

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

TUESDAY, DECEMBER 6, 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, Events and Communications Specialist Jamie Healy, Police Chief Darin Parke, and Finance Director Steve Liebersbach

OTHERS PRESENT

Senator Ann Millner, Representative Katy Hall, Representative Rosemary Lesser

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/CC221206_1802.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 called for a motion to begin 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 had several questions about the CDRA item 00:00:29

III. DISCUSSION WITH STATE LEGISLATORS

• All those present introduced themselves

00:01:48

- A. Report on Great Things Happening in South Ogden
 - City Manager Dixon gave a visual presentation of great things happening in South Ogden (see Attachment A) 00:02:58
- **B.** Reports From Legislators
 - Senator Ann Millner 00:26:18
 - Questions/Comments 00:28:41
 - Representative Rosemary Lesser

00:32:27

- Questions/Comments 00:33:11
- Representative Katy Hall

00:38:11

• Discussion with Legislators

00:39:35

IV. ADJOURN

• At 6:00 pm, Mayor Porter called for a motion to adjourn the work session

Council Member Stewart so moved, followed by a second from Council Member Strate. All present voted aye. 00:58:17

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, Parks and Public Works Director Jon Andersen, Events and Communications Specialist Jamie Healy

MEMBERS OF THE PUBLIC PRESENT

Sean Alibrando, coaches, parents, and members of the Jets' Mighty Mites, and Pee Wee Little League Football Teams

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https://files4.1.revize.com/southogden/document_center/Sound%20Files/2022/CC221206_1908.mp3 or by requesting a copy from the office of the South Ogden City Recorder.

I. OPENING CEREMONY

A. Call To Order

• At 6:08 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 Strate. 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 Orr led everyone in the Pledge of Allegiance.

II. PRESENTATION

Recognition of Jets Football Mighty Mites and Pee Wees Divisions Winning Season

• Mayor Porter announced this item would be postponed until the rest of the Jets' teams arrived 00:00:56

III. PUBLIC COMMENTS

• Mayor Porter invited anyone who wished to comment to come forward. No one commented. He gave those online until 6:19 to submit comments.

IV. RESPONSE TO PUBLIC COMMENT

• Not applicable at this time

V. CONSENT AGENDA

- A. Approval of November 15, 2022 Council Minutes
 - Mayor Porter asked if there were any changes or corrections to the minutes. Council
 Member Stewart noted some corrections. The mayor then entertained a motion to approve
 the consent agenda with the corrections.

00:01:31

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

VI. DISCUSSION / ACTION ITEMS

A. Consideration of Ordinance 22-21 – Setting the 2023 City Council Meeting Schedule

Staff overview

00:02:50

- There was no discussion on this ordinance
- Mayor Porter called for a motion to approve Ordinance 22-21

00:06:40

Council Member Strate so moved. The motion was seconded by Council Member Howard. After determining there was no discussion on the motion, 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

Ordinance 22-21 was adopted.

• Note: The agenda incorrectly called this ordinance out as Ordinance 20-20; however, the ordinance itself was correctly numbered as Ordinance 20-21. The minutes show the correct number although the recording refers to Ordinance 20-20.

B. Consideration of **Resolution 22-46** – Amending and Re-Adopting the Electronic Meeting Policy for City Meetings

Staff overview 00:03:43Council discussion 00:04:34

- During discussion, Council Member Stewart pointed out an incorrect date in the resolution.
- Mayor Porter called for a motion to adopt Resolution 22-46 with the corrections that were discussed 00:07:09

Council Member Strate so moved, followed by a second from Council Member Howard. The mayor asked if there was further discussion. Council Member Strate asked what the context of the incorrect date was. He was told that was the date when the electronic meeting ordinance was first adopted. The mayor made a roll call vote:

Council Member SmythCouncil Member HowardCouncil Member StewartCouncil Member StrateYes
Council Member OrrYes

Resolution 22-46 was adopted.

