

**MINUTES OF THE  
SOUTH OGDEN CITY COUNCIL MEETING  
Tuesday, June 18, 2013– 6:00 p.m.  
Council Chambers, City Hall**

**COUNCIL MEMBERS PRESENT**

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

**COUNCIL MEMBERS EXCUSED**

Bryan Benard

**STAFF MEMBERS PRESENT**

City Manager Matthew Dixon, Parks and Public Works Director Jon Andersen, Chief of Police Darin Parke, Finance Director Steve Liebersbach, Ben Robbins and Recorder Leesa Kapetanov

**CITIZENS PRESENT**

Jim Pearce, Robin Holley, Bonnie Herrick, Sam Herrick, Steve Herrick

**I. OPENING CEREMONY**

**A. Call to Order**

Mayor James F. Minster called the meeting to order at 6:00 p.m. and asked for a motion to convene.

**Council Member Smith moved to convene as the South Ogden City Council, seconded by Council Member Porter. Council Members Orr, Strate, Smith and Porter all voted aye.**

**B. Prayer/Moment of Silence**

The mayor led those present in a moment of silence.

**C. Pledge of Allegiance**

Council Member Smith directed everyone in the Pledge of Allegiance.

The mayor then invited anyone who wished, to come forward for public comments.

**II. PUBLIC COMMENTS**

**Robin Holley, 886 E 4500 S** – Mr. Holley said he had a problem with the city's ordinance concerning fences on corner lots. He had followed the issue since April, as it went before the planning commission and then before the council. The commission had voted for a change to

the ordinance, but the council had voted against a change, with the reasoning they wanted to keep an open, friendly feeling to the city, not a closed-off feeling. Mr. Holley said he did not understand the reasoning. He constantly had to deal with dog and cat feces in his yard when he did not even own an animal. He had begun to install a fence, but because the ordinance would not allow what he wanted, he had taken it down. He felt it would have improved the look of his yard. He would like the council to reconsider and look at the corner lot fence ordinance again.

**A. Recognition of Scouts/Students**

Council Member Orr presented Sam Herrick with a pin. Sam was attending council meeting with his parents.

**III. CONSENT AGENDA**

**A. Approval of May 21, 2013 Council Minutes**

**B. Set Date for Public Hearing (July 2, 2013 at 6 pm Or As Soon As the Agenda Permits) to Receive and Consider Comments on the Proposed Vacation of Sewer Easement Located at 6028 Ridgeline Drive**

Mayor Minster read through the consent agenda and asked if there were any questions. There were no questions or comments concerning the consent agenda items. The mayor called for a motion.

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

**The consent agenda was approved.**

Mayor Minster announced it was time to enter into a public hearing, and accepted a motion to do so.

**Council Member Porter moved to leave city council meeting and move into a public hearing, with a second from Council Member Smith. Council Members Strate, Porter, Orr and Smith all voted aye.**

**IV. PUBLIC HEARING**

**A. Proposed Amendments to the FY2013 Budget**

City Finance Director Steve Liebersbach reviewed the amendments and there were no questions concerning the amendments from the council. However, Mr. Liebersbach instructed the council that if they wished to appropriate money toward 40<sup>th</sup> Street, as discussed in a previous budget work session, they needed to say so in a regular meeting. That way, he could appropriate the money accordingly.

Mayor Minster then asked if anyone from the audience would like to come forward and comment on the FY2013 Budget. No one came forward, so the mayor moved to the next public hearing item.

**B. Proposed Sale of Real Property Located at Approximately 950 E 5050 S**

City Manager Dixon reminded the council they had declared this property surplus, the property had been appraised, and the process now called for a public hearing. Mayor Minster invited anyone who wished to come forward and comment on this item.

**Steve Herrick, 5127 S 950 E** – Mr. Herrick said the property in question was adjacent to his. He hoped to be able to purchase the lot to make his more symmetrical. He felt the property was truly surplus to the city and would not block off access to anything.

**Bonnie Herrick, 5127 S 950 E** – Ms. Herrick said she appreciated the council declaring the property surplus. She asked what the procedure and timeline would now be.

City Manager Dixon said the property would be put out for sealed bid. State law required the bid could not be less than fair market value, which had been determined by the appraisal; however, the appraised amount could not be made public.

There were no more comments from the public, so the mayor called for a motion to leave the public hearing.

**Council Member Smith moved to leave the public hearing and reconvene as the South Ogden City Council. Council Member Porter seconded the motion. Council Members Strate, Smith, Porter and Orr all voted aye.**

**V. ACTION ON PUBLIC HEARING**

**A. Consideration of Ordinance 13-13 – Amending the FY2013 Budget**

City Attorney Bradshaw recommended the council approve the ordinance with the addition to set aside \$100,000 for the 40<sup>th</sup> Street Project. The mayor entertained a motion which included the suggestion from City Attorney Bradshaw.

