

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

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS EXCUSED**

Bryan Benard

**STAFF MEMBERS PRESENT**

City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Fire Chief Cameron West, Parks and Public Works Director Jon Andersen, Finance Director Steve Liebersbach, Human Resource Specialist Doug Gailey and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Kathi Benson, Keith Benson, Brie Imlay, Jay & Ame' Price

**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 Strate moved to convene as the South Ogden City Council, followed by a second from Council Member Smith. In a voice vote Council Members Strate, Orr, Smith, 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 led everyone present in the Pledge of Allegiance.

Mayor Minster excused Council Member Benard who was unable to attend the meeting that evening. He then announced it was time for public comments. He asked those who wished to comment to limit their time to three minutes.

**II. PUBLIC COMMENTS**

**Jim Pearce, 3915 Raymond** – noted that there would be a discussion that evening on chickens. Mr. Pearce had submitted a letter to the Planning Commission stating that he was not in favor of allowing chickens in the City. He did not think chickens belonged in an urban area; it was a city, not a farm town. Other cities had allowed chickens, but had been requiring 1 or ½ acre lot minimums. He stated there were 3 chicken farms within a one block radius of his home and the neighborhood was infested with raccoons; he had counted 4 in his back yard at one time. He also

felt that once chickens were allowed, other animals would more likely be allowed as well.

**Kathi Benson, 3880 Madison** – Ms. Benson stated she was the applicant for the change to allow chickens. She said the raccoons were here long before the chickens were. Chickens did not smell nor did they make noise. She said there should be a license fee similar to that for dogs, the number of chickens should be limited, and the eggs and meat from the chickens should not be sold. No roosters should be allowed either.

**Brie Imlay, 3876 Madison** – she had moved to South Ogden from Rose Park where chickens were allowed. She was glad her neighbors here had chickens, as it gave them something to talk about. She had not had any problems with smell or noise from the chickens.

**Keith Benson, 3880 Madison** - in the public hearing there were 20 or more people in favor of allowing chickens in the city. There was a lot of support to allow them.

Council Member Strate informed those present that the comments from the previous meeting had been forwarded to the council.

### III. **RECOGNITION OF SCOUTS/STUDENTS PRESENT**

There were no scouts or students present.

### IV. **CONSENT AGENDA**

#### A. **Approval of November 17, 2015 Council Minutes**

#### B. **Declaring Certain Items as Surplus To The City's Needs**

Mayor Minster read through the consent agenda and asked if there were any questions. Council Member Orr asked if the surplus items were the same as they had been notified about; staff advised her they were the same. The mayor called for a motion.

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

The consent agenda was approved.

The mayor indicated it was time to open a public hearing and entertained a motion to do so.

**Council Member Porter moved to enter a public hearing to receive comments on the Culinary Water Capital Facilities Plan and CDBG Program. Council Member Smith seconded the motion. The voice vote was unanimous in favor of the motion.**

### V. **PUBLIC HEARING**

To Receive and Consider Comments on the Following Items:

#### 1. **Proposed Amendments to the Culinary Water Capital Facilities Plan and Impact Fee Analysis**

Parks and Public Works Director Jon Andersen came forward to explain about the two items being considered for the public hearing. He said the Culinary Water Capital Facilities Plan identified the water line projects throughout the City as well as how the impact fee was collected and how it should be spent. The plan needed to be updated

because it tied in to the CDBG Program. In order to apply for CDBG funds, the project needed to be included in the capital facilities plan. He pointed out that the waterline project for South Junior High had been removed, and the waterline project for 37<sup>th</sup> Street had been added. The City would be able to use the 37<sup>th</sup> Street project funds as a match to apply for the waterline project under the CDBG grant program. The mayor invited anyone who wished to comment on the Culinary Water Capital Facilities Plan to come forward. There were no comments.

