



MINUTES OF THE SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, February 21, 2017 – 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

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

CITIZENS PRESENT

Jim Pearce, Thomas Farrell, Walt Bausman, Terry Tillett, Leon Tillett, Morgan Keyes, Blake Keyes, Jerry Petersen, Shannon Riley, JoAnn Otte, Carole Kimball, Jay Hamilton, Ken Crockett, Tyrin Crockett, Ralph Baushman, BJ & Karren Florek, Stacy & Brett Richards, Virg Toller, Julie Polzin, Benjamin Polzin, Mike Polzin, Chad Gonzales, Lisa Anderson, Joyce Hartman, Eric Mansell, Peter Goupios, Tom Ellison, Ron Martinez

I. OPENING CEREMONY

A. Call To Order

Mayor Minster called the meeting to order at 6:02 pm and called for a motion to open.

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, Porter, Benard, and Strate all voted aye.

Note: Council Member Hensley was not present for this vote, but entered the meeting later.

B. Prayer/Moment Of Silence

The mayor led everyone in a moment of silence.

C. Pledge Of Allegiance

Council Member Strate directed the Pledge of Allegiance.

Mayor Minster announced it was time for public comments. He noted the Council would not answer all the questions that evening. He stated those speaking would have three minutes.

II. PUBLIC COMMENTS

Tom Farrell, attorney for Hidden Creek Estates Homeowner's Association – said the

homeowner's association had submitted a subdivision amendment which would allow the HOA to close gates that had previously been installed in the subdivision. Mr. Farrell stated there was no legal basis to deny the petition; the HOA had complied with the rules regarding subdivision amendments and neither South Ogden City nor Weber County had ordinances restricting gated communities. He said it would be contrary to Utah law to deny the amendment because there was no compelling, countervailing reason to deny this land use issue. (Note: Council Member Hensley arrived at this point in the meeting.) Mr. Farrell described the subdivision, pointing out there was a private park, private streets, and a creek. The private park was one of the reasons the homeowner's association wanted to close the gates and he went on to cite a case where a gated community was held liable for something that happened in the community when the gates were not closed. He also stated that safety of the roads was an issue. People came through the subdivision thinking it went through to Glasmann Park, realized they couldn't go through, and then "floored it" to get back out. It was a concern for children playing in the streets. They wanted to limit cars to just those of the people living in the community. The creek and park were also attractive nuisances that would subject the community to liability if they could not close the gates.

At this point, Council Member Strate interrupted, stating that Mr. Farrell was going over the time allotted. Mr. Strate suggested he be allowed to go over time, with the understanding that they would not take any other public comment on the issue. Mr. Farrell said he would limit his comments to the statutory aspects and let the homeowners express their opinions.

Mr. Farrell said the South Ogden City Code, as well as Utah Code, provided for subdivision amendments. He cited UCA 10-9a-509, which said they were entitled to approval if they met the requirements. Since there was no ordinance against a gate, they complied with all the requirements. He then cited several case law examples, concluding by stating that denying them of the ability to close the gates would be a derogation of Hidden Creek's use of its property.

Jerry Peterson, 5265 S 1300 E – stated he shared a fence line with the subdivision. He had once owned the property the subdivision was on, but had sold it to a developer. It had always been the intention of the developer to have a gated subdivision. They had come to him to ask for more land by the gate because the City was requiring a turnaround in front of the gate. He had donated the land to the City.

Morgan Keyes, 5252 S 1200 E – Ms. Keyes said Hidden Creek was always considered a gated community. Not only had the City required a turnaround, but it had also required the design of the gate be modified. The original developer had proceeded with the impression that final approval of the subdivision was just a formality; they were surprised that the gate was not approved. One of the reasons the subdivision was asking for the gates was to minimize the vehicles entering the subdivision and speeding around; they did not want to have to worry about their children playing outside and a car speeding around the corner. During the last Planning Commission Meeting, safety had been cited as not being a valid reason for closing the gate; if that argument was valid, the City could theoretically not allow locks on doors. The residents felt having the gates was an extension of locking their doors. They felt that opposition to the closing of their gate was personal and did not have a factual or legal basis. Decisions were not final and ordinances could be adjusted. It was the Council's responsibility to look at the current requirements and apply the current law.

Council Member Strate asked several questions of Ms. Keyes, noting that their request for the gate had

changed since 2011. In 2011, the gate would have opened automatically for any car approaching it; now they were asking for a coded entry gate. Ms. Keyes said after the HOA had been organized, they had determined they wanted a locked entry gate.

