



NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL WORK SESSION

TUESDAY, OCTOBER 20, 2020

WORK SESSION – 5 PM

COUNCIL MEETING - 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, October 20, 2020. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing and number of people allowed to gather at one time. No action will be taken on any items discussed during pre-council work sessions. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically.

WORK SESSION AGENDA

I. CALL TO ORDER – Mayor Russell Porter

II. DISCUSSION ITEMS

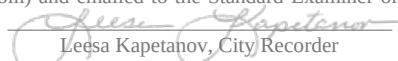
- A. Keeping Dog Park Open Through Winter
- B. Keeping Park Trails Open Through Winter

III. REVIEW OF AGENDA

IV. ADJOURN

Posted to the State of Utah Website October 16, 2020

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on October 16, 2020. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.



NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, OCTOBER 20, 2020

WORK SESSION – 5 PM

REGULAR COUNCIL MEETING - 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, October 20, 2020. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing and number of people allowed to gather at one time. No action will be taken on any items discussed during pre-council work sessions. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically.

CITY COUNCIL MEETING AGENDA

I. OPENING CEREMONY

- A. **Call to Order** – Mayor Russell Porter
- B. **Prayer/Moment of Silence** -
- C. **Pledge of Allegiance** – Council Member Orr

- II. **PUBLIC COMMENTS** – This is an opportunity to address the mayor and council with any concerns, suggestions, or praise. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

III. RESPONSE TO PUBLIC COMMENT

IV. RECOGNITION OF SCOUTS AND STUDENTS

V. CONSENT AGENDA

- A. Approval of October 6, 2020 Minutes
- B. Cancellation of November 3, 2020 Council Meeting Due to Elections

VI. DISCUSSION / ACTION ITEMS

- A.** Consideration of **Resolution 20-33** – Declaring Real Property Located at Approximately 5800 South Wasatch Drive as Surplus to the City’s Needs
- B.** Consideration of **Resolution 20-34** – Authorizing the Transfer of Real Property to the South Ogden City Community Development and Renewal Agency

VII. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING

See separate agenda

VIII. DEPARTMENT REPORTS

Fire Chief Cameron West – Interlocal Agreement

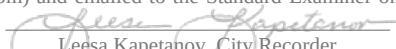
IX. REPORTS/DIRECTION TO CITY MANAGER

- A.** City Council Members
- B.** City Manager
- C.** City Attorney
- D.** Mayor

X. ADJOURN

Posted to the State of Utah Website October 16, 2020

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City’s website (southogdencity.com) and emailed to the Standard Examiner on October 16, 2020. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

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MINUTES OF THE SOUTH OGDEN CITY COUNCIL WORK SESSION AND CITY COUNCIL MEETING

TUESDAY, OCTOBER 6, 2020

WORK SESSION – 5 PM IN COUNCIL ROOM

COUNCIL MEETING – 6 PM IN COUNCIL ROOM

WORK SESSION MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth. Note: Council Member Smyth joined the meeting via the Microsoft Teams meeting app. Council Member Orr was excused from the work session.

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darin Parke, Finance Director Steve Liebersbach, Special Events Coordinator Jamie Healy, and Recorder Leesa Kapetanov.

Note: Police Chief Darin Parke, Fire Chief Cameron West, and Finance Director Steve Liebersbach joined the meeting via Microsoft Teams.

CITIZENS PRESENT

No one other than the council and staff attended this meeting.

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking the link

https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC201006_1701.mp3

or by requesting a copy from the office of the South Ogden City Recorder.

I. CALL TO ORDER

- Mayor Porter called the meeting to order at 5:03 pm and entertained a motion to begin.

00:00:11

Council Member Howard so moved, followed by a second from Council Member Strate. Council Members Strate, Stewart, Howard, and Smyth all voted aye.

II. REVIEW OF AGENDA

No one requested a review of the agenda.

III. DISCUSSION ITEMS

A. Discussion on Strategic Plan Goal 4.3: Identify & Implement Ways the City Can Assist in Creating More Affordable Housing

- Staff overview 00:02:20
- Discussion 00:06:22
- Direction to staff was to finalize the loan/grant program begun a few years ago and bring it back for discussion/adoption by the council

B. Evelyn Drive/40th Street Property

- Staff overview 00:27:07 City Manager Dixon gave the council some hand-outs. See Attachment A.
- Discussion 00:31:15
- The consensus of the council was to install a park on the property
- There was some extra time left in the meeting, so City Manager Dixon gave his report 00:41:11

IV. ADJOURN

At 5:50 pm, Mayor Porter called for a motion to adjourn the work session.

Council Member Strate moved to adjourn, followed by a second from Council Member Howard. The voice vote was unanimous in favor of the motion.

00:47:00

COUNCIL MEETING MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth Note: Council Member Smyth joined the meeting via the Microsoft Teams meeting app.

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Assistant City Manager Doug Gailey, Finance Director Steve Liebersbach, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darin Parke, Special Events Coordinator Jamie Healy, and Recorder Leesa Kapetanov Note: Police Chief Darin Parke joined the meeting via Microsoft Teams.

CITIZENS PRESENT

Kathryn Ruth, Susan Norberg, Jim Daily

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking this link

https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC201006_1758.mp3
or by requesting a copy from the office of the South Ogden City Recorder.