2. **To Consider Potential Projects For Which Funding May Be Applied For Under the CDBG Small Cities Program for Program Year 2015**

The mayor then invited Mr. Andersen to explain about the CDBG Program. Mr. Andersen said staff had attended a workshop on how to apply for CDBG funds and felt the 37<sup>th</sup> Street waterline project would be most eligible to receive the grant. The program had changed in recent years; whereas cities were able to receive funds to do a complete street and infrastructure replacement, funds were now limited to \$250,000. This only allowed a portion of the infrastructure or the street to be funded. In the past, the City had used CDBG funds to completely rebuild 850 East between 4200 South and Monroe, and 4300 South between 850 and 900 East. The Culinary Water Capital Facilities Plan listed all the projects the City needed, however not all of them benefited low and moderate-income persons, which was a requirement to be eligible for CDBG Grants. The water line on 37<sup>th</sup> Street needed to go from a 6" diameter to an 8" diameter to meet fire requirements and was in an area of the City that would benefit low to moderate-income persons. The purpose of the public hearing was to let the public know the City would be seeking CDBG funds and allow them to comment about projects for which they felt the City should seek the money. Mayor Minster asked if there were any comments from the public. No one came forward.

The mayor called for a motion to adjourn the public hearing.

**Council Member Smith moved to leave the public hearing and reconvene as the South Ogden City Council, followed by a second from Council Member Strate. All present voted aye.**

VI. **RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING**

Mayor Minster indicated it was time to enter into a CDRA Board meeting and called for a motion to do so.

**Council Member Porter moved to leave City Council meeting and convene into a Community Development Renewal Agency Board meeting. The motion was seconded by Council Member Orr. All present voted aye.**

See separate minutes.

Motion from CDRA Board Meeting to reconvene as South Ogden City Council:

**Board Member Porter moved to adjourn as the CDRA Board and reconvene as the South Ogden City Council, followed by a second from Board Member Smith. The voice vote was unanimous in favor of the motion.**

VII. **DISCUSSION / ACTION ITEMS**

A. **Discussion on Whether to Allow Chickens in South Ogden City**

City Manager Dixon reminded the Council they had last discussed this matter in 2011, when they had determined not to change the city code to allow chickens. The discussion was

now on the agenda in response to a resident's application for an amendment to the city code to allow chickens. City Planner Mark Vlasic had prepared a thorough report for the Council. The Planning Commission had reviewed the matter as well and in a 3-2 vote had recommended that chickens be allowed with certain restrictions. Staff, in considering the impacts on personnel and resources in licensing and enforcing chickens in the City, recommended that no change be made to the ordinance. Staff was looking for further direction from the Council as to how or if they should move forward on this issue. Council Member Orr stated she had kept chickens herself at one time, and she knew they attracted raccoons, stray dogs and rodents. If the City were going to consider allowing chickens, she would like more input from residents. She would also like to make sure that chicken coops were kept as far away from houses as possible and perhaps restrict them based on lot size.

Council Member Smith said they had been approached about pigs, bees, and chickens in the City, and they needed to spend some time to look at the benefits and needs of allowing them and see if it made sense for the community. They needed to make a decision on all of them.

Council Member Strate said he had raised chickens as a boy, but he had lived on 1.4 acres and lived in the country. He did not think chickens were appropriate in the city and he was against allowing them in South Ogden.

Council Member Porter said chickens may be appropriate for larger lots, but the people who wanted to have chickens seemed to live on smaller lots. He was not sure if they would work on smaller lots. He was afraid if they allowed chickens, people would then ask for pigs and then goats. At this point he was not against chickens, but he was very hesitant. The Council discussed the matter further, determining the impacts needed to be studied. Whatever was determined, the City needed to enforce the code.

City Manager Dixon asked the Council for direction. The Council asked staff to prepare a future work session on bees, chickens and pigs. Council Member Porter said he would like information on the impacts other cities had experienced by allowing chickens or bees in their city.