C. Consideration of **Resolution 22-47** – Approving an Agreement With Landmark Design for Planning Services

Staff overview 00:09:46
 Discussion 00:11:10

• Mayor Porter called for a motion to table Resolution 22-47

00:18:30

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

• The mayor stated that no public comments had been made online 00:18:40

 Mayor Porter announced they would return to Item II on the agenda, Recognition of the Jets' Teams

II. PRESENTATION

Recognition of Jets Football Mighty Mites and Pee Wees Divisions Winning Season

• The mayor and staff congratulated the two teams, and then invited each team member to come forward as their names were called

00:18:44

VI. DISCUSSION / ACTION ITEMS (continued)

D. Discussion on Canceling December 20, 2022 City Council Meeting

• Discussion 00:26:00

• The mayor called for a motion to cancel the December 20, 2022 council meeting 00:26:33

Council Member Strate so moved. The motion was seconded by Council Member Howard. Council Members Orr, Strate, Stewart, Howard, and Smyth all voted aye.

VII. DISCUSSION ITEMS

A. Discussion on Proposed Amendments to Form Based Code Exception Approval Process

Staff overview 00:26:49
 Discussion 00:32:35

• The council determined that the code should not be amended as shown in the packet, but that it should be amended so that any exceptions are reported to the Planning Commission and City Council. Staff should place the amendments on the next agenda for approval.

VIII. RECESS INTO COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD MEETING

• Mayor Porter called for a motion to enter a CDRA meeting

01:09:27

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

See separate minutes

IX. RECONVENE CITY COUNCIL MEETING

Motion from Community Development and Renewal Agenda Board Meeting: 02:13:32

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 Strate. The vote was unanimous in favor of the motion.

X. REPORTS/DIRECTION TO CITY MANAGER

- A. City Council Members
 - Council Member Howard- 02:13:41
 - Council Member Orr- 02:14:18
 - Council Member Smyth 02:15:13
 - Council Member Stewart- 02:15:39
 - Council Member Strate- 02:17:38
- **B.** <u>City Manager</u> 02:19:44

Additional Comments by Council Member Orr

02:26:57

C. Mayor 02:28:48

VI. ADJOURN

• At 8:38 pm, Mayor Porter called for a motion to adjourn the meeting

02:30:30

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, December 6, 2022.

January 3, 2023

Date Approved by the City Council

ATTACHMENT A

Presentation by City Manager Dixon

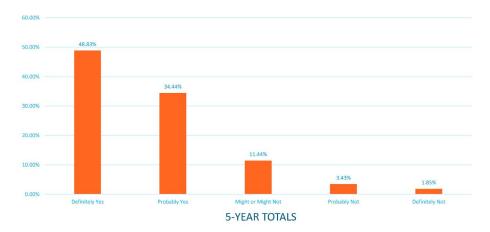


South Ogden City

December 2022

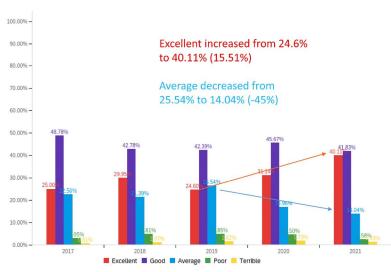
RECOMMEND SOUTH OGDEN?





EXPERIENCE - CITY PARKS?

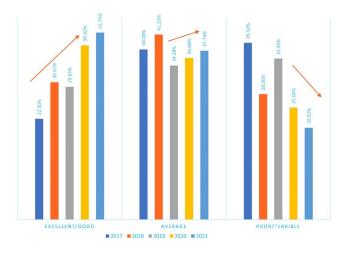




- Burch Creek \$6.3M
- Club Heights \$1.1M
- 40th Street \$227K
- Friendship \$500K
- Skatepark Design
- Meadows Plan
- Nature Park Trail
- Club Heights \$193K

QUALITY OF CITY STREETS?





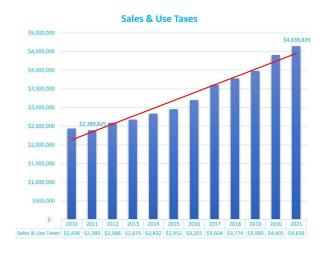
• \$3.8M over last three years

- 15 miles slurry/chip
- 5.5 miles new asphalt
- 2023 3 miles overlays
- 40th Street Widening
- 40th & Chimes Rebuild

ECONOMIC DEVELOPMENT

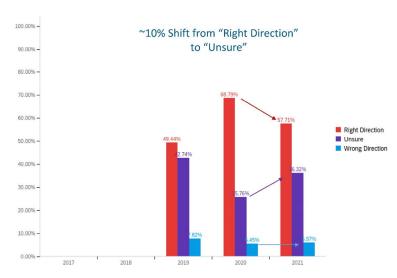


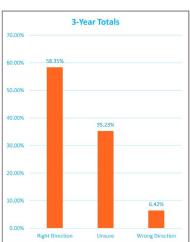
- DEVELOPMENT-FRIENDLY
- FORM-BASED CODE
- · ECONOMIC DEV. STRATEGY
- YOUNG AUTOMOTIVE (JOBS & SALES TAX)
 - SUBARU
 - SUB. EXPANSION
 - MAZDA
 - \$30M SUBARU NEW INVESTMENT
- COSTCO
 - SITE/PARKING
- HINCKLEY COMMONS
- OGDEN CLINIC HEADQUARTERS
 - VACATE ROW/TRAIL CONNECTION
- NORTHERN UT REHAB
- NEW HOUSING PROJECTS



RIGHT OR WRONG DIRECTION?







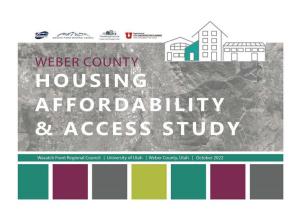
RIGHT OR WRONG DIRECTION?

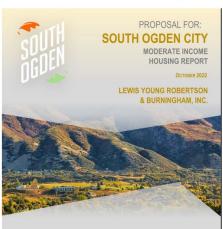




SOUTH OGDEN HOUSING







HOUSING...



- ULCT Principles for Housing Policy
 - Does the proposed policy respect the role of local government?
 - Does the proposed policy result in good planning outcomes?
 - Does the proposed policy result in reduced housing prices to the home buyer/renter?
- Cities plan for housing we don't build housing and therefore cannot be punished for market forces out of our control
- Housing policies should be made based on reliable data not anecdotes

- ULCT Survey Data:
 - 2019-2021 cities permitted more than 100,000 housing units (majority were multi-family) with an additional 93,000+ entitled awaiting permits
 - Housing gap has shrunk from 56,000 to 31,000 in 4 years (slowing market)
- S. Ogden issued 644 permits from 2011-2021 (556 multi-family & 86 single-family)
- S. Ogden is doing its part (6.4% supply & 6.7% of pop.). 3rd most multi-family units in Weber County from '10 to '21 WCHAA 2022
- S. Ogden recognized as "exception" by allowing multi-family throughout formbased code - WICHAA 2022 STUDY

Perceived problem: planning, zoning, public clamor, 462	PRC proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (Sep 12)
I) "public clamor" part 1: GP & zoning (legislative actions)	A) Make general plans binding & zoning administrative; B) by right MIH development when GP calls for MIH	A1) Moves zoning map to GP; A2) courts would say zoning is legislative; A3) neuter residents; B) by right development lacks infrastructure	 Raise referendum signature (HB 462) thresholds for MIH 2/3 majority makes significant MIH rezone non-refer "Guiding Growth" 	All PRC proposals are very concerning; referendum changes are very comfortable
II) "public clamor" part 2: subdivisions (admin actions)	See A and B above; PRC referred to ULCT proposal as "big deal"	1) State law allows public input on admin land use acts but lacks clarity on process	 2 step subdivision process in state law SYSTEMIC CHANGE 2) Clarify public input 3) Leg body does not make sub decision 	In-person LPC: Somewhat comfortable
III) HB 462 MIHP non- compliance	A) Withhold B&C funds, B) allow plaintiff to sue city, get attorneys fees	A) Precedent of limits on B&C (which is insufficient now); B) Precedent; what would standing & remedy be?	1) Make city receipt of "5 th 5 th " portion tied to HB 462 compliance 2) Tight "rip cord" for non-compliant cities 3) State Infra Bank	All PRC proposals are very concerning; more incentives are somewhat comfortable

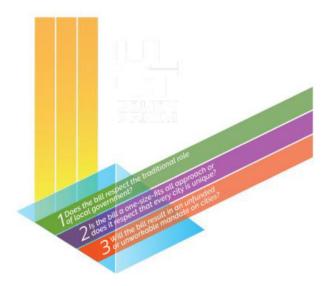
Perceived problem: local land use processes, fees	PRC proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (as of Sep 12)
IV) "local land use process takes too long"	A) Redlines deemed approved after 3 reviews if applicant "materially complies"; B) shot clocks with fee refunds after clock	A) Deemed approved means applicant won't fix redlines B) delay often due to applicant (see ULCT Oct 22 data)	Subdivision proposal would streamline admin land use process SYSTEMIC CHANGE Data shows city review timing; projects are different scale, size OPRO review panel	PRC proposals are very concerning; expedited process was somewhat concerning
V) "local gov't won't make a decision" (i.e. dev. agreements)	Deemed approved after X time	Applicant will have no reason to work with city B) bad projects move	1) Deemed <i>denied</i> after time frame to trigger appeal to move process (PRC dislikes "denied")	Deemed approved is Somewhat concerning
VI) Role & accounting of development fees	A) Put dev. fees in restricted accounts; B) only use for development services	A) Won't account for year-to-year diffs B) already do studies C) how to account for admin costs?	1) None; how would this produce MIH? 2) Transparency on real estate transaction price (realtor, materials, etc.)	Somewhat concerning (ULCT letter to State Auditor in spring 2022); very comfortable w/real estate price disclose

Perceived problem: infrastructure, dev. standards, STRs	PRC or other proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (as of Sep 12)
VII) Infrastructure: funding	Other UEOC: Expand PIDs as "Developer Infra District" (DIDs)	A) Must have local gov't approval for new mill levy for PID B) Reviewing DID now	 State Infra. Bank DID TBD 5th 5th 	Very comfortable on SIB, somewhat comfortable on new \$; very concerning on PIDs
VIII) Infrastructure: development standards Note: water flow standard at UEOC	Consistent infra standards for ALL public improvements	A) One size misfits all (soil, geology, connect to other roads, etc.)	1) Consistent standards for residential roads (base, width, etc.) w/some local flexibility (negotiations ongoing)	Very concerning on uniform standards; somewhat comfortable on consistent w/flex
IX) Short-term rentals	They see no impact on housing; concerned about more regs on prop. rights	A) 19,000+ STRs (Gardner) impacts housing availability B) neighborhood QOL C) equity w/hotels D) health, safe, welfare	 Clarify local regulatory authority & revenue; sales tax req'ts ensure compliance w/state & local law 	Very comfortable on more reg. authority; very concerning with state mandated STRs in residential zones w/o local approval
X) Economic development incentives	 Tie housing plans & econ. dev. RDA "sweep" 	A) Need to consider redevelopment B) small economic dev C) rural, low-income	 HB 151, SAP model TIF bill (audit) Let RDA database work (start 6/22) 	Surveyed HB 151 concepts in 2021

Perceived problem (13-17 non-CHA):	PRC or other proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (as of Sep 12)
XI) Maximize owner- occupied density	NA	Apts don't create home ownership Zone for density but market builds wood; parking cost	 Incentivize condos Incentivize building from wood to steel Incentivize parking for high density 	Very comfortable with revolve loan for parking for aff h/density
XII) IADUs; HB 82 ('21)	Clarify standards	A) Confirm ordinances	1) TBD	None
XIII) Annexation	Working with ULCT	A) Clarity on process	1) Working with PRC	None
XIV) Property tax	NA; others proposed limiting local prop. tax or state value capture	A) Ensure property tax revenues for services & infra for housing	 Review 55% for multi-fam housing Preserve tools 	Very concerned; state value capture in transport. corridors
XV) Public assets	NA	A) Need data first before policy	Gather data of public property	Somewhat comfortable w/mandate
XVI) Homelessness	NA	A) HB 440; respond to lessons learned B) All cities contribute to mitigation fund	 Facilitate permanent support housing Mitigation fund 	Very comfortable incentivizing PSH; somewhat comfortable require large counties have homeless services
XVII) Moratorium use	Address cities who "stack" moratoriums	A) City pauses growth for valid reasons (i.e. water shortage)	TBD: Clarify timing; role of moratoriums & pending ordinances	None

ULCT POLICY PRISM





- 1. Does the bill respect the traditional role of local government?
- 2. Is the bill a one-size-fits all approach or does it respect that every city is unique?
- 3. Will the bill result in an unfunded or unworkable mandate on cities?

CONTACT INFORMATION



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- Councilmember Brent Strate: 801.660.9432, bstrate@southogdencity.gov
- Councilmember Jeanette Smyth: 801.726.0801, jsmyth@southogdencity.gov
- Councilmember Susan Stewart: 385.279.6299, sstewart@southogdencity.gov
- Councilmember Mike Howard: 801.502.2664, mhoward@southogdencity.gov
- City Manager, Matt Dixon: 801.388.4667, mdixon@southogdencity.gov