I. OPENING CEREMONY

A. Call To Order

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

Council Member Howard so moved, followed by a second from Council Member Strate. In a voice vote Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge Of Allegiance

Council Member Jeanette Smyth led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Carol

00:01:31

Requested the dog park be left open during

<u>Susan Norberg</u>	00:03:52	the winter. She submitted a written statement and petition. See Attachment B.
<u>Kathryn Ruth</u>	00:05:51	Requested dog park be left open
<u>Pam Prince</u>	00:06:39	Requested dog park be left open
<u>James Daily</u>	00:10:41	Requested a park not be built on Evelyn/40th
		Requested a park not be built on Evelyn/40 th

Assistant City Manager Doug Gailey read the online comments:

<u>Bryant Kunz</u>	00:12:44	Stated Madison needed more street lights and odd /even parking in the winter
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III. RESPONSE TO PUBLIC COMMENT 00:13:53

IV. RECOGNITION OF SCOUTS/STUDENTS PRESENT

No scouts or students were present.

V. CONSENT AGENDA

- A. Approval of September 15, 2020 Council Minutes
- B. Approval of Proclamation Declaring October 4-10 as Fire Prevention Week in South Ogden

- Mayor Porter read parts of the proclamation and then called for a motion for the consent agenda 00:14:51

Council Member Howard moved to approve the consent agenda, followed by a second from Council Member Orr. The voice vote was unanimous in favor of the motion.

VI. PUBLIC HEARING

To Receive and Consider Comments on Proposed Amendments to the FY2021 Budget

- The mayor called for a motion to enter into a public hearing for the purpose stated 00:17:16

Council Member Smyth so moved, followed by a second from Council Member Strate. All present voted aye.

- There was no public comment from those present concerning this item. The mayor called for a motion to close the public hearing but keep the online comment open until 6:23 pm.

Council Member Howard so moved. Council Member Strate seconded the motion. Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

- Assistant City Manager Doug Gailey read an online comment:
Adrienne Brown 00:18:45 Complimented the council

VII. DISCUSSION/ACTION ITEMS

A. Consideration of Resolution 20-32 – Amending the FY2021 Budget

- Staff overview 00:19:20
- Discussion 00:20:17
- Mayor Porter asked if there were any more public comments for the public hearing; seeing none, he called for a motion 00:27:55

Council Member Howard moved to approve Resolution 20-32. The motion was seconded by Council Member Strate. Council Member Orr stated she wished they did not have to do this now and was hopeful that the waterline would not break with the building going on. There was some more discussion. **The mayor called the vote:**

Council Member Orr -	Yes
Council Member Strate -	Yes
Council Member Stewart-	Yes
Council Member Howard -	Yes
Council Member Smyth -	Yes

Resolution 20-32 was adopted.

- Finance Director Steve Liebersbach gave the Council an update on the audit 00:29:04

VIII. DISCUSSION ITEMS

A. Traffic Control on Monroe

- Staff overview 00:31:08
- Discussion 00:39:48

IX. REPORTS/DIRECTION TO CITY MANAGER

A. City Council Members

- Council Member Stewart - 01:07:05
- Council Member Howard - Nothing to report
- Council Member Orr - 01:11:34
- Council Member Smyth - 01:15:12
- Council Member Strate - 01:18:04

B. City Manager 01:21:06

C. City Attorney Not present

D. Mayor Porter 01:22:23

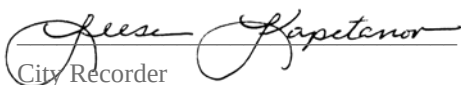
X. ADJOURN

At 7:27 pm, Mayor Porter called for a motion to adjourn.

01:26:29

Council Member Smyth so moved, followed by a second from Council Member Strate. The voice 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 Pre-Council Work Session and Council Meeting held Tuesday, October 6, 2020.


City Recorder

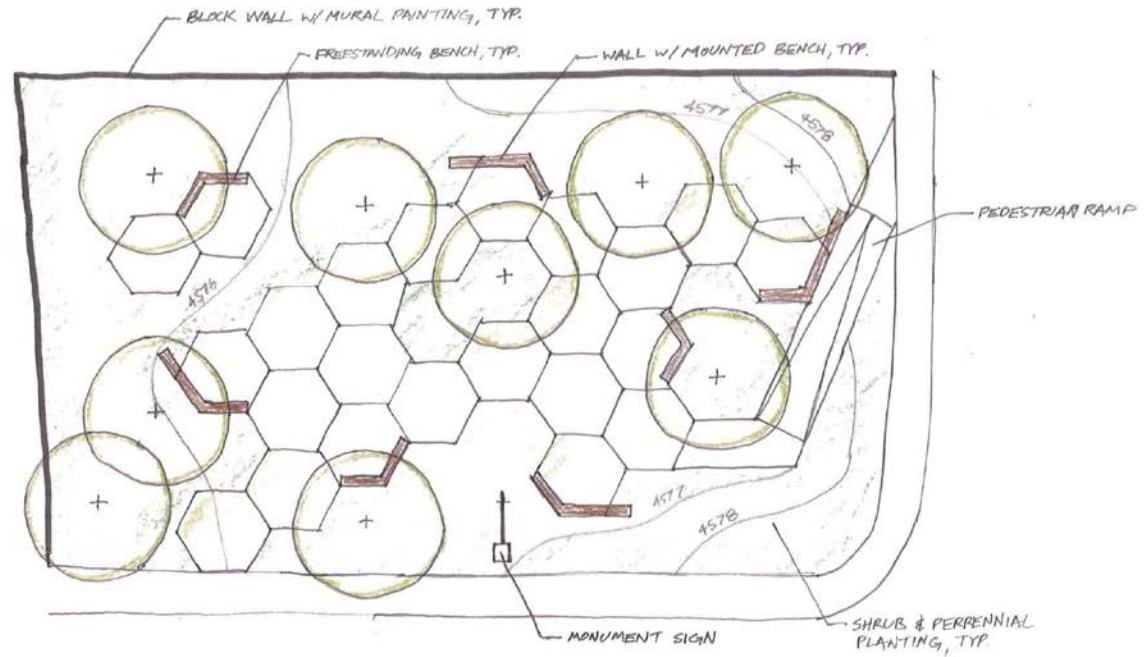
Leesa Kapetanov,
Date Approved by the City Council