**Council Member Strate moved to adopt Ordinance 13-13, adding the amendment to set aside \$100,000 for the 40<sup>th</sup> Street Project. The motion was seconded by Council Member Orr. There was no discussion on the motion. Mayor Minster called the vote.**

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

Ordinance 13-13 was passed.

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

The mayor then called for a motion to convene into a CDRA Board Meeting.

**Council Member Porter moved to leave the city council meeting and convene into a Community Development and Renewal Agency Board, with a second from Council Member Strate. Council Members Orr, Strate, Porter and Smith all voted aye.**

Please see separate CDRA Board Minutes.

(Motion from CDRA Board meeting:

**Board Member Smith moved to close the CDRA Meeting and resume as the South Ogden City Council, with a second from Board Member Strate. In a voice vote, Board Members Strate, Smith, Orr and Porter all voted aye).**

VII. DISCUSSION/ACTION ITEMS

A. Consideration of Ordinance 13-14 -- Limiting the Number of Short Term Loan Businesses in South Ogden City

City Manager Dixon reported the idea of limiting short term lenders had originated with staff. Staff had noticed an increase in the number of business license applications from short term lenders, attributing the increase to the fact some surrounding cities had limited them. The issue had gone before the planning commission which considered staff's recommendation that the number of short term lenders be limited to three, as well as placing a distant limit between the businesses; however, the planning commission, after much discussion, determined their recommendation to the council would be to limit short term lenders to seven, as well as imposing the staff recommended distance limit between the businesses. This ordinance reflected their recommendation. Mr. Dixon said the council needed to determine if they felt short term lenders needed to be limited in the city, and if so, if they agreed with the recommendation from the planning commission.

Mayor Minster reminded the council that Council Member Benard had sent an email giving his opinion on the matter. Council Member Smith voiced the opinion he felt these types of businesses should be limited. Council Member Porter said he was in favor of limiting them to the planning commission's recommendation of seven. Council Member Strate asked if the city had limited other types of businesses in this manner. City Recorder Kapetanov said the state limited smoke shops by proximity, but other businesses were only limited by zoning.

The council discussed many aspects of limiting the number of short term lenders in the city. The question was asked that if the city were to limit short term lending businesses, and one lender sold the business to someone wanting to continue the same type of business, if it would be allowed. City Attorney Bradshaw said the council could decide if they wanted to allow a business to change ownership or management and continue the same type business. He also explained the ordinance would not force businesses to close to meet the limit if they already existed in the city, but that no more would be allowed. As short term lenders ceased doing business in the city, they could not be replaced.

Council Member Porter and Mayor Minster both expressed the opinion that they would not be against limiting short term lenders to three or four in the city. Council Member Strate agreed. Mr. Bradshaw advised the council they could limit the number any way they wished, and could also add the point that if ownership or management changed, that type of business would have to cease.

Mayor Minster then entertained a motion concerning Ordinance 13-14.

**Council Member Orr moved to adopt Ordinance 13-14, limiting the number of short term loan businesses in South Ogden City to three, as recommended by the planner, and the existing businesses could remain in business, but if any change of ownership, management or going out of business occurred, the business would cease to exist. Council Member Strate seconded the motion. The mayor asked if there were any other discussion.** City Attorney Bradshaw advised the council to take the word management out of the motion, as he had thought about it and felt only a change of ownership should be a reason to have the business cease. **Council Member Orr amended her motion to not include management as a reason for the business to cease. Council Member Strate seconded the amended motion. There was no further discussion and the vote was called.**

Council Member Orr-	Yes
Council Member Strate-	Yes

Council Member Smith- Yes  
Council Member Porter- Yes

**Ordinance 13-14 was adopted.**

**B. Consideration of Ordinance 13-15 – Adopting a Good Landlord Program**

City Manager Dixon reminded the council of the changes they had requested concerning the good landlord program; this ordinance incorporated the changes. He also pointed out some items that staff had identified as needing to be changed: 1) the landlord should not be required to do a credit check; 2) on page four under “tenant selection”, the sex offender registry language needed to be changed to say “Appear on the sex offender registry and it is within four years of the date of conviction. Landlords leasing to a sex offender(s) must comply with UCA 77-27-21.7 “Protected Areas”; 3) also on page four under “controlled substances”, the wording should be changed to “have been convicted of distribution of a controlled substance within the past four years”; 4) language needed to be changed on the bullet under “controlled substances probation and parole”—the intent was that they should be disqualified for probation or parole for the listed offenses, not for any type of probation or parole. Mr. Dixon said with the changes made, the ordinance was ready to adopt.

