



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

TUESDAY, APRIL 7, 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 Members Strate, Howard, and Smyth joined the meeting via the Zoom meeting app.

#### STAFF MEMBERS PRESENT

City Manager Matt Dixon, Assistant City Manager Doug Gailey, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Finance Director Steve Liebersbach, Fire Chief Cameron West, Police Chief Darin Parke, Special Events Coordinator Jamie Healy, Information Services Manager Brian Minster, and Recorder Leesa Kapetanov Note: Assistant City Manager Doug Gailey, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, and Special Events Coordinator Jamie Healy joined the meeting via Zoom.

#### CITIZENS PRESENT

Members of the public could only join the meeting via Facebook Live and Vimeo. Comments made over those platforms at the appropriate times are included in the minutes.

#### OTHERS PRESENT

Joe Torman and Brian Wrigley, representatives of Lotus Inc., were present through the Zoom meeting app.

**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/CC200407\\_1659.mp3](https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC200407_1659.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 5:02 pm and called for a motion to begin.

00:01:22

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

00:02:17

## II. REVIEW OF AGENDA

- There was no discussion of the agenda at this time
- Council Member Stewart requested that no last minute changes be made to the packet

## III. DISCUSSION ITEMS

### A. South Ogden Days

- Staff Overview- Special Events Coordinator Jamie Healy  
00:05:10
- Discussion 00:11:12

**The consensus of the Council was that South Ogden Days should be cancelled due to the COVID-19 virus and the uncertainty of being able to have an event with a large gathering of people.**

### B. Briefing on Fiscal First Aid

- Staff Overview – City Manager Dixon and Finance Director Steve Liebersbach  
00:23:19
- Discussion 00:42:39

## IV. ADJOURN

At 5:59 pm, Mayor Porter called for a motion to adjourn the work session.

**Council Member Orr moved to adjourn, followed by a second from Council Member Stewart. The voice vote was unanimous in favor of the motion.**

00:58:25

## COUNCIL MEETING MINUTES

### COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth Note: Council Members Strate, Howard, and Smyth joined the meeting via the Zoom meeting app.

### STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darin Parke, Information Services Manager Brian Minster, and Recorder Leesa Kapetanov Note: City Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, and Police Chief Darin Parke joined the meeting via Zoom.

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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 6:02 pm and called for a motion to convene  
00:00:12

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

### B. Prayer/Moment Of Silence

The mayor led everyone in a moment of silence.

### C. Pledge Of Allegiance

Council Member Susan Stewart led the Pledge of Allegiance.

## II. PUBLIC COMMENTS

- The mayor mentioned that some residents living on Porter had phoned or emailed himself and other council members during the week. He informed those watching they could comment if they wanted to. 00:01:14

## III. RESPONSE TO PUBLIC COMMENT

- Not applicable at this time.

## IV. RECOGNITION OF SCOUTS/STUDENTS PRESENT

- Not applicable

## V. CONSENT AGENDA

### A. Approval of March 17, 2020 Council Minutes

- Mayor Porter read the consent agenda and asked if there were any questions. Seeing none, he called for a motion

00:01:52

**Council Member Strate moved to approve the consent agenda. The motion was seconded by Council Member Howard. There was no further discussion. The voice vote was unanimous in favor of the motion.**

## VI. DISCUSSION ITEMS/ACTION ITEMS

### A. Consideration of Ordinance 20-12 – Approving an Easement Agreement with Rocky Mountain Power at Club Heights Park

- Staff overview 00:02:19
- Council discussion 00:03:47
- Motion 00:06:36

**Council Member Howard moved to adopt Ordinance 20-12. Council Member Orr seconded the motion. Mayor Porter asked if there was any more discussion, and seeing none, he called the vote:**

Council Member Orr -	Yes
Council Member Strate -	Yes
Council Member Stewart -	Yes
Council Member Howard -	Yes
Council Member Smyth-	Yes

**Motion passed. Ordinance 20-12 was adopted.**

**B. Consideration of Ordinance 20-13 – Approving a Development Agreement with Lotus Inc. for Property located on the Southeast Corner of 40<sup>th</sup> Street and Adams Avenue**

