

**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, September 1, 2015 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Sallee Orr, Brent Strate, Wayne Smith and Russell Porter

COUNCIL MEMBERS EXCUSED

Council Member Bryan Benard

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Fire Chief Cameron West, Finance Director Steve Liebersbach, Information & Communication Systems Administrator Brian Minster and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jerry Cottrell, Walt Bausman and others

I. OPENING CEREMONY

A. Call to Order

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

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

Mayor Minster excused Council Member Benard who was unable to attend the meeting that evening.

The mayor then made the Council aware of a letter that had recently been added to the packet on page 139. He also noted some changes to the agenda: Item C, Resolution 15-39, on "Discussion/Action Items" would not be heard that evening nor would an executive session (Item X) be held.

Mayor Minster then invited those who wished to make public comment to come forward.

II. PUBLIC COMMENTS

Walt Bausman, 5792 S 1075 E – thanked the South Ogden Fire Department for their quick response to his 911 call a week and a half ago. They were extremely professional and helpful. Mr. Bausman then directed his comments to Resolution 15-36. He covered a brief history of the CDRA loan and then asked why it was okay to charge interest now when it was not originally charged; that seemed to indicate there was another agreement somewhere. He felt the City should look for it. He also recommended several things the City should do before passing Resolution 15-36. He felt the City did not have all the facts in order to make a decision.

Rina Jordan, 5395 S 1300 E – Ms. Jordan had found out that Rocky Mountain Power was going to put a switchbox partially in her front yard. She understood that there was a ten foot easement for utilities in her yard, but this switchbox was an unprecedented size: 7' x 7' x 4.5' tall. She had sent a photograph of a similar switchbox to members of the Council. She felt the box was detrimental to the neighborhood and should not be allowed in front yards. She understood the need for utility companies to be able to do their work, but she was not convinced that Rocky Mountain Power had explored all possibilities. She had offered them her backyard in which to put the switchbox, but they had said it would not work. She felt such a large object in her front yard was unacceptable.

Council Member Smith said he would be willing to assist Ms. Jordan just as a citizen, not as a member of the city council, as he had some unfinished business with Rocky Mountain Power as well.

City Manager Dixon said he had contacted Rocky Mountain Power on behalf of the City. He was told that the switchbox was being put in that location to help with unreliable service issues and the boxes had to be within a certain distance from each other. Rocky Mountain Power had purchased the easement and had the legal right to use it.

Council Member Orr wondered why the utility company could not put something so large underground. She felt the City should have a say in the aesthetics of the matter. There were comments from other members of the Council and then the discussion ended.

There were no other public comments.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

No scouts or students were present at the meeting.

IV. CONSENT AGENDA

- A. Approval of August 18, 2015 Council Minutes
- B. Approval of August Warrants Register
- C. Declaring Certain Property as Surplus to the City's Needs
- D. Approving a Class C Beer License for a Restaurant Located at 1479 E 5600 S, Ste. A

Mayor Minster read through the consent agenda and asked if there were any comments concerning them.

Council Member Orr made some comments concerning the August 4, 2015 minutes but concluded they were okay.

The mayor called for a motion concerning the consent agenda.

Council Member Porter moved to approve the consent agenda, items A-D. The motion was seconded by Council Member Smith. In a voice vote Council Members Smith, Orr, Porter and Strate all voted aye.

The consent agenda was approved.

V. DISCUSSION / ACTION ITEMS

A. Consideration of Resolution 15-37 – Authorizing The Issuance And Sale Of Not More Than \$6,500,000 Aggregate Principal Amount Of Sales And Excise Tax Revenue Refunding Bonds, Series 2015; And Related Matters

The mayor invited Finance Director Steve Liebersbach and Johnathan Ward from Zions Bank to come forward and comment on this agenda item.

Mr. Liebersbach explained that passing this resolution was the first step in re-funding the 2006 Bonds. Johnathon Ward from Zions Bank then commented he had been watching interest rates and he felt it was a good time for the City to refinance the bonds.

Mr. Ward stated the IRS allowed a City to refinance bonds one time in advance of a pre-payment date. The bonds in question were issued in 2004 and refunded in 2006. The next opportunity to refund the bonds would not occur until 2016, unless the bonds issued now were taxable. That was what was being proposed with this resolution. The resolution would also authorize the publication of a notice in the newspaper declaring the City's intent to sell refunding bonds. The parameters of the bond were meant to be broad so that the process would only have to be gone through once. They would return to the council later with more definitive terms and conditions. At this point, they were estimating around \$350,000 in savings by refinancing the bonds.

The Council asked several questions concerning the bond refinancing, which Mr. Ward answered. The mayor then called for a motion concerning Resolution 15-37.

Council Member Porter moved to adopt Resolution 15-37, authorizing the issuance and sale of not more than \$6,500,000 aggregate principal amount of sales and excise tax revenue refunding bonds, series 2015; and related matters. Council Member Strate seconded the motion. Mayor Minster asked if there were further discussion, and seeing none, he called the vote:

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

Resolution 15-37 was adopted.

VI. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING

The mayor indicated it was time to recess into a CDRA Board meeting and called for a motion to do so.

Council Member Orr moved to recess Council Meeting and convene as the CDRA Board, followed by a second from Council Member Smith. The voice vote was unanimous in favor of the motion.

See separate minutes.

VII. RECONVENE CITY COUNCIL MEETING

Motion from CDRA Meeting to reconvene City Council Meeting:

Board Member Porter moved to adjourn the CDRA meeting and reconvene as the South Ogden City Council, followed by a second from Board Member Smith. Board Members Orr, Strate, Smith and Porter all voted aye in favor of the motion.

VIII. DISCUSSION / ACTION ITEMS

A. Consideration of Previously Tabled Resolution 15-36 - Accepting Partial Repayment of Indebtedness to the City of the South Ogden Community Development and Renewal Agency

City Manager Dixon explained this resolution accepted the repayment of the CDRA loan into the water and sewer enterprise funds and general fund of the City.

Council Member Porter said the City should accept the repayment of the loan; the City had needs in the water and sewer funds and in other areas of the City. The mayor agreed.

Council Member Strate asked how much money would be left in the CDRA fund. City Manager Dixon said there was not enough money in the fund to pay the full debt all at once, but the project area would continue to receive increment through 2021. It was the Council's choice how the debt would be repaid. He reminded them that if a developer were to come and want to do something in the project area, the CDRA could recalculate the increment and use it to re-invest; they would not be left with nothing to work with. They could also consider a new project area that would overlap the old one.

Council Member Strate said they needed to decide what to do with the money. Council Member Smith agreed, but said this resolution was about whether to accept the repayment or not; after that was decided, then they would have the discussion as to how and what the money should be used for.

Finance Director Steve Liebersbach reminded the Council this was not a transfer of funds from the CDRA to the City; it was a repayment of debt. The funds within a CDRA project area were restricted to be used in that area. However, once the funds were used to repay the debt to the City, the funds became the City's and were no longer restricted to be used in the project area.

There was no more discussion. The mayor called for a motion.

Council Member Smith moved to adopt Resolution 15-36. The motion was seconded by Council Member Porter. The mayor asked if there were further discussion. Council Member Strate asked if the motion should include which fund should be repaid first and in what order the other funds should be paid. City Attorney Bradshaw said the vote was only about whether to accept repayment of the loan. They could have a discussion afterward as to where the money was to go. Council Member Smith asked if the CDRA should have determined where the money should go. Mr. Bradshaw said it was the Council's (City's) decision, not the CDRA; they could best determine where the City's needs were. City Manager Dixon stated staff already had a recommendation about where the money should go: it was that the enterprise funds be paid first and the general fund to be paid next, but over the next few years. However, the council could advise them otherwise if they felt differently.

