

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

TUESDAY, JUNE 21, 2022
WORK SESSION - 5 PM IN EOC
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

#### STAFF MEMBERS PRESENT

City Manager Matt Dixon, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, and Recorder Leesa Kapetanov

#### MEMBERS OF THE PUBLIC PRESENT

No one else attended this meeting

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

https://files4.1.revize.com/southogden/document\_center/Sound%20Files/2022/CC220621\_1701.mp3 or by requesting a copy from the office of the South Ogden City Recorder.

#### I. CALL TO ORDER

 Mayor Porter called the work session to order at 5:02 pm and entertained a motion to open the meeting 00:00:00

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

## II. REVIEW OF AGENDA

 Council Member Orr asked several questions about items on the Community Development and Renewal Agency agenda 00:00:14

#### III. DISCUSSION ITEMS

#### A. FY2023 Budget

• Finance Director Steve Liebersbach led this discussion. He also had a handout for the council; see Attachment A

00:02:23

#### **B.** Employee Sick Leave Buy Back Policy

Staff overview 00:44:47
 Discussion 00:53:02

• This item would be discussed more during the budget process

## C. Use of American Rescue Plan Act Funds

There was no time remaining for discussion of this item.

#### IV. ADJOURN

• At 6:02 pm, the mayor called for a motion to adjourn the work session

00:59:28

Council Member Howard so moved, followed by a second from Council Member Orr. All present voted aye.

#### COUNCIL MEETING MINUTES

#### COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Sallee Orr, Brent Strate, Susan Stewart, Mike Howard, and Jeanette Smyth

#### STAFF MEMBERS PRESENT

City Manager Matt Dixon, Assistant City Manager Doug Gailey, Parks and Public Works Director Jon Andersen, Police Chief Darin Parke, and Recorder Leesa Kapetanov

#### MEMBERS OF THE PUBLIC PRESENT

Joannie Panucci, Joseph Panucci, Nate K., Curtis Groft, Justin Evrankaya, Lenette Girres, Elise Fortin, Bruce & Joyce Hartman

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

https://files4.1.revize.com/southogden/document\_center/Sound%20Files/2022/CC220621\_1805.mp3 or by requesting a copy from the office of the South Ogden City Recorder.

#### I. OPENING CEREMONY

#### A. Call To Order

• At 6:06 pm, Mayor Porter called the meeting to order and entertained a motion to begin 00:00:00

Council Member Smyth so moved. The motion was seconded by Council Member Howard. In a voice vote Council Members Strate, Stewart, Howard, and Smyth all voted aye. Note: Council Member Orr was not present for this vote but came in shortly after.

#### B. Prayer/Moment of Silence

The mayor led those present in a moment of silence

## C. Pledge Of Allegiance

Council Member Smyth led everyone in the Pledge of Allegiance.

#### II. REPORT

Lenette Girres, South Ogden City/Ogden Weber Technical College Scholarship Recipient

• Ms. Girres reported her success in obtaining a real estate license through the scholarship program 00:00:58

#### III. PUBLIC COMMENTS

Joannie Panucci

00:04:59

Objected to South Ogden's parade rules

• There were no online comments

00:08:41

#### IV. RESPONSE TO PUBLIC COMMENT

• The mayor directed staff to place the parade rules on a future agenda for review and discussion

#### V. CONSENT AGENDA

- A. Approval of May 31, 2022 Special Work Session Minutes and June 7, 2022 Council Meeting Minutes
  - Council Member Stewart asked that Mr. Philpot be mentioned earlier in the May 31 minutes as being in attendance

00:11:31

 Mayor Porter called for a motion to approve the consent agenda with the change requested by Council Member Stewart

00:13:00

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

#### VI. PUBLIC HEARINGS

To Receive and Consider Comments on the Following Items:

- A. Proposed Amendments to the FY2022 Budget
- **B.** Proposed FY2023 Acting Budget
  - The mayor called for a motion to open the public hearing

00:13:11

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

• The mayor invited anyone who wished to come forward and comment on either of the budget items. No one came forward. He then called for a motion to close the public hearing but allow online comments until 6:26 pm.