ATTACHMENT A

Handouts from City Manager Dixon for Property on Evelyn/40th Street

CONCEPT A

[HONEYCOMB]

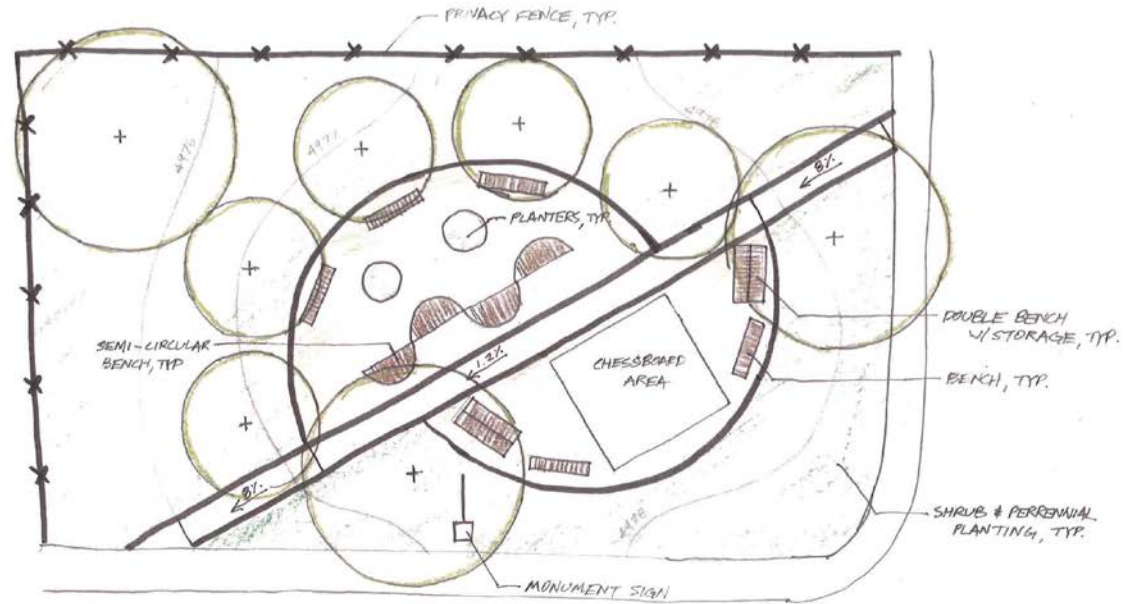


NOTES:

- Hexagon concrete panels could be multiple colors
- Ramp needs handrails
- Can accomodate plaza games, such as chess, cornhole, table tennis

CONCEPT B

[SLICE]

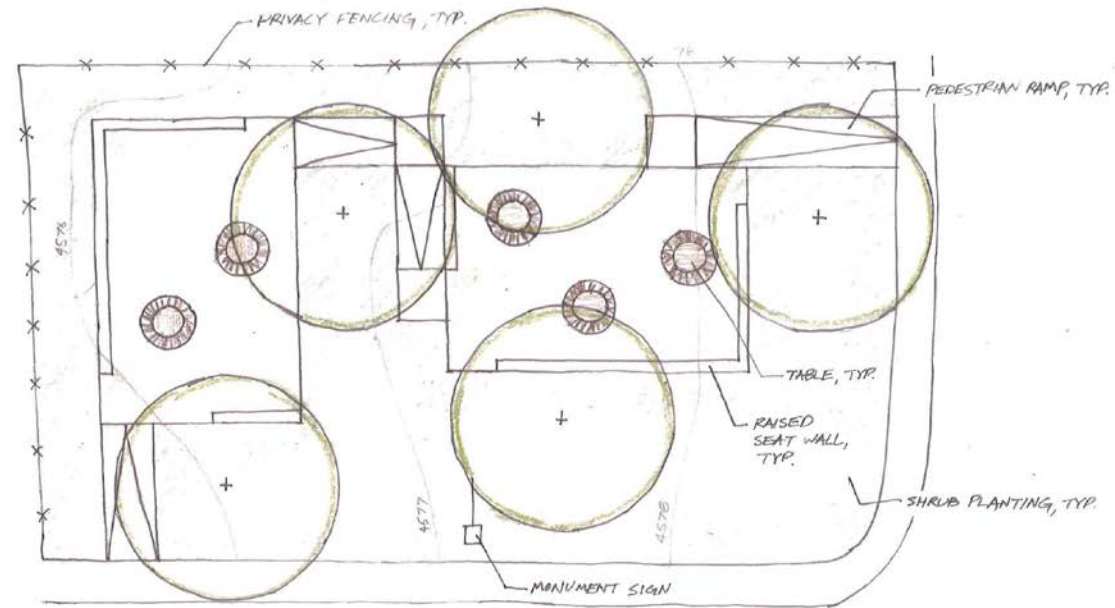


NOTES:

- Simplest walkthrough, but ramps need handrails
- Can accommodate plaza games, such as chess, cornhole, table tennis