Council Member Smith said he could amend his motion but did not feel they were ready to make a determination about how and when the money should be repaid. There was no more discussion. **Mayor Minster called the vote:**

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

Resolution 15-36 was adopted.

City Attorney Bradshaw pointed out that the Council would discuss how the money was allocated no matter what, as it would have to come before them as a budget amendment.

B. Consideration of Resolution 15-38 – Approving an Agreement With Utah Second District Juvenile Court for Graffiti Removal

The mayor invited Police Chief Darrin Parke to come forward concerning this item. The Chief said the agreement was something the City entered into each year. They used the graffiti removal services regularly and staff recommended approval. City Attorney Bradshaw pointed out that there was a change in this year's agreement as to how the billing was handled. The billing would now be done on a case by case basis until it reached a total of \$1,500, then the Council would have to decide if they wanted to continue services or not. However, if the total billed services came in under \$1,500, the City would not lose money by paying the \$1,500 up front, as it had previously done. There was no more discussion on this item. The mayor called for a motion.

Council Member Strate moved to adopt Resolution 15-38, approving an agreement with Utah Second District Juvenile Court for graffiti removal. Council Member Orr seconded the motion. The mayor asked if there were further discussion, and seeing none, he made a roll call vote:

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

The motion passed.

C. Consideration of Resolution 15-39 – Amending a Betterment Agreement with UDOT for Highway 89/Harrison Boulevard Intersection

This item was removed from the agenda earlier in the meeting.

D. Consideration of Resolution 15-40 – Approving an Agreement With VAR Resources for Lease of Mobile Data Computers for Police and Fire

The mayor asked Information & Communication Systems Administrator Brian Minster to speak to this item. Mr. Minster explained this lease would replace all the computers in police and fire vehicles. The current computers were five years old, two years over the recommended use time.

Council Member Smith asked if the computers would be compatible with the new Spielman software. Mr. Minster said they would be. Council Member Orr asked about budgeting for the computers. Mr. Minster said he would like to put money in the budget to replace them every three years, but often there was not money available. He also explained what would happen to the computers being replaced. He added that the new computers had a three year warranty on parts and labor; if they went past the three years, the City had to pay for parts and his time to do the repairs himself.

Council Member Smith asked what the City was paying per unit per year. Mr. Minster said he did not know the per year cost, but the per unit cost was approximately \$2,200. The lease amount for the entire package was \$22,060 per year, which also included the onboard printers for the vehicles. Mr. Smith asked if they had looked to see if buying the computers outright was more cost effective. Mr. Minster said he did not know what the purchase price without interest was, but the interest rate was 8.9%. He said on previous purchases of computers they had found it was better to lease them, as it freed up other money over the course of the lease; they did not need to come up with a large lump sum at once. At the end of the lease period, the warranty would be up and new equipment would be purchased. The warranty would cost the same whether the computers were purchased outright or leased. There was some discussion among the Council concerning the lease or

purchase of the computers and the warranty. Mr. Minster informed the Council the company they were leasing from had a different program where they would purchase the computers after the three year period and would therefore charge the City a -3% interest rate. The concern was that if at the end of the three years there was not money to purchase new computers, they would have no computers at all.

There was more discussion by the Council. Mr. Minster explained the cost difference between buying the computers outright and leasing them was the 8.9% interest. Mr. Smith asked if the company the lease was from was getting the best price per unit. Mr. Minster explained the computers themselves were not purchased through the leasing company itself; the leasing company only financed the lease. The company used for purchasing the computers was under a purchasing contract for all the western states so the cost of the computers was very good.

The Council discussed the matter and determined it was good to lease the computers to free up the money for other things. The mayor called for a motion concerning the resolution.

Council Member Smith moved to adopt Resolution 15-40, followed by a second from Council Member Orr. After determining there was no further discussion, Mayor Minster called the vote:

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

The lease agreement was approved.

E. Consideration of Resolution 15-41 – Approving an Agreement With Five9’s for FTP Server Access

Information & Communication Systems Administrator Brian Minster explained Five9’s was the company the City had purchased its phone system from. The City paid a support fee to Shortel for upkeep and software downloads, but Shortel normally only dealt with dealers like Five9’s. Because Mr. Minster had worked with Five9’s in setting up the phone system, he had large knowledge of the system and software needed to run it; therefore, Five9’s was allowing him to have access to their FTP server, which had all the updated information and downloads. It would not cost the City any money for the access and save the City money by providing downloads that otherwise would not be available without a cost. There was no discussion. The mayor called for a motion.

Council Member Strate moved to adopt Resolution 15-40, approving an agreement with Five9’s for FTP server access. Council Member Smith seconded the motion. There was no more discussion. The vote was called:

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

Resolution 15-41 was adopted.

IX. DEPARTMENT DIRECTOR REPORTS

A. Fire Chief Cameron West – Open House Information

Chief West informed the Council that Fire Prevention Week was coming up October 5-9. In commemoration, the City was having an event on October 7. The Chief gave each of the Council Members a flier concerning the event (see Attachment A). The fire department had a new prop it was excited to try out and was also hoping to have a medical helicopter land at the event. They hoped for a large turnout.

X. REPORTS

A. Mayor – nothing to report.

B. City Council Members

Council Member Porter – encouraged all the police officers, due to recent national events, to wear their bullet proof vests all the time.

Council Member Orr – reported there had been six new reports of West Nile Virus among the mosquito population in Weber County; one had been in South Ogden. She encouraged everyone to eliminate standing water on their property. She then reminded everyone of the SOBA meeting which would take place on Wednesday at noon at Mountain Ridge Assisted Living.

She thanked Brian Minster for his help on setting up the Bonneville CTC website and then announced a CTC picnic would be held on Wednesday here at the 40th Street Park. The CTC would also be hosting a “medicine take-back” at the local RC Willey on September 26. The CTC was also in need of volunteers.

Council Member Strate – reported the CTC would now be located at Bonneville High School. He then commented about 5600 South and the weeds.

Mr. Strate then reported the cracks on Park Vista were 2 inches apart in some areas. There were also many cracks on the trail in Nature Park.

He had also been asked by some residents if the entrance to The Club was wide enough and if the arrows in the parking lot needed to be fixed.

Council Member Smith – nothing to report.

C. City Manager –

Referred the Council to his report in the packet concerning 5600 South. He also reported he had met with the Department Directors concerning all the items the Council had been discussing over the past few months. The goal was to have a work session with the Council to prioritize the list and decide how to fund the projects. He explained that when one member of the Council mentioned something, they may be frustrated because it did not get done; however staff looked to receive direction from the Council as a whole to move forward on something. He hoped that by prioritizing things it would eliminate misunderstanding and frustration. He asked the Council to write down their projects and concerns in preparation for the work session.

Council Member Orr asked if Mr. Dixon could send out a survey as he had previously done; it had worked well. Mr. Dixon then asked the Council members to send him their projects so they could put it in a survey.

D. City Attorney Ken Bradshaw – nothing

XI. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION

This agenda item was removed earlier in the meeting.

XII. ADJOURN

There was no further business. Mayor Minster called for a motion to adjourn the meeting.

**Council Member Strate moved to adjourn, followed by a second from Council Member Porter.
All present voted aye.**

The meeting adjourned at 8:25 pm.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, September 1, 2015.


Leesa Kapetanov, City Recorder

Date Approved by the City Council _____ October 6, 2015 _____

Attachment A
Fire Open House Flier

Open House

**South Ogden Fire Dept.
3950 Adams Avenue**

**October 7, 2015
6-8 pm**

- *Extinguisher Training**
- *Live Fire Demonstrations**
- *Fire Engine, Ambulance
& Ladder Truck Exhibits**

Hot Dogs & Cookies