Council Member Benard asked if all homeowners wanted the gate. Ms. Keyes said there had been some votes against it but she was unsure of the numbers. Ms. Keyes then answered several more questions from the Council.

The mayor invited anyone else who wanted to comment to come forward, asking that they be aware of the time.

Ken Crockett, 1105 E 5250 S – stated he was a licensed contractor and had developed several subdivisions. When the HOA had decided they wanted to close the gates, they had asked him to help. He said the subdivision was completely private; the only easements in the subdivision were for utilities. They had a different opinion on the matter than City Attorney Bradshaw. Council Member Hensley asked for clarification on the difference of opinion. Mr. Crockett said an easement existed for members of the subdivision to access the park. Mr. Bradshaw had said it was access for the public. Mr. Bradshaw stated his comment had been that they were trying to limit access to the subdivision and to the creek; he had not referenced the easement.

Mr. Crockett then continued his remarks, saying he had made several trips to the City, and had been handed off to another person each time. Each time he was told the gates could not be closed. After several months of emailing City Manager Dixon, he sought legal counsel. His legal counsel had spoken with City Attorney Bradshaw who had said they had a contract in the minutes where the gate was denied. Mr. Crockett said it was his opinion that Mr. Bradshaw's argument was not valid. After his discussion with Mr. Bradshaw, his attorney had advised him to go ahead and close the gates. They had proceeded to run the wire and install the devices that would close the gates. The contractor doing the work had been issued a cease and desist order and had patched the road where they had cut into it. A few weeks later a policeman had tried to issue a citation with 12 counts on it, which Mr. Crockett said was bogus. The policeman had thought he was the president of the HOA. His wife told the policeman she was on the board of the HOA, and later she and two other people were served. He felt it was a total misuse of City resources and a bullying tactic. His attorney had spoken with Mr. Bradshaw, who said if they wanted to "play nice", the charges could be dropped. They were present before the Council because they felt what was happening was illegal and their rights were being taken. Mr. Crockett pointed out that police cars were locked behind a gate, and wondered why it was good for the City and not for their community. He asked the Council to make a decision that was right because his group was not going away.

Ralph Bachman, Farr West – gave details about the gate, including how the gates would operate, safety features installed, and how public safety would access the locked gates through a Knox box.

Stacy Richards, 5268 S 1200 E – wondered why there was so much negativity surrounding a gated community in the City. The negativity seemed to be coming from the City leaders. She and her neighbors had been called elitist, better than others, and ostentatious. She said gated communities were found in all socio-economic levels of living. They were a design element and also provided protection from liability and property. She pointed out the City had a gate at City Hall for their police

cars. It was a double standard when it was okay for the City to have a gate, but the community couldn't. When they called them elitist, they were calling everyone who lived in a gated community elitist. She was one of the four people who had been charged with 12 misdemeanors. She held a professional license in many states and had to report the charges to the governing bodies. She felt the charges were a bullying tactic and personal. They had tried to come to the City with their questions and weren't heard. She stated that Mr. Bradshaw had said the issue of safety did not exist, but safety wasn't the only reason. Liability was also an issue.

Council Member Strate pointed out the Council's decisions did not only affect her neighborhood, but the whole community. He asked if the HOA had discussed the control of access. Could the park be used by a resident for a birthday party in the park? Ms. Richards said a process was in place for homeowners to use the park. Mr. Strate said he had read that a better method of protection was to have a guard at the gate. He had also read that gated communities increased home values for the people who lived in them, but made the values of those just outside them go down. He wanted the decision they made to be good for everyone. Ms. Richards said they were concerned that the Council would make a decision based on personal feelings. Council Member Benard voiced his concern that she and her neighbors had been called elitist by members of the council. He also felt that the Council would not make a decision based on personal feelings. He said he was in and out of the neighborhood almost every day due to his children.

Brett Richards, 5268 S 1200 E – pointed out there were many arguments in favor of gated communities, including bringing in a good tax base. He then said many people bringing their dogs into the neighborhood would take them off leash because it was the end of the road. They would also go down to the park and take their dogs off leash because the police would not cite them there. It happened every day.

Chad Gonzales, 1180 E 5250 S – lived next to the pathway that allowed for entrance into the park. There was a safety issue with dogs; his daughter had been knocked to the ground by two off-leash dogs belonging to someone outside the subdivision.

Todd Zampedri, 1126 E 5275 S – said there were temporary access codes that could be assigned for a day or night. He then submitted a picture of the gate to the Council, stating they had met all the requirements of the Fire Department and installed a Knox box. They had met all city codes. He did not understand why they were not allowed to close the gates. He had moved to the subdivision because of the property value. The gate would help the property values and by denying it the City was denying itself more money.