**B. Consideration of Ordinance 15-26 – Amending the Culinary Water Capital Facilities Plan and Impact Fee Analysis**

Parks and Public Works Director Jon Andersen spoke to this item. He said the Plan was being amended to add 37<sup>th</sup> Street so they could apply for CDBG funds and another project had been removed. The impact fees had actually been reduced because the project that had been dropped cost more than the one being added. The CDBG application was due in mid-January. He said a second CDBG public hearing would be required before they could apply. The Council asked several questions and Mr. Andersen explained how the funding process worked and the things that increased the City's chances of receiving the grant. He also explained that staff would be doing a door-to-door survey on 37<sup>th</sup> Street between Washington Boulevard and Orchard to determine resident's income, as the area had to qualify as a low to moderate income area. There was no more discussion. The mayor called for a motion.

**Council Member Porter moved to adopt Ordinance 15-26, followed by a second from Council Member Smith. The mayor asked if there were further discussion. There was no discussion by the Council. The mayor called the vote:**

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

**Ordinance 15-26 was adopted.**

**C. Consideration of Ordinance 15-27 - Amending Title 10, Chapter 11 Having to Do With Planned Residential Unit Developments (PRUD)**

City Manager Dixon stated this ordinance was in response to a recommendation from Neil Lindberg that the City's current PRUD Ordinance be changed as it may cause some liability issues. The proposed ordinance was patterned after Ogden City's but had been modified to meet South Ogden's needs. He pointed out the proposed ordinance was completely replacing the existing one, so there was no red-lined version showing the changes. Council Member Strate said the 40,000 square foot number for R-2 zones had been an error on a previous ordinance, and he did not feel it was sufficient as it allowed 5.4 units per acre. He felt it should be a higher number and suggested that the square footage of the average block in an R-2 zone be used, since any development would probably be a redevelopment. He also pointed out that Ogden City and Washington Terrace had done away with most of their R-2 zones. Mr. Strate then asked if the ordinance addressed the issue of roads in PRUD's. Formerly PRUD's were not required to meet city standards for roads because the roads were private; however, often HOA's associated with a PRUD would ask the City to take the roads back because they could not afford the repairs and maintenance of the roads. Mr. Dixon said the issue had been taken care of and referred Mr. Strate to the section of the ordinance that addressed the streets. It was also noted that 10-11-10(C) should have the words "conditional use" removed.

City Manager Dixon then pointed out the Planning Commission approved the preliminary and final plan of a PRUD, but it was then forwarded to the Council for their approval. He said if the developer met all requirements, they should be granted approval. Right now, both the subdivision and PRUD approval process required Council approval. There was discussion and questions on what kinds of things could be approved under the proposed ordinance and what things would be appealed to a hearing officer. They also discussed the advantages and disadvantages of the Council being involved in the approval process. Mr. Dixon recommended the Council not be involved in the approval process.

The Council further discussed what the minimum area for a PRUD in an R-2 zone should be; Council Member Porter asked if Mr. Strate would like to table the item. Council Member Strate said he would like to look into the matter more. It was determined they would like some more information from staff concerning the R-2 zone and what different densities looked like. There was no more discussion.

**Council Member Porter moved to table Ordinance 15-27. The motion was seconded by Council Member Strate. Mayor Minster asked if there were further discussion, and seeing none, he made a roll call vote:**

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

**The Ordinance was tabled.**

The mayor announced he was going to change the order of the agenda in consideration of staff. They would consider item G next.

**G. Consideration of Resolution 15-51 – Amending the City Personnel Policy Manual**

Human Resource Specialist Doug Gailey came forward to present this item. He explained there was a program called Trust Accountability Program (TAP) that allowed the City to receive 5% of its interest premium back, but the City needed certain employee policies in place to be eligible for the refund. This resolution made the recommended changes as well as some other policies that needed revision. Mr. Gailey reviewed each revision with

the Council. The revisions had to do with the Affordable Care Act, vacation and sick leave for exempt employees, transitional duty, acceptable driving records, and the employee appeals process.

Council Member Orr requested that in the section saying that no smoking is allowed, it be clarified that e-cigarettes are included. City Attorney Bradshaw said the law considered e-cigarettes the same as regular cigarettes, and it was redundant to include them.

The Council then discussed the appeals process, clarifying that no members of the Council would be involved in an employee hearing board as appeals would now be heard by a hearing officer.

Council Member Smith then asked if the City had a policy concerning city equipment use, especially for police employees. City Attorney Bradshaw said there was a police department policy in place, but it was not included in the employee policy manual. Council Member Orr concluded the discussion by asking that City employees be reminded of the no cell phone use while driving policy set out in the manual. Mayor Minster then entertained a motion concerning Resolution 15-51.

**Council Member Smith moved to adopt Resolution 15-51, amending the City Personnel Policy Manual. Council Member Strate seconded the motion. The mayor asked if there were further discussion and receiving no response, he called the vote:**

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

**The amendments to the Personnel Policy Manual were adopted.**

Mayor Minster then made another change in the order of the agenda, moving to item E.

**E. Consideration of Ordinance 15-29 – Amending the FY2016 Budget**

Finance Director Steve Liebersbach came forward to speak to this item. He handed each of the Council members a revised version of the budget amendments (see Attachment A), explaining that he had found an error on the amendments that had previously been sent to the Council. He had made a \$19,000 adjustment to the money budgeted for the Highway 89/Harrison Boulevard Project so the journal entry would balance.

Council Member Orr said that even though she had been unable to attend the budget work session at the last meeting, she had listened to the recording and wanted to thank Mr. Liebersbach for all the information he had presented. There was no further discussion. The mayor called for a motion.

**Council Member Porter moved to adopt Ordinance 15-29 amending the FY2016 Budget, followed by a second from Council Member Smith. Mayor Minster asked if there were further discussion.** Council Member Strate said he would like to slightly amend the motion by restricting the money being paid back to the general fund from the CDRA loan. He suggested the money be restricted for use in the 40<sup>th</sup> Street Project, including safe crossings for school children. Restricting the money would not make it part of the City's fund balance. There was then discussion on what order the loan repayments should be made. Mr. Liebersbach indicated the water and sewer funds would be fine through 2017 without the additional money. **Council Member Porter amended his previous motion. He moved to adopt Ordinance 15-29 amending the FY2016 Budget, with the correction made by Mr. Liebersbach and also that the \$109,000 loan repayment into the general fund be restricted for use on the 40<sup>th</sup> Street Project. Council Member Smith seconded the amended motion. There was no further discussion. The mayor called the vote:**

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

**The motion passed.**

The mayor then moved to item D on the agenda.

**D. Consideration of Ordinance 15-28 - Amending Title 10, Chapter 13 Having to Do with Multiple Buildings on a Single Lot**

City Manager Dixon indicated this proposed ordinance would completely replace the current ordinance. It was based on Ogden City’s ordinance, but tailored for South Ogden. Council Member Strate asked if the Council would be involved in the approval process for multiple buildings on a single lot. Mr. Dixon said it would not. There was no more discussion. Mayor Minster entertained a motion concerning the ordinance.

**Council Member Strate moved to adopt Ordinance 15-28 amending Title 10, Chapter 13. The motion was seconded by Council Member Smith. The mayor asked if there was further discussion, and seeing none, he made a roll call vote:**

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

**Ordinance 15-28 was adopted.**

Mayor Minster then indicated that item F had been removed from the agenda.

**VIII. REPORTS**

**A. Mayor** – thanked all those who had helped with serving at the Senior Center for their Thanksgiving Dinner.

**B. City Council Members**

**Council Member Porter** – said he appreciated the opportunity to serve at the Senior Center.

**Council Member Orr** – recognized the spouses who had also helped serve. She also reported on the conference she had attended in Seattle in connection with her work with the Communities That Care Program.

**Council Member Strate** – nothing to report

**Council Member Smith** - asked if the road behind Walmart had been looked at. City Manager Dixon reported staff had looked at it. Parks and Public Works Director Jon Andersen said Sgt. DeHart from the police department had also done a traffic study. Mr. Andersen said the way the road was built was meant to be a traffic calming device; to move all the fire hydrants and curb and gutter would be a major expense for the City.

**C. City Manager** – reported he, Jon Andersen and Engineer Brad Jensen were having regular meetings concerning the 40<sup>th</sup> Street Project. He said that funding the project was a concern and he appreciated the Council’s attention in putting money towards it.

Mr. Dixon then reported that the City had received the deed to the property on Park Vista Drive that lay at the entrance to the Nature Park. He concluded by saying the annual retreat would be held February 5-6. He asked the Council to forward any ideas for the retreat to him, reminding them the retreat was a time to focus on goals at the 50,000 foot level.

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

**IX. ADJOURN**

Mayor Minster called for a motion to adjourn the meeting.

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

The meeting adjourned at 8:46 pm.

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

  
Leesa Kapetanov, City Recorder

Date Approved by the City Council December 15, 2015

**Attachment A**  
Budget Amendment

# South Ogden City

## December 01, 2015

### Fiscal Year 2015 - 2016

### Budget Amendment

**Balance Sheet Entries - Prior Period Adjustments**

	<u>Debit Entry</u>	<u>Credit Entry</u>
10-14-230 Loan Receivable from CDRA - General Fund	\$567,034.40	
10-29-800 Fund Balance - General Fund		\$567,034.40
51-14-110 Loan Receivable from CDRA - Water Fund	\$374,477.83	
51-29-800 Fund Balance - Water Fund		\$374,477.83
52-14-220 Loan Receivable from CDRA - Sewer Fund	\$374,477.81	
52-29-800 Fund Balance - Sewer Fund		\$374,477.81
61-29-800 Fund Balance - CDRA	\$1,315,990.04	
61-22-000 Loan Payable to General Fund - CDRA Fund		\$567,034.40
61-22-100 Loan Payable to Water Fund - CDRA Fund		\$374,477.83
61-22-101 Loan Payable to Sewer Fund - CDRA Fund		\$374,477.81
* Balance sheet entries to set up receivable/payables		
61-22-000 Loan Payable to General Fund - CDRA Fund	\$109,743.45	
61-22-100 Loan Payable to Water Fund - CDRA Fund	\$72,476.18	
61-22-101 Loan Payable to Sewer Fund - CDRA Fund	\$72,476.18	
10-14-230 Loan Receivable from CDRA - General Fund		\$109,743.45
51-14-110 Loan Receivable from CDRA - Water Fund		\$72,476.18
52-14-220 Loan Receivable from CDRA - Sewer Fund		\$72,476.18
* Entry to record payment of all prior years' interest		

**FY 2016 Budget Entries - Record CY Interest**

	<u>Current Budget</u>	<u>New Budget</u>	<u>Difference</u>
61-40-820 Loan Interest Expense - CDRA Fund	\$0	\$25,987	\$25,987
10-36-100 Interest Earned - General Fund	\$23,700	\$34,897	\$11,197
51-30-100 Interest Earned - Water Fund	\$2,400	\$9,795	\$7,395
52-30-100 Interest Earned - Sewer Fund	\$1,200	\$8,595	\$7,395
* Budget for FY 2016 interest payments			
10-49-620 Youth City Council	\$0	\$2,800	\$2,800
10-49-260 Workers Compensation	\$40,000	\$56,400	\$16,400
10-60-510 Road Projects/Improvements	\$313,769	\$343,205	\$29,436
10-39-800 Appropriation of Fund Balance - General Fund	\$632,137	\$661,573	\$29,436
* Appropriate monies for YC and WC (from bid)			
* Appropriate monies for Harrison/Hwy 89 project, bringing total to \$146,976			
* Not a part of this amendment - information only			
10-39-800 Appropriation of Fund Balance - General Fund	\$664,310.00	\$683,510.00	\$19,200.00
* Correction on 11/17/2015 amendment			