



MINUTES OF THE SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, June 21, 2016 – 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Brent Strate, Sallee Orr, Bryan Benard, Russ Porter, and Adam Hensley

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Police Chief Darin Parke, Fire Chief Cameron West, Parks and Public Works Director Jon Andersen, Finance Director Steve Liebersbach, Assistant to the City Manager Doug Gailey, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Brent Dopp, Wesley Stewart, Joyce Hartman, Bruce Hartman, Brenda Upright, Walt Bausman, Jerry Cottrell, Rebecca Gurnee

I. OPENING CEREMONY

A. Call To Order

Mayor Minster called the meeting to order at 6:04 pm and entertained a motion to convene.

Council Member Porter moved to convene as the South Ogden City Council, followed by a second from Council Member Benard. In a voice vote Council Members Orr, Benard, Porter, and Hensley all voted aye.

(Note: Council Member Strate was not present for this vote but entered the meeting right after the vote was taken and was present the rest of the time).

B. Prayer/Moment Of Silence

The mayor invited everyone to participate in a moment of silence.

C. Pledge Of Allegiance

Council Member Orr led everyone present in the Pledge of Allegiance.

The mayor then opened the meeting for public comments, reminding those present that no action would be taken on comments made that evening. Comments should be limited to three minutes.

II. PUBLIC COMMENTS

Wes Stewart, 3625 Jefferson – did not feel like the Form Based Code (FBC) was giving “justice to all” as stated in the pledge. He asked if members of the council would want to live in a commercial neighborhood where a developer could smash down the house next to you and put in a parking lot for a

new business. He also said the setbacks allowed in the FBC would be a hazard to children playing in the area. The younger families were leaving and the older people were unable to leave. He did not want to see his friends and neighbors hurt by the FBC. The city should only implement the FBC in commercial areas, but added that the FBC would hurt existing businesses due to the setbacks. Mr. Stewart said he would like the Council to have another public hearing. He felt there were still many problems with the FBC.

Brenda Upright, Representative from Republic Services – Ms. Upright congratulated the City on a successful South Ogden Days event. Republic Services appreciated being able to work with the City as a sponsor.

There were no other public comments.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

No scouts or students were present.

IV. CONSENT AGENDA

A. Approval of June 7, 2016 Council Minutes

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

Council Member Benard moved to approve the consent agenda as it appeared. Council Member Porter seconded the motion. The mayor asked if there was further discussion, and seeing none, he called a voice vote. The vote was unanimous in favor of the motion.

V. PUBLIC HEARING

A. To Receive and Consider Comments on Proposed Amendments to the FY2016 Budget

The mayor invited Finance Director Steve Liebersbach to come forward and give an overview of the budget amendments. Mr. Liebersbach explained the amendments were “house cleaning” to ensure that everything had been accounted for. Mayor Minster entertained a motion to enter the public hearing.

Council Member Porter moved to open a public hearing concerning amendments to the FY2016 Budget. Council Member Strate seconded the motion. All present voted aye.

The mayor invited anyone who wished to comment on the budget amendments to come forward. Wesley Stewart came forward and began speaking, however his comments concerned the FY2017 budget, not the FY2016 Budget amendments.

There were no other public comments. Mayor Minster called for a motion to leave the public hearing.

Council Member Porter moved to leave the public hearing and reconvene city council meeting. The motion was seconded by Council Member Benard. The vote was unanimous to leave the public hearing.

VI. DISCUSSION / ACTION ITEMS

A. Consideration of Ordinance 16-07 – Adopting the Form Based Code and Amending the Zoning Map in Conjunction with the Form Based Code

City Manager Dixon stated it had been two years since the City had received a grant to implement a form based code. The Planning Commission and Council had been discussing the Form Based Code since October of 2014. It had been a long process, but good changes had been made to the original FBC. Mr. Dixon then invited City Planner Mark Vlasic to comment. Mr. Vlasic pointed out the changes made to the areas along 40th Street and Ogden Avenue that ensured the protection of the surrounding neighborhoods, including the orientation of commercial businesses.

Council Member Strate said the Council had taken great care as they studied and took into consideration the public comments concerning the FBC. Many changes had been made, although they could not satisfy all parties involved; however great care had been taken to protect the surrounding neighborhoods. Council Member Porter also voiced his appreciation for the public input and the changes that had been made. Council Member Hensley told the story of a section of San Antonio that was experiencing blight due to city officials not anticipating the changes that would come. He felt passing the FBC was using great foresight in anticipating and controlling future development.

Council Member Orr asked several questions concerning the FBC. There was no more discussion. The mayor called for a motion.

Council Member Benard moved to adopt Ordinance 16-07, followed by a second from Council Member Orr. Mayor Minster made a roll call vote:

Council Member Strate-	Yes
Council Member Porter-	Yes
Council Member Orr-	Yes
Council Member Hensley-	Yes
Council Member Benard-	Yes

The Form Based Code was adopted.

B. Consideration of Ordinance 16-13 – Amending Title 10, Chapter 7, Articles E, E1, F, G and H

City Planner Vlasic reviewed the changes being proposed, explaining that some of them were “housekeeping” items from when they had reviewed and made some changes to the uses in the

residential zones. Staff had also changed the maximum building heights to bring them in line with each other and the newly adopted FBC.

There were several questions and discussion concerning when a project became a conditional use and what density was allowed. Council Member Benard pointed out that once a FBC was adopted for the south part of the city, all the high density residential zones would be changed. He urged staff to move rapidly in getting a FBC implemented for the rest of the City. He also urged staff to share depictions of the FBC with any developers in the rest of the City so they could be aware of what was coming and design their developments to fit in. Council Member Porter stated they should approve the ordinance before them now so things would be consistent until a new FBC was adopted. There was no more discussion. Mayor Minster entertained a motion concerning Ordinance 16-13.

Council Member Orr moved to adopt Ordinance 16-13. The motion was seconded by Council Member Benard. The mayor asked if there were further discussion, and seeing none, he called the vote:

Council Member Orr-	Yes
Council Member Hensley-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes
Council Member Porter-	Yes

Ordinance 16-13 was adopted.

C. Consideration of Ordinance 16-15 – Amending the FY2016 Budget

The mayor invited Finance Director Steve Liebersbach to come forward and address this item. Mr. Liebersbach answered questions from the Council concerning the amendments, including what the main amendments covered and the revenues that had been received. Mayor Minster then called for a motion.

Council Member Porter moved to adopt Ordinance 16-15. Council Member Benard seconded the motion. There was no further discussion. The mayor called the vote:

Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes
Council Member Orr-	Yes
Council Member Hensley-	Yes

The amendments to FY2016 were approved.

D. Consideration of Ordinance 16-16 – Adopting the FY2017 Budget

City Finance Director Steve Liebersbach addressed this item. He reviewed the changes made to the budget since the last time it was discussed by the Council, including the certified tax rate which had been received and calculated into the numbers. For the Council's information, Mr. Liebersbach pointed out that had the tax rate been kept the same, the City would have seen an increase in tax revenues of approximately \$104,000. He then answered several questions from the Council concerning the FY2017 Budget. Council Member Porter pointed out that 8 of the 14 departments were budgeting less for the upcoming year. There was no more discussion so the mayor called for a motion.

Council Member Benard moved to adopt Ordinance 16-16, followed by a second from Council Member Porter. The mayor asked if there was any more discussion. Council Member Strate said he had a concern that there was not a full time officer at the junior high school, since the officer split his time between the school and code enforcement. He also wanted the police officer to spend one day a week at the elementary schools and shift code enforcement under the city manager as in some other cities. Mr. Strate the stated he had many other concerns about the budget, but he had aired them in the past. Council Member Porter reminded Mr. Strate the bulk of the code enforcement came during the summer time when school was out. He also felt the police chief and city manager would need some input into the matter and come up with specific numbers. They could amend the budget later once they knew what it would take. Council Member Benard agreed. He felt they needed to direct staff to look into the matter and come back to them with information on what shifting the responsibility of the ordinance officer to the city manager would look like as well as what it would cost for a full time school officer.

Council Member Orr requested that staff research staffing and wages when the City was at its lowest during the downturn and compare it to what it was today. Council Member Hensley said he would like to incentivize the department heads to come in with lower budgets for their respective departments. Council Member Benard said he would also like to have discussions about increasing the water and sewer rates; it was not good to wait too long in between increases and then increase them a lot. There was no further discussion. **The mayor made a roll call vote:**

Council Member Orr-	Yes
Council Member Hensley-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes
Council Member Porter-	Yes

The FY2017 Budget was approved.

E. Consideration of Ordinance 16-17 – Amending the Zoning Map for Parcels 07-697-0002 and 07-697-0003 Located at Approximately 1894 Skyline Drive, Changing Them From R-5A to R-5B

Planner Mark Vlastic reminded the Council they had recently considered a similar rezone request on the properties adjacent to these. He stated the new zone would allow high density residential development, which would be a good transition between the existing business district and the single family homes nearby. The planning commission was recommending the Council approve the zone change.

The Council asked some questions concerning the rezone after which the mayor called for a motion concerning Ordinance 16-17.

Council Member Porter moved to adopt Ordinance 16-17, followed by a second from Council Member Benard. The mayor asked if there were further discussion. Council Member Benard requested that staff share depictions and renderings of the FBC to the developers of these properties in the hopes they would be receptive to them. Council Members Strate and Orr agreed. There was no further discussion. **Mayor Minster called the vote:**

Council Member Porter-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes
Council Member Orr-	Yes
Council Member Hensley-	Yes

Ordinance 16-17 was adopted.

F. Consideration of Resolution 16-21 – Approving an Agreement with Second District Juvenile Court for Graffiti Removal

City Manager Dixon explained this was an agreement the City entered into on an annual basis. The agreement benefited the City greatly with graffiti removal and vandalism repairs. The agreement charged an hourly rate but also capped the amount at \$1,000.

Council Member Porter asked what the average cost was per response. Parks and Public Works Director Jon Andersen said it was between \$80 and \$150. He also explained the process in place to get someone out to clean graffiti. The mayor then entertained a motion for the resolution.

(Note: The recording indicates the mayor called for a motion on “Ordinance” 16-21, and Council Member Orr in turn moved to adopt “Ordinance” 16-21. However, the item under consideration was Resolution 16-21 and the minutes reflect that).

Council Member Orr moved to adopt Resolution 16-21. Council Member Porter seconded the motion. Mayor Minster asked if there was further discussion, and seeing none, he made a roll call vote:

Council Member Orr-	Yes
Council Member Porter-	Yes
Council Member Strate-	Yes
Council Member Benard-	Yes

Council Member Hensley- Yes

Resolution 16-21 was adopted.

G. Consideration of Resolution 16-22 – Approving an Agreement with Dr. Fredrickson For Medical Director Service

Fire Chief Cameron West came forward to address this item. He explained the current medical control physician was leaving the country and it was necessary to find another one. Dr. Fredrickson came highly recommended. He currently worked in the ER of Ogden Regional Hospital.

Council Member Porter asked what Dr. Fredrickson’s duties would be. Chief West explained he would sit on a board with other medical directors in the county, give training to staff, and do random sampling of reports to ensure documentation and procedure were correct. There was no more discussion. The mayor called for a motion concerning the resolution.

Council Member Orr moved to adopt Resolution 16-22. The motion was seconded by Council Member Strate. There was no further discussion. Mayor Minster called the vote:

Council Member Orr-	Yes
Council Member Hensley-	Yes
Council Member Benard-	Yes
Council Member Strate-	Yes
Council Member Porter-	Yes

The agreement with Dr. Fredrickson was approved.

VII. DISCUSSION ITEMS

A. Beautification of City Property Near Nature Park Access Road (Park Vista Drive)

City Manager Dixon stated it had taken some time for the developer to deed a portion of the property in question to the City. Mr. Dixon also understood there had been lack of support from the neighborhood to pay for landscaping on the property as had originally been proposed by Ms. Gurnee. She was now asking the City to landscape it. The neighbors would then take responsibility for maintaining the property. Staff had placed the item on the agenda so the Council could discuss it and give staff direction.

Council Member Porter said he was in favor of budgeting money to do the landscaping. The Council asked several questions concerning the property. Ms. Gurnee came forward and answered them, indicating she and her husband were willing to let the City use their irrigation water to keep the property watered. Council Member Orr asked if it would be possible to sell or lease the property to the Gurnees. City Manager Dixon said that would be an option. Ms. Gurnee said they would be interested in leasing the property. Council Member Hensley suggested the City vacate the whole property but maintain an easement for the access road.

Council Member Benard pointed out that some things needed to be worked out legally concerning the property, e.g. what would happen if the Gurnees sold and the new owners were not willing to allow the City to use their water to irrigate. He wanted staff to work on the legal aspects of the proposal as well as get some other bids for the proposed landscaping. Council Member Orr said she was willing to beautify the smaller portion proposed by Ms. Gurnee, but wanted to look at something less expensive for the larger section. She also wanted to ensure that the City's access was adequate. City Manager Dixon said staff would look into all the issues raised.

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

VIII. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING

Council Member Porter moved to recess into a CDRA Board meeting, followed by a second from Council Member Benard. The voice vote was unanimous in favor of the motion.

See separate minutes.

IX. RECONVENE CITY COUNCIL MEETING

Motion from CDRA Board Meeting:

Board Member Porter moved to adjourn the CDRA Board meeting and convene as the South Ogden City Council. The motion was seconded by Board Member Benard. The voice vote was unanimous in favor of the motion.

X. DEPARTMENT DIRECTOR REPORTS

A. Parks and Public Works Director Jon Andersen – Project Updates

Mr. Andersen reported on several projects:

Bid Opening for Ben Lomond Water Line Project – there had been three bids for this project. B&K Fox Contractors appeared to be the lowest bidder.

Bid Opening for Chip and Seal Coat – five companies had bid for this job. The apparent lowest bid was from Intermountain Slurry Seal.

43rd Street Overlay Project (Adams to Madison) – the engineer recommended the road be pulverized and then a 3” overlay be put on it. They hoped to have it completed before school started. It was possible they might do a 4” overlay because of increased traffic from the nearby school.

Adams Avenue Street Overlay Project (44th Street to Edgewood) – the engineer recommended a complete rebuild for this project, although a complete rebuild had not been figured into the budget; however, there were other options that were less expensive but not yield as long a road life. Mr. Andersen was holding off on a decision until he could determine what would be best. He was hoping to have some money left over from other projects to help with this one.

Council Member Strate then asked questions about fireworks and the noise ordinance and also whether the City was going to restrict fireworks this year. City Manager Dixon said Chief West

had a call into the State Fire Marshall to determine whether the City could restrict fireworks or not. Staff would inform the Council as soon as they knew anything.

XI. REPORTS

A. Mayor – expressed his gratitude to Evelyn and all the work she had done for South Ogden Days.

B. City Council Members

Council Member Benard – also expressed his appreciation to everyone for their work on South Ogden Days.

Council Member Strate – told of seven school districts which formed a technology hub to share technology services. It had saved them a lot of money. Mr. Strate referred to Council Member Hensley's presentation on economies of scale and wondered if South Ogden and Washington Terrace could work together in a similar way for public works services.

Council Member Porter – asked who they should send suggestions or ideas about South Ogden Days to. City Manager Dixon said they should send them to himself or Doug Gailey. He also said that Events Coordinator Evelyn Rosas would give the Council a report about South Ogden Days at a future meeting.

Council Member Porter also reported he would be out of town for the rest of the month.

Council Member Orr – commented about the great South Ogden Days. She then asked concerning some land use training and made some comments about Proposition One.

Council Member Hensley – reported he had attended a tour of the Weber Basin Water facilities. Because of the tour, he had learned how important the movement and storage of water was to our society.

He also commented that in light of recent events, he wanted to let the department heads know the council was interested in what was going on and would be of help in any way they could. The Council was there to support them.

B. City Manager – commented on some unintended outcomes from HB60 (Proposition One) and what the League of Cities and Towns was doing in response to it. He encouraged the Council to write letters in support of the League's action to remedy the situation.

C. City Attorney – the mayor excused City Attorney Bradshaw who could not be in attendance.

XII. RECESS INTO CLOSED EXECUTIVE SESSION

A. Pursuant to UCA §52-4-205 1(d) to discuss the purchase, exchange, or lease of real property

B. Pursuant to UCA §52-4-205 1(a) to discuss the character, professional competence, or physical or mental health of an individual.

Mayor Minster indicated it was time to adjourn the city council meeting and convene into an executive session and called for a motion to do so.

At 8:37 pm, Council Member Benard moved to recess into a closed executive session, followed by a second from Council Member Strate. The voice vote was unanimous in favor of the motion.

Note: The Council moved into the adjacent conference room for the closed executive session. All members of the Council were in attendance as well as City Manager Dixon.

XIII. RECONVENE CITY COUNCIL MEETING AND ADJOURN

At 9:20 pm, the Council re-entered the council room, at which time Mayor Minster called for a motion. **Council Member Strate moved to close the executive session, reconvene as the City Council and adjourn. Council Member Porter seconded the motion. All present voted aye.**

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, June 21, 2016.


Leesa Kapetanov, City Recorder

Date Approved by the City Council July 5, 2016