Council Member Strate asked Mr. Zampedri if he would still want the gate knowing that it was possible his property values would go up, but the values of property outside the gate would go down. Mr. Zampedri said it wouldn't matter.

Shannon Riley, 5366 Old Post Road – was there concerning the potential development at 5450 Harrison. She said it was a good plan, but on a different piece of property in a different city. The property wasn't logical to put that much on it. There was a development going in on Shadow Valley Drive that would add more traffic and this development would add even more. She was concerned that everyone in the development would turn right onto Harrison and then turn right onto Old Post Road to

get to the light on Shadow Valley Drive. She then asked if the city engineer had given his okay on the geotech report. City Manager Dixon said the engineer was still reviewing the geotech report, and the Council would discuss the development agreement later in the meeting. Ms. Riley asked that if the development moved forward they consider “toning” it down a little bit.

Council Member Hensley asked Ms. Riley what her primary concerns were. She said traffic and safety. She was concerned with the topography of the land and also people using her street to get to a light on Harrison. Ms. Riley had no more comments.

The mayor then invited those with something new to say to come forward.

Eric Mansell, 5260 S 1200 E – stated that while building his home, the contractor’s trailer was broken into and all his tools stolen. He also had a daughter who rode her scooter down the sidewalk. He had never seen a patrol car or snow plow in his neighborhood, nor a lawn mower in their park. They had found beer bottles and other paraphernalia left over from parties they had not authorized in their park. Mr. Mansell felt that if they were paying to maintain their subdivision, they should be able to secure it.

Council Member Strate asked if anyone had ever made a call to the police when they discovered illegal activity. Mr. Mansell said the activity was done while they were sleeping.

Council Member Orr asked about access to the subdivision through the park. Council Member Benard asked if they had noticed and increase in activity in the park lately. Mr. Mansell said it seemed to be growing more frequent. He said people from outside were also using their circle to drive their ATV’s on. Mr. Benard pointed out they should make a call to the police. Council Member Strate asked if it had been represented to him when he bought his property that it was going to be a gated community. Mr. Mansell said he wasn’t aware of the agreement with the City that there would not be a gate.

Morgan Keyes, 5252 S 1200 E – said when her company took over the development from the original developer, she did not think they knew that the gate had not been approved. She had found out from someone else after she had taken over. Council Member Strate verified that she had known a gate was not allowed since 2011 according to the agreement. Ms. Keyes said she knew because she had read the minutes from the 2007 meeting.

Tyrin Crockett, 1105 E 5250 S – quoted Mr. Bradshaw from the January Planning Commission Meeting. He said “they are building a fence to keep the rest of us out, when really all they are doing is building a cage so we can look at them through the bars.” Ms. Crockett said she was offended by that. She took more offense that the minutes on the website had been changed; they did not say what Mr. Bradshaw said at the meeting. Mr. Bradshaw had also said safety was not an issue. How was it that the Council could decide what safety was to those in their subdivision? It was not fair. The way the City had handled the situation had been frustrating. The residents had tried to do it right and go through the process, but no one had told them the process they needed to go through. It seemed like it was a personal grievance from South Ogden against Hidden Creek Subdivision. They had been ignored when they asked what they needed to do. The charges filed against them were bogus. She would have to report them because she had a professional license in Utah. It was ridiculous and a malicious abuse of City power. Her tax dollars were paying for it. She asked if the Council condoned the behavior.

Council Member Strate stated it was the job of city officials to back up whatever was decided by the

City Council when the subdivision was approved the first time, as well as in 2011. It was not personal. It was about arriving to the best decision possible.

Ms. Crockett said the Council had not even considered the matter in 2011 and wondered why city government existed. The Council was there to help people, but they were getting no help from them.

Mr. Strate said she should not confuse getting help with getting what you want. She said there was no confusion, but they needed to do their job as City government. Everyone in their subdivision wanted the gate, and three people outside of it were opposed to it. Gates were stunning and added value to property. Mr. Strate asked her if she would only be happy if they decided in favor of the gate. Ms. Crockett said she would be happy when they did what was right.

There were no other public comments.

Council Member Benard asked if they could move the item concerning the gate forward on the agenda. The mayor called for a motion.

Council Member Benard moved to move the gate agenda item forward. The motion was seconded by Council Member Hensley. All present voted aye.