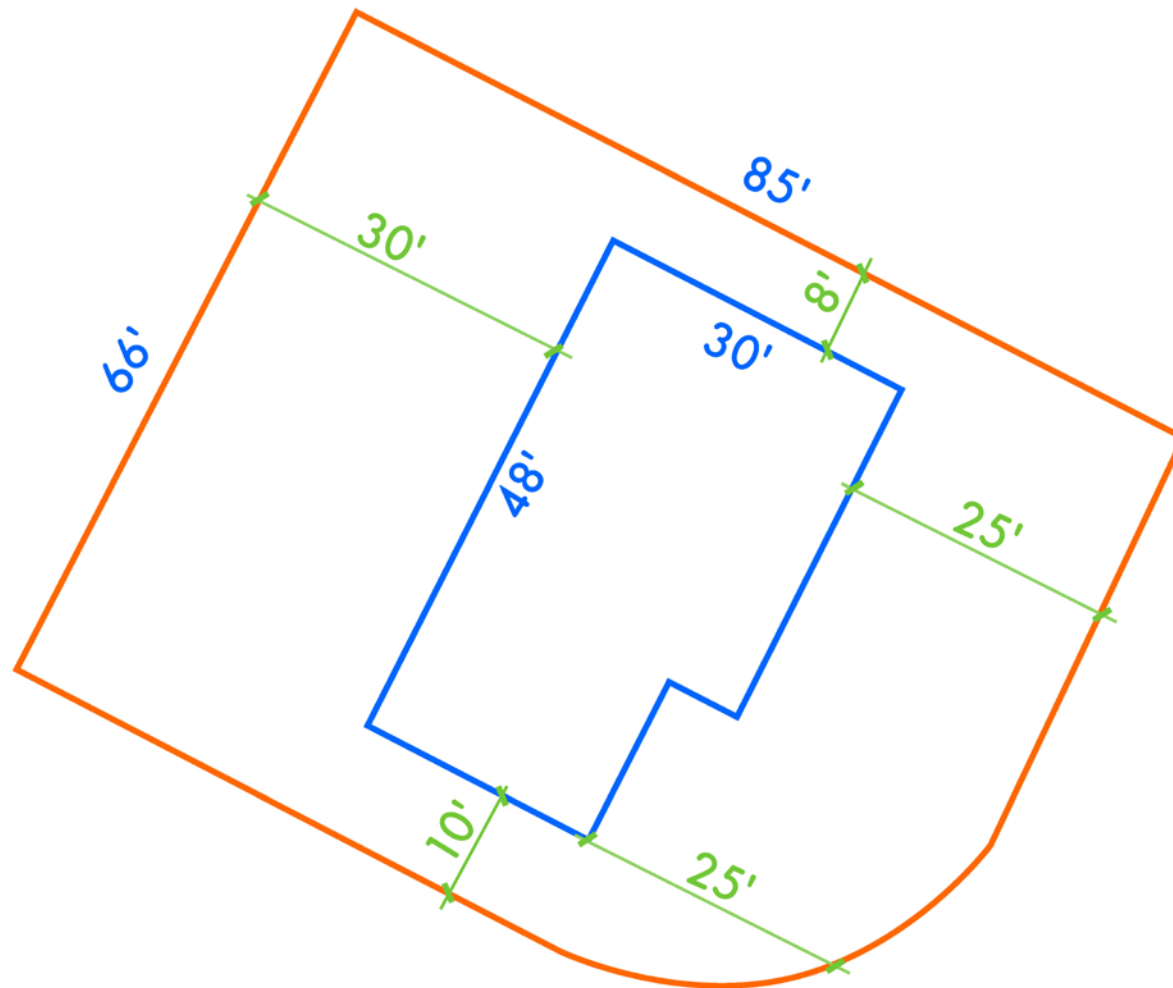
CONCEPT C

[TERRACE]



NOTES:

- Could explore brightly colored pavement patterns if desired
- All ramps at 5% (no handrails)
- Can accommodate plaza games, such as chess, cornhole, table tennis



ATTACHMENT B

Written Comments and Petition Submitted by Carol

October 6th, 2020

South Ogden City Council/City planner
South Ogden, Utah
Re: Dog Park

Thank you for taking the time to read this short but very important request. We are citizens and people who enjoy the many benefits the dog park offers. The park offers a place for our beloved dogs to run, play, have fun and enjoy an off leash safe environment. In addition, the dog park offers us dog owners a great social, mentally healthy opportunity. Many of the lovers of the park are elderly and for some this is their only social interaction. We wish you could be at the park to witness with your own eyes, the smiles, laughs and friendships that the park offers.

Some of the neighbors who live very near the park comment that when the park is closed in the winter, they do see people in cars who are involved in illegal activity. Having the dog park open in the winter does discourage that type of negative activity.

We, respectfully ask that this important request be discussed and allow us citizens to enjoy the park in the winter.

We have attached a petition with 276 signatures from people who are really counting on this request to be approved.

Respectfully,

Petition: Please Keep South Ogden Dog Park
Open Year Round.

Cheri Hart	Shane Deleking
Wendie Damm	Kiornicorbin
Willie Kibler	Joe O'Leary
Angela Piller	Brad Eider
Bill Wally	Angie Wells
Whitney Pomeroy	W. Burton
Karen Leatherwood	Super Raring
Marcus Leatherwood	A. Z.
ADISON HIGLEY	Chris Lane
Kayla White	Danika Nelson
Gregory P. O'Neill	Tammy Buckley
Cozy Thompson	Chris
Taya Conley	Melissa Hornby
Daniel Turner	W. D.
Sam Ingle	Heidi
Vernon Rully	Chris
Melanie Lister	Paula Marie
Lisa Baker	Don Lind
Daniel Larue	Zac Anderson
Patti Lowe	Drew Stille
Marilyn	Janet Dwyer
Tina Deleking	Brendon Mednick
Dolamar Smith	Susanne Howenel
Cynthia Hovner	Hannah Beachler

Please leave the dog park open for the winter.

