



MEMORANDUM

TO: Mayor and City Council

FROM: Matthew J. Dixon, City Manager

RE: **November 17, 2020 Council Meeting**

WORK SESSION

- **Utah Telecommunication Open Infrastructure Agency (UTOPIA)** - The work session will be primarily dedicated to learning more about UTOPIA. We've asked them to come and help educate us on how UTOPIA operates and what a more in-depth partnership between UTOPIA and S. Ogden City would look like. As you are all well aware, we are living in a time when our residents, and we as consumers, are demanding more and more digital connectivity for our phones, vehicles, appliances and other devices. Making fiber available for businesses and residents throughout their communities is one way many cities have decided to help improve business success and recruitment and resident quality of life.

Currently UTOPIA is working with the following cities: Brigham City, Centerville, Clearfield, Layton, Lindon, Midvale, Morgan, Murray, Orem, Payson, Tremonton, West Point, West Valley and Woodland Hills.

Ogden City invited me to attend a virtual meeting with their IT team regarding Ogden's decision to move forward to build out fiber in Ogden. They have done some preliminary analysis where they have looked at working with UTOPIA as well as other contractors who can help them build and own their own system. There are different risks and advantages to both options. Ogden City offered to keep S. Ogden in mind as their work and analysis moves forward.

DECLARATION ON USE OF CARES ACT FUNDING

- **Declaring South Ogden Police and Fire Department's Substantial Dedication to the COVID-19 Public Health Emergency** – This declaration establishes the city's intent to utilize CARES Act Reimbursement Funding to reimburse the city for police and fire department personnel expenditures for the period of time between March 1, 2020 through December 30, 2020. Below is some additional information published by the ULCT and the Governor's Office of Management and Budget related to the CARES Act reimbursement funding for cities you may find helpful.

In September cities received communication from the Governor's Office of Management and Budget (GOMB) regarding public safety and public health employees. It stated that we would need to **prove or substantiate** that public health and public safety employees were substantially dedicated to the public

E mdixon@southogdencity.com

O 801-622-2702

F 801-622-2713

3950 Adams Ave. Suite 1

South Ogden City, UT 84403

SouthOgdenCity.com

health crisis. This communication contradicted the guidance in the Treasury's Frequently Asked Questions (FAQs) that stated we could *"presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19."* Likewise there were statements made by the counsel to the Treasury Dan Kowlski where he stated, *"the language of presumption for public health and public safety employees makes clear that the Treasury is not going to make you prove out for these classes of employees whether or not their responsibilities shifted, it is presumed their responsibilities have shifted."*

On September 3, cities received another communication from GOMB downplaying its assertions made in the September 2nd email. This is based on updated guidance released on September 2 by the Treasury. For the first time, the Treasury updated the "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments." Included in this update is a clear statement that CARES funding can be used to cover public health and public safety expenses. It also clearly states, *"as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test (see guidance reference below)."* The guidance states cities can cover public health and public safety expenses because the assumption is these employees are substantially dedicated to the public health crisis.

While the guidance is clear, the decision to cover public health and public safety costs remains with each city.

Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments (Updated September 2, 2020)

Public health and public safety In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020.

In response to questions regarding which employees are within the scope of this accommodation, Treasury is supplementing this guidance to clarify that public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel.

DISCUSSION ITEMS

- ***Keeping Trails Open During Winter Hours*** – This is a carry-over item from the previous council meeting. Time did not permit the council the opportunity to discuss whether or not the council wants to open any of the city trails during winter months. Jon Andersen has provided some information showing the different trails throughout the city and how those trails have been constructed.
- ***Proposed Amendments to SOC 10-5.1A & B.*** This agenda item is to allow the council to review and discuss some potential code amendments the Planning Commission recently reviewed related to parking, open space, building heights/stories, etc. Please review the Planning Commission Report to better understand the changes being recommended.
- ***Discussion on Strategic Plan Goal 2.2 related to employee compensation and benefits.*** When the FY2021 Budget was being finalized, Councilmember Strate expressed a desire, should the city's budget remain sufficiently healthy, to provide some form of a financial recognition for city employees around the holidays. Councilmember Strate requested that this be placed on the agenda for additional discussion and council consideration.

DEPARTMENT REPORTS

- ***Report on South Ogden City's Response to 2020 Wind Storm – Chief West.*** Chief West will review the city's response to the September 8, 2020 Windstorm. Chief West will review the things staff has identified that went well, things identified that we can improve upon and additional resources needed to be better prepared for similar events in the future. This will also provide the council an opportunity to share thoughts you have related to the city's response and recovery efforts.



