



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

TUESDAY, JUNE 16, 2020

WORK SESSION – 5 PM IN COUNCIL ROOM

COUNCIL MEETING – 6 PM IN COUNCIL ROOM

WORK SESSION MINUTES

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

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

CITIZENS PRESENT

No one else was present for the work session

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/CC200616_1703.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 5:03 pm and entertained a motion to begin.
00:00:00

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

Note: Council Member Howard was not present for the vote, but joined the meeting shortly thereafter.

II. REVIEW OF AGENDA

There was no review of the agenda.

III. DISCUSSION ITEMS

A. Open and Public Meeting Training

00:00:51

Note: See affirmations of training Attachment A

B. FY2021 Budget

00:06:48

During this discussion, Council Member Strate requested that an increase to the Park Impact Fees be put on the next agenda for vote.

IV. ADJOURN

At 5:52 pm, Mayor Porter called for a motion to adjourn the work session.

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

00:47:03

COUNCIL MEETING MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth Note: Council Member Smyth joined the meeting via the 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, Information Services Manager Brian Minster, Special Events Coordinator Jaime Healy, and Recorder Leesa Kapetanov Note: City Attorney Ken Bradshaw, and Parks and Public Works Director Jon Andersen joined the meeting via Zoom.

CITIZENS PRESENT

Terry Schow, Carolyn Wold, Devin Hubbard, Michelle Dawson, Wes Dawson, Amanda Butts, Derek DeBruin, Cory Butts, Bruce & Joyce Hartman, Lincoln Howell, Jeanne Kesler

Note: The time stamps indicated in blue correspond to the audio recording of this meeting, which can be found by clicking this link

[https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC200616_1759R\(1\).mp3](https://www.southogdencity.gov/document_center/Sound%20Files/2020/CC200616_1759R(1).mp3)
or by requesting a copy from the office of the South Ogden City Recorder.

I. OPENING CEREMONY

A. Call To Order

- Mayor Porter called the meeting to order at 6:02 pm and called for a motion to convene
00:00:14

Council Member Strate moved to begin council meeting, followed by a second from Council Member Stewart. In a voice vote Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

B. Prayer/Moment of Silence

The mayor led those present in a moment of silence.

C. Pledge Of Allegiance

Council Member Susan Stewart led the Pledge of Allegiance.

II. PUBLIC COMMENTS

- The mayor opened the meeting to public comment for those present and instructed those on Facebook and Vimeo they could type their comments over those platforms until 6:20 pm.

00:01:05

<u>George DeBruin</u>	00:02:45	Encouraged non-violent policing
<u>Terry Schow</u>	00:04:34	Spoke against apartments on Country Hills Drive
<u>Jean Tessler</u>	00:07:52	“
<u>Cory Butts</u>	00:10:36	Encouraged non-violent policing
<u>Carolyn Wold</u>	00:13:20	Spoke against apartments on Country Hills Drive
<u>Michelle Dawson</u>	00:15:49	“
<u>Joyce Hartman</u>	00:21:23	Thanked the police department for their service
<u>Wes Dawson</u>	00:25:32	Spoke against apartments on Country Hills Drive
<u>Carolyn Wold</u>	00:27:03	Thanked the police department for their service

III. RESPONSE TO PUBLIC COMMENT

- The mayor responded to comments made
00:28:28
- Mayor Porter asked Information Specialist Brian Minster to read comments made online
Rick Rendl 00:30:22 Spoke against apartments on Country Hills Drive
- Comments by Council Member Howard concerning policing
00:30:44

IV. RECOGNITION OF SCOUTS/STUDENTS PRESENT

- No scouts or students were present

V. CONSENT AGENDA

A. Approval of June 2, 2020 Meeting Minutes

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

00:34:21

Council Member Smyth so moved. The motion was seconded by Council Member Howard. There was no further discussion. The voice vote was unanimous in favor of the motion.

VI. PUBLIC HEARING

To Receive and Consider Comments on Proposed Amendments to the FY2020 Budget

- Motion to open the public hearing

00:35:08

Council Member Stewart moved to open the public hearing, followed by a second from Council Member Strate. All present voted aye.

- The Mayor asked if anyone had comments on the FY2020 budget amendments. No one came forward. He announced online comments would be taken until 6:45 pm and then called for a motion to close the public hearing but keep the record open until 6:45.

Council Member Howard so moved. The motion was seconded by Council Member Strate. The vote was unanimous in favor of the motion.

VII. DISCUSSION/ACTION ITEMS

A. Consideration of Ordinance 20-17 – Approving a Development Agreement with Mount Ogden Developers for the Property Located at Approximately 935 Country Hills Drive

- Staff overview 00:36:15
- Discussion 00:45:26
- Motion 01:42:41

Council Member Strate moved to approve the development agreement with the inclusion that the developer meet a 1.6 parking ratio. Council Member Howard seconded the motion. Mayor Porter asked if there was further discussion. City Manager Dixon asked if the motion should be amended to say that the 1.6 ratio could include a shared parking agreement with neighboring businesses. Council Member Strate amended his motion to include the wording suggested by City Manager Dixon. Council Member Howard seconded the amended motion. The mayor asked if there were any other comments. Council Member Orr said they had gone to great lengths to have community input on the form based code and be cognizant of what went in on 40th Street. They should stay at three stories allowed by the code. She also disclosed that she owns rental property in the city. Mayor Porter then called the vote:

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

The development agreement was adopted with the changes.

B. Consideration of Resolution 20-15 – Approving Amendments to the FY2020 Budget

- Staff overview 01:48:30
- Discussion 01:56:33

As part of the discussion, Mayor Porter took on the assignment to come up with ideas to use the surplus money once restricted for use on the 40th Street Project. The Council also agreed they would be willing to transfer up to 2.5 million dollars from the general fund to the capital facilities fund.

- Motion 02:07:06

Council Member Howard moved to adopt Resolution 20-15, including an amendment to transfer up to 2.5 million dollars to the capital facilities fund. Council Member Smyth seconded the motion. The mayor asked if there was any more discussion, and seeing none, he called the vote:

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

The motion stood.

C. Consideration of Resolution 20-16 – Approving an Agreement with Axis Reclamation & Construction for City Hall Remodel

- Staff overview 02:07:53
- Council discussion/questions 02:10:25
- Motion 02:24:34

Council Member Howard moved to adopt Resolution 20-16, followed by a second from Council Member Strate. There was no more discussion. The mayor called the vote:

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

The agreement was approved.

D. Consideration of Resolution 20-17 – Approving an Agreement with Urban Land Group for Water Line Replacement by Harrison Water Tanks

- Staff overview 02:28:19
- Council discussion 02:33:45
- Motion 02:41:30

Council Member Strate moved to adopt Resolution 20-17. Council Member Smyth seconded the motion. Council Member Strate was then reminded of the discussion to remove language about the developer managing the project. **Council Member Strate amended his original motion by adding that all wording about the developer managing the project should be removed. Council Member Smyth seconded the amended motion. After determining there was no further discussion, the mayor called the vote:**

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

The motion stood.

VIII. DISCUSSION ITEMS

- A.** Discussion on Proposed Amendments to Title 10 of the City Code For Matters of Correction, Clarification, and Change 02:42:33
- B.** Discussion on State Auditor’s Fraud Risk Assessment 02:51:39

IX. RECESS INTO COMMUNITY DEVELOPMENT RENEWAL AGENCY BOARD MEETING

- The mayor indicated it was time to recess into a Community Development and Renewal Agency Board meeting and called for a motion to do so 03:04:40

Council Member Howard moved to recess city council meeting and open a Community Development and Renewal Agency Board meeting, followed by a second from Council Member Strate. The voice vote was unanimous in favor of the motion.

See separate minutes.

VIII. RECONVENE CITY COUNCIL MEETING

- Motion from CDRA Meeting
03:18:25

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

IX. REPORTS/DIRECTION TO CITY MANAGER

- A. City Council Members
 - Council Member Stewart - 03:18:37
 - Council Member Howard - Nothing to report
 - Council Member Smyth - 03:20:20
 - Council Member Orr - 03:21:05
 - Council Member Strate - 03:23:31
- B. City Manager 03:24:10
- C. City Attorney 03:26:16
- D. Mayor Porter 03:28:27

X. ADJOURN

- At 9:33 pm, Mayor Porter called for a motion to adjourn
03:31:21

Council Member Howard so moved, followed by a second from Council Member Strate. 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, June 16, 2020.


Leesa Kapetanov, City Recorder

July 7, 2020
Date Approved by the City Council

ATTACHMENT A

Affirmations of Training for Open and Public Meeting Training

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I Russell L. Porter
(please print) make this written declaration upon oath, subscribed and dated under penalty as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- Review of the 2010 State Legislature presentation (found in packet)
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Other: _____

Executed and Dated this 16 day of June, 2020

Russell L. Porter
Signature

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I Sallee Orr
(please print) make this written declaration upon oath, subscribed and dated under penalty as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- Review of the 2010 State Legislature presentation (found in packet)
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Other: _____

Executed and Dated this 16 day of June, 2020

Sallee Orr
Signature

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I Brent J. State make this written declaration upon oath, subscribed and dated under penalty as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- Review of the 2010 State Legislature presentation (found in packet)
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Other: _____

Executed and Dated this 16 day of June, 2020

Brent J. State
Signature

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I Susan Stewart make this written declaration upon oath, subscribed and dated under penalty as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- Review of the 2010 State Legislature presentation (found in packet)
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Other: _____

Executed and Dated this 16th day of June, 2020

Susan Stewart
Signature

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I Mike Howard make this written declaration upon
(please print)
oath, subscribed and dated under penalty as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- Review of the 2010 State Legislature presentation (found in packet)
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Other: _____

Executed and Dated this 2 day of July, 2020



A large, stylized signature in red ink is written over a horizontal line. The signature is cursive and appears to read 'Mike Howard'.

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I Jeanette C. Smyth ^(please print) make this ~~with~~ ~~sub~~ ~~declaration~~ ~~under~~ ~~penalty~~ as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- Review of the 2010 State Legislature presentation (found in packet)
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Other: _____

Executed and Dated this 17 ___ day of June _____, 2020__.

Jeanette C. Smyth
Signature