~~mid~~	Jaimo Rodriguez
Mont Jzyk	Yara J
Elvadi Jzyk	Ryle J
~~JK~~	Cl D
~~WRD~~	hamelle Uestarp
~~JK~~	Madison Smith
~~JK~~	Claron Bryckley
~~Rhoda~~	Yohel Ponce
~~JK~~	Jessica Johnson
~~JK~~	Wanda Adam
Sebra Perry	Charly Cynto
Ragon Hall	~~JK~~
Josum Vera	~~JK~~
~~JK~~	~~JK~~
scam asan	Jimin

10	Damara Barnes	Jody M
	Chaps Burnett	Katie Dias
	~~Rafael~~	Tyler Bailey
	Ryle Afflerbach	Stephanie Burnett
	Joseph DeGarmo 905 33rd St Ogden	
	Ian Cardon	Leon Bonetti
	Matt Ferrin	~~JK~~
	Mathewie Ferrin	Alison Christiansen
	Cheyenne Calkins	Ron Christiansen
	Theresa Hill	Diana Huff
	Scott Hill	~~JK~~
	Mon Williams	~~JK~~
	McKayla Carter	~~JK~~
	Quinn Carter	~~JK~~
	Chad Duke	~~JK~~
	Marell Meredith	~~JK~~
	~~JK~~	Brianna Morales
	Weston Byrd	Eric Robison
	Tametha Lewis	~~JK~~
	Rhonda Sheumessie	~~JK~~
	MARVIC VILLAPANDO	~~JK~~
	Jona Armstrong	~~JK~~
	Tammy L. M. Hoyle	~~JK~~
	Astrid Perez	~~JK~~
	MaryAnn Schwalbendorf	~~JK~~
	Alex Schwalbendorf	~~JK~~

The dog park benefits the South Ogden Community

Carol Winklers	Jill VanOrman
Robert B. Johnson (26 Sylvia)	Ed Messer
Alyssa Adams	Carol Torgner
Amy Kendrick	Julia Foy
Chamber Malpas	Bryden Phyllis
Harlee Kufner	Niamh Dwyer
D. L. King	Kim Dale
Hannah Cox	Mary E. Hamilton
Lynn	Tom Hamilton
Lisa Thompson	Belle Schwarzbach
R. L. Hill	Nike Montanaro
Clay Wright	Kac K. Hall
Melissa Robbins	Melissa Benjamin
Cherlene	Kathryn Rich
Logan	Amber Gray
Christian Zurborg	David Parent
Barbara	David Parent
Lia Stewenson	David Parent
Anwar Rahman	Anwar Rahman

page 15

Please leave the dog park open for the winter.

<i>David Clark</i>	<i>mm</i>
<i>Greg Johnson</i>	<i>2B</i>
<i>Christy Johnson</i>	<i>DD</i>
<i>IVN</i>	<i>ayre McLeod</i>
<i>V. Sturman-Jones</i>	<i>Fuller</i>
<i>Sh. P.</i>	<i>John</i>
<i>B. Oak</i>	<i>John</i>
<i>Vronne Paulsen</i>	<i>Marisa Puyuguet</i>
<i>RS</i>	<i>Namaste</i>
<i>Ami Muhl</i>	<i>Petavio Perez</i>
<i>48 Muhl</i>	<i>David STORY</i>
<i>B. Muhl</i>	<i>Jamille Fyfe</i>
<i>at</i>	<i>John</i>
<i>John</i>	<i>Cyndi Tappan</i>

Please leave the dog park open for the winter.

<i>John</i>	<i>Jaime Rodriguez</i>
<i>Mont. J. Zyle</i>	<i>John</i>
<i>Elizabeth Zyle</i>	<i>Ryan</i>
<i>John</i>	<i>John</i>
<i>John</i>	<i>Janette Westrup</i>
<i>John</i>	<i>Marlison Smith</i>
<i>John</i>	<i>Claron Bryndley</i>
<i>John</i>	<i>John</i>
<i>John</i>	<i>Jessica Johnson</i>
<i>John</i>	<i>Wanda Adams</i>
<i>Debra Perry</i>	<i>Carolyn</i>
<i>Regan Hall</i>	<i>John</i>
<i>Joann Vera</i>	<i>John</i>
<i>John</i>	<i>John</i>
<i>John</i>	<i>John</i>

REPORT OF ACTION

South Ogden City Planning Commission



MEETING DATE: October 8, 2020
ITEM: Declaring Real Property as Surplus to City's Needs
LINK: [October 8, 2020 PC Meeting](#)

Time stamps in blue (00:00:00) correspond to the audio recording

ACTION OF PLANNING COMMISSION

The planning commission recommended the city council declare the property at approximately 5800 Wasatch Drive as surplus to the city's needs, as doing so did not go against the general plan.

CONCERNS RAISED AT PUBLIC HEARING

Karen Flitton- was there on behalf of her 11-year-old daughter who could not attend. Her daughter wanted the property to be made into a skate park. Ms. Flitton also asked if there was a better use for the property rather than more high-density housing.

00:05:00

Matthew Flitton- wanted to know if this space was open space. He felt that if it was, the developer should give the city something in return.

00:09:35

PLANNING COMMISSION DISCUSSION

Discussion 01:47:20

MOTION

Commissioner Jones moved to recommend to the city council that the property located at approximately 5745 Wasatch drive be declared surplus to the city's needs. Commissioner Amos seconded the motion. Chair Bradley made a roll call vote:

Commissioner Pruess-	Yes
Commissioner Jones-	Yes
Commissioner Amos-	Yes

Commissioner Layton-	Yes
Commissioner Howe-	Yes
Commissioner Rounds-	No

The motion passed.