V. DISCUSSION / ACTION ITEMS

F. Consideration of Proposed Amendment to the Hidden Creek Subdivision, Allowing For a Gate to the Entrance of the Subdivision

Council Member Porter asked to address this item. He disclosed he had used the word elitist in answering a question to someone from the neighborhood who had asked why anyone would be opposed to a gated community. He had answered that people from outside their community believed the gate cut off a segment and did not unify the community. Some had also had the perception that even though the gate was supposed to be left open, they had gone ahead to close it and do what they wanted. Council Member Porter then said he felt Mr. Bradshaw had been misrepresented but he felt the gate looked nice and appreciated learning more about it. The issue at hand was whether to allow the gate or not. After separating everything else out, he did not have a problem with allowing the gate to be closed.

Council Member Hensley moved that based on the fact the City did not have a prevailing or countervailing interest, they allow the gate to be closed. Council Member Strate seconded the motion. Council Member Benard asked what the Council could and couldn't do procedurally, in light of the Planning Commission recommendation. City Attorney Bradshaw said it was to either sustain or overturn the decision of the Planning Commission.

Council Member Hensley amended his motion to allow the amendment to go forward, allowing the Hidden Creek neighborhood to make the gate operable, meaning it could close. Council Member Strate seconded the motion. Mayor Minster asked if there were further discussion. Council Member Orr said in reading about the gate, there seemed to be a question as to whether this was a land use issue or an agreement made in 2007. She asked which it was. City Attorney Bradshaw said each side had a different perspective on the matter;

however, that was not the issue before the Council. The issue was whether they would uphold the Planning Commission decision, or overturn it to allow the gate. That was what the motion was. Ms. Orr asked if they were setting a precedent to allow gated communities, even if they had previously not allowed them. Mr. Bradshaw said that if someone came in later to ask for a gate, the Council would have to deal with it. Council Member Orr said there were some give and takes at the time the subdivision was originally approved, the gate being one of them. She said allowing the subdivision to have a private park was a huge concession on behalf of the City.

Council Member Hensley said they needed to ask what basis the City had today to say it had a prevailing interest to keep the gate open. The question was not whether they were reversing the 2007 or 2011 decisions. Council Member Porter added that in 2011 they felt they had made the best decision for the time. Now moving forward, they needed to make the best decision for this moment. Council Member Strate asked what good it would do to keep fighting the issue. He could not think of a reason not to allow the gate.

Council Member Benard stated the reason they made the decision in 2011 and why it was a prevailing and good decision was the “slippery slope” aspect of the issue. South Ogden had always been an open, free-flowing community. The other gated community that existed seemed exclusionary and that was not the type of community South Ogden was. Allowing another gated community would lead to the slippery slope of having a branched off, fenced off, isolated community. It was not good for South Ogden. His main concern was that the neighborhood felt they could not call and get service from South Ogden police or fire. He also stated that closing the gate would not lessen their liability for an accident in the park. He reiterated that the reason for not allowing the gate was to not create small segregated areas of the community. He felt it was a compelling reason to not allow the proliferation of gated communities in the City.

Council Member Strate said he was disappointed in some of the attitudes presented. He asked for an amendment or withdrawal of the motion so there would not be a 2-3 vote. He suggested the Council table the matter and ask City Attorney Bradshaw to write a one page summary of the best argument to close the gate and the best argument to keep it open. They would then vote on the matter at the next meeting.

Mayor Minster pointed out that things changed all the time. Everyone would like to have things that make life better. Although he did not get to vote, he felt the gate should be allowed to close.

Council Member Porter stated he did not want the vote to be put off. Council Member Hensley called for the vote. There was discussion as to whether the item could come back before the Council if it was denied now. Council Member Hensley called for the vote again. The mayor called the vote:

Council Member Hensley-	Yes
Council Member Strate-	Yes
Council Member Benard-	No
Council Member Porter-	Yes
Council Member Orr-	No

Approval of the subdivision amendment was granted.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

The mayor invited any scouts or students present to come forward. Benjamin Polzin, Troop 461, introduced himself. Council Member Orr presented him with a pin. His father, Mike Polzin, was also present.

IV. CONSENT AGENDA

A. Approval of January 31, 2017 Council Work Session Minutes and February 7, 2017

Council Minutes

B. Declaring Certain Items As Surplus to the City's Needs

C. Set Date For Public Hearing (March 7, 2017 at 6 pm or as soon as the agenda permits) To Receive and Consider Comments on Amendments to SOC 6-1-5(I)(1)(b), Having To Do with Parking During Snowstorms

The mayor read through the items on the consent agenda and asked if there were any questions or comments. Council Member Hensley requested that the chief of police's comments on response times be added to the January 31 meeting. The mayor then called for a motion.

Council Member Porter moved to approve the consent agenda with the requested addition to the minutes. Council Member Strate seconded the motion. The voice vote was unanimous in favor of the motion.

Mayor Minster then indicated it was time to enter into a public hearing and entertained a motion to do so.

Council Member Benard moved to recess City Council Meeting and enter into a public hearing, followed by a second from Council Member Porter. All present voted aye.

V. PUBLIC HEARING

To Receive and Consider Comments on Proposed Amendments to Parks and Open Space Capital Facilities Plan

The Mayor invited Parks and Public Works Director Jon Andersen to speak to this item. Mr. Andersen explained this amendment added the Nature Park to the capital facilities plan and was a short term fix to be able to use impact fees. The Parks and Open Space Capital Facilities Plan would be completely redone in the next few months to add the recently purchased parks properties to it.

Mayor Minster asked if there were anyone who would like to come forward and comment on this item. There were no comments from the public. He then called for a motion to close the public hearing.

Council Member Porter moved to close the public hearing. The motion was seconded by Council Member Strate. The voice vote was unanimous to close the public hearing.

Council Member Hensley then requested that item VI. D. be discussed next. There was no opposition to the request.

VI. DISCUSSION / ACTION ITEMS

D. Consideration of Ordinance 17-08 – Approving a Development Agreement With Urban Land Group LLC for Development of Property Located at Approximately 5450 S. Harrison Boulevard

City Manager Dixon gave a brief introduction to this item, explaining that development agreements allowed cities and developers to enter into a win/win situation. He noted that City Attorney Bradshaw had worked with the developer's attorney to create a workable agreement. Mr. Dixon said the Planning Commission had recommended that the city engineer review the geotechnical report, which was not yet completed. City Attorney Bradshaw commented that the Council in effect would be creating a separate independent zone by way of contract, rather than creating a zoning ordinance and changing the zoning map. The advantage was the City and developer could craft the agreement specific to a certain piece of ground. Mr. Bradshaw had reviewed the agreement extensively. He felt there were two questions the Council needed to answer: did the agreement have enough specificity for the City, and was the change from five to seven stories something the Council wanted to allow.

Council Member Porter asked what kinds of checks and balances the City had. Mr. Bradshaw referenced some contract case law and said they could go to court if there were violations of the contract. Also, as the development moved forward, there would be approvals in phases that would guarantee that the agreement was being met.

Council Member Benard asked how the agreement would handle things like potential landslides. Mr. Bradshaw answered that the geotechnical report, as well as the engineer, would determine if the developer could really do what he was proposing. The Council was approving the general agreement that evening, but specific items would be approved later.

Council Member Porter asked about traffic on Harrison. Mr. Bradshaw stated traffic issues would be governed by UDOT because Harrison was a UDOT road. Council Member Strate said he was concerned how traffic would be affected on Combe Road. City Manager Dixon informed the Council that Ron Martinez, a representative from Urban Land Group was present and available to answer questions. Mr. Martinez came forward and gave an overview of the development. He pointed out where the 7 story building would be located, explaining that two of the stories may be partially or completely underground and used for parking. He said the market would not support any more than what they were proposing for the site. He explained how they were proposing building into the hillside while still maintaining the integrity of the ground.

The Council expressed their concern of future slides on the steep ground. Mr. Martinez said there was no way to guarantee that nothing would happen, but they had hired the best companies to do the geotech and engineering. He also reviewed where the entrance and exits to the development were and stated they were currently looking at building 60

single family homes, and 80-100 apartment units. He disclosed they were looking for an “A” tenant for the commercial part of the development.

City Manager Dixon pointed out a reference in the agreement to publicly dedicated streets, asking if the Council had any interest in any of the streets being public. If not, those references may need to be removed. There was discussion on the street infrastructure and easements to access them and then discussion was concluded.

The mayor called for a motion.

Council Member Benard moved to adopt Ordinance 17-08. Council Member Hensley seconded the motion. City Attorney Bradshaw reminded Mr. Benard of the changes suggested by City Manager Dixon. **Council Member Benard amended his motion to include the changes suggested by City Manager Dixon. Council Member Hensley seconded the motion.** City Manager Dixon clarified the changes. They were: removing all references to publicly owned streets, and conditional approval pending approval by the city engineer related to the geotechnical report. Council Member Strate asked if reference needed to be made to the accesses. It was determined it did not. Council Member Orr asked if everyone was fine with seven rather than five stories. There was discussion and clarification on the stories, their height and relation to the towers, and the need of the developer to have flexibility. The developer needed to be flexible on how far they might need to dig into the ground to make the building stable while still being able to have enough units. There was also uncertainty about how the stories would be measured in relation to the grade. The council determined seven stories would be acceptable. **The mayor called the vote:**

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

Ordinance 17-08 was adopted.

At this point in the meeting someone from the audience asked to speak. The mayor gave permission.

JoAnn Otte, Old Post Road – said her main concern was that the people from the development would turn right onto Harrison and then turn right onto Old Post Road to access a light in order to go south on Harrison. She hoped they would consider everything that would happen.

D. Consideration of Ordinance 17-05 – Amending the Parks and Open Space Capital Facilities Plan

Parks and Public Works Director Jon Andersen referred to his previous comments during the public hearing and stated that staff recommended approval of the plan.

Council Member Orr asked why the other parks were not added with this amendment. Mr. Andersen explained it would have taken much longer to completely redo the plan, and staff felt it would be more prudent to do a simple amendment now in order to utilize impact fees. There were no more questions. Mayor Minster called for a motion. (Note: Council Member Hensley had stepped out of the meeting for a few moments and was not present for the following vote.)

Council Member Strate moved to adopt Ordinance 17-05, followed by a second from Council Member Porter. The mayor asked if there was further discussion, and seeing none, called the vote:

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

The motion stood.

E. Consideration of Ordinance 17-06 – Approving a Grant of Easement to Washington Terrace For Access to Their Proposed Public Works Site

City Manager Dixon informed the Council that Washington Terrace City had purchased property between 5600 and 5700 South to relocate their public works buildings. The property was next to South Ogden’s public works facility. Washington Terrace was asking the City to move its access gate 15 feet to the east as well as grant an easement across the City’s property to access their future gate. Staff had reviewed the requests and saw no negative impacts.

Council Member Strate asked some questions about the street and location. He also wondered if staff had discussed with Washington Terrace the possibility of combining public works buildings and equipment; it may be advantageous to both cities based on economies of scale. City Manager Dixon said the topic had come up, but Washington Terrace was not interested. Mr. Dixon said he had found it difficult to find mutual benefits; both cities would still need the same number of trucks to plow their streets, the same amount of storage area, etc. Washington Terrace had already bonded for the money and had their plans drawn up. It was probably not the time to bring the matter up. Council Member Hensley reminded everyone of a report by Parks and Public Works Director Jon Andersen stating that South Ogden’s public works buildings were at the end of their life cycle. Mr. Andersen said that was correct, although the buildings were still functional. Mr. Hensley mentioned he was interested in exploring the possibility of relocating the public works buildings near the Club Heights Park. Mr. Dixon said staff was looking at the possibility, but it did not have a bearing on the easement that was before the Council that evening. Mayor Minster entertained a motion concerning Ordinance 17-06.

Council Member Porter moved to adopt Ordinance 17-06. The motion was seconded by Council Member Orr. After determining there was no more discussion, the mayor made a roll call vote:

Council Member Porter-	Yes
Council Member Orr-	Yes
Council Member Hensley-	Yes
Council Member Benard-	Yes
Council Member Strate-	No

Ordinance 17-06 was adopted.

C. Consideration of Ordinance 17-07 – Amending the Consolidated Fee Schedule, Providing for an Increase in Planning Commission Compensation

City Manager Dixon reminded the Council this item had been put on the agenda at their request. He said compensation for planning commissioners ran the gamut from nothing, to providing dinner, to giving them a monthly stipend. The proposal that evening, as recommended by the Council, was to keep their monthly stipend at \$25 but increase their pay per meeting from \$25 to \$50.

Council Member Orr said the planning commissioners were spending a lot of time studying and reviewing issues because of the amount of changes coming before them; however it might be prudent to limit the raise to a one year period in anticipation that their work load would decrease. There was some discussion on the matter but no consensus. Mayor Minster called for a motion.

Council Member Strate moved to adopt Ordinance 17-07, increasing the attendance pay for the Planning Commission from \$25 to \$50. Council Member Benard seconded the motion. Council Member Orr asked if they would still be paid if they came to only a half hour of the meeting. Other Council members were not concerned with the matter and said staff would inform them if someone was abusing the system. **The mayor called the vote:**

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

The Planning Commission compensation was increased.

E. Consideration of Resolution 17-06 – Establishing the Method of Voting in South Ogden

City Manager Dixon read through parts of the resolution explaining how voting would take place in the City if they chose to adopt the resolution. Council Member Orr said she liked the hybrid form of voting, but would like to have Election Day voting in the City. Staff pointed out the resolution before them only established the method of voting; the location would be determined later when the City contracted with the County for election services. Council Member Hensley said he felt voting was a sacred right and liked the idea that they could adjust the method of

voting from year to year if they wanted to. The mayor called for a motion concerning Resolution 17-06.

Council Member Benard moved to adopt Resolution 17-06, followed by a second from Council Member Strate. The mayor asked if there was further discussion, and seeing none, he called the vote:

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

Resolution 17-06 was adopted.

G. Discussion on Allocating Funds for Police Overtime

Mayor Minster invited Police Chief Darin Parke to address this item. Chief Parke stated there were long term concerns with police overtime that could be addressed later, but he was there to discuss the immediate situation with police overtime. Chief Parke had discussed the matter with City Manager Dixon and Finance Director Steve Liebersbach, and with their advice was requesting \$20,000 be added to the police overtime budget. The department was currently \$1,000 over the allotted budget with still almost half the budget year remaining.

Council Member Strate asked if that meant the department would need \$40,000 more next year. Chief Parke answered the Council would have to hold that conversation later when they discussed long term solutions; for now he was just asking for \$20,000 to make it through this budget year. He added that the double homicide in the City and the overtime required to handle it was the main reason they had already used up their overtime budget. It was difficult to budget for such events. City Manager Dixon asked if understaffing had played a part in using more overtime than usual. Chief Parke acknowledged that was true. Council Member Hensley said he spoke only for himself, but after granting more money to the police department a few months ago, it was almost offensive that they were coming back now asking for more. He felt the Council had stood up for the city's officers and showed them that they cared. Officers had said they would leave if they didn't get more money and he didn't like it. Chief Parke said his officers were very grateful for what the Council had done; however, this issue had nothing to do with increasing pay or disgruntled officers. There had been a very unusual, massive event in the City that overtime pay was not budgeted for. The \$20,000 he was requesting was only for overtime.

The Council asked several questions about how large events like the double homicide were handled. Council Member Benard pointed out there was not an ongoing, underlying problem creating the need for more overtime; it was due to one event and they should not be overly concerned. Council Member Hensley asked if the Chief had looked through his budget to find \$20,000 somewhere else. Chief Parke said finding money for unexpected expenses was always

a challenge. He was trying to find \$4,000 for small equipment needs he had not anticipated; he did not know of anywhere else to look for the money.

The Council asked if they needed to vote on the matter. City Manager Dixon said staff was looking for direction from the Council that they were comfortable with allotting a certain amount for overtime to the police department; they would formally vote on the decision next time the budget was amended. Council Member Orr said she was in favor of allotting the money. Council Member Strate agreed, with the provision that they look at long range solutions later on. Council Members Porter and Benard also agreed that up to \$20,000 could be allotted. Council Member Hensley said he had made his position known and then asked some questions about the County Sheriff's Department. The mayor told staff to move forward with the overtime allotment.

H. Discussion to Increase Part-Time Firefighter Wages

Fire Chief Cameron West addressed the Council next. He requested that the Council allocate \$15,000 to the budget to increase part-time firefighter wages so they would be competitive with surrounding jurisdictions. Council Member Hensley reminded the Chief he had previously said he needed four full-time firefighters, which would help reduce the need for part-timers. He asked if giving the chief \$25,000 instead of \$15,000 to make some of the part-time firefighters full-time would be a better solution. Chief West said it would take \$60,000, not \$25,000 per firefighter, to make them full time. Council Member Strate remarked he was willing to go along with this short-term solution as long as they worked on a long-term sustainability plan. Council Member Orr pointed out that to get part-time firefighters to even come to the City we needed to increase the wages to be competitive. Council Member Strate remarked that by increasing the wages now, they would have to allocate more money during the next budget year as well. City Manager Dixon said that was correct, but if the long term solution was to hire more full-time firefighters, it would reduce the need to rely so heavily on part-timers. The Council asked questions about coverage, full-time wages, and overtime. Chief West answered their questions, noting that his firefighters were beginning to be "burned out" and he did not want it to lead to PTSD. Council Member Orr stated she was in favor of the increase in part-time wages. The other council members agreed.

Council Member Hensley then asked the mayor if they could skip the reports portion of the agenda in the interest of time. The mayor agreed.

Council Member Benard said he had one item he would like to report; he had received many complaints about Skyline Drive. The speed limit signs were not in place at the time of the ribbon cutting, there had been no enforcement of the speed limit by the sheriff's department, and Skyline Drive was becoming the problem they had all foreseen. He reminded everyone of the requests they had made to the sheriff's department to strictly patrol the road from the beginning in order to set a reputation, but the department had failed to do so. He wondered if the Council should send another letter to the County reiterating their concerns. City Manager Dixon asked if staff should prepare a letter. The Council directed him to do so.

