



**NOTICE AND AGENDA
SOUTH OGDEN CITY COUNCIL
WORK SESSION**

TUESDAY, JANUARY 16, 2024, 5PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled work session at 5 pm Tuesday, January 16, 2024. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the EOC. The meeting is open to the public; anyone interested is welcome to attend. No action will be taken on any items discussed during the pre-council work session. Discussion of agenda items is for clarification only. Some members of the council may be attending the meeting electronically.

WORK SESSION AGENDA

I. CALL TO ORDER – Mayor Russell Porter

II. REVIEW OF AGENDA

III. DEPARTMENT REPORTS

- A. Assistant City Manager Doug Gailey
 - 1. Courts
 - 2. Human Resources
- B. Police Chief Darin Parke
 - 1. Police Department
 - 2. Animal Control
- C. Parks and Public Works Director Jon Andersen
 - 1. Parks
 - 2. Recreation
 - 3. Building

IV. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on January 12, 2024. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 24 hours in advance.

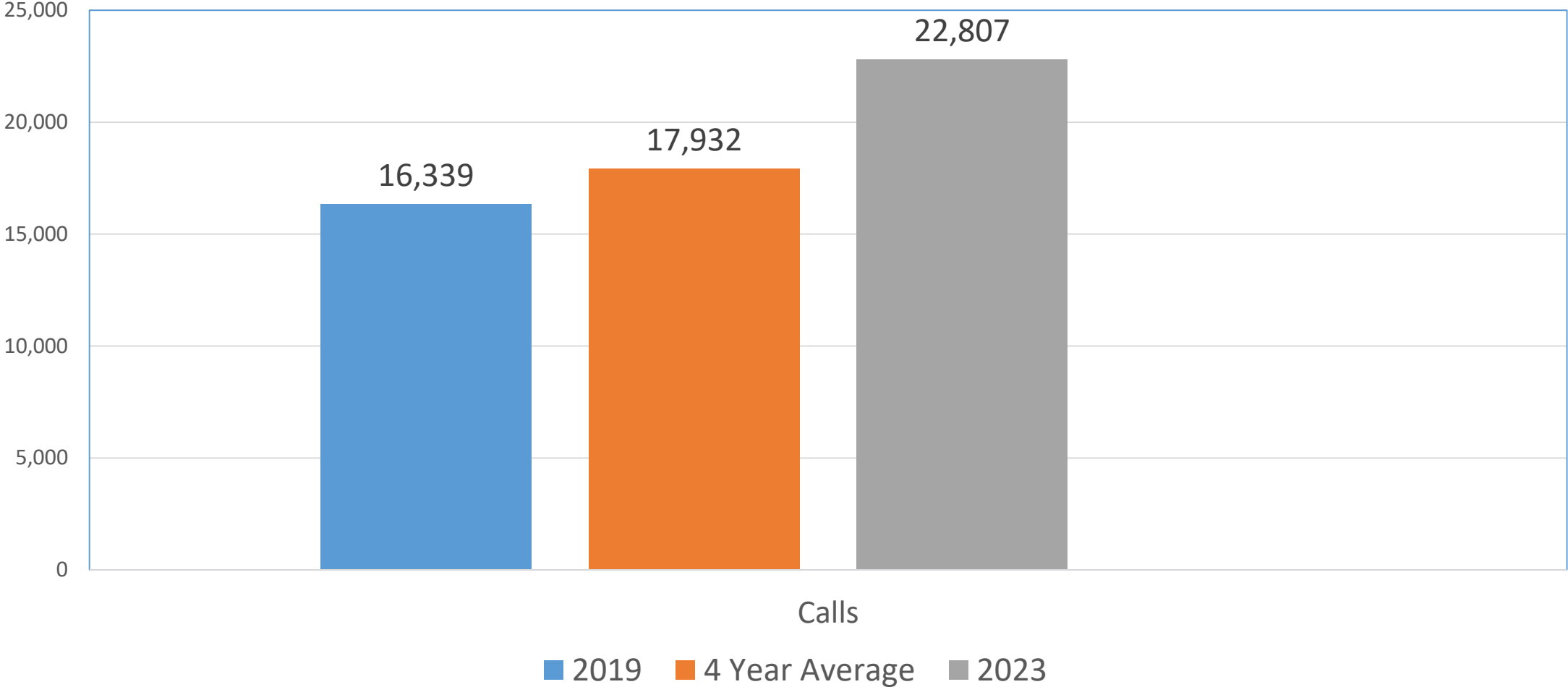
South Ogden Police

2023 Year End Report

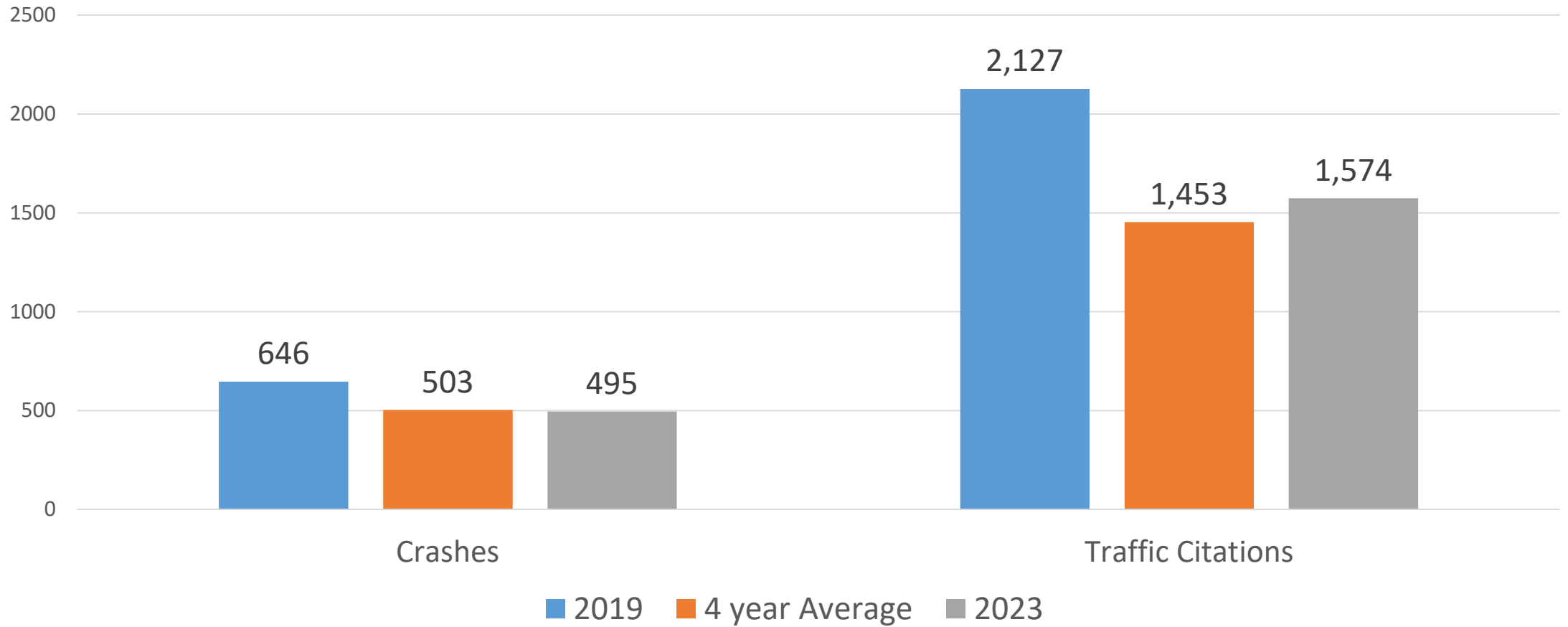
Chief Parke

Patrol Calls For Service

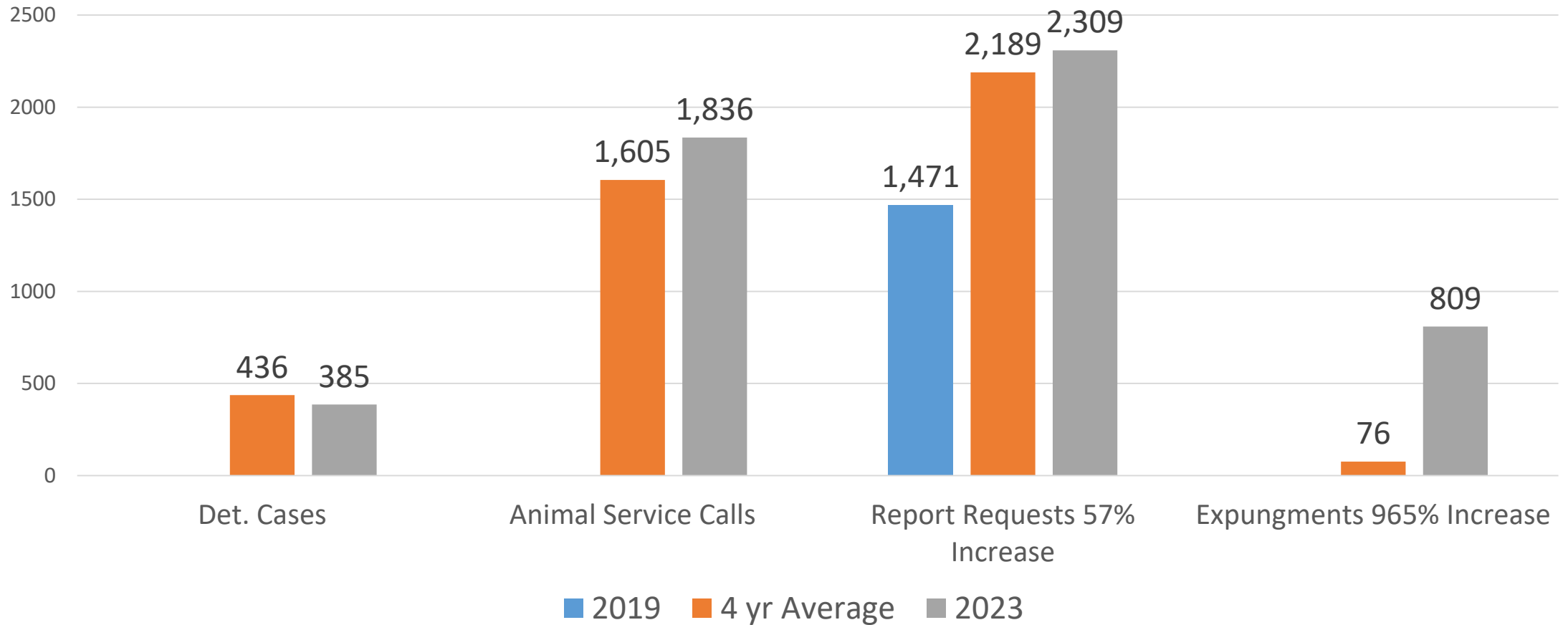
4 Year Avg. = +27%; 2019 vs 2023 = +40%



Traffic



