

**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, September 2, 2014 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

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

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 and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jerry Cottrell, Walt Bausman, Adam Hensley, Cameron Hensley, Debby Bliss, Robert Bliss, Johnny Cammack, David Cammack, Kim Didier, Gary Boyer

I. OPENING CEREMONY

A. Call to Order

Mayor James F. Minster called the meeting to order at 6:05 pm and asked for a motion to convene.

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

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.

The mayor indicated it was time for public comments; no action would be taken on comments and those speaking should limit their comments to three minutes.

II. PUBLIC COMMENTS

Jerry Cottrell, 5765 S 1075 E – Mr. Cottrell began by referencing the movie “Ground Hog Day”. He said city council was a lot like the movie; they kept doing the same things over and over again. He felt the council had not resolved any issues concerning the land use authority. He asked the council members to take some action; any three could decide who the land use authority was. They could then move on to the next issue. The council should use their judgment and take control. There were no other public comments.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster invited any scouts or students to come forward. Johnny Commack, Troop 251 introduced himself, saying he was there to earn his Citizenship in the Community Merit Badge. Council Member Benard presented him with a South Ogden City pin.

The mayor turned the time to City Manager Dixon in order to introduce a new employee. Mr. Dixon introduced Patti Randolph as the new HR Specialist. He said she came with great qualifications. Ms. Randolph came forward and told a little about herself. She also gave some of her work background and said she was happy to be working for the city.

IV. CONSENT AGENDA

- A. Approval of July 22, 2014 Special Council Meeting and August 5, 2014 Council Meeting Minutes
- B. Set Date For Public Hearing (September 16, 2014 at 6 pm or as soon as the agenda permits) To Receive and Consider Comments on Proposed Amendments to the FY2015 Budget
- C. Ratify Approval of Bid Award to Granite Construction for Street Overlay

The mayor read through the items on the consent agenda and asked if there were any comments. Council Member Orr asked if the public hearing would take place at the park, since the next council meeting would be held there. City Manager Dixon said it would be up to the council to decide. The consensus of the council was to hold the public hearing at the park.

Council Strate then asked to comment. He apologized to the mayor and council members, as well as the public, for his remarks at the July 22, 2014 Special City Council Meeting. He was appalled that his comments appeared incompetent, incoherent and contradictory. He realized the minutes were important to conserve as an important legal document. He felt it was his responsibility to clearly communicate his ideas in a competent, coherent and cohesive manner. He then asked that the papers he had prepared be entered into the record as a clarification of his views concerning the Special Council Meeting of July 22, 2014. He did not see a need to take the time to go over them point by point. City Manager Dixon asked City Attorney Bradshaw what the procedure was for amending the minutes. Mr. Bradshaw said it was not normally done as Council Member Strate had, but the minutes of this meeting should reflect he submitted a written set of changes that he would like incorporated in the minutes of July 22nd. Council Member Porter asked if it would be an addition to the minutes, or take the place of what was printed before. Council Member Strate said his intent was that they be added to the minutes, not to replace them. City Manager Dixon asked Council Member Strate how he was proposing adding the clarifications; as supplemental information to the minutes of tonight's meeting concerning the July 22nd meeting or with the July 22nd meeting minutes. Council Member Strate said he wished the clarifications attached to the July 22nd meeting, not entered in the minutes of the current meeting. Council Member Benard commented they would then need to table the minutes so they would have time to see what Council Member Strate had written; the July 22nd minutes would not get approved that evening. Council Member Orr agreed. Council Member Benard said he felt it was inappropriate to add information that didn't exist at the meeting; Mr. Strate's written clarifications seemed to be written as a legal brief and Mr. Benard questioned whether Mr. Strate had help in preparing it. Mr. Strate said it was his own document. Mr. Benard said he was concerned, as he had seen an attorney in the audience giving Mr. Strate directions for the past two meetings; Council Member Benard thought it was inappropriate. There was more discussion on the minutes. Council Member Porter asked if the existing minutes miss-stated Mr. Strate's comments, or if he just didn't say things the way he had wanted.

Mr. Strate said he did not want to sound accusatory and say he was miss-stated, so he would prefer to go with the second option. He then said he would do his due diligence and listen to the recording and then make the changes that were appropriate. He re-iterated that no attorney representing any agent had seen the written statements he had presented.

Mayor Minster then read through items B and C in the consent agenda and asked for questions. There was some more discussion on the minutes and the best way to handle their approval or amendment. The mayor then called for a motion, reminding the council they could vote for all of the items on the consent agenda or on any of them separately.