VII. REPORTS

In the interest of time, the Council did not do reports nor the next item “Council Communication/Direction to City Manager.”

VIII. COUNCIL COMMUNICATION/DIRECTION TO CITY MANAGER

IX. ADJOURN CITY COUNCIL MEETING AND CONVENE INTO WORK SESSION

Mayor Minster indicated it was time to adjourn city council meeting and convene into a work session. He called for a motion.

At 9:51 pm, Council Member Benard moved to adjourn city council and convene into a work session. The motion was seconded by Council Member Orr. The voice vote was unanimous in favor of the motion.

Note: The work session was held in the EOC room. All members of the Council were present for the work session as well as the following staff: City Manager Matt Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, Fire Chief Cameron West, Assistant to the City Manager Doug Gailey, Finance Director Steve Liebersbach, and Recorder Leesa Kapetanov.

Residents in attendance were Walt Bausman and Joyce Hartman.

The Council took a short break and began the work session at 10:11 pm.

A. Utility Rate Analysis and Transportation Fee Study Results – Lewis, Young, Robertson and Burningham

City Manager Matt Dixon introduced Fred Philpot and David Robertson from Lewis, Young, Robertson, and Burningham, who would be the presenters for the evening. They had created a comprehensive financial sustainability plan for the enterprise funds as well as completed a study on transportation fees in the City. Mr. Dixon turned the time over to Fred Philpot.

Mr. Philpot gave a presentation (see “Utility and Transportation Financial Plan” in packet) emphasizing that this was a draft and the final would depend on decisions the Council would have to make. The presentation explained the assumptions they had made in creating their model and the structure they had used. They had created a scenario analysis for each enterprise fund (water, sewer, storm sewer) based on the city’s Capital Improvement Plan (CIP), showing what the funds would be if there were no rate increase, a large rate increase in one year with inflationary increases every year after, and a rate increase in one year with inflationary increases and bonding. Each scenario extended five years, which Mr. Philpot said was typical for these types of plans. City Manager Dixon explained the study created a model the City could use for years to come; they would just have to enter the appropriate numbers and the model would project the funds five years into the future.

Mr. Philpot went over each scenario, pointing out benefits and drawbacks and answering questions from council members. Council Member Hensley said there were some members of the Council who felt some money that had been transferred out of various enterprise funds

should be returned to them. Council Member Porter asked where the money would come from to return; they had spent it on roads. City Manager Dixon reminded those present that the reasoning behind the transfer was because the general fund had paid expenses for those enterprise funds. It was based on the desire of the Council not to have to raise general fund revenues to do road projects. Mr. Philpot pointed out that if nothing was done to increase money coming into the various enterprise funds, there would not be enough money to do needed capital improvement projects. The Council needed to make several decisions: how much of the CIP were they going to fund, how much of a depreciation amount were they going to fund, and did they want to issue bonds or use a pay as you go approach. The Council was unanimous in their desire not to bond. They asked staff to show how a large increase in rates in one year and then inflationary increases thereafter would affect various residents and businesses. They also requested different scenarios be run showing different levels of depreciation, i.e. 50%, 75%, etc. The Council then debated whether to run a scenario replacing the funds that had been transferred out for road projects. It was determined to run the scenario.

Mr. Philpot then reviewed the transportation funding plan. He explained they had begun with the assumption that almost a million dollars of new revenues would need to be generated per year over the next five years in order to complete the needed road improvements. The revenues could be generated two ways; by placing fees on certain land uses based on their use of the roads, and raising property taxes. Mr. Philpot said there would be challenges in setting up and implementing the fee method. The fee method put a larger burden on businesses rather than residences. Increasing property taxes would create a big jump in order to generate the needed revenues, and put the majority of the burden on residential properties. The Council asked questions about each method and the pros and cons. Mr. Philpot then concluded his presentation on a transportation funding plan.

City Manager Dixon asked Mr. Robertson and Mr. Philpot on a timeframe for completing a general fund study and model. They estimated six weeks. Some members of the Council requested it be done by the Town Hall meeting in April.

There was no more discussion. Mayor Minster called for a motion to adjourn.

X. ADJOURN WORK SESSION

Council Member Porter moved to adjourn, followed by a second from Council Member Hensley. All present voted aye. The meeting adjourned at 12:20 am.

I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, February 21, 2017.


Leesa Kapetanov, City Recorder

Date Approved by the City Council March 7, 2017