**SOUTH OGDEN CITY
RESOLUTION NO. 20-33**

**RESOLUTION OF SOUTH OGDEN CITY DECLARING CERTAIN REAL PROPERTY
SURPLUS TO CITY NEEDS AND AUTHORIZING SALE OF SAID PROPERTY AS
PROVIDED BY THE CITY'S PROPERTY DISPOSAL POLICY ON TERMS
OTHERWISE CONSISTENT WITH STATE LAW; AND, PROVIDING AN EFFECTIVE
DATE**

SECTION I - RECITALS

WHEREAS, the City Council finds that the City of South Ogden (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that, in conformance with Utah Code § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to, regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds that the public convenience and necessity require the actions herein contemplated; and,

WHEREAS, the City Council finds that Utah Code provides that a city council may purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the city. . . and do any other thing in relation to this property that an individual could do; and,

WHEREAS, the City Council finds that the public convenience and necessity no longer require that the City continue to own certain real property, and that said property should be declared surplus to City needs; and,

WHEREAS, the City Council finds that the real property herein declared to be surplus to the City needs must be sold under terms and conditions of the City’s property disposal policies, consistent with state law.

THEREFORE, BE IT RESOLVED by the City of South Ogden:

SECTION II – PROPERTY DECLARED SURPLUS

That the real property known as Weber County Parcel #07-082-0027 is declared to be surplus to city needs; and that the City Manager is directed and authorized to dispose of the property under the terms of the City’s property disposal policies, consistent with state law, or as otherwise directed by the Governing Body: and, that the City Recorder is authorized to certify the Manager’s authority so to do.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order, resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Resolution shall be held, or deemed, or shall be invalid, inoperative, or unenforceable, such shall render no other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of the City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective immediately after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 6th day of October, 2020.

SOUTH OGDEN CITY

Russell L. Porter
Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

**SOUTH OGDEN CITY
RESOLUTION NO. 20-34**

**A RESOLUTION OF SOUTH OGDEN CITY AUTHORIZING THE TRANSFER OF
REAL PROPERTY TO THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY**

WHEREAS, South Ogden City (the “**City**”) has created the South Ogden City Community Development and Renewal Agency (the “**Agency**”), and the Agency continues to operate pursuant to Utah Code Ann. § 17C-1-101 et seq., the Limited Purpose Local Government Entities -- Community Reinvestment Agency Act (the “**Act**”); and

WHEREAS, the Agency is authorized to provide for project area development and carry out the purposes of the Act as described therein; and

WHEREAS, the City is authorized to lend, grant, or contribute funds to an agency for community reinvestment projects and provide for other assistance to the Agency as set forth in Utah Code § 17C-1-207; and

WHEREAS, the Agency is authorized to accept financial or other assistance from any public or private source for the Agency’s activities, powers, and duties, and expend any funds so received for any of the purposes of the Act; and

WHEREAS, the City is authorized to dispose of surplus property; and

WHEREAS, the City is authorized to transfer property to the Agency for less than fair market value or for no consideration per Utah Code § 17C-1-207(1)(b); and

WHEREAS, the City desires to transfer a certain parcel of real property, known as Weber County Parcel #07-082-0027 (the “**Property**”), to the Agency in order to facilitate project area development and to accept a promissory note from the Agency; and

WHEREAS, the Planning Commission has reviewed the proposed transfer of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH OGDEN THAT:

1. The City finds that the transfer of the Property to the Agency is in the best interests of the City and its residents.
2. The City finds that the transfer of the Property will benefit the City Center Community Reinvestment Project Area, as created by the Agency and the City, by enabling development that will benefit the Project Area and the residents of the City.

3. The City shall transfer the Property to the Agency via special warranty deed(s), in a form reasonably acceptable to the City substantially, as attached hereto as **Exhibit A**.

3. Upon execution of a promissory note in a form acceptable to the City, the Agency shall be indebted to the City in the amount of \$480,000 (the “**Loan**”), which shall be due on December 31, 2026 shall have no penalty for prepayment, and the amount of the Loan shall be reduced as may be necessary such that the full repayment amount of the Loan shall not exceed the total proceeds to the Agency from the sale of the Property.

4. The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

5. If any provision of this Resolution shall be held or deemed invalid, inoperative or unenforceable, such shall render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

6. City staff are authorized to take such actions as may be necessary to accomplish the purposes of this Resolution.

7. This Resolution shall take effect immediately upon adoption and publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 6th day of October, 2020.**

**SOUTH OGDEN
CITY**

Russell L. Porter, Mayor

Attest:

Leesa Kapetanov, CMC
City Recorder

EXHIBIT A

Form of Deed

When Recorded, Return To:
South Ogden City
Attn: Matt Dixon
3950 S Adams Ave.
South Ogden, UT 84403

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN and 00/100 Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, **SOUTH OGDEN CITY**, a political subdivision of the State of Utah (“**Grantor**”), has bargained and sold, and by these presents do transfer and convey to the **SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**, a political subdivision of the State of Utah (“**Grantee**”), certain land in Weber County, State of Utah, being more particularly described as:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, AND RUNNING THENCE SOUTH 191.33 FEET, THENCE EAST 286.43 FEET TO THE WEST LINE OF THE STATE HIGHWAY, THENCE NORTH 31°31' WEST ALONG THE WEST LINE OF SAID HIGHWAY 224.45 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER, THENCE WEST 169 FEET TO THE PLACE OF BEGINNING.

Also known as Weber County Parcel # 07-082-0027

This Special Warranty Deed is subject to all easements, rights of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing property taxes and assessments.

Grantor further covenants and binds itself to warrant and forever defend the title to the property to the said Grantee, Grantee’s successors and assigns, against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise.

WITNESS, the hand of said Grantor this _____ day of _____, 2020.

SOUTH OGDEN CITY

By: Russell L. Porter, Mayor

State of Utah)
 §
County of Weber)

On this _____ day of _____, 2020, before me, _____, a notary public, personally appeared Russell L. Porter, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.

Witness my hand and official seal.

(notary signature)



NOTICE AND AGENDA

SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING TUESDAY, OCTOBER 20, 2020 – 6:00 P.M.

Notice is hereby given that the South Ogden City Community Development and Renewal Agency Board will hold a meeting on, Tuesday, October 20, 2020 beginning at 5:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing and number of people allowed to gather at one time. Some members of the council may be attending the meeting electronically.

I. CALL TO ORDER – Chairman Russell Porter

II. CONSENT AGENDA

- A.** Approval of September 1, 2020 CDRA Minutes

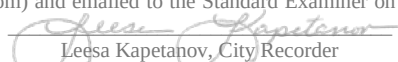
III. DISCUSSION/ACTION ITEMS

- A.** Consideration of **CDRA Resolution 20-11** – Accepting Transfer of Real Property from South Ogden City

IV. ADJOURN

Posted to the State of Utah Website October 16, 2020

The undersigned, duly appointed Board Secretary, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on _October 16, 2020. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.



**MINUTES OF THE
SOUTH OGDEN CITY COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY BOARD MEETING**

TUESDAY, SEPTEMBER 1, 2020 – 5:00 P.M.

COUNCIL CHAMBERS, CITY HALL

BOARD MEMBERS PRESENT

Chairman Russell Porter, Board Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth Note: Board Member Smyth joined the meeting via the Microsoft Teams meeting app.

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darrin Parke, Information Services Manager Brian Minster, Special Events Coordinator Jaime Healy, and Recorder Leesa Kapetanov

Note: City Attorney Ken Bradshaw, Assistant City Manager Doug Gailey, and Police Chief Darrin Parke joined the meeting via Microsoft Teams

CITIZENS PRESENT

Bryana Collard, Sean Alibrando, Bruce & Joyce Hartman

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking this link

https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC200901_1800.mp3
or by requesting a copy from the office of the South Ogden City Recorder.

Motion from council meeting to enter CDRA Board Meeting:

01:02:52

Council Member Strate moved to recess city council meeting and convene into a Community Development and Renewal Agency Board meeting. The motion was seconded by Council Member Howard. The voice vote was unanimous in favor of the motion.

I. CALL TO ORDER

Chair Porter called the meeting to order at 7:04 pm and moved to the consent agenda.

II. CONSENT AGENDA

A. Approval of August 4, 2020 CDRA Minutes

- The chair stated the first item on the agenda was the approval of the August 4, CDRA Minutes 01:03:14

Board Member Strate moved to approve the August 4 CDRA minutes, followed by a second from Board Member Smyth. Board Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

III. DISCUSSION/ACTION ITEMS

A. Consideration of CDRA Resolution 20-12 – Approving an Agreement with South Ogden City for Lease of Lincoln Avenue

- Staff overview 01:03:32
- There was no discussion on this item
- Motion 01:04:09

Board Member Strate moved to adopt CDRA Resolution 20-12. Board Member Howard seconded the motion. There was no further discussion. The chair called the vote:

Board Member Orr -	Yes
Board Member Strate -	Yes
Board Member Stewart -	Yes
Board Member Howard -	Yes
Board Member Smyth -	Yes

CDRA Resolution 20-12 was approved.

B. Consideration of CDRA Resolution 20-13 – Approving a Sub-Lease Agreement with Seasons on Riverdale for Lease of Lincoln Avenue

- Staff overview 01:04:33
- There was no discussion on this item
- At this point in the meeting, it was realized that the motion to approve CDRA Resolution 20-12 did not include changing the date to March 1, 2021. Chair Porter entertained a motion to approve CDRA Resolution, changing the date to March 1, 2021.

01:05:00

Board Member Strate so moved. The motion was seconded by Board Member Smyth. The chair called the vote:

Board Member Orr-	Yes
Board Member Strate-	Yes
Board Member Stewart-	Yes
Board Member Howard-	Yes
Board Member Smyth-	Yes

CDRA Resolution 20-12 was approved with the amended date.

- 90
- 91 • Chair Porter called for a motion to approve CDRA Resolution 20-13 with the March 1,
- 92 2021 date change 01:06:10
- 93

94 **Board Member Howard so moved, followed by a second from Board Member Smyth. The**

95 **chair asked if there was any discussion, and seeing none, called the vote:**

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97	Board Member Howard-	Yes
98	Board Member Smyth-	Yes
99	Board Member Strate-	Yes
100	Board Member Stewart-	Yes
101	Board Member Orr-	Yes

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103 **The motion stood.**

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106 **IV. ADJOURN**

- 107 • Chair Porter called for a motion to adjourn
- 108 01:06:41
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110 **Board Member Howard moved to adjourn the CDRA Board meeting and reconvene as the South**

111 **Ogden City Council, followed by a second from Board Member Strate. All present voted aye.**

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113 The meeting adjourned at 7:08 pm.

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131 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Community

132 Development and Renewal Agency Board Meeting held Tuesday, September 1, 2020.

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135 Leesa Kapetanov, City Recorder, Board Secretary

Date Approved by Board

CDRA Resolution No. 20-11

**A RESOLUTION OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY ACCEPTING THE TRANSFER OF REAL PROPERTY
FROM SOUTH OGDEN CITY AND AUTHORIZING THE EXECUTION OF A
PROMISSORY NOTE**

WHEREAS, the South Ogden City Community Development and Renewal Agency (the “Agency”) is authorized to provide for project area development pursuant to Utah Code Ann. § 17C-1-101 et seq., the Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “Act”); and

WHEREAS, the Agency is authorized by the Act to enter into contracts generally, to acquire and dispose of interest in real property, and exercise other powers as set forth in the Act; and

WHEREAS, the Agency is authorized to borrow money and accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of the Act and comply with any conditions of the loan or assistance; and

WHEREAS, the Agency desires to accept the transfer of three parcels of real property from the City of South Ogden (the “City”) and execute a corresponding promissory note to facilitate development within the City, and benefitting the South Ogden City Center Community Reinvestment Project Area; and