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

#### VII. DISCUSSION / ACTION ITEMS

**A.** Consideration of **Ordinance 22-10** – Dissolving the 36<sup>th</sup> Street Community Redevelopment Project Area

Staff overview 00:14:13Questions/discussion 00:15:59

• Mayor Porter called for a motion to adopt Ordinance 22-10

00:19:48

Council Member Howard so moved. The motion was seconded by Council Member Strate. After determining there was no further discussion, the mayor called the vote:

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

#### The motion stood.

• At this point in the meeting, Mr. Gailey informed the mayor there had been no online comments for the public hearing

00:20:09

- B. Consideration of Previously Tabled Resolution 22-16 Amending the FY2022 Budget
  - Finance Director Steve Liebersbach gave each member of the Council a copy of some additional budget amendments that needed to be added to the resolution (see Attachment B) 00:20:13
  - Questions/Discussion

00:40:35

• Mayor Porter called for a motion to approve Resolution 22-16

00:46:12

Council Member Strate so moved. Council Member Smyth seconded the motion. The mayor asked if there was further 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 budget amendments were approved.

- C. Consideration of Resolution 22-19 Adopting the Acting Budget
  - Mr. Liebersbach gave a short overview of the budget

00:46:34

- There were no questions or discussion on the acting budget
- Mayor Porter called for a motion to approve Resolution 22-19

00:48:40

Council Member Howard so moved, followed by a second from Council Member Strate. The mayor asked if there was further discussion. City Manager Dixon explained that the Council needed to discuss the certified tax rate as part of the budget discussion so staff would know how to proceed with notices. Finance Director Liebersbach gave the Council a handout concerning the certified tax rate (see Attachment C). After lengthy discussion, the consensus of the Council was that notices should be sent out stating that the City was considering a tax increase of a maximum of 9% (01:07:44). The mayor then called the vote:

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

The motion stood.

- **D.** Consideration of **Resolution 22-20** Declaring the City's Intent to Adjust It's Boundary With Weber County
  - Staff overview 01:09:22
  - Questions/Discussion

01:11:19

• Mayor Porter called for a motion to approve Resolution 22-20.

01:11:37

Council Member Howard so moved. Council Member Orr seconded the motion. There was no further discussion. The mayor made a roll call vote:

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

Resolution 22-20 was approved.

- E. Consideration of Noise Ordinance Exception Permit Application by Highmark Construction for The Gardens Apartments Located at 955 Country Hills Drive
  - Staff overview 01:11:57
  - Questions/Discussion

01:14:49

• Mayor Porter called for a motion to approve the Noise Ordinance Exception permit 01:20:11

Council Member Howard so moved. The motion was seconded by Council Member Strate. Mayor Porter asked if there was further discussion. Council Member Orr stated she did not think the permit needed to go into November; it would be cool enough by then that they would not have to pour so early. The council further discussed the duration of the permit. Council Member Strate requested the question be called (01:23:36). The mayor called the vote:

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

#### The permit was approved.

Mayor Porter said he would like to alter the agenda and skip to the Community Development and Renewal Agency meeting. There were no objections from the Council.

01:23:53

#### VIII. RECESS INTO COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING

• At 7:29 pm, Mayor Porter called for a motion

01:24:29

Council Member Strate moved to recess City Council meeting and convene as the Community Development and Renewal Agency Board. Council Member Howard seconded the motion. The voice vote was unanimous in favor of the motion.

See separate minutes.

#### IX. RECONVENE SOUTH OGDEN CITY COUNCIL MEETING

Motion from CDRA meeting 01:36:36

Board Member Smyth moved to adjourn the CDRA Board meeting and reconvene as the South Ogden City Council. The motion was seconded by Board Member Stewart. The vote was unanimous in favor of the motion.

#### VII. DISCUSSION/ACTION ITEMS (continued)

- F. <u>Discussion on Splash Pad</u>
  - Staff overview 01:37:01
  - Parks and Public Works Director Jon Andersen reminded the Council of the amount of water used by both the splash pad and the water feature at Burch Creek Park

01:37:46

• Questions/Discussion

01:39:09

• Council Member Strate asked if he could make a motion

02:00:03

Council Member Strate moved to re-open the splash pad on Fridays, Saturdays, and Sundays and that the Council re-visit this item at the second meeting in July. Council Member Orr seconded the motion. The mayor asked if there was further discussion. Council Member Orr asked questions about what staff hours would be used to have the splash pad open on Sundays. She also asked what hours it should be open. There was more discussion on days it should be open and hours. Staff reminded the Council that the splash pad would be used much more than usual since it would be the only one open in the area. Council Member Strate said he would welcome a friendly amendment to his motion. Council Member Orr asked that the motion be amended to having the splash pad open Friday, Saturday, Sunday, and Monday during the hours from 11 am to 7 pm. Council Member Strate agreed with the amendment. Council Member Orr seconded the amended motion. The mayor called the vote:

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

The motion stood

#### VIII. OPEN AND PUBLIC MEETING TRAINING

• Staff overview 02:10:40

• Each member of the Council was given an Affirmation of Training to fill out and sign. See Attachment D

#### IX. STAFF REPORT

#### Steve Liebersbach - Fraud Risk Assessment

• Mr. Liebersbach reported the city's score on the state auditor's fraud risk assessment 02:11:21

#### X. REPORTS/DIRECTION TO CITY MANAGER

**A.** City Council Members

Council Member Stewart - 02:25:16
Council Member Smyth - 02:25:38
Council Member Orr - 02:27:55
Council Member Strate - 02:32:54
Council Member Howard - 02:36:55

**B.** <u>City Manager</u> 02:38:08 **C.** Mayor 02:40:05

#### XI. RECESS INTO CLOSED EXECUTIVE SESSION

In Accordance With UCA 52-4-205(1)(a) to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual

• At 8:48 pm, Mayor Porter called for a motion to recess into a closed executive session to discuss the character, professional competence, or physical or mental health of an individual

02:40:58

Council Member Smyth so moved, followed by a second from Council Member Howard. All members of the Council voted aye.

All visitors and staff left the council room so the executive session could be held there. After a few minutes, staff interrupted the Council to let them know that security cameras were still recording and to protect themselves and the person they were discussing, they should move to a different room. They concluded the executive session in the attorney's office.

The audio recording of the remainder of the meeting following the executive session can be found by clicking the link below:

https://files4.1.revize.com/southogden/document\_center/Sound%20Files/2022/CC220621\_2111.mp3

#### XII. RECONVENE SOUTH OGDEN CITY COUNCIL MEETING

• At 9:11 pm, the Council returned to the Council Room. Mayor Porter called for a motion to adjourn the executive session and reconvene city council meeting

00:00:00

Council Member Howard so moved. The motion was seconded by Council Member Smyth. All present voted aye.

#### XIII. DISCUSSSION/ACTION ITEMS (continued)

Consideration of Resolution 22-21- Approving the City Manager's Contract

• Discussion 00:00:12

• Mayor Porter entertained a motion to approve Resolution 22-21

00:00:51

Council Member Smyth so moved. Council Member Howard seconded the motion. The mayor asked if there was further discussion, and seeing none, he called the vote:

Council Member OrrCouncil Member StrateCouncil Member StewartCouncil Member HowardYes
Council Member SmythYes

The motion stood. Resolution 22-21 was approved.

#### VI. ADJOURN

• Mayor Porter called for a motion to adjourn the meeting

00:01:14

Council Member Smyth so moved, followed by a second from Council Member Howard. 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 21, 2022.

za Kanetanov City Recorder

July 5, 2022

Date Approved by the City Council

## ATTACHMENT A

Work Session Handout from Steve Liebersbach

# **Water Capital Projects**

	FY 2023	
51-40-657	PRV Replace @ Panarama	\$207,924
	* awarded to Braegger & Sons @ \$223,415	
51-40-705	42nd Reconstruct - WBWCD	\$13,314
	* y-t-d engineering = \$286	
51-40-706	Service line disconnect/recon	\$50,000
	* y-t-d spent = \$0.00	
51-40-707	PRV Scada install - 40th & 900 E	\$50,000
	* y-t-d spent = \$0.00	
51-40-708	Oak Dr. 875 E - 785 E	\$575,363
	* awarded to CT Davis @ \$454,314	
	* y-t-d spent = \$131,175	
51-40-709	Ben Lomond - 875 E to Chambers	\$343,480
	* y-t-d spent = \$0.00	
51-40-710	40th & Chimes - FY 2023	\$28,658
	* y-t-d spent = \$0.00	

# **Sewer Capital Projects**

	FY 2023	
52-40-704	Lining 40th to Country Club	\$246,731
	* y-t-d spent = \$3,588	
52-40-705	Replace 700 E/H Guy Child	\$342,117
	* y-t-d spent = \$197	

# **Storm Drain Capital Projects**

	FY 2023	
53-40-657	850 E 45th to Vista	\$149,119
	* y-t-d spent = \$164,463	PROJECT COMPLETE
53-40-660	42nd St - Liberty to Adams	\$903,190
	* y-t-d spent = \$0.00	
???	40th St between Washington Blvd & I	Burch Creek \$336,302
	* no money yet budgeted for this p	roject

