-18 – Approving an Agreement With Second District Juvenile Court for Graffiti Removal**

The mayor asked City Manager Dixon to comment concerning this item. Mr. Dixon explained the city entered into this agreement with the Second District Juvenile Court on a yearly basis. The service of graffiti removal in the city was well worth the cost. He recommended approval. There were no questions from the council concerning the agreement. Mayor Minster entertained a motion from the council.

Council Member Smith moved to approve Resolution 14-18, approving an agreement with the Second District Juvenile Court for graffiti removal. Council Member Orr seconded the motion. After calling for further discussion and seeing none, the mayor called the vote.

Council Member Smith-	Yes
Council Member Orr-	Yes
Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes

Resolution 14-18 was approved.

C. **Consideration of Resolution 14-19 – Ratifying a Moratorium on Receiving or Processing Development or Building Applications for the Area of the City Generally Defined as East of Adams Ave., West of 1550 East and South of Highway 89 Extending to the Southernmost Boundary of the City**

Mayor Minster announced the council would then consider Resolution 14-19. City Recorder Leesa Kapetanov pointed out to the mayor that the defining area in the original resolution had been changed from “west of 1550 East” to “west of 1225 East”, but she had failed to make the change on the agenda. She wanted everyone to be aware of it so there would not be confusion. Council Member Benard also pointed out that the fifth “Whereas” on the resolution also needed the address changed. Ms. Kapetanov said she would make the change, but also asked that the correction be mentioned in the motion. City Manager Dixon explained the area description had been changed due to an impending application for a building permit for a project that had already been approved, and which would not violate the intent of the moratorium.

Council Member Smith asked if there were other areas of the city staff should be looking at targeting as well as this area. City Attorney Bradshaw recommended only this area be looked at now.

Council Member Strate said other cities were facing similar challenges, and also needed to become compliant with the Americans With Disabilities Act as well as the Fair Housing Act. The city also needed to learn what it could and could not regulate based on federal and state legislation.

The mayor then called for a motion.

**Council Member Strate moved to adopt Resolution 14-19, ratifying a moratorium, and making the changes necessary to define the area as “east of Adams Ave., west of 1225 East and south of Highway 89”. Council Member Benard seconded the motion. Mayor Minster asked if there were any further discussion.**

Council Member Benard said he was in favor of the moratorium and appreciated the open dialogue between city staff and the neighborhood in question. He emphasized that the city needed to tread lightly in such situations as it involved two parties that each had rights. He felt the moratorium was the right move, but the task ahead to determine what would be right for the area would not be an easy one. Council Member Orr agreed with Council Member Benard.

Council Member Strate added the city must be diligent in holding to state and federal laws regarding group homes, however, he felt that the city could delay action on the application since the process of determining the proper zoning for the property had been

under process for the last year. Mr. Strate also said the discussion concerning the moratorium had been put forward before the application had been received. Mayor Minster expressed his concern that the moratorium seemed to have grown and changed since his initial suggestion for one. City Manager Dixon pointed out that although the moratorium lists R-1 zones, the moratorium had geographically defined the area so as to not be too broad. Council Member Smith again asked if other areas in the city should be defined and considered also. City Attorney Bradshaw responded that because there was an issue currently alive in a certain geographical area, the city should not ignore this particular issue in this area of the city nor should it launch itself into other areas of the city where there is no problem. He said there was no fundamental problem with the zoning ordinance, and placing a moratorium on all R-1 zones in the city was not necessary and would hold back development. City Manager Dixon said the before mentioned ad hoc committee would look at the neighborhood in question and determine whether all R-1-10 zones in the city should be changed or whether a new zone should be created that was unique. There were many options to look at. Council Member Porter remarked that any references to hidden agendas by the city and conspiracy theories could not be further from the truth in this matter. Council Member Benard added that in defining the affected area of the moratorium, it would not be good to be too general nor too specific. He felt the city was correctly handling it.

**There was no more discussion. Mayor Minster called the vote:**

<b>Council Member Strate-</b>	<b>Yes</b>
<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 Smith-</b>	<b>Yes</b>

**The moratorium was approved.**

**D. Discussion on Community Committees**

Council Member Orr had requested this item be placed on the agenda. She proposed that three committees be formed: 1) a committee to look at working with the Weber School District to get safe routes for children to what will be the new Mar Lon Hills Elementary. This committee would look at seeing that sidewalks were put in place and a SNAP plan created; 2) a committee to look at the proposed phases of the Nature Park and see if the city could possibly add a pond since the DWR had expressed interest in helping with it. This committee would also look at soliciting donations to finish things like the amphitheater. Council Member Smith suggested the committee not only look at the Nature Park but all parks in the city; 3) a community garden committee to see if there was enough interest by the residents to have a community garden and determine where the best location or locations for a garden might be. Council Member Strate suggested that the Urban Forestry Commission could take a more active role by getting involved with the parks and community garden committees. He said he would be willing to help on any of the committees himself. Council Member Benard thought the Mar Lon Hills Committee might also look at the land that would be available where the old Mar Lon Hills School was located and what potential uses the city would have for it. Mayor Minster asked the council members to write their ideas down so they could present them at a future work session.

The mayor then indicated it was time to recess into a Community Development and Renewal Agency Board Meeting. He entertained a motion to do so.

**Council Member Benard moved to recess from city council meeting into a Community Development and Renewal Agency Board meeting. The motion was seconded by Council Member Porter. Council Members Orr, Porter, Benard, Strate and Smith all voted aye.**

## **VIII. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING**

See separate minutes.

(Motion from CDRA Board Meeting to enter city council meeting):

**At 7:17 pm, Board Member Smith moved to adjourn the CDRA Board Meeting and reconvene as the South Ogden City Council. The motion was seconded by Board Member Benard. All present voted aye.**

## **IX. DEPARTMENT DIRECTOR REPORTS**

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

Mr. Andersen reported the 3 on 3 basketball tournament, which was part of South Ogden Days, was underway at the gym and appeared to be running smoothly. He then reported on several projects:

**City Hall HVAC** – the replacement parts had been installed earlier in the day.

**Friendship Park Tennis Court Resurfacing** – the contractor would start work the week of July 7<sup>th</sup>.

**Chambers Road Project** – projected to begin the first week of July.

**Restroom at Nature Park** – the county had rejected the first proposed location of the restroom and the city was waiting for approval of the second location. Public works had received the building and the rock for the building and were just waiting for approval to install it.

**Willow Wood and 1075 East Road Projects** – Mr. Andersen estimated these projects would begin sometime in July.

## **X. REPORTS**

**A. Mayor** – welcomed everyone to South Ogden Days and encouraged everyone to participate in the various activities.

### **B. City Council Members**

**Council Member Porter** – invited everyone to South Ogden's Got Talent on Thursday evening.

**Council Member Orr** – reported she had attended the budget hearing on the increase for Pine View Water. She said the increase would be used to replace the pipe that hung over the entrance to Ogden Canyon. The proposed increase would be 12% for this year.

**Council Member Benard** – thanked staff for putting together another great South Ogden Days. Advertising for the event had been great. He requested that staff be thanked in advance for all their hard work.

**Council Member Strate** – thanked Council Member Orr for bringing up the idea of committees and spearheading the discussion. He also thanked her for attending the Pine View Water meeting. Mr. Strate then thanked his neighbors for attending the meeting.

**Council Member Smith** – was concerned that the businesses along Chambers be notified as far in advance as possible that their road would be worked on. Mr. Andersen said the businesses would be notified next Monday.

C. **City Manager** – Thanked the department heads and council for their work on the budget. He acknowledged that it was not easy to balance the budget and still meet the needs of the city. He felt the process had been productive.

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

City Recorder Leesa Kapetanov reported the next council meeting would take place at the Nature Park as per the council's request.

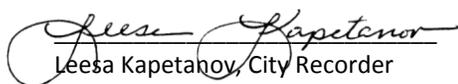
XI. **ADJOURN**

Mayor Minster then called for a motion to adjourn the meeting.

**Council Member Smith moved to adjourn, followed by a second from Council Member Strate. The vote to adjourn was unanimous.**

**The meeting ended at 7:28 pm.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, June 17, 2014.

  
Leesa Kapetanov, City Recorder

Date Approved by the City Council July 1, 2014