Council Member Smith asked if the policy concerning renting to family members was included in the ordinance. The council spent some time discussing what the policy should be concerning renting to family members. City Manager Dixon suggested that the city still require a license for those renting to family members, but don’t charge a fee for the license. The council determined that if a landlord received any rent from any tenant, whether family or not, they should be required to pay for a rental license. If they were allowing anyone to live at a premises rent free, the landlord would still need to get a license, but no fee would be charged. This policy would only apply to rental payments, not utility payments to the landlord. City Manager Dixon suggested the policy be written in the consolidated fee schedule.

There was no more discussion on the matter; Mayor Minster called for a motion.

**Council Member Orr moved to adopt Ordinance 13-15, with the changes presented by staff. Council Member Porter seconded the motion. The mayor asked if there were further discussion.** Council Member Strate asked if the city was still going to require training for the landlords. Staff informed him they had kept the initial training requirement, but had taken out the “refresher” training requirement as requested by the council. Council Member Smith asked how landlords would know of changes to the laws. It was determined that landlords would be responsible to keep up on laws, but the city would try to send information out if major changes were made. **There was no further discussion, so a roll call vote was taken.**

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

**The Good Landlord Program was adopted.**

**C. Consideration of Ordinance 13-16 – Amending the Consolidated Fee Schedule**

City Manager Dixon explained the fees for the good landlord program needed to be outlined in the consolidated fee schedule and this ordinance took care of that. City

Attorney Bradshaw suggested the language concerning requiring a no fee license for landlords not charging rent be added to the bottom of the fee schedule; he also wanted to include language that specified the \$50 fee for the landlord education class was not included in the fees. He then informed the council the rental fees for the amphitheater had been accidentally left off the fee schedule. He noted there would actually not be a rental fee at this time, but a \$25 deposit would be required. The deposit would be refunded if the amphitheater was left in good condition after use. There were no questions on the consolidated fee schedule, so the mayor called for a motion.

**Council Member Orr moved to adopt Ordinance 13-16, with the mentioned changes. The motion was seconded by Council Member Porter. Seeing there was no more discussion, the mayor called the vote:**

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

**Ordinance 13-16 was passed.**

**D. Consideration of Resolution 13-23 – Authorizing Entering an Agreement With Craig Call for Hearing Officer Services**

City Manager Dixon explained this resolution allowed him to negotiate the terms of, and enter into, an agreement with Mr. Call for hearing officer services. Council Member Orr asked if Mr. Call would be paid on an hourly rate. Attorney Bradshaw confirmed Mr. Call would be paid hourly, and outlined Mr. Call’s many qualifications for the position. There was no more discussion, so Mayor Minster entertained a motion for Resolution 13-23.

**Council Member Smith moved to adopt Resolution 13-23, with a second from Council Member Strate. After asking if there were further discussion, and seeing none, the mayor made a roll call vote.**

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

**Resolution 13-23 was passed.**

**E. Consideration of Resolution 13-24 – Adopting the FY2014 Budget**

City Finance Director Steve Liebersbach explained a few items concerning the budget. He pointed out the city had received the certified tax rate, and since the rate was lower than expected, the projected revenues had been over by \$17,000. Fund balance had been appropriated to make up the difference. He also noted that the line item denoted as donations included a \$500 donation to Bonneville High School for their graduation celebration, a \$3,600 donation to the Communities That Care Program, and \$100 to the Costco Miracle Network. City Manager Dixon also pointed out some money had been budgeted for a safety program in the city. The city had already seen

some benefits from the safety program. There were no questions from the council concerning the budget; the mayor called for a motion.

**Council Member Porter moved to adopt Resolution 13-24, adopting the FY2014 Budget. The motion was seconded by Council Member Smith. The mayor asked if there were any further discussion and then 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 FY2014 Budget was adopted.**

## **VIII. DEPARTMENT DIRECTOR REPORTS**

### **A. Parks and Public Works Director Jon Andersen - Project Updates**

Mr. Andersen reported on several projects:

**Amphitheater** – the aggregate had been poured and looked very good. The amphitheater was complete.

**Sprinklers for Friendship Park** – there had been an issue with the pump, since more stations had been added to the sprinklers. The pump issue had delayed completion a little bit, but the sprinklers should be finished within the week.

**Streetlight Replacement**- One person was working on replacing the streetlights. He should be finished by the end of June.

**5100 South Road Project** – the pre-construction meeting with the contractor was scheduled and Mr. Andersen would be able to give the council a timeline for the project at the next council meeting.

**Other Road Projects**- Public Works was determining which roads to work on using bond money. The determination would be based on the inspection of roads which had received damage over the harsh winter, and information from the police traffic analyzer which gave accurate usage counts.