- Staff overview 00:07:19
- Council Member Orr discloses that she owns a rental property in South Ogden  
00:25:44
- Questions/Discussion by Council  
00:26:07
- Motion 01:07:53

**Council Member Strate moved to approve the agreement with Lotus as is, except in regards to the parking. For the parking, the stackable parking must be a part of the initial construction, there must be parking under the courtyard, and that work be done on what is done with Porter. The motion was seconded by Council Member Howard. Mayor Porter asked if there was further discussion.** Council Member Orr stated that even with the stacking of the cars, they could not get to 1.25 parking stalls per unit. It was much lower than the national average of 1.65. It was not enough parking and she was very concerned. Council Member Stewart said she did not feel they had addressed the code concerns. She intended to vote no. There were no more comments. **The mayor called the vote:**

<b>Council Member Smyth-</b>	<b>Yes</b>
<b>Council Member Howard-</b>	<b>Yes</b>
<b>Council Member Stewart-</b>	<b>No</b>
<b>Council Member Strate-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>No</b>

**The motion stood.**

Council Member Orr said she had some written material she would like to have submitted for the record concerning the public hearing held by the planning commission. See Attachment A.

**C. Consideration of Resolution 20-04 – Approving an Agreement with AAA Excavation for Construction of the 40<sup>th</sup> Street Detention Pond**

- Staff overview 01:12:44
- Council discussion 01:15:06
- Motion 01:17:56

**Council Member Howard moved to approve Resolution 20-04, followed by a second from Council Member Strate.** Council Member Stewart said she would be voting no because the public's perception was this detention pond was being provided for the benefit of developers at

the cost of the citizens. Parks and Public Works Director Jon Andersen pointed out the pipe work for the detention pond was completed three years earlier before 40<sup>th</sup> Street was widened. The storm water was coming from the streets above like Orchard, Evelyn, and Nordin; not from anywhere beside it or below it. City Manager Dixon said there was nothing in the development agreements for the projects that allowed any exceptions to the requirement that storm water be detained on the site. He also pointed out that the 40<sup>th</sup> Street detention pond had been in the capital facilities plan for many, many years. It was a critical piece of infrastructure to prevent flooding during high flood events. He then stated that a major portion of the funding was coming from storm drain impact fees, which had been paid by any one doing new construction, including any developer. **Mayor Porter then called the vote:**

<b>Council Member Stewart -</b>	<b>No</b>
<b>Council Member Howard -</b>	<b>Yes</b>
<b>Council Member Strate -</b>	<b>Yes</b>
<b>Council Member Smyth-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>Yes</b>

**Resolution 20-04 was adopted.**

**D. Consideration of Resolution 20-05 – Approving Municipal Waste Water Planning Report**

- Staff overview [01:23:28](#)
- There was no discussion on this item
- Motion [01:24:12](#)

**Council Member Howard moved to approve Resolution 20-05. Council Member Smyth seconded the motion. The mayor made a roll call vote:**

<b>Council Member Strate-</b>	<b>Yes</b>
<b>Council Member Orr-</b>	<b>Yes</b>
<b>Council Member Howard-</b>	<b>Yes</b>
<b>Council Member Stewart-</b>	<b>Yes</b>
<b>Council Member Smyth-</b>	<b>Yes</b>

**The report was approved.**

**VIII. REPORTS/DIRECTION TO CITY MANAGER**

**A. City Council Members**

- Council Member Strate - [01:24:45](#)
- Council Member Howard - [01:26:28](#)
- Council Member Smyth - [01:26:52](#)

- Council Member Stewart - 01:28:19
- Council Member Orr - 01:31:41
- B. City Manager 01:34:41
- C. City Attorney Nothing to report
- D. Mayor Porter 01:40:03

**IX. ADJOURN**

- At 7:44 pm, Mayor Porter called for a motion to adjourn  
01:42:54

**Council Member Howard so moved, followed by a second from Council Member Smyth. 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 Pre-Council Work Session and Council Meeting held Tuesday, April 7, 2020.

  
Leesa Kapetanov, City Recorder

\_\_\_\_\_  
April 21, 2020  
Date Approved by the City Council

## ATTACHMENT A

Written submission from Council Member Orr



I respectfully request that if the Development Agreement with Lotus Communities LLC is considered for the southeast corner of 40<sup>th</sup> Street and Adams Avenue; that we the City of South Ogden hold another public hearing and list all the accommodations being requested by Lotus Communities LLC.

I feel that it was a disservice to the community to not include the following items in the notice that was sent out to affected entities:

1. A substantial reduction in parking required.
2. Decrease the distance required from the neighboring property.

Please consider my request for a second public hearing which would include a complete list of all accommodations being requested in this Development Agreement.

Sallee Orr

South Ogden City Council

April 7, 2020



OFFICE OF THE CITY RECORDER

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March 12, 2020

Dear Property Owner/Affected Entity,


The South Ogden City Planning Commission will hold a public hearing on a proposed development agreement with Lotus Communities LLC, for development of the properties located on the southeast corner of 40<sup>th</sup> Street and Adams Ave. (see map on back of this page.) You are receiving this notice because you have been identified as a property owner within 500 feet of the proposed development or an affected entity of the proposed multi-family residential development using a development agreement. A development agreement is executed between the City and a developer, and is used as a method of providing the city with additional control and the developer more flexibility of the development project. The proposed development agreement would allow the following:

1. Allow a maximum of four stories instead of three
2. Decrease the transparency (amount of window area) requirement for the first floor
3. Decrease the current 14 foot ceiling height for the first floor

The hearing on the development agreement will be at 6:15 pm, or as soon as the agenda permits, during the South Ogden City Planning Commission Meeting on **March 26, 2019**. The meeting will be located at City Hall, 3950 Adams Ave., 84403, in the city council chambers. You are invited to attend and offer comment or respond in writing.

To view the development agreement or if you have further questions, please call the City Recorder at 801-622-2709.

Sincerely,

  
Leesa Kapetanov, CMC  
South Ogden City Recorder

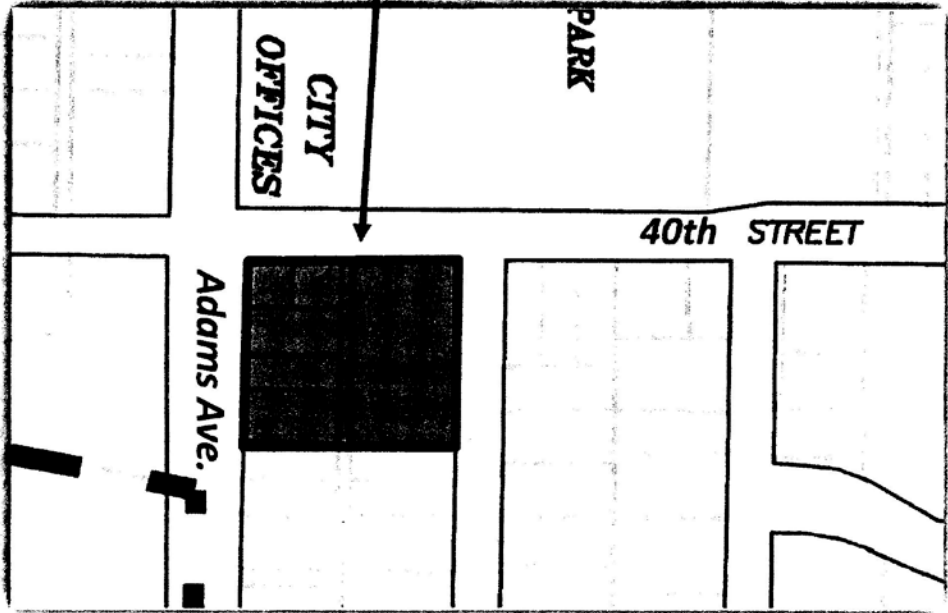
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Properties being considered for a development agreement.



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