Detectives, Animal Services, Records



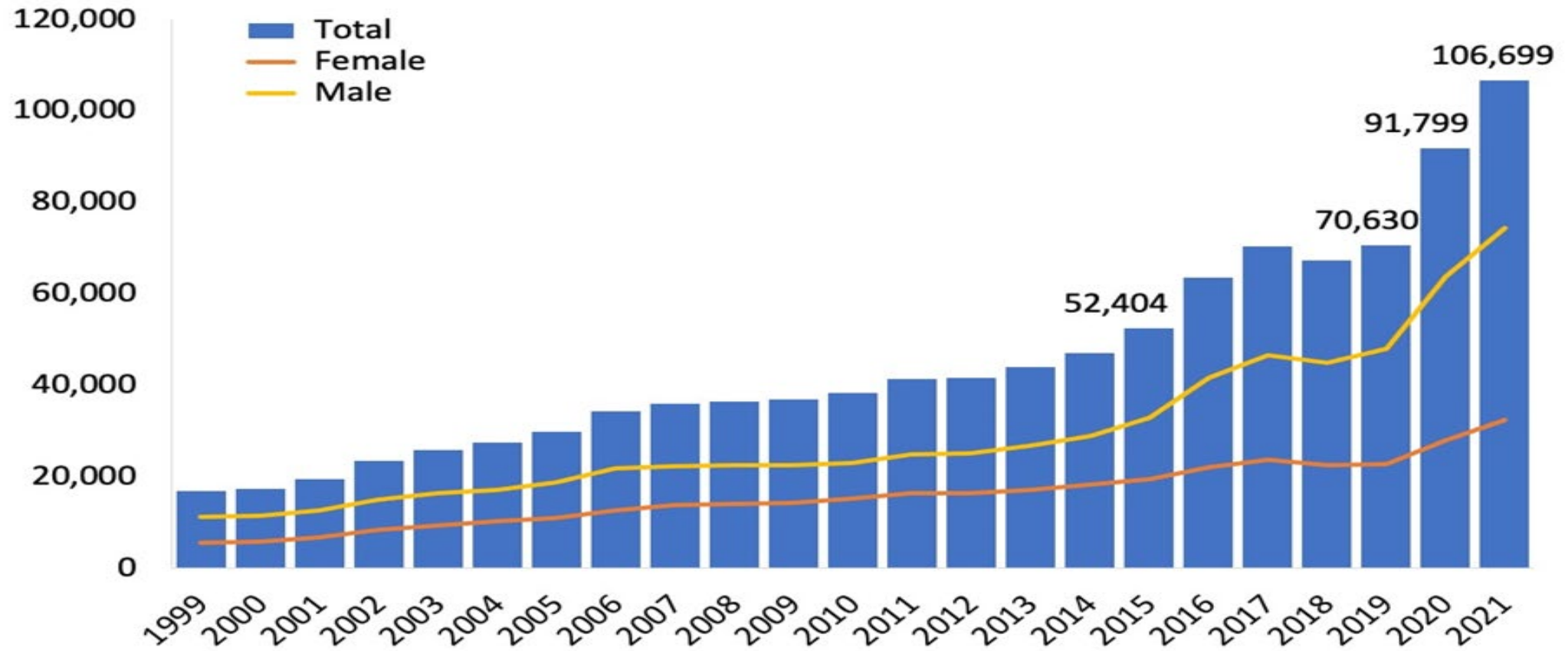
2023 - Staffing

- Recruitment
 - Retention
 - Succession

Outlook

- Community Support
- Recruitment and Succession of Officers
- Changes in Law regarding crime; police training, mental health, and monitoring, expungements of criminal records
- Need Additional Officers, Increase Records Position by 10 Hours
- Drug Abuse

Figure 1. National Drug-Involved Overdose Deaths*, Number Among All Ages, by Gender, 1999-2021



*Includes deaths with underlying causes of unintentional drug poisoning (X40–X44), suicide drug poisoning (X60–X64), homicide drug poisoning (X85), or drug poisoning of undetermined intent (Y10–Y14), as coded in the International Classification of Diseases, 10th Revision. Source: Centers for Disease Control and Prevention, National Center for Health Statistics. Multiple Cause of Death 1999-2021 on CDC WONDER Online Database, released 1/2023.

2023 Year End Report, South Ogden Police Department

Out-puts 2023/ Statistics

Patrol	Calls	Car Crashes	Traffic Citations
2023	22,807	495	1,574
4 year Avg.	17,931	503	1,435
4 yr % Change	27%	-2%	10%
2023 vs 19'	40%	-23%	-26%

During 2023, 134 shifts had only two uniformed officers on duty = 37% of the days in the year. Officers' proactive abilities are significantly reduced on those days.