**NOTICE AND AGENDA
SOUTH OGDEN CITY COUNCIL
WORK SESSION**

TUESDAY, NOVEMBER 17, 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, November 17, 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. REVIEW OF AGENDA

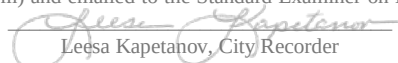
III. DISCUSSION ITEMS

A. Presentation on Utopia by Roger Timmerman, Utopia Representative

IV. ADJOURN

Posted to the State of Utah Website November 13, 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 November 13, 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 (Amended) SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, NOVEMBER 17, 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, November 17, 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 Brent Strate

- 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 20, 2020 Council Minutes
- B. Proclamation Declaring South Ogden City Fire and Police Departments as Substantially Dedicated to the COVID-19 Public Health Emergency
- C. Set Date for a Public Hearing (December 1, 2020 at 6 pm or as soon as the agenda permits)
To Receive and Consider Comments on Proposed Amendments to the FY2021 Budget

VI. DISCUSSION ITEMS

- A.** Keeping Trails Open During Winter
- B.** Discussion on Proposed Amendments to SOC 10-5.1A and B to:
 - 1. Increase Parking Requirements for Multi-Family Residential
 - 2. Clarify Definition of a “Story” and Add Definition of “Basement”
 - 3. Clarify Open Space Requirements for Developments Over 5 Acres
 - 4. Amend Row Building Maximum Unit Restriction
 - 5. Clarify Drainage Requirements for Roofs
- C.** Discussion on Strategic Goal 2.2 Having To Do With Updates to Employee Compensation and Benefits

VII. DEPARTMENT REPORTS

Fire Chief Cameron West- Report on 2020 Wind Storm

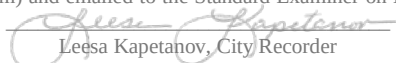
VIII. REPORTS/DIRECTION TO CITY MANAGER

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

IX. ADJOURN

Posted to the State of Utah Website November 13, 2020

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Leesa Kapetanov, City Recorder

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

TUESDAY, OCTOBER 20, 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 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 Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Deputy Fire Chief Clinton Minor, Police Chief Darin Parke, Special Events Coordinator Jamie Healy, CDRA Attorney Adam Long, and Recorder Leesa Kapetanov

Note: Police Chief Darin Parke and Parks and Public Works director Jon Andersen joined the meeting via Microsoft Teams.

CITIZENS PRESENT

Carol Winkler, Dawn Parent, CM Wost, Bruce and Joyce Hartman, Matthew Flitton

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/CC201020_1709.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 5:08 pm and entertained a motion to begin.

00:00:00

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

Note: Council Member Smyth had technical difficulties joining the meeting and was not present for this vote. She joined the meeting about half way through.

II. REVIEW OF AGENDA

- The council discussed and asked questions of Adam Long, CDRA Attorney, concerning declaring the detention basin as surplus property

00:00:29

- The mayor excused City Manager Matt Dixon and Assistant City Manager Doug Gailey

00:11:47

III. DISCUSSION ITEMS

A. Keeping Dog Park Open Through Winter

00:12:11

- Direction was given to staff to keep November 1 as the date to close the dog park. In the meantime, staff was to look for a location for a site to open for the winter months.

00:47:32

B. Keeping Park Trails Open Through Winter

- There was not enough time left to discuss this item. The mayor asked the council members to look at the handout from Parks and Public Works Director Jon Andersen (see Attachment A), and then give their thoughts about it during their reports in council meeting.

00:47:54

IV. ADJOURN

At 5:57 pm, Mayor Porter called for a motion to adjourn the work session.

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

00:49:15

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 Attorney Ken Bradshaw, 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 and Parks and Public Works Director Jon Andersen joined the meeting via Microsoft Teams.

CITIZENS PRESENT

Carol Winkler, Dawn Parent, CM Wost, Bruce and Joyce Hartman, Matthew Flitton

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https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC201020_1759.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 6:01 pm and called for a motion to convene
00:00:00

Council Member Strate so moved, followed by a second from Council Member Orr. 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 Sallee Orr led the Pledge of Allegiance.

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II. PUBLIC COMMENTS

Kathryn Ruth 00:01:21 Spoke concerning the dog park

III. RESPONSE TO PUBLIC COMMENT 00:05:15

IV. RECOGNITION OF SCOUTS/STUDENTS PRESENT

No scouts or students were present.

V. CONSENT AGENDA

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

- Mayor Porter read the items on the consent agenda and called for a motion to approve them
00:05:47

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

- The mayor asked Special Events Coordinator Jaime Healy to read the online public comments
00:05:47

Jill Spencer Hildebrand 00:07:12 Thanked the city for its support

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
 - Overview 00:07:40
 - Discussion 00:08:45
 - Mayor Porter called for a motion
00:19:57

Council Member Howard moved to approve Resolution 20-33. The motion was seconded by Council Member Strate. Council Member Orr said she hesitated to declare city property surplus until they knew if there was another space for a dog park or skate park. Council Member Stewart stated she thought there was no reason to rush into declaring the property surplus. Mr. Strate said the area would be available for the temporary use by dogs and they had not sold the property to anyone yet. He felt it was in the best interest of the city to pursue development; they also did not know if the proposed project would ever come to fruition; it was not an easy thing to put the basin underground and then build over it. **The mayor called the vote:**

Council Member Orr -	No
Council Member Strate -	Yes
Council Member Stewart-	No
Council Member Howard -	Yes
Council Member Smyth -	Yes

Resolution 20-33 was adopted.