Council Member Benard moved to approve the consent agenda, except for the approval of the July 22, 2014 Special Council Meeting Minutes. The motion was seconded by Council Member Porter. Council Members Benard, Porter, Orr, Strate and Smith voted aye.

V. DISCUSSION / ACTION ITEMS

A. Consideration of Resolution 14-20 – Approving an Agreement With PropertyRoom.com for Evidence Room Surplus Asset Management

Mayor Minster invited Police Chief Darin Parke to comment on this agenda item. Chief Parke informed the council that PropertyRoom.com had years of experience in disposing of police evidence. He explained there were times when people donated guns or other items to the police department rather than disposing of the items themselves. Guns had to be sold according to federal guidelines; this company had the resources to sell the guns and follow the law. There were some questions from the council. Council Member Smith said he was concerned that a process be put in place to make sure the firearms were disposed of correctly and per the wishes of the people who turned them over to the police department. Chief Parkd explained that any guns turned over to the police were entered as if they were evidence and the same procedures were followed. He ensured the council that all city policies concerning surplus property had been and would be followed as well. There was no more discussion. Mayor Minster called for a motion.

Council Member Porter moved to adopt Resolution 14-20, followed by a second from Council Member Orr. Seeing no more discussion from the council, the mayor called the vote:

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

Resolution 14-20 was adopted.

B. Consideration of Resolution 14-24 – Approving Support of the “Keys To Our Community” Award for The Center for Community Engaged Learning at Weber State University

City Manager Dixon commented about this resolution. He informed the council that Weber State University played a large role in all the communities in the Weber/Morgan/Davis County area. This resolution would be adopted by most of the communities in those counties as a way to show their gratitude for the partnerships they had with the university. South Ogden had benefitted a great deal from its partnership,

mostly through the internship program and recently in help from the university in creating and completing a community survey.
The mayor asked for questions from the council, and seeing none, he called for a motion.

Council Member Strate moved to adopt Resolution 14-24, approving support of the “Keys To Our Community” Award for The Center for Community Engaged Learning at Weber State University. Council Member Smith seconded the motion. After determining there was no further discussion, the mayor made a roll call vote.

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

Resolution 14-24 was approved.

C. Consideration of Resolution 14-25 – Declaring a 120 Day Moratorium on Receiving or Processing Applications for Zoning, Re-zoning, Issuance of Conditional Use Permits or Any Other Activity Requiring Approval From the Planning Commission or City Council

The mayor turned the time to City Attorney Bradshaw to explain this item. Mr. Bradshaw reminded the council this moratorium was put in place so the council could go back and review some policies and procedures in the ordinance; this moratorium would ensure that they would be able to do that without being interrupted. Council Member Strate asked how this moratorium would affect permitted uses, specifically educational institutions and PRUDs. It was explained that if any use was permitted in the current zone and did not require review by the planning commission or city council, it would be allowed to move forward. There was some discussion on the scope of the moratorium and what it would cover. There was also some discussion on extending the current moratorium that covered a certain area of the city. Council Member Porter suggested the permitted uses that were of concern be added to the moratorium being considered that evening. There was some discussion on the comment; the council was not sure they were prepared to name the specific permitted uses that should be restricted. City Manager Dixon reminded the council the moratorium could be amended any time; they could add language that night or put it on the agenda for the next meeting to further refine it. Council Member Strate commented these efforts by the council would go a long way in showing good will toward residents of the community; perhaps it was time to get public comment on what the residents were concerned with. There was no more discussion. Mayor Minster called for a motion.

Council Member Porter moved to adopt Resolution 14-25, followed by a second from Council Member Smith. Council Member Orr said she was unclear and asked if this moratorium would replace the current one. Council Member Strate also commented, saying he thought they were going to amend this moratorium. Council Member Smith replied they would not amend it because they were not certain as to how they wanted to amend it. There was further discussion by the council. Council Member Benard suggested the motion be restated so it was very clear to all what they were doing.

Council Member Porter amended his motion. He moved to adopt Resolution 14-25, adopting a 120-day moratorium, and letting the other moratorium run its course.

Council Member Smith seconded the amended motion. Council Member Strate asked if they could modify the other moratorium before the next meeting and then ratify it at the next council meeting. City Manager Dixon pointed out the previous discussion had been to modify at a future meeting the moratorium being approved that evening; if the council

could determine that evening what the modifications should be, they could add it to the motion now and approve them. The council's consensus was to wait until they could determine what the amendments should be. City Manager Dixon asked the council to send him the changes they would like to see made on the moratorium. **There was no more discussion; the mayor called the vote:**

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

Resolution 14-25 was approved.