Detective Cases 2023	385	Animal Calls 2023	1,836
4 year Avg.	436	4 year Avg.	1,605
% Change	-12%	% Change	14%

Front Office	Records Requests	Fingerprinting	Expungements
2023	2,309	181	809
4 Year Avg.	2,189	205	76
% Change	6%	-12%	964%

Recruitment

Few individuals today are interested becoming a Police Officer. There is fierce competition between departments for the limited acceptable applicants, and even more for experienced officers.

Departments nation-wide have initiated unprecedented hiring incentives for both new and experienced officers. Nationally, signing bonuses can range from \$4,000 to \$30,000 depending on location, size, and experience. Some in our area also provide compensation for Higher Education, Second Language, and Shift Differential. South Ogden has implemented a \$4,000 hiring bonus.

Retention

Nation-wide, between 2019 and 2022, there was a 47% increase in police resignations, and a 19% increase in retirements.*

In Utah, recruitment and retention of Officers began to be problematic in 2015. Between 2019 and 2020, SOPD had 10 resignations. Of those, seven went to other departments.

In 2023, two officers went to another department and one retired.

*['Vicious cycle': Inside the police recruiting crunch with resignations on the rise - ABC News \(go.com\)](https://www.abcnews.com/news/2023/01/12/vicious-cycle-police-recruiting-crunch-resignations-rise/)

Outlook

The South Ogden Police Department appreciates the strong support of our elected officials and the members of our community.

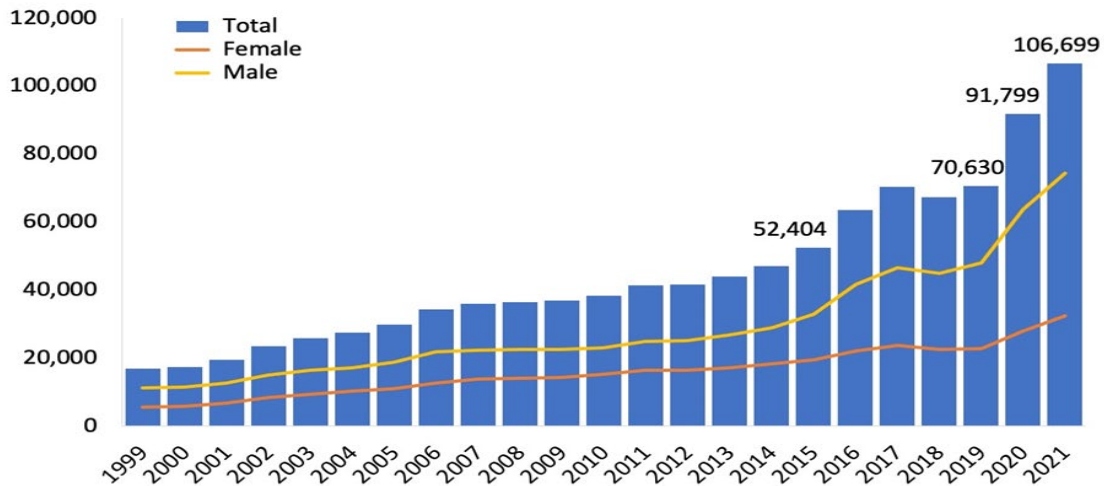
Staying competitive in the employment market is imperative. SOPD has 22 officers, 10 of which could retire. In 2008, SOPD had 26 Police Officers. There was an economic downturn and that number was reduced. Agencies continue to recruit our officers.

As population growth continues, demands on resources have increased, and additional Officers are needed. In Utah the average rate of officers per 1,000 population is 1.65, South Ogden's is 1.22.

In recent years, state mandates regarding officer training, expungements of criminal records, and officer monitoring (among others) became law. Those mandates have required city funds, and employee time. The result is added stressors to department resources and employees. Report requests have increased 57% since 2019. To process a traffic accident with two officers can take up to 1 ½ hours to process. I recommend the 30 hours records employee increase to 40 hours per week.

Illegal drug abuse is the leading threat to South Ogden City. The National Drug Institute states drug overdose deaths rose from 20,000 in 1999, to 106,699 in 2021 (433% increase). The CDC states 150 people die from Fentanyl alone EACH DAY. Non-death overdoses are not tracked.