WHEREAS, the City is authorized by the Act to transfer property, for fair market value or for less than fair market value, and to loan or grant money to the Agency and to provide for other assistance to the Agency; and

WHEREAS, the Agency desires to accept the property from the City and authorize the execution of a promissory note evidencing the Loan.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH OGDEN CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:

1. The Agency finds that acquisition of the Property will benefit the desired project area development within the City Center Community Reinvestment Project Area and will benefit the City as a whole.
2. The Agency hereby accepts the transfer of real property from the City known as Weber County Parcel # 07-082-0027.
3. The Chair of the Agency is hereby authorized to execute a promissory note for the amount of \$480,000 in substantially the form attached hereto as **Exhibit A**, setting forth the terms of the indebtedness of the Agency to the City.

4. Agency personnel, staff, and counsel are hereby authorized to take such actions as may be necessary to accomplish the purposes of this Resolution.

5. This Resolution takes effect immediately upon adoption.

APPROVED AND ADOPTED on the 6th day of October, 2020.

Russell L. Porter, Chair
*South Ogden City Community Development
and Renewal Agency*

Attest:

Leesa Kapetanov, Secretary

EXHIBIT A

Promissory Note

\$480,000

Date: October 6, 2020

CITY OF SOUTH OGDEN UNSECURED PROMISSORY NOTE

FOR VALUE RECEIVED, this Unsecured Promissory Note is dated as of October 6, 2020 (“**Promissory Note**”) and evidences an indebtedness of the South Ogden City Community Development and Renewal Agency (“**Maker**”) to the City of South Ogden, Utah (“**Holder**”). For value received, Maker hereby promises to pay to the order of Holder, at such address as Holder shall designate, the amount of four hundred and eighty thousand dollars (\$480,000.00) (“**Loan Amount**”), with interest, in accordance with the terms of this Promissory Note.

1. **Unsecured Obligation.** The Maker’s obligations under this Promissory Note are not secured by any instrument encumbering any property or asset of Maker.

2. **Repayment of Promissory Note.** Maker shall pay to the order of Holder the Loan Amount, with interest accruing at the rate of zero percent (0%) per annum, as follows:

2.1 **Maturity Date.** Maker promises to pay to the order of Holder the Loan Amount, with all accrued interest, by no later than December 31, 2026 (“**Maturity Date**”).

2.2 **Payment.** All payments due hereunder are payable in lawful money of the United States in same-day funds. The Loan Amount may be prepaid, in whole or in part, at any time and from time to time without penalty or premium.

2.3 **Acceleration.** The entire unpaid balance of the Loan Amount shall be due and payable prior to the Maturity Date upon Maker’s material breach any of the obligations of this Promissory Note.

2.4 **Priority.** Maker’s obligation to pay the unpaid principal balance of the Loan Amount shall be limited to the available funds of Maker which are not otherwise encumbered as of the Maturity Date.

2.5 **Reduction in Loan Amount.** The Loan Amount shall be reduced as may be necessary, such that the full repayment amount of the Loan shall not exceed the total proceeds to the Agency from the sale of the Property.

3. **Assignment.** Holder shall have no power to transfer or assign its right to receive any payment under this Promissory Note, unless Maker has first granted written approval to Holder for such a proposed assignment, in the Maker’s sole and absolute discretion.

4. **Severability.** The unenforceability or invalidity of any provision or provisions of this Promissory Note as to any persons or circumstances shall not render that provision or those

provisions unenforceable or invalid as to any other person or circumstances, and all provisions hereof, in all other respects, shall remain valid and enforceable.

5. **Governing Law.** The validity, interpretation and performance of this Promissory Note shall be governed by and construed in accordance with the laws of the State of Utah, without regard to conflicts of laws principles.

6. **Jurisdiction and Venue.** The Holder and the Maker acknowledge and stipulate that the obligation hereunder was entered into in the County of Weber, Utah. Any legal action or proceeding to interpret, enforce, or which in any way arises out of this Promissory Note shall be instituted and prosecuted in the appropriate court in the County of Weber, Utah. Holder and Maker expressly waive, to the maximum legal extent, any legal right either Party may have to have such action or proceeding transferred to or prosecuted in any other court or jurisdiction.

7. **Amendments and Modifications.** This Promissory Note may be amended or modified only in writing signed by Holder and Maker.

8. **Time of the Essence.** Time is of the essence of this Promissory Note.

[signatures on following page]

SIGNATURE PAGE TO
CITY OF SOUTH OGDEN UNSECURED PROMISSORY NOTE

MAKER:
SOUTH OGDEN CITY
COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY

Russell L. Porter, Chair

ATTEST:

Leesa Kapetanov, Secretary

APPROVED AS TO LEGAL FORM:

Adam S. Long, Attorney for the South Ogden
City Community Development and Renewal
Agency

Riverdale/South Ogden Interlocal Agreement

Staff Report by Chief West

Unforeseen Challenges

- General HR Issues
- Apparatus Wear and Tear
- Staffing
 - OT and difficulty with PT
- Differing Physician Controls
- Mutual Benefit to Both Cities Was Not Realized
- Prescription Medications
- EMS Supplies

Moving Forward

- South Ogden Fire has learned a great deal while working through this trial agreement. We will use the lessons learned to become a better department while still providing the best possible service.
 - South Ogden Fire will be able to institute the same system for the South Ogden Residents that was used throughout the trial agreement. We will be able to do this with the funding that was allocated to pay Riverdale. This system will allow for the same level of service that we were receiving but will also keep all of South Ogden's resources within the limits of the city.
 - Training
 - Future Partnerships
 - Structure
 - Ambulance Billing