**Fleet** – The police Interceptors had been delivered and re-wired. Since the wiring had been done in-house, the city had saved enough money to purchase another Interceptor. It would be delivered and wired soon.

Mr. Andersen completed his report by informing the council the Three-On-Three Basketball Tournament for South Ogden Days was taking place at that moment at the gym facility. There were approximately 55 teams participating.

## **IX. REPORTS**

**A. Mayor** – reminded the council to turn in their parade applications to Events Coordinator Christy McBride.

### **B. City Council Members**

**Council Member Smith** – nothing to report.

**Council Member Strate** – said he was sorry he would have to miss the parade on Saturday. He then asked what number people should call to report off-leash dogs in the park. He was informed he should call the non-emergency dispatch number. Mr. Strate then requested that a note be included in the water bill when the city does estimating in the winter and when the first read is made following estimating. He concluded by asking for a meeting on site where there was a drop off in the street of 5150 S that was being used as a jump by teenagers. He requested an explanation of what was involved in fixing the jump and the cost of repairing it.

**Council Member Porter**– thanked City Finance Director Liebersbach and City Manager Dixon for their hard work on the budget. He then reported he and his family had volunteered for the “Amazing Adventure Race” for South Ogden Days, and it had been a great success.

**Council Member Orr** – thanked staff for their conservative spending and work on the budget. She also agreed with Council Member Strate that a note should be put on the water bill concerning when the city changed from estimating to reading the meter.

C. **City Manager** – nothing to report.

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

**X. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION**

Mayor Minster then called for a motion to adjourn city council meeting and move into a work session.

**At 7:53 p.m., Council Member Orr moved to adjourn city council meeting and convene into a work session, seconded by Council Member Smith. Council Members Smith, Strate, Porter and Orr all voted aye.**

The council remained in the council chambers for the work session. (All members of the city council, except Council Member Benard, were present at the work session as well as the following city staff: Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, and City Recorder Leesa Kapetanov).

**A. Discussion of Business License and Good Landlord Program Fees**

City Manager Dixon began the discussion by asking the council if they wanted to recoup more of the costs of businesses to the city; if not, they could leave things as they are, except lowering the license fees of the those businesses the study indicated needed to be lowered.

Council Member Smith said he was not in favor of increasing license fees at this time. Mayor Minster said he would not be against raising the fees a little, but had not seen an equitable solution as to how much to raise them.

Council Member Strate asked if the categories could be divided differently, so that smaller businesses within a category would not have to pay as much as a national chain would. Council Member Porter said he would not be against raising license fees, but only of a few businesses. Council Member Orr stated she would be in favor of raising the fees, but only minimally.

The council discussed several ways of structuring the fees so that smaller businesses would not have large increases. Council Member Strate indicated the city should be business friendly, and the license fees should reflect that.

City Manager Dixon reminded the council their original policy on business licensing had seemed to be to give breaks to those businesses which brought in a lot of sales tax revenue; however, that policy seemed to have changed to the opposite view of giving the break to smaller businesses.

Council Member Smith said it was a convenience to have businesses in the city; Council Member Strate agreed and said the city should subsidize the businesses.

City Attorney Bradshaw reminded the council the study told them what the costs to the city were, but that did not mean they had to recover the costs. However, if they chose to keep the same rates, except for the ones that by law had to be reduced, the revenues would be less than what had been budgeted. The difference would have to be made up somewhere; most likely the general fund.

City Manager Dixon proposed that staff determine the difference in revenue from the license fees that had to be reduced, spread that amount over all the other businesses, and come up with an across the board increase in licenses that would at least hold the city revenue neutral. Council Member Porter wondered if the increase in fees should not be across the board, but only to those businesses that seemed to be costing the city a lot more, i.e. convenience stores, assisted living, athletic club, smoke shops, etc. Council Member Strate said he could agree with that.

It was determined that staff would return with several options for increasing license fees while keeping business licensing revenue neutral. The council ended their discussion on business license fees.

City Recorder Kapetanov reminded the council the next council meeting on July 2<sup>nd</sup> would be at Club Heights Park.

City Manager Dixon also reported he would not be around much in the month of July due to vacation time; he would send his schedule to the council. City Attorney Bradshaw would be Acting City Manager while he was gone.

Mayor Minster then called for a motion to adjourn.

**Council Member Porter moved to adjourn the work session, followed by a second from Council Member Strate. Council Members Smith, Strate, Orr and Porter all voted aye. The meeting adjourned at 8:32 p.m.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, June 18, 2013.

  
Leesa Kapetanov, City Recorder

Date Approved by the City Council July 2, 2013