D. Presentation by Bailey White – GBS and Consideration of Resolution 14-26 – Approving an Agreement With Marquee Health for Wellness Program Services

City Manager Dixon explained Bailey White was unable to attend that evening, however, City Treasurer Holly Kenison was present to present the program and answer questions. Ms. Kenison said most employees were excited to have a wellness program. She gave some background information on the reasons for wellness programs, and how the proposed wellness program would work. The council asked Ms. Kenison several questions; they were concerned about participation in and the actual benefits of a wellness program. City Manager Dixon said one of the deciding factors of going with the Marquee Wellness Program was the biometric screening and individualized plans. The hope was that the employees would value the program, but if it came to the point it was not being utilized, it would be cancelled. The council discussed the pros and cons of a wellness program and asked Ms. Kenison questions. There was no further discussion; Mayor Minster entertained a motion concerning Resolution 14-26.

Council Member Benard moved to adopt Resolution 14-26, followed by a second from Council Member Orr. There was no further discussion. The mayor made a roll call vote:

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

The motion was approved.

E. Discussion on Capital Outlay

City Manager Dixon turned the time to City Finance Director Steve Liebersbach. Mr. Liebersbach reviewed some of the materials he had included in the packet. The council asked questions concerning the leave and retirement liability and the city's obligation. Mr. Liebersbach explained the city did not need to fund the leave liability at 100%; some of those moneys could be used for capital outlay. Mr. Dixon referred the council to the handout in the packet which showed the money available for capital outlay depending on what percentage of the fund balance the council was comfortable spending down to. He had highlighted in yellow a possible scenario for the council to consider; spending down to 18% of the general fund and funding 50-70% of the leave liability. This scenario would potentially provide \$250,000 to \$425,000 one-time monies. Mr. Dixon then referred the

council to the handout of the prioritized departmental capital requests, and his attempt at showing how some of the capital money might be used.

Council Member Smith commented he would like to have some oversight as to where the money goes. Other council members agreed. Council Member Porter pointed out they needed to decide first how much capital outlay they were comfortable appropriating. He said he was comfortable being at 17% of the general fund and funding 70% of the leave liability; he would also be comfortable at 65% of the leave liability. Council Member Strate said he agreed with Council Member Porter, but was willing to go to 60% or 50% in funding the leave liability, but then designating that the extra money be used for rebranding. Council Member Benard said he was somewhere between 17% and 18% of the fund balance and 70% of leave liability. He wanted to make sure the city would have money available to be able to purchase property that may become available in the future. The council then discussed funding specific item requests as opposed to just allocating an amount to each department regardless of whether it would be enough to fund any of the requests. The council determined they wanted to allocate enough money to fund certain projects. They instructed City Manager Dixon to put the budget amendment on the next agenda. Staff should prepare a proposal as to how the capital money would be allocated, the ordinance should be prepared and the public hearing held.

F. Review of Bike Plan

City Manager Dixon reminded the council they had already looked at the bike plan, made a few revisions, and it was waiting to go through the process to adopt it as part of the general plan. However, staff wanted the council to be aware of some parking situations with the current plan. Parks and Public Works Director Jon Andersen explained that under the current bike plan, some roads would have to prohibit parking in order to provide enough room for a dedicated bike lane; one of these streets was Burch Creek Drive/Adams Avenue. City Manager Dixon pointed out that all streets designated in yellow on the plan would prohibit parking in order to allow a bike lane. The council discussed the matter and determined that all the lanes designated in yellow should be changed to green in order that parking still be allowed. However, if it were possible to still meet standards, they would like a bike lane designated with a line as well as signs.

G. Review and Approval of Letter to UDOT Concerning Intersection of Highway 89 and Sunset Drive

City Manager Dixon said Police Chief Darin Parke had drafted the letter based on the desire of the council to let UDOT know of their concerns about the intersection of Highway 89 and Sunset Drive. Council Member Benard noted that there were some school crossing signs at the intersection, but the letter seemed to indicate there weren't any. Council Member Porter suggested the word "more" be added, so it would say "more school crossing or pedestrian crossing signs". City Manager Dixon had the letter in a Word file, so he made the change right then so the letter could be signed that evening by members of the council. Council Member Benard suggested the letter read "more school crossing or enhanced pedestrian crossing signs". The changes were made and the letter was printed.

VI. DEPARTMENT DIRECTOR REPORTS

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

Mr. Andersen had stepped out of the room temporarily, so the mayor moved to Chief Parke's report.

B. Police Chief Darin Parke – Donations

Chief Parke said he wanted to recognize a donation from an area charter school, Quest

Academy. The students at the school had held a fundraiser in order to purchase a bullet proof vest for the city's dog. They had raised \$833.93. The city appreciated the donation.

The mayor then turned the time to Parks and Public Works Director Jon Andersen for his report. Mr. Andersen reported on several projects:

Chambers Road Project – laying of the asphalt should be completed that evening. The only work remaining after that would be raising the manhole covers and some minor cement work. It should all be completed in a week and a half.

1075 East Street Road Project – Work had begun that day.

Street Overlay Projects – They were waiting for a bond to be issued. Mr. Andersen hoped to have some dates for the work to be done at the next council meeting.

Crack Seal – The work had begun. They estimated the work would be done in two to three weeks.

Willow Wood Water Line Project – They had begun putting in individual water services the previous week. The remaining work should go quickly.

Tennis Court at Friendship Park – The work had been completed the previous Friday. The courts were now open for use.

Washington Terrace Road Project – Mr. Andersen had begun receiving updates of the project indicating Adams would be closed until September 7th. He had also verified some of the changes to 5300 South that would take place as a result of the project. He showed the council a drawing (see Attachment A) of the projects and described who would be responsible for maintaining certain areas of the street. He assured the council the road met the city's standards. The council asked some questions concerning right-of-ways and then concluded the discussion. Council Member Smith asked that Mr. Andersen watch the work being done and also the effects of the re-alignment to make sure the needs of South Ogden's businesses in the area were being met.

Annexation Report – The engineer had completed the report and it had been given to the planning commission for their review and recommendation.

Nature Park Restroom – They were waiting to hear from the county as to what their requirements were going to be. The structure itself was sitting in the shop, ready to be installed.

VII. REPORTS

A. **Mayor** – reminded those present of the Senior Center Barbeque on September 8th at 11:30 am. If members of the council wanted to help with the barbeque, they should be there at 10:30.

B. **City Council Members**

Council Member Smith – nothing to report.

Council Member Strate – wanted to clarify that he would not enter his comments about the special meeting minutes into that evening's minutes. He felt the best thing would be to have Mr. Bradshaw give him direction as to the best way to amend a record. He appreciated that the city was trying to be pro-active concerning its zoning.

Council Member Benard – nothing to report.

Council Member Orr – expressed concern about a property on 4500 South. The property had been a problem for a long time with code enforcement issues. She said neighbors were concerned and wondered if the city could give out more information as to what was being done about the problem.

She also asked if some information concerning opting out of paper utility billing as well as online payment options could be put in the next newsletter.

Ms. Orr then concluded her report by reminding those present of the upcoming Communities That Care picnic at 40th Street Park from 5:30 to 6:30.

Council Member Porter – pointed out the reason there had been problems at the home Council Member Orr had concerns about, was because the address was 666. It seemed to have caused problems in the past. He wondered if the address could be changed.

- C. **City Manager** – Mr. Dixon explained more about the community survey and Weber State University's involvement in it. He then reported the city had received nine proposals for the city's rebranding; it would take staff awhile to read through the more than 400 pages involved. He anticipated that as the list was narrowed to the last few finalists, the council would be involved to decide who they wanted to do business with. Mr. Dixon then informed the council he had met with those involved in the Harrison Boulevard/Highway 89 interchange. He wanted the council to be aware that one of the medians was around 40,000 square feet, and the city may want to consider looking into the design and landscaping of the median and even contributing some funds to enhance it. The city could relocate the "Welcome to South Ogden" sign to the median as well as add trees or other features to make it very nice. The project would go out to bid next February, allowing the city time to incorporate any signage in relation to its rebranding. Mr. Dixon then reported he would be out of town September 12-17th attending his IMCA Conference. He also reminded the council of the city's Fiesta Fiesta event on September 19th, from 5 to 9 pm. He then talked about the Weber County Recreation Master Plan that several entities had been involved in. The hope was that by combining resources and needs, entities in the county could create recreation opportunities. The intention was that RAMP funds would completely fund the creation of the master plan. The council may be seeing a resolution declaring their support for the program and plan, and Mr. Dixon emphasized there had been no discussion that those involved would be expected to contribute any money to make the project happen. Next, City Manager Dixon said staff had completed the first performance metrics report; he had sent it to the council as well as posted it on the website. He asked the council for some feedback on the report. Mr. Dixon concluded his report by reminding the council of Open Mic Night at the amphitheater on September 10th from 7 to 9 pm.

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

VIII. **ADJOURN**

Mayor Minster then indicated it was time to adjourn the meeting and called for a motion to do so.

At 8:53 pm, Council Member Strate moved to adjourn, followed by a second from Council Member Orr. The vote to adjourn was unanimous.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, September 2, 2014.


Leesa Kapetanov, City Recorder

Date Approved by the City Council October 7, 2014

Attachment A

Washington Terrace Street Project Drawing

