



MINUTES OF THE SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, July 19, 2016 – 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Assistant to the City Manager Doug Gailey, and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jerry Cottrell, Walt Bausman, Joyce Hartman, Cody Petersen

I. OPENING CEREMONY

A. Call To Order

Mayor Minster called the meeting to order at 6:03 pm and entertained a motion to convene. (Note: Council Members Hensley and Benard had not yet arrived to the meeting and were not present for this vote).

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

B. Prayer/Moment Of Silence

The mayor invited those present to participate in a moment of silence.

C. Pledge Of Allegiance

Council Member Strate led everyone 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 and comments should be limited to three minutes.

II. PUBLIC COMMENTS

Jerry Cottrell, 5765 S 1075 E – (Note: Council Member Hensley entered the meeting at this time). Mr. Cottrell read a letter of appreciation from the Ogden Amateur Radio Club (see Attachment A). He also commended Council Member Orr and her husband Rick who had stopped by to learn about the group.

Walt Bausman, 5792 S 1075 E – (Note: Council Member Benard entered the meeting right before Mr. Bausman began his comments). Mr. Bausman remarked concerning the 401(k) match which was on the agenda for discussion. He wondered why it was not part of the budget passed the previous month and why there wasn't a current financial statement so they could see how it would affect the city's budget.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster invited any scouts or students present to come forward. Dax Peterson, Troop 334, was there to fulfill a requirement for his Communications Merit Badge. His father Cody Peterson was also present. Council Member Porter presented both with a South Ogden City pin.

IV. CONSENT AGENDA

A. Approval of July 5, 2016 Council Minutes

The mayor asked if there were any corrections or comments concerning the minutes of the last meeting. There was no response from the Council. The mayor called for a motion.

Council Member Orr moved to approve the consent agenda. Council Member Benard seconded the motion. The voice vote was unanimous in favor of the motion.

V. DISCUSSION ITEMS

A. Discussion on Strategic Plan

City Manager Dixon asked the Council not to focus on the action plans in the strategic plan as he was working with each department head to complete them. However, he did ask that they look at the goals of the strategic plan to see if they were defined enough or if there were other goals they wanted to add.

Mr. Dixon read through each goal and gave the Council updates concerning them. The Council in turn asked questions and made comments. Instruction was given to staff to look into a grant for trails, etc., check into the landscaping of the Harrison Blvd./Hwy. 89 island, provide prices for the signs created by Mr. Vlastic, find out what the school district was planning for the school crossing at Eastwood and Skyline Drive, provide a list of problem code enforcement issues, and schedule a meeting with developers to see how the City could attract development. Mr. Dixon concluded the discussion by encouraging the Council to check the strategic plan often to see what progress was being made.

B. Discussion on School Resource Officer

City Manager Dixon referred the Council to Chief Parke's staff report contained in their packet and turned the time to Council Member Strate who had requested this item be placed on the agenda. Mr. Strate began by saying he wanted staff to gather information on what it would look like to place code enforcement under the administration instead of the police. He then said he would like an officer in the junior high full time, including during extracurricular events, and an officer in the elementary schools. Council Member Orr stated that it was up to the school district to ask for what they needed or wanted as far as a school resource officer (SRO). Council

Member Benard agreed. The school district was the expert on what they needed and Mr. Benard wondered why the City was looking at doing more when they hadn't asked for more. There was discussion among the Council concerning having a SRO in all of the schools in the City. Chief Parke informed the Council the current SRO spent most of his time at the junior high school when it was in session, doing code enforcement research and other deskwork at the school as much as possible. Council Member Strate said he wanted more information to see if moving code enforcement under administrative supervision instead of police would allow the SRO to spend more time at the school. Council Member Benard pointed out that whether code enforcement was done by non-law enforcement was an entirely different question than talking about a current SRO, his time, and whether to have him spend more time at the schools than what the school district was asking for.

City Manager Dixon asked if this was a budget neutral decision, would there be enough of the Council willing to support having the SRO spend more time in the schools; if not, it would not make sense to gather additional information. Council Member Orr pointed out that having the SRO spend more time at the elementary schools would mean he would spend less time than he was now at the junior high school. Chief Parke agreed and pointed out the junior high had the most potential for trouble. Council Member Strate said he would just like more police presence at the elementary school; how that happened could be many ways. He suggested officers be out patrolling the schools when children were coming to and from school. Chief Parke said plans had already been made to have a large police presence during at least the first week of school and agreed that officers should be in school zones monitoring traffic or in the schools as children were coming to and from school.

City Manager Dixon asked the Council for direction on this issue. Council Member Orr said she was happy with officers spending time at the elementary schools as their schedules allowed. Council Member Strate said Principal Proffer had originally brought up the idea of having a police presence in the schools so the children would get to know the officers and not be afraid of them. Chief Parke said he would be happy to meet with Mr. Proffer. Mr. Dixon said he would work with the Chief to see if they could schedule a time for patrol officers to be at the school. He would also gather information on if other cities managed code enforcement through administration instead of police.

C. Discussion on Re-Instating 401(k) Match

City Manager Dixon reminded the Council the City had offered a 401(k) match until 2011, but due to budget constraints it had been discontinued. He said the benefit cost the City from \$25,000 to \$30,000 a year. Council Member Hensley had requested that it be put on the agenda for discussion.

Council Member Hensley said in talking to some employees, he had been surprised to find the City did not offer a 401(k) match and wanted to see how other council members felt about it. His long term goal was to empower employees and make them want to work here. Council Member Strate said he had been an advocate of a 401(k) match back in 2012 when he had first taken office and still felt the same. At the time, he was told that employees would rather have a raise rather than the benefit of a 401(k) match. Council Member Benard said he was not in favor

of it because only a select few employees participated in it. He also felt that any extra monies should be used to bring all employees to within 90% of the average salary range.

The Council discussed the pros and cons of providing a 401(k) match. Council Member Porter said the issue came down to whether the match was the best use of \$30,000. City Manager Dixon said the employees appreciated that the Council was having the discussion. He suggested the department directors come back with feedback from their employees about the issue.

D. Discussion on Showing Support for Law Enforcement

Council Member Hensley had also requested this item be put on the agenda. He said that in light of national events, he would like the Council to do something to show their support of law enforcement. Council Member Strate commented there was a real problem in society and views towards law enforcement. Council Member Orr asked Chief Parke to comment on the matter.

Chief Parke said the department had been seeing a lot of support from the community the past few weeks because of unfortunate national events. People had sent cards, letters, and food to the police offices. He pointed out that May 15 had been designated as National Police Officer Memorial Day and that whole week was designated as National Police Week; it would be a good time to acknowledge law enforcement. He was open to any other suggestions.

The Council discussed different ideas as how to acknowledge and support the City's policemen, including a proclamation, an event where the community could come, etc. They also discussed the need for law enforcement to connect with the community and bridge an ever widening gap. City Manager Dixon said he and the Chief would discuss what they thought were the best ways to accomplish what the Council had discussed and come back with suggestions for the Council. Council Member Hensley asked that it be done sooner rather than later.

Chief Parke expressed his and the departments appreciation for the outpouring of support from the community and asked that it be made a part of the record.

At this point, Council Member Orr suggested the agenda be amended to facilitate everyone's time better. The mayor agreed. He said they would hear Chief Parke's report and then move into the work session.

VI. QUARTERLY REPORTS

A. Chief Parke – Ordinance Enforcement

The Chief gave ordinance enforcement statistics for the quarter ending in June pointing out that most of the incidents were reported by officers. Only ten of the cases required more than the initial contact, and three citations were issued.

Council Member Orr asked that the number to report ordinance violation issues be put in the newsletter. Council Member Strate also asked that information concerning the dedication of the new Burch Creek Elementary be put in the newsletter.

The mayor then called for a motion to recess City Council meeting and move into a work session.

IX. RECESS CITY COUNCIL MEETING AND CONVENE INTO A WORK SESSION

A. Discussion on City's Ordinance for Residential Facilities for Disabled Persons with Dan McDonald

At 8:08 pm, Council Member Benard moved to recess City Council meeting and convene into a work session. The motion was seconded by Council Member Strate. The voice vote was unanimous in favor of the motion.

(Note: the Council took a short break and moved into the EOC room for the work session. The mayor and all members of the Council were present for the work session, as well as City Manager Dixon, Assistant to the City Manager Doug Gailey, City Attorney Ken Bradshaw, and City Recorder Leesa Kapetanov and Dan McDonald, legal consultant for the City. Residents Jerry Cottrell and Walt Bausman were also present).

City Manager Dixon began the work session by turning the time to Dan McDonald, whom the City had hired to review and amend the existing ordinance for residential facilities for disabled persons. Mr. McDonald reviewed the changes he had made to the existing ordinance, pointing out that wherever Group Living Arrangements (GLA's) were allowed, Residential Facilities for Disabled Persons (RFDP's) would also be allowed. He had also included in the ordinance a process to request a reasonable accommodation. A Development Review Committee (DRC) would determine if and how a reasonable accommodation would be allowed. The DRC usually consisted of the planning director, fire marshal, building inspector, city attorney, etc. Mr. McDonald needed direction from the Council as to where GLA's, and therefore RFDP's should be allowed.

The council discussed the various zones where GLA's were currently allowed and where they were located. The consensus of the Council was to allow GLA's in R-4 and R-5 residential zones, as well as in all the commercial zones. They also determined that in the 40th Street/City Center FBC (Form Based Code) area, GLA's should be allowed everywhere but in the Edge Zone. Mr. McDonald said he had not looked at the FBC when reviewing the rest of the code, and he would need to look at it and make some recommendations.

The Council then discussed who should be on the DRC to determine reasonable accommodation. Mr. McDonald said he did not recommend that any council member's sit on the DRC; that way, no public clamor could be exerted. He also said that some very technical issues needed to be considered when granting reasonable accommodation and it was helpful to have people on the committee who had knowledge about the issues. He suggested that the city manager or his designee be a member of the DRC as it would allow the City to call an expert such as a doctor, licensed clinical social worker, psychologist or lawyer to the committee. The committee should always have a planner, building official, public safety representative, attorney, and fire marshal on it.

City Manager Dixon said he felt staff and Mr. McDonald had enough information to draft the code and bring it to the Council for their consideration.

B. Discussion on City's Policy to Remove the Council from All Administrative Decisions

City Manager Dixon reminded the Council of a previous discussion concerning this matter. At that time there seemed to be some of the Council who had changed their minds and did not favor removing themselves from all administrative decisions. Council Member Benard stated that

every attorney they had consulted had advised them to remove themselves from all administrative decisions and he agreed with them. Council Member Porter also agreed and reiterated they had been advised it was best for the City to only involve themselves in legislative matters. Council Member Orr said she would like to revisit the chart Mr. Dixon had created showing all the administrative and legislative decisions the Council was involved in. Mr. Dixon said he would update it and bring it back for the Council to look at. Staff would put the subdivision ordinance amendments back on the next agenda for the Council to consider.

Mayor Minster had stepped out of the room momentarily, so Mayor Pro Tem Porter began conducting the meeting. He called for a motion to leave the work session and reconvene as the South Ogden City Council.

Council Member Hensley moved to close the work session and reconvene as the City Council, followed by a second from Council Member Orr. Council Members Strate, Orr, Hensley and Porter voted aye, with Council Member Benard voting nay.

VI. QUARTERLY REPORTS (continued)

Mayor Pro Tem Porter then invited Assistant to the City Manager Doug Gailey to give his quarterly employee recognition report.

Mr. Gailey reported staff had been looking for ways to make recognition of outstanding employees easier for the department heads. They had decided to purchase gift cards to hand out to an employee immediately when they were observed going above and beyond, rather than having to go through the process to requisition money. Mr. Gailey said they had also set a cap of \$100 for the amount of the gift cards; if department directors wanted to give out more, they would have to get approval from the city manager. The Council asked that they get a report of who had received cards.

VII. COUNCIL REPORTS

A. Mayor – still had not returned to the meeting. Mayor Pro Tem Porter stated they would not do the “Council Communication/Direction to the City Manager” that evening due to the lateness of the hour. Council members could email any concerns they had to City Manager Dixon. Mr. Porter then gave each council member an opportunity to report.

B. City Council Members

Council Member Strate – nothing to report.

Council Member Hensley – nothing to report.

Council Member Benard – nothing to report.

Council Member Orr – said she had attended the Mountain Ridge Barbeque and the Communities That Care Resource and Assessment meeting. She then informed everyone there would be a Community Board meeting on July 28. The next SOBA meeting would be on August 3.

Council Member Porter – said he would not be able to attend the August 2 council meeting.

A. City Manager – reminded the Council the next Town Hall Meeting was scheduled for Thursday, September 15. The Council discussed the date and location of the meeting. (Mayor Minster joined the meeting at this time). They determined that because of the Utah League of Cities and Towns Conference during the week of the 15th, they would hold the Town Hall Meeting on September 22 at 6 pm in the community room located at the Old City Hall.

B. City Attorney – nothing to report.

At this point Mayor Minster reported he and City Manager Dixon sat on the Transfer Station Advisory Board. He said the Transfer Station was in very bad shape and they had formed the Board to help come up with a plan to make things better. Unbeknownst to the Board, the County Commission had been working on a deal with a company named New Era where they would buy into a facility in southern Utah County and ship all the waste from Weber County there. It would cost the County 1.2 million dollars. The mayor said there were too many problems with this proposal and many on the board did not agree with it, including himself and City Manager Dixon. They felt there were better ways to deal with the problem, including involving the private sector.

The mayor then reported the firefighters had held a barbeque at the Senior Center that had gone very well. Many of the staff had also attended the Mountain Ridge Barbeque.

VIII. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION

Mayor Minster called for a motion to enter into a closed executive session.

At 10:30 pm, Council Member Benard moved to recess as the City Council and convene into a closed executive session pursuant to the statute. The motion was seconded by Council Member Porter. All present voted aye.

(Note: The closed executive session was held in the EOC with the mayor, all members of the Council, City Manager Dixon, and City Attorney Bradshaw present).

At 10:43 pm, Mayor Minster called for a motion to close the executive session.

Council Member Porter moved to close the executive session, reconvene city council meeting and adjourn, followed by a second from Council Member Hensley. 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 Council Meeting held Tuesday, July 19, 2016.

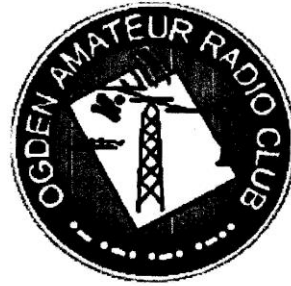

Leesa Kapetanov, City Recorder

Date Approved by the City Council _____ August 2, 2016 _____

ATTACHMENT A

Handout from Mr. Cottrell

Ogden Amateur Radio Club
PO Box 3353
Ogden, UT 84409-1353



July 5, 2016

Mayor James F. Minster
3950 Adams Ave
South Ogden, UT 84403

Mayor and City Council of South Ogden City,

The purpose of this letter is to express our appreciation to the City of South Ogden for providing the 40th Street Park for the Ogden Amateur Radio Club's (OARC) 2016 Field Day activities on June 25th and 26th. Not only did the City waive the customary daily use fees, but it also approved a special event permit that allowed overnight use. We know that our overnight use resulted in changes to the norm but we are pleased to report that everything went flawlessly! We appreciate the fact that the watering was suspended during our use, the restrooms were left unlocked for our use, and the police periodically checked on our members throughout the night.

We are also pleased that Council Member Orr and her husband, Rick, took the time to stop by to learn more about our capabilities. While we all hope that no emergency occurs that would require our communications capabilities, we were happy to be able test and demonstrate our abilities to support the community under simulated disaster conditions.

We appreciate your support in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gil Leonard".

Gil Leonard
President, OARC