B. Consideration of Resolution 20-34 – Authorizing the Transfer of Real Property to the South Ogden City Community Development and Renewal Agency

- Overview [00:23:10](#)
- Mayor Porter called for a motion [00:23:28](#)

Council Member Howard moved to approve Resolution 20-34. Council Member Strate seconded the motion. The mayor asked if there any comments. Council Member Stewart stated they did not need to be in such a rush to surplus the property. **Mayor Porter called the vote:**

Council Member Smyth-	Yes
Council Member Howard-	Yes
Council Member Stewart-	No
Council Member Strate-	Yes
Council Member Orr-	No

Resolution 20-34 passed.

202 **III. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING**

- Mayor Porter indicated it was time to enter into a Community Development and Renewal Agency Board Meeting and called for a motion to do so

00:24:29

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

See separate minutes.

Motion to recess CDRA meeting and reconvene as the South Ogden City Council:

00:26:11

Board Member Howard moved to adjourn the CDRA Board meeting and reconvene as the South Ogden City Council, followed by a second from Board Member Orr. All present voted aye.

220 **IX. DEPARTMENT REPORTS**

Fire Chief Cameron West – Interlocal Agreement

00:26:24

- Chief West was delayed in joining the meeting, so Deputy Chief Clint Minor began the report. He used a visual presentation as part of the report (See Attachment B.) Chief West joined the meeting part way through the presentation.

228 **X. REPORTS/DIRECTION TO CITY MANAGER**

- Mayor Porter asked City Attorney Bradshaw to report first and asked him to go over the legal aspects of keeping the trails open during the winter

A. City Attorney

00:42:25

B. City Council Members

- | | | |
|----------------------------|----------|---|
| • Council Member Strate - | 00:44:57 | Was in favor of keeping trails open in winter |
| • Council Member Howard - | 00:49:01 | Was in favor of keeping trails open in winter |
| • Council Member Smyth - | 00:52:53 | Did not comment on the trails |
| • Council Member Stewart - | 00:57:48 | Was in favor of keeping trails open in winter |
| • Council Member Orr - | 00:59:49 | Wanted to review costs of keeping the trails open |

C. City Manager Not present

D. Mayor Porter 01:03:37

245 **XI. ADJOURN**

246 At 7:07 pm, Mayor Porter called for a motion to adjourn.

247 01:05:18

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249 **Council Member Strate so moved, followed by a second from Council Member Howard. The**
250 **voice vote was unanimous in favor of the motion.**

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277 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Pre-Council
278 Work Session and Council Meeting held Tuesday, October 20, 2020.

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281 City Recorder

Date Approved by the City Council Leesa Kapetanov,

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ATTACHMENT A

Handout on Trail Maintenance

South Ogden Trails

Winter Maintenance

Nature Park

- Trail: 10-12' wide, approximately 6864' long (approximately 1.3miles)
 - 3"-6" road base, 3"-3.25" asphalt installed
 - Slurry installed 2016

Glasmann

- Trail: 10-12' wide, approximately 2376' long (approximately 0.4miles)
 - 2"-4" road base, 2"-2.5" asphalt installed
 - Slurry installed 2016

Friendship Park

- Trail: 10-12' wide, approximately 2640' long (approximately 0.5miles)
 - 2"-4" road base, 2"-2.5" asphalt installed
 - Slurry installed 2016

Burch Creek Park

- No measurements at this time

Regular road

- Plowed road: 10"-18" road base, 3" -4" asphalt

Trail Options: Nature Park Only

- Ice melt (magnesium C=chloride) \$ 7.50 - \$15.00 per 50lb bag
300'-600' depending on the width and amount applied
\$7.50 x 10.5 bags (6000') = \$78.75 once around path (at a minimum)

When surrounding City's Surveyed a few years ago, majority use no form of ice melt due to the locations of the trails. (i.e. by streams, rivers, storm drainage, wetlands, etc.)

- Sweeping/Bobcat – approximately 2-3hrs 62" broom
- Snow removal will take an estimated 1-3hrs per storm depending on the type & depth of snow.

Estimated Costs for snow maintenance on all trails

- Truck/Tractor --- \$45.00-\$65.00 per hour
- Snow removal estimated costs --- \$125.00-\$250.00 per storm- (Nature Park Only)
- De-icing trails --- \$150.00-\$300.00 per storm (not including Burch Creek Park)
- Signs purchased & installed --- \$50.00-\$75.00 per sign

To remove the snow form the trails it will cost \$220.00-\$500.00 per storm

The above costs and measurements are all estimated and could good go up or down.

The unknown factor is the maintenance/ repair costs that will be associated with the winter maintenance.

Not Approved

ATTACHMENT B

Interlocal Fire Agreement Visual Presentation

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

Not Approved

**Official Declaration 01-2020,
South Ogden City, Utah**

WHEREAS, the Department of the Treasury (Treasury), Office of Inspector General ¹ (OIG), is responsible for monitoring and oversight of the receipt, disbursement, and use of coronavirus relief funding (CRF) Title VI of the Social Security act, as amended by Title V of division a of the Coronavirus Aid, Relief, and Economic Securities Act (Cares Act or Act); and,

WHEREAS, the Treasury OIG has also been assigned authority to recover funds in the event that is determined a recipient of coronavirus relief funds failed to comply with requirements of subsection 601 (d) of the Social Security Act, as amended, (40 U. S. C. 801 (d)); and,

WHEREAS, the Treasury, OIG, has found that recipient reporting and record retention requirements are essential for the exercise of the above responsibilities, including conduct of audits and investigations; and,

WHEREAS, beginning September 1, 2020, prime recipient reporting requirements have changed relating to costs incurred from March 1, 2020 to December 30, 2020; and,

WHEREAS, South Ogden City (City) is designated as a “sub recipient” for distribution of COVID-19 Relief Funds under the Act; and,

WHEREAS, as a sub recipient of funding under the Act, City may have to register in “SAM.gov”²; and,

WHEREAS, Treasury finds that not all uses of funds under the Act will be associated with a specific identifiable project; and,

WHEREAS, the Act specifies that expenditures using Fund payments must be “necessary.” Guidance from Treasury indicates this term is to be interpreted broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments; and,

WHEREAS, Treasury’s Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments addresses the concept of incurred costs. specifically, “for a cost to be considered to have been incurred, performance of services or delivery of goods must

¹ Department of the Treasury, office of Inspector General, OIG-CA-20-028: Department of the Treasury office of Inspector General coronavirus relief fund frequently asked questions related to reporting and record-keeping (Revised). 21 Sep file save 2020

² <https://sam.gov>

occur during the coverage. (March 1, 2020 through December 30, 2020) but payment of funds need not be made during that time “; and,

WHEREAS, Treasury guidance provides that funding can be used to meet payroll expenses for public safety, public health, healthcare, human services, and similar employees who services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and,

WHEREAS, funding under the Act is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason , Treasury guidance provides that state, territorial, local, or tribal governments may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and,

WHEREAS, Treasury guidance provides that funding received under the Act may be used for any expenses eligible under section 601 (d) of the Social Security Act as outlined in the Guidance; now, THEREFORE:

I, Mayor Russell Porter, in concert with the members of the governing body of South Ogden City, declare:

- that we intend to comply with the guidance requirements from Treasury OIG in the expenditure of funding under the CARES Act; and,
- that we intend to follow Guidance from Treasury OIG indicating that payroll expenses related to public health and public safety employees are presumptively in furtherance of substantially mitigating or responding to the COVID-19 public health emergency matters.

Dated this 17th day of November, 2020.

Russell Porter, Mayor

Attested:

Leesa Kapatenov
City Recorder

REPORT OF ACTION

South Ogden City Planning Commission



MEETING DATE: October 8, 2020
ITEM: Proposed Changes to Zoning Code
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 gave positive recommendations on three of the five zoning changes. The other two were tabled until November for further discussion. Following are the actions taken at their October meeting:

1. INCREASE PARKING REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL CONCERNS RAISED AT PUBLIC HEARING

Sallee Orr – said it was great to increase the parking and add guest parking as a requirement 00:26:30

Comments by Chair Bradley
00:26:50

Peggy Thomas Dunn- commented the apartments between 4400 and 4600 on Adams needed extra parking for winter
00:28:18

PLANNING COMMISSION DISCUSSION

Discussion 00:53:12

MOTION 01:23:51

Commissioner Howe moved to recommend to the city council the following off-street parking requirements: studio apartments, one per dwelling; one-bedroom, 1.5 per unit; two-bedroom, two per dwelling unit, 3 and more bedrooms, 2.5 per dwelling unit. The rest would remain the same as the staff recommendation. Commissioner Rounds seconded the motion. The chair called the vote:

Commissioner Layton-	Yes
Commissioner Howe-	Yes
Commissioner Pruess-	Yes

Commissioner Jones-	Yes
Commissioner Amos-	Yes
Commissioner Rounds-	Yes

The motion stood.

2. CLARIFY DEFINITION OF A “STORY” AND ADD DEFINITION OF BASEMENT CONCERNS RAISED AT PUBLIC HEARING

Terry Schow – asked that the planning commission and city council keep buildings at the old height and not give developers any more leeway.

00:29:11

Matthew Flitton – suggested building heights be set as a certain number rather than stories.

00:31:21

Sallee Orr – said they should look at height limit for the whole city since there were no limits on building heights right now. She also stated that having a six story building next door was not sympathetic to the neighbors.

00:32:34

Peggy Thomas Dunn – old apartments only have one parking space and most couples have two cars now. Where can they park that extra car in winter?

01:10:15

PLANNING COMMISSION DISCUSSION

Discussion 00:53:12

Comments by City Manager Dixon

01:11:03

MOTION 01:25:50

Commissioner Rounds moved to table Item B for further clarification and discussion, followed by a second from Commissioner Jones. In a voice vote, all the commissioners voted aye.

3. CLARIFY OPEN SPACE REQUIREMENTS FOR DEVELOPMENTS OVER FIVE ACRES CONCERNS RAISED AT PUBLIC HEARING

Karen Flitton – said it didn’t make sense for a developer to no have to pay park impact fees

00:37:24

Sallee Orr – said she had assumed at first the open space requirement was for developers to have to create open space amenities for their tenants; she later found out it was for the public. She felt developers should be required to make open space for their tenants as well.

00:40:35

Matthew Flitton– asked if requiring both open space and park impact fees was legal; he felt the city should try and get as much from the developer as possible.

00:45:15

Comments from Planner Vlastic

00:47:37

PLANNING COMMISSION DISCUSSION

Discussion 01:27:33

MOTION 01:41:49

Commissioner Howe moved to table this item in order to get some counsel from Mr. Bradshaw and more information from Mr. Vlastic. Commissioner Rounds seconded the motion. The voice vote was unanimous in favor of the motion.

4. AMEND ROW BUILDING MAXIMUM UNIT RESTRICTION CONCERNS RAISED AT PUBLIC HEARING

There were no public comments for this item.

PLANNING COMMISSION DISCUSSION

Discussion 01:42:17

MOTION 01:42:50

Commissioner Rounds moved to recommend to the city council to amend 10-5.1A-5-6(f) and 10-5.1B-5-6(f) as proposed by staff. The motion was seconded by Commissioner Jones. The chair called the vote:

Commissioner Jones-	Yes
Commissioner Amos-	Yes
Commissioner Pruess-	Yes
Commissioner Howe-	Yes
Commissioner Layton-	Yes
Commissioner Rounds-	Yes

The motion stood.

5. CLARIFY DRAINAGE REQUIREMENTS FOR ROOFS

CONCERNS RAISED AT PUBLIC HEARING

There were no public comments for this item.

PLANNING COMMISSION DISCUSSION

Discussion 01:44:06

MOTION 01:44:49

Commissioner Howe moved to recommend to the city council the changes to 10-5.1A-5-2(E) and 10-5.1B-5-2(E), adding paragraph three. Commissioner Pruess seconded the motion. Chair Bradley called the vote:

Commissioner Rounds-	Yes
Commissioner Amos-	Yes
Commissioner Jones-	Yes
Commissioner Pruess-	Yes
Commissioner Howe-	Yes
Commissioner Layton-	Yes

The motion passed.

ACTION OF PLANNING COMMISSION ON NOVEMBER 12, 2020 ([Link to meeting audio](#))

CLARIFY DEFINITION OF A "STORY" AND ADD DEFINITION OF BASEMENT

PLANNING COMMISSION DISCUSSION

Discussion 00:48:06

MOTION 00:56:51

Commissioner Howe moved to recommend the adoption of the definitions of story and basement as presented in their packet, minus the habitable level definition. Commissioner Layton seconded the motion. Chair Bradley called the vote:

Commissioner Layton -	Yes
Commissioner Rounds -	Yes
Commissioner Howe -	Yes
Commissioner Amos -	Yes
Commissioner Jones -	Yes
Commissioner Pruess -	Yes

The motion passed.

CLARIFY OPEN SPACE REQUIREMENTS FOR DEVELOPMENTS OVER FIVE ACRES

PLANNING COMMISSION DISCUSSION

Discussion 00:58:00

MOTION 01:08:28

Commissioner Howe moved to recommend the clarification of the open space requirements as outlined in the packet, with the following exceptions: it be limited to 20,000 sq. ft. (fix the typo), and eliminate the word “Public” at the beginning of b. 1. Commissioner Amos seconded the motion. Chair Bradley called the vote:

Commissioner Rounds -	Yes
Commissioner Amos -	Yes
Commissioner Jones -	Yes
Commissioner Howe -	Yes
Commissioner Pruess -	Yes
Commissioner Layton -	Yes

The motion passed.

PROPOSED PARKING REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL

10-5.1A-8-2: PARKING REQUIREMENTS:

TABLE 8.2(2)
REQUIRED OFF STREET VEHICULAR PARKING

Use	Required Vehicle Space
Residential:	
Studio apartment	1 per dwelling unit
Single-family, all sizes, or multi- family, 1	1.5 per dwelling unit
Multi-family, 2 bedrooms	2 per dwelling unit
Multi-family, 3 or 3+ bedrooms	2.5 per dwelling unit
Multi-family visitor parking	.25 per dwelling unit, dedicated to use by visitors
Hotel and inn	1 per room and 1 per 200 square foot office and dining room
Residential care	.33 per unit andn .66 per employee

10-5.1B-8-2: PARKING REQUIREMENTS:

TABLE 8.2(2)
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DEFINITION OF STORY AND RELATED DEFINITIONS

10-5.1A-10-5: DEFINITIONS

~~STORY: A habitable level within a building measured from finished floor to finished floor.~~

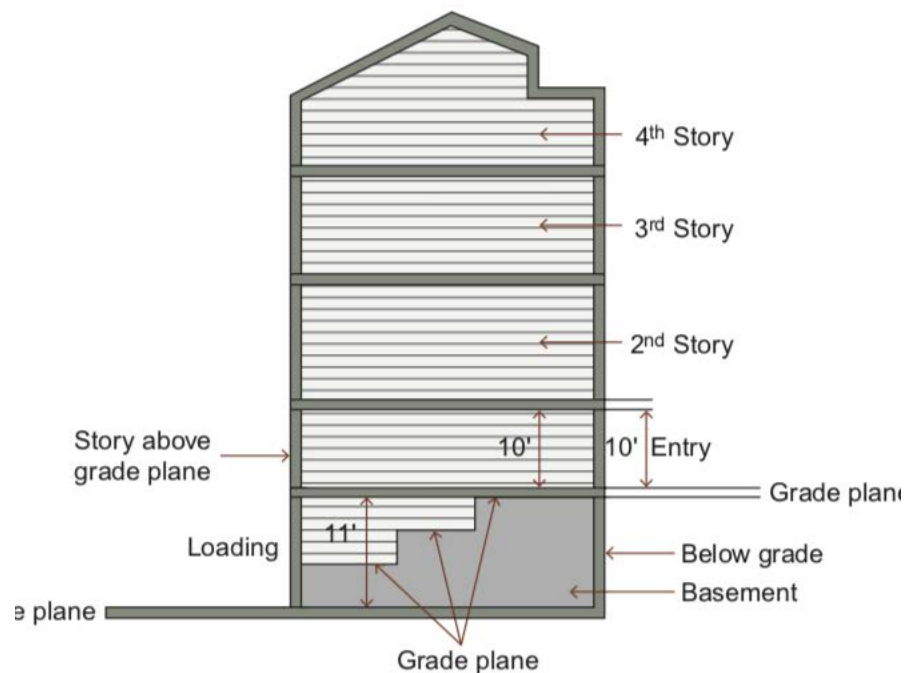
STORY: The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

GRADE PLANE: A reference plane representing the average of the finished ground level adjoining the building at exterior walls."

~~STORY, HALF: A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.~~

STORY, HALF: A story that is partially below and partially above the grade plane on the front facade, or a story fully within the roof structure with transparency facing the street.

BASEMENT: A level that is completely below grade so as not to be visible on the front façade of a building. A basement shall not be counted as a story, for purposes of height measurement.



10-5.1B-10-5: DEFINITIONS

~~STORY: A habitable level within a building measured from finished floor to finished floor.~~

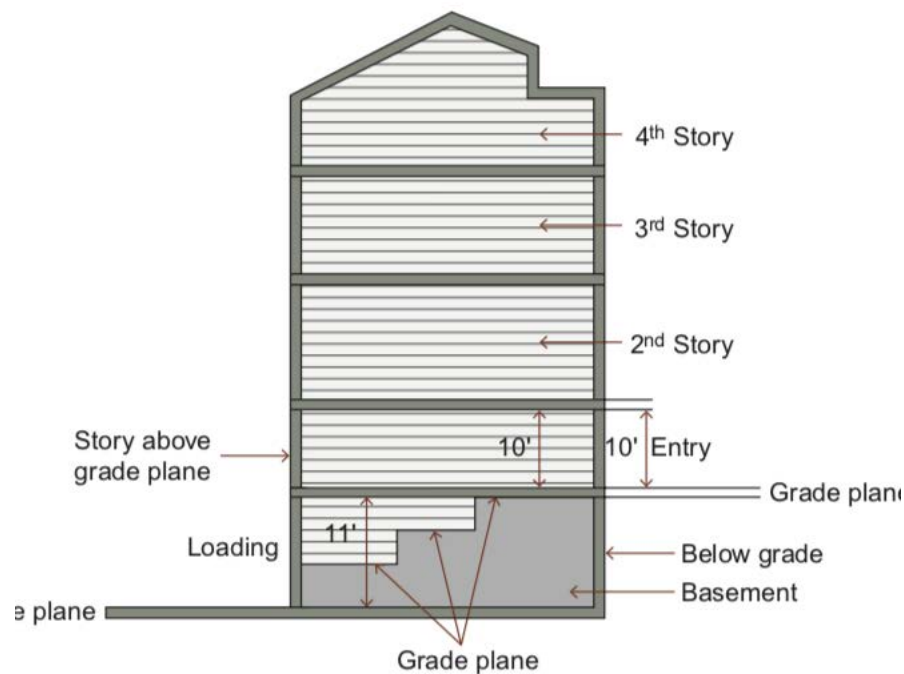
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CLARIFICATION OF OPEN SPACE REQUIREMENTS

10-5.1A-6-1

B. General Requirements: Development of parcels over five (5) acres shall provide five percent (5%) total lot size as civic open space, or pay park impact fees. Developer shall work with City to determine which option is best and the appropriate location of open space if applicable. For parcels under five (5) acres, impact fees and other funding will be used as mechanisms to ensure adequate civic open space will be provided.

C. Community Spaces and Site Furnishings

Commercial developments with more than ~~thirty-five~~twenty thousand (20,000) square feet of floor area, residential developments in excess of twenty-five (25) units, or mixed developments determined by the Design Review Committee to be equivalent to the commercial/residential thresholds listed, shall provide outdoor spaces and public amenities that enhance these developments as centers of community activity. These outdoor spaces and amenities provided shall at a minimum consist of the following:

- a) Safe and attractive passenger drop-off/pick-up points that are integrated with traffic patterns on the site.
- b) At least three (3) of the following amenities or features designed and constructed of materials that match the principal structure and linked by sidewalks to the principal structure as follow:
 - i) ~~Public~~Patio/seating area at least 800 square feet in area that include coordinated seats, furnishings, specialty landscape features and lighting;
 - ii) Pedestrian plaza at least 1,600 square feet in area that includes coordinated seating, furnishings, specialty landscape features and lighting elements;
 - iii) Play areas at least 1,600 square feet in area that include coordinated commercial-grade play equipment, safety surfacing, fencing and similar features suitable for play activities;
 - iv) An informational kiosk area, water feature, clock tower, public sculpture or environmental art installation; and
 - v) Other park, open space or focal features approved by the Design Review Committee.

10-5.1B-6-1

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MAXIMUM WIDTHS FOR ROW BUILDINGS

10-5.1A-5-6: ROW BUILDING:

B.

			City Center “General” and Riverdale Road “General”	40 th Street “General”	Edge
	(f)	Minimum unit width	18’ per unit	20’ per unit	22’ per unit
		Maximum building width	Max. of ~~10~~ ~~units~~ 180’ per building	Max. of ~~8~~ ~~units~~ 180’ per building	Max. of ~~6~~ ~~units~~ 180’ per building

10-5.1B-5-6: ROW BUILDING:

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ROOF SLOPES NEAR SIDEWALKS

10-5.1A-5-2-E: EXPLANATION OF BUILDING TYPE TABLE STANDARDS

E. Roof Type: The following explains the line item requirements for each building type table in sections 10-5.1A-5-3 through 10-5.1A-5-8 of this section 10-5.1A-5 within the fifth section entitled "Roof Type Requirements".

1. Permitted Roof Type: The roof type(s) permitted for a given building type. Refer to section 10-5.1A-5-10, "Roof Types", of this section 10-5.1A-5 for more specific requirements.
2. Tower: A vertical building extension that may be permitted in conjunction with another roof type on certain building types. Refer to section 10-5.1A-5-10, "Roof Types", of this section 10-5.1A-5. (Ord. 16-07, 6-21-2016, eff. 6-21-2016)
3. Roof Projections and Drainage: Roofs and associated drainage systems shall not extend beyond the affected property lines. Roofs and roof drainage systems shall be designed in according to applicable building codes, ensuring that all drainage and snow shedding occurs within the subject property. Roofs and associated roof drainage systems shall not be allowed to drain or shed storm water, nor allow accumulated snow to slide or be deposited onto adjacent properties or public roadways, sidewalks, and rights-of-way.

10-5.1B-5-2-E: EXPLANATION OF BUILDING TYPE TABLE STANDARDS

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2020 Windstorm Disaster

A summary of events, lessons learned, and what we are doing moving forward



Day 1

Tuesday Sept. 8, 2020

- 05:00 First call for Fire and Public Works
- 10:00 EOC opened and Command Staff present
 - Priority list established
 - Public Works (getting streets open for emergency vehicles)
 - Fire
 - 1. Gas leaks priority
 - 2. Power Lines
- Weather was still severe with wind blowing all day
- 17:00 command staff left for the evening



Day 2

Wednesday Sept. 9, 2020

- 10:00 EOC staffed (phone call with Weber County Emergency Manager)
 - Public Works continued opening of streets
 - Fire continued with power lines and helping with debris clean-up
 - Initial discussion on dump sites for debris
- Initial Consideration of a Declaration working with Weber County
- Finalized dump site locations
 - Contacts made for debris removal
- Research into other resources needed by South Ogden City



Day 3

Thursday Sept. 10, 2020

- 10:00 EOC Meeting
 - Discussion regarding the Declaration intensified
- 11:00 all Command Staff went to help debris cleanup
- Dump sites functional



Day 4

Friday Sept. 11, 2020

- 10:00 EOC Meeting with Command Staff
 - Disaster Declaration made
- Debris cleanup
- Continuation of research on resource needs and how to acquire them
- Dump sites functional



Day 5

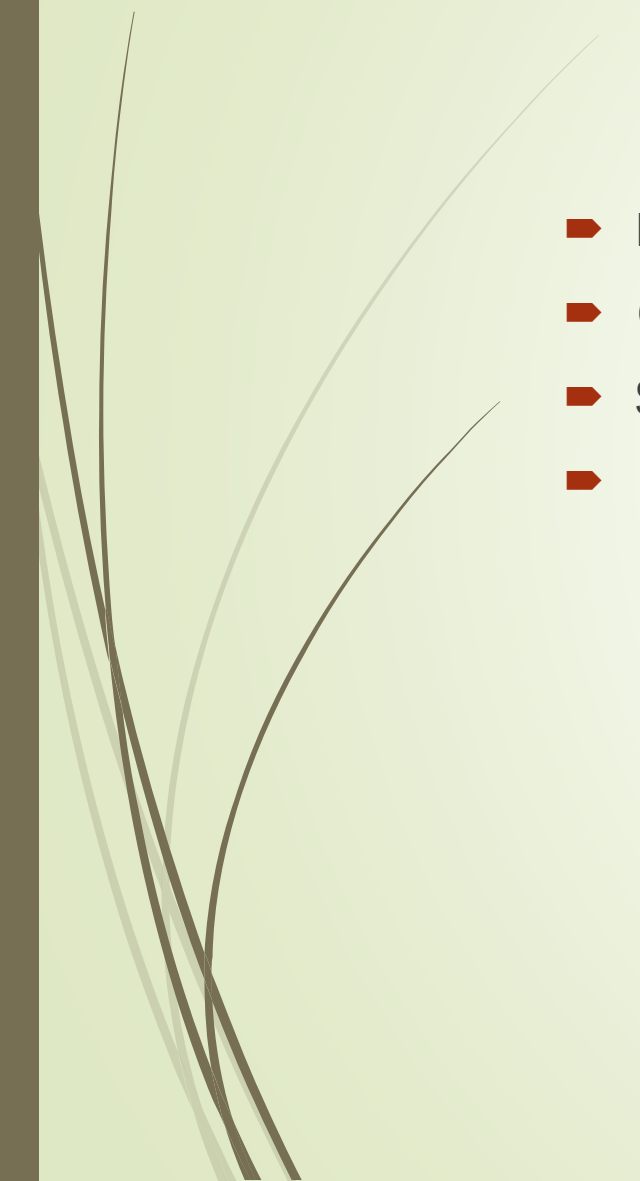
Saturday Sept. 12, 2020

- EOC was active but was not staffed
- Dump sites were open
 - Weber County opened a site for residents in the southeastern part of the County



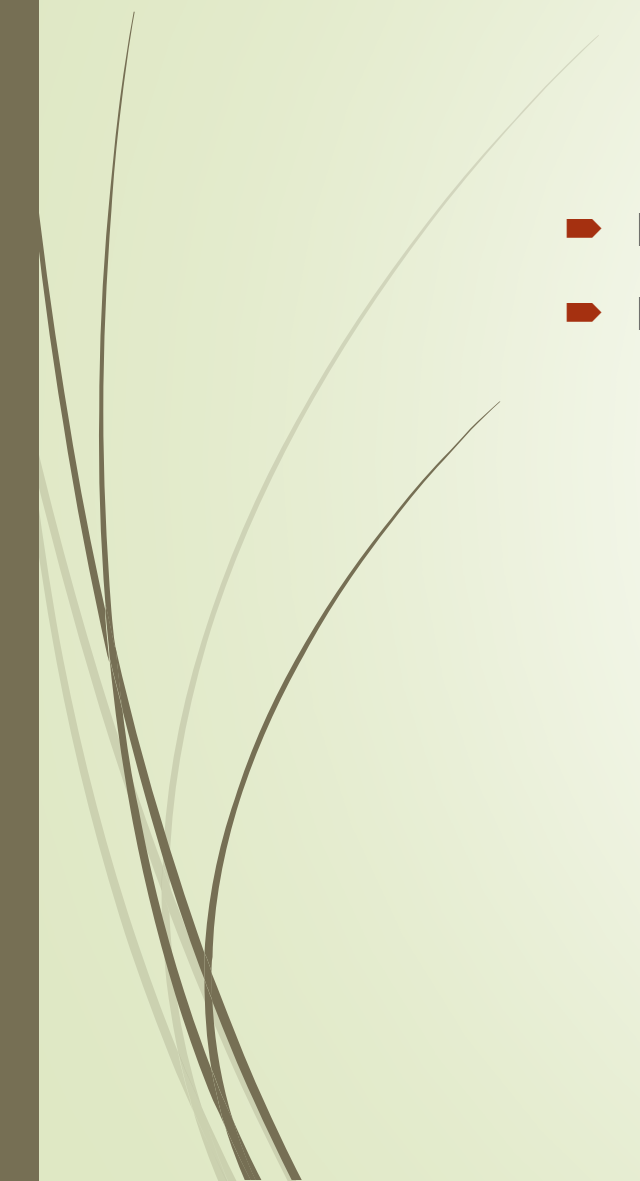
Day 6

Sunday Sept. 13, 2020

- No dumping in South Ogden
 - Ogden City accepting debris for South Ogden Residents
 - Sharpen and fix tools
 - Much needed rest for Public Works and Fire
- 



Remaining Time Monday - Thursday

- Debris cleanup
 - Dump sites
- 



Lessons Learned / Moving Forward

- Communications
 - Purchase radios for public works
 - Contacts with non-governmental agencies to help spread information to the public
 - Code Red city-wide push
 - Signage
- Issues with buildings
 - Generator at city shops (weren't able to open vehicle bay doors)
 - Wiring at Station 81 (vehicle shorelines are not connected to the generator)
- Supplies for emergency workers
 - Rotation of drinking water in EOC
 - Food

Questions