6/17/2022 3:45 PM

U:\Steve\Budget files\FY 2023\wages - 10.3%

Steve

# ATTACHMENT B

Additional FY2022 Budget Amendments from Mr. Liebersbach

# **South Ogden City**

# June 07, 2022 Fiscal Year 2022 Budget Amendment (Cont.)

12-30-200 Sponsor Donations - South Ogden Days Fund 12-40-410 Awards - South Ogden Days Fund 12-40-375 Equipment Rentals - South Ogden Days Fund \* Final adjustments for FY 2022 SOD

Current Budget	New Budget	Difference +/-
\$27,500	\$32,500	\$5,000
\$0	\$1,000	\$1,000
\$51,000	\$55,000	\$4,000

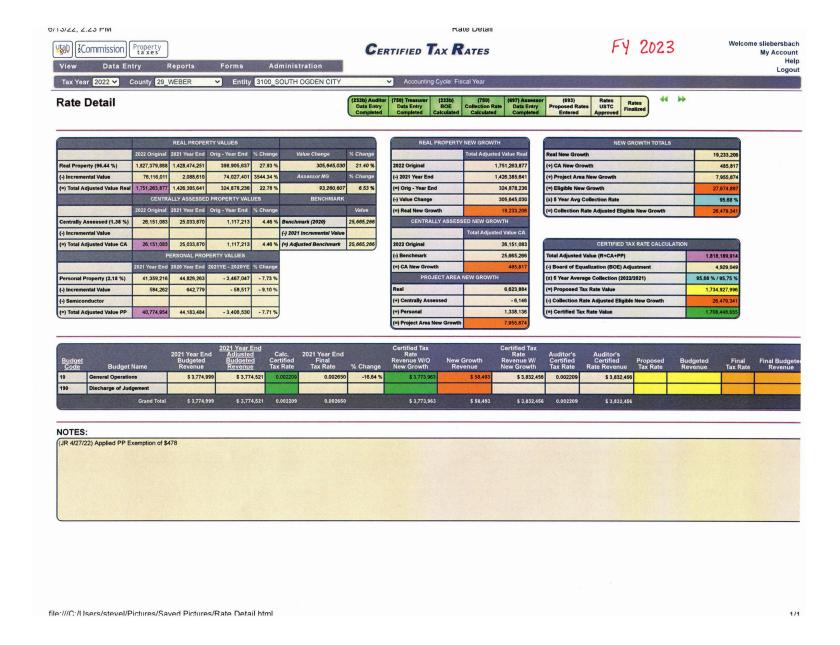
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Steve

# ATTACHMENT C

Certified Tax Rate Handout from Mr. Liebersbach



# ATTACHMENT D

Affirmations of Open and Public Meeting 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 Glesse 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 (Mayor)
[ ] Planning Commission [ ] Urban Forestry Commission
[ ] Other Covered Body:
By way of the following:
[/] Review of the 2010 State Legislature presentation (found in packet)
<ul><li>[ ] 2016 video presentation by Dave Church found online at https://www.youtube.com/watch?v=15V3WZY7ljs</li></ul>
[ ] Other:
au —
Executed and Dated this 21 day of Tune 2022
R VIDE
Signature 2. Volta

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,
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
Other Covered Body:
[ ] other covered body.
By way of the following:
(found in
packet)
[] 2016 video presentation by Dave Church found online at <a href="https://www.youtube.com/watch?v=15V3WZY7ljs">https://www.youtube.com/watch?v=15V3WZY7ljs</a> [7] Other:mosquitoovblic_meeting_fring_
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V
11
Executed and Dated this 21 day of June 2022
6.00 ()
Signature

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,
1 Brent Strate 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:
[ ] Giller Gottered 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
Ant State
Signature

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 (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:
<ul> <li>         \mathbb{N} Review of the 2010 State Legislature presentation (found in packet)     </li> <li>         [ ] 2016 video presentation by Dave Church found online at <a href="https://www.youtube.com/watch?v=15V3WZY7ljs">https://www.youtube.com/watch?v=15V3WZY7ljs</a> </li> <li>         [ ] Other:</li></ul>
Executed and Dated this 21st day of

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 <u>(please print)</u> 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
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 21 day of, 202.2
Signature

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 Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings Act and pursuant to the provisions of UCA §78B-5-705,  I Republic Meetings A
I have completed the required annual training as a member of the  [X] 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 June 2022  Rewette May la