Figure 1. National Drug-Involved Overdose Deaths*, Number Among All Ages, by Gender, 1999-2021



*Includes deaths with underlying causes of unintentional drug poisoning (X40–X44), suicide drug poisoning (X60–X64), homicide drug poisoning (X85), or drug poisoning of undetermined intent (Y10–Y14), as coded in the International Classification of Diseases, 10th Revision. Source: Centers for Disease Control and Prevention, National Center for Health Statistics. Multiple Cause of Death 1999-2021 on CDC WONDER Online Database, released 1/2023.



NOTICE AND AGENDA SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, JANUARY 16, 2024, 6 PM

Notice is hereby given that the South Ogden City Council will hold their regularly scheduled council meeting at 6 pm Tuesday, January 16, 2024. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; anyone interested is welcome to attend. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogdencity.

CITY COUNCIL MEETING AGENDA

I. OPENING CEREMONY

- A. **Call to Order** – Mayor Russell Porter
- B. **Prayer/Moment of Silence** -
- C. **Pledge of Allegiance** – Council Member Howard

- II. **PUBLIC COMMENTS** – This is an opportunity to address the mayor and council with any concerns, suggestions, or praise. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

III. RESPONSE TO PUBLIC COMMENT

IV. CONSENT AGENDA

- A. Approval of January 2, 2024 Minutes

V. DISCUSSION / ACTION ITEMS

- A. Consideration of **Ordinance 24-01** – Amending Title 11 of the City Code Having To Do With Subdivisions to Bring It Into Conformance With State Code
- B. Consideration of **Resolution 24-01** – Amending City Council Rules of Procedure
- C. Vote on Council Assignments to Boards and Committees

VI. DEPARTMENT REPORTS (continued from work session if necessary)

VII. REPORTS/DIRECTION TO CITY MANAGER

- A. City Council Members
- B. City Manager
- C. Mayor

VIII. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on January 12, 2024. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

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

TUESDAY, JANUARY 2, 2024

WORK SESSION – 5 PM IN EOC ROOM

COUNCIL MEETING – 6 PM IN COUNCIL ROOM

WORK SESSION MINUTES

COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Susan Stewart, Mike Howard, Jeanette Smyth, Doug Stephens, and Jeremy Howe

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Deputy Fire Chief Brandon Storey, Finance Director Steve Liebersbach, and Recorder Leesa Kapetanov

OTHERS 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://cms7files.revize.com/southogden/document_center/Sound%20Files/2024/CC240102_1707.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 5:07 pm and entertained a motion to begin
00:00:00

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

Note: Council Member Stephens was not present for this vote. He was receiving assistance with his new electronic equipment in the IT department. He joined the meeting a few minutes later.

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II. REVIEW OF AGENDA

- No one requested a review of agenda items

III. DISCUSSION ITEMS

A. Report on RAMP Grant Information

- City Manager Dixon shared information the Council had asked him to gather
00:16:40
- Discussion 00:05:00

B. Use of American Rescue Plan Act (ARPA) Funds

- Overview of possible items for which ARPA Funds can be used
00:05:00
- Discussion 00:21:46
- Mayor Porter announced the Annual Strategic Planning Meeting will take place February 9-10
00:23:51

C. Review of Annual Community Survey

- City Manager Dixon reviewed some of the survey results
00:28:52

IV. ADJOURN

- At 6:02 pm, Mayor Porter called for a motion to adjourn the work session

Council Member Smyth so moved, followed by a second from Council Member Stewart. All present voted aye. 00:54:57

COUNCIL MEETING MINUTES

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COUNCIL MEMBERS PRESENT

Mayor Russell Porter, Council Members Susan Stewart, Mike Howard, Jeanette Smyth, Doug Stephens, and Jeremy Howe

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Deputy Fire Chief Brandon Storey, Communications and Events Specialist Jamie Healy, and Recorder Leesa Kapetanov

MEMBERS OF THE PUBLIC PRESENT

Leann Povey, Bruce and Joyce Hartman

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https://cms7files.revize.com/southogden/document_center/Sound%20Files/2024/CC240102_1807.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 6:07 pm 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 Stewart, Howard, Smyth, Stephens, and Howe all voted aye.

B. Prayer/Moment of Silence

- The mayor led those present in a moment of silence

C. Pledge Of Allegiance

- Council Member Stewart led everyone in the Pledge of Allegiance

II. PUBLIC COMMENT

- There were no in person comments. The mayor stated online comments would be permitted until 6:15 pm. 00:01:23

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107 **III. RESPONSE TO PUBLIC COMMENT**

- Not applicable at this time

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112 **IV. CONSENT AGENDA**

113 A. Approval of December 19, 2023 Minutes

114 B. Advice and Consent to the Appointment of Eric Lee and Brian Mitchell to the Planning
115 Commission

- Mayor Porter read through the consent agenda, explaining the appointment and terms of the planning commissioners 00:01:32
- The mayor called for a motion to approve the consent agenda 00:02:36

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

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126 **V. PRESENTATION**

127 Farrah Bowthorpe, Youth Chair of Bonneville Communities That Care

- The mayor announced that Farrah Bowthorpe was not present; however, Leann Povey, Bonneville Communities That Care Director, would be presenting. He turned the time to her.

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134 **VI. DISCUSSION/ACTION ITEMS**

135 A. Review Of and Proposed Changes To City Council Rules and Procedures

- Staff overview 00:10:00
- Questions/Discussion 00:15:48
- Council Member Stewart pointed out a typo that needed to be corrected 00:17:19
- Staff was instructed to bring this item back to the next meeting for adoption

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- Mayor Porter announced there had been no online public comment 00:18:40

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146 B. Council Member Assignments to Outside Boards and Committees

- The mayor reviewed the different boards and committees 00:18:43

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- Discussion/Assignments for open positions
00:21:06
- Assignments as determined by the Mayor and Council:

WACOG	Mayor Porter
Central Weber Sewer	Mayor Porter
911 Dispatch	Mayor Porter
Economic Development Committee	Mayor Porter Council Member Smyth Council Member Howe
Bonneville Communities That Care	<i>Key Leader Board:</i> Mayor Porter <i>Community Board:</i> Council Member Stewart Council Member Stephens
Ogden/Weber Chamber	<i>Legislative Affairs:</i> Council Member Howe <i>Board of Governors:</i> Mayor Porter Council Member Howard
Mosquito Abatement Board	Sallee Orr until end of term, then Doug Stephens
ULCT Legislative Policy Committee	Council Member Stewart Council Member Stephens

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C. Nomination and Election of Mayor Pro-Tempore

- The mayor opened nominations for mayor pro tem
00:30:53
- Council Member Smyth nominated Council Member Howard
00:31:16
- There were no other nominations

Mayor Porter asked all those in favor of Mike Howard as mayor pro tem to say aye. All present voted in favor of Council Member Howard.

168 VII. RECESS INTO SOUTH OGDEN CITY ARTS COUNCIL MEETING

- At 6:38 pm, Mayor Porter entertained a motion to recess into a South Ogden City Arts Council meeting
00:31:40

171 Council Member Howard moved to recess into a South Ogden City Arts council meeting.
172 Council Member Stewart seconded the motion. All present voted aye.

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174 See separate minutes.

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178 **III. RECONVENE SOUTH OGDEN CITY COUNCIL MEETING**

179 Motion from CDRA meeting:

180 Arts Council Member Howard moved to adjourn the South Ogden City Arts Council meeting.
181 Arts Council Member Stewart seconded the motion. The voice vote was unanimous in favor of
182 the motion. 00:35:49

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- 184 • South Ogden City Council meeting reconvened at 6:43 pm

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187 **IX. REPORTS/DIRECTION TO CITY MANAGER**

188 A. City Council Members

- 189 • Council Member Howard- 00:36:30
- 190 • Council Member Stewart- nothing to report
- 191 • Council Member Smyth- 00:37:32
- 192 • Council Member Stephens- 00:38:19
- 193 • Council Member Howe- 00:40:01

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195 B. City Manager- 00:40:58

196 C. Mayor- 00:43:32

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200 **VI. ADJOURN**

- 201 • At 6:51 pm, the mayor called for a motion to adjourn.

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204 Council Member Smyth so moved. Council Member Stephens seconded the motion. Council
205 Members Stewart, Howard, Smyth, Stephens, and Howe all voted aye.


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209 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Work Session
210 and Council Meeting held Tuesday, January 2, 2024.

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212 
213 Leesa Kapetanov, City Recorder

Date Approved by the City Council

STAFF REPORT



SUBJECT: Updating Subdivision Ordinance to Comply with Utah SB 174
AUTHOR: Mark Vlastic
DEPARTMENT: Planning
DATE: January 16, 2024

SUMMARY

SB 174 went into effect on May 4, 2023, requiring that changes must be made to subdivision applications for one or two family dwelling and townhome residential subdivisions. The new legislation requires that such subdivision applications must be administrative actions. This change is intended to remove discretion in the decision-making process - if the application meets the requirements, it must be approved. This in turn reinforces the administrative nature of such applications.

Ordinance changes must be complete by February 1, 2024 for cities with a population greater than 5,000, including South Ogden. Smaller communities have until December 1, 2024 to complete the changes.

BACKGROUND

SB 174 addresses three areas of the Land Use, Development, and Management Act, including new subdivision requirements for residential lots:

1. It modifies the Internal Accessory Dwelling Unit (IADU) provisions enacted in HB 82 (2021).
2. It also establishes a penalty for cities and counties that fail to comply with MIHP reporting requirements beginning in 2024.
3. **SB 174 creates a new process that all municipalities and counties must follow for subdividing residential lots.**

DETAILED PROVISIONS OF SB 174

1. Applies only to one or two family dwellings and townhome subdivisions (although the changes might also be applied to other types of subdivisions if deemed desirable or appropriate).
2. Decisions must be administrative.

3. The municipality must designate an Administrative Land Use Authority (ALUA) to review subdivision applications. The designated ALUA may not include members of the legislative body (town or city council).
4. The Planning Commission and City Council are excluded from the final plat approval process (they cannot review the final application).
5. A two-step Administrative Subdivision Process is required
 - a. Preliminary Subdivision Application Review - the administrative land use authority must review the subdivision application within **15 business days** of receiving a complete application. The ALUA may receive public comment and conduct one public hearing, although a public hearing is not recommended since the process is administrative. If the application complies with applicable local regulations, it shall be approved and proceed to Final Subdivision review.
 - b. Final Subdivision Application Review - municipalities must complete a review of applications at this stage within **20 business days** after receipt of the final application.
6. The review cycle is capped.
 - a. A maximum of four review cycles is permitted between Preliminary and Final Approval (legal staff should confirm that this part of the revised ordinance to ensure the intent is met).
 - b. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the municipality. Municipalities may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.
7. SB 174 establishes two distinct appeal processes that may be requested by the applicant once the four review cycles have been exhausted and 20 days have passed.
 - a. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant. This panel of experts must include:
 - i. One licensed engineer designated by the municipality.
 - ii. One licensed engineer designated by the land use applicant.
 - iii. One licensed engineer, agreed upon, and designated by the two designated engineers.
 - b. For all other disputes, the municipality shall refer the Q to the designated appeal authority at the applicant's request.
 - c. Members appointed to the panel may not have an interest in the application in Q. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

FREQUENTLY ASKED QUESTIONS

Q1: Can local communities still retain an informal concept plan step?

If it is requested or agreed to by the applicant, although it cannot be required.

Q2: A Planned Unit Development (PUD) is typically processed with a subdivision. As such, can a PUD (PRUD in South Ogden) still require a concept plan?

A concept plan for the PUD portions of a land use approval can be required. However, it is important to distinguish the PUD and subdivision processