

**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, July 7, 2015 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Sallee Orr, Wayne Smith and Bryan Benard

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Police Chief Darin Parke, City Planner Mark Vlastic, Assistant City Manager Andrew Hyder and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jerry Cottrell, Carolyn Felder, Adam Hensley, Jason Carter, Sheldon Dennis, Matthew Hughes, Riley Hart, Jeff Smith, Taysen, Stauffer, Lincoln, Jarman

I. OPENING CEREMONY

A. Call to Order

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

Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Orr. In a voice vote Council Members Strate, Orr, Benard and Smith 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 Benard directed those present in the Pledge of Allegiance.

The Mayor excused Council Members Porter and Strate who were unable to be in attendance. He then opened the floor for public comment, but reminded those present that no action would be taken on comments made that evening.

II. PUBLIC COMMENTS

Carolyn Felder, 864 Holroyd – Ms. Felder asked the Council if a section of the dog park could be fenced off to create an area for small dogs; there was a diagonal area that would work well. She said her small dog was too afraid to use the park if large dogs were there. She thought an area only for small dogs would work well. She was willing to help any way she could to accomplish getting the fencing.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster invited any scouts or students to come forward. Members of Troop 175 came forward. Council Member Smith presented each person with a South Ogden pin and asked them

to state their name. Leader Jason Carter introduced himself and said the boys were there to earn their Citizenship in the Community Merit Badge. Scouts who came forward and introduced themselves were Sheldon Dennis, Matthew Hughes, and Taysen Stauffer. Other leaders present were Jeff Smith, Riley Hart, and Lincoln Jarman.

IV. CONSENT AGENDA

A. Approval of June 16, 2015 Council Minutes

B. Approval of June Warrants Register

The mayor read through the items on the consent agenda and asked if there were any questions.

Council Member Orr requested that Haylee Olsen's name be corrected on line 46 of the minutes. Her name was Katie Olsen. There were no other comments. The mayor called for a motion to approve the consent agenda.

Council Member Smith moved to approve the consent agenda, followed by a second from Council Member Benard. In a voice vote, Council Members Orr, Benard, and Smith all voted aye.

V. DISCUSSION / ACTION ITEMS

A. Consideration of 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

Mayor Minster invited City Planner Mark Vlasic to come forward and comment on this item. Mr. Vlasic explained the Subdivision Ordinance had been updated to be in line with the recently adopted Public Works Standards. He then spoke about the Cluster Subdivision Ordinance, saying the only major change in it was the addition of regulations concerning the maintenance of the common areas.

Council Member Benard referred to 11-5-2 of the Subdivision Ordinance and asked if the approving of the plat was administrative or legislative. If it was administrative, he questioned whether the council had to be involved in the approval process. He also pointed out the following approval procedures did not seem to be consistent with those in 11-5-2. He said it appeared the Council could amend a subdivision without a petition. Mr. Benard wondered if 11-5-2 could be eliminated because the process was outlined below.

Council Member Orr asked if they were going to re-approve the Public Works Standards after some errors were corrected, or if they would just be changed and not be re-approved. If they were just going to be changed, she would like to see them with the changes. City Manager Dixon said they would send her a copy. Ms. Orr suggested they wait until the next meeting to vote on the ordinance. Mayor Minster said they could table this item if they wished. Council Member Smith said he felt it should be tabled.

City Recorder Kapetanov asked for some clarification; did the Council believe a subdivision approval was administrative and the Council should not be part of the approval process? Council Member Benard said they had discussed it earlier and he could not remember where a subdivision approval had been categorized; under administrative or legislative. City Manager Dixon said he understood a subdivision approval was an administrative function, but the Council had decided they, like most cities, would be the approving body. Any amendments would also come before them in order to be consistent. After a brief discussion, the Council determined they would table the ordinance.

Council Member Smith moved to table Ordinance 15-18 until they sorted through the items they had discussed. The motion was seconded by Council Member Orr. The mayor asked if there were any further discussion. City Manager Dixon asked if there were any additional things the Council would like staff to look at in the interim. There were no other items suggested. Mayor Minster called the vote:

Council Member Smith-	Yes
Council Member Orr-	Yes
Council Member Benard-	Yes

Ordinance 15-18 was tabled.

B. Consideration of Resolution 15-30 – Adopting and Approving a Municipal Wastewater Planning Program

City Manager Dixon explained adopting a Municipal Wastewater Planning Program was a requirement of the Department of Environmental Quality. The plan set in place what things the City would be monitoring and also outlined the maintenance of the system. Once the resolution was passed, the report would be sent to the state.

Council Member Orr commented part one and part two seemed to be missing. City Recorder Kapetanov said she had verified with Parks and Public Works Director Jon Andersen that what the Council had was complete. There were no more questions. The mayor called for a motion.

Council Member Benard moved to adopt Resolution 15-30, followed by a second from Council Member Smith. The Mayor asked if there were further discussion, and seeing none, called the vote:

Council Member Benard-	Yes
Council Member Smith-	Yes
Council Member Orr-	Yes

Resolution 15-30 was adopted.

C. Consideration of Resolution 15-31 – Approving an Agreement With BCI for Use of UCJIS

Mayor Minster invited Police Chief Darin Parke to come forward and speak to this item. Chief Parke explained this was an annual agreement that allowed the police department to access criminal histories and drivers' licenses of employees within the police department, as well as coaches or other volunteers for city activities.

Council Member Orr asked if the department had done checks on the volunteers for South Ogden Days. The Chief said they hadn't, but had done them on the carnival workers. There were no further questions. Mayor Minster called for a motion.

Council Member Orr moved to adopt Resolution 15-31. Council Member Benard seconded the motion. There was no further discussion. The Mayor called the vote.

Council Member Orr-	Yes
Council Member Benard-	Yes
Council Member Smith-	Yes

The agreement with BCI was approved.

D. Discussion on Food Trucks

City Manager Dixon reported staff had recently received many inquiries concerning food trucks but the City currently had no regulation in place for them. Staff felt they should bring the matter to the Council first, before going to the work of creating regulations, to determine if the Council even wanted to allow food trucks in the City.

Council Member Orr said she would like to allow them in the City, but they should be regulated. Mayor Minster pointed out the health department regulated them as well. Council Member Smith said the trucks themselves were signs, and the City would have to address that issue. He agreed the trucks should be regulated.

Council Member Benard feared that if the trucks had to get their own South Ogden City Business License, they would not come here. He did not want to take opportunities away from them. He also would be interested to know what smaller cities were doing to regulate them, although he was inclined to put distance restrictions from brick and mortar restaurants on them.

Council Member Smith asked how the sales tax on the food trucks worked. City Recorder Kapetanov said the tax commission required the trucks to fill out a form designating the profits from each city. Council Member Benard pointed out some trucks may not know where the borders of the cities were and may put Ogden City on their form when they were actually in South Ogden City.

City Manager Dixon said many good reasons had been given to regulate the trucks, and based on the Council's discussion staff would move forward with creating some type of regulation for the trucks.

Council Member Benard also suggested Special Events Coordinator Jill McCullough get involved as a liaison between the City, brick and mortar restaurants, and food trucks.

VI. REPORTS

- A. Mayor** – thanked all those involved in South Ogden Days; he felt it went very well. The mayor then said he had been receiving updates from UDOT concerning the Harrison Blvd./Hwy. 89 construction. The updates were being put on the city's web site. Council Member Orr also suggested the information be put in the newsletter.

B. City Council Members

Council Member Orr – reported South Ogden Days had been fun but hot. She also commented it was sad to see that HR Specialist Patti Randolph was leaving. She then thanked Council Member Benard for defending the city's protest with Washington Terrace at the recent Boundary Commission Meeting. His presentation was well done.

She concluded her remarks by reporting there had been a positive test for West Nile Virus in an area close to Classic Water Slides.

Council Member Benard – also thanked everyone who had worked for South Ogden Days. He received comments every year about what a great event it was.

He then thanked others who had been present at the Boundary Commission Meeting to lend their support. He felt the City had made an effort to avoid an overlap with Washington Terrace, whether they agreed to meet with us or not. The council would need to meet soon to determine what it was going to do with its Annexation Policy Plan.

Council Member Smith – reported the new elementary school was coming along nicely, however he was worried about the tractor trailers from the construction site that were using Burch Creek Drive. Concerned residents had called him about the speed of the trucks as well as the impact the trucks were having on the road itself as well as on the infrastructure. Homes that had been there a long time were having issues with cracked

foundations and water leaks. He requested that City Engineer Brad Jensen look at the area.

- C. **City Manager** – Mr. Dixon reported on several items:
40th Street Project – The City had received the agreement for the exchange of state dollars for federal dollars. He anticipated it would be on the next meeting’s agenda.
City Logo – Jibe Media anticipated some new ideas by the end of the week. Mr. Dixon would forward them to the Council.
Rear Access to Ogden Athletic Club – staff had determined the best solution for the gate at the rear of the Ogden Athletic Club would be to move the access further south. They were currently gathering bids to determine the cost.
South Ogden Days Debriefing – Staff had held a debriefing meeting for South Ogden Days. The Council would have their opportunity to give their feedback at the next meeting.
- D. **City Attorney Ken Bradshaw** – not present

VII. 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 Benard moved to convene into an executive session. The motion was seconded by Council Member Smith. The vote was unanimous in favor of the motion.

City Manager Dixon said there was not much to report and questioned whether it was necessary to hold an executive session. Council Member Benard said he would like to hold one as he had not heard any news for several weeks.

The Council moved to the adjoining conference room for the executive session at 7:10 pm.

VIII. ADJOURN EXECUTIVE SESSION, RECONVENE CITY COUNCIL MEETING AND ADJOURN

At 7:21 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 Orr so moved, followed by a second from Council Member Smith. The vote was unanimous in favor of the motion.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, July 7, 2015.


Leesa Kapetanov, City Recorder

Date Approved by the City Council _____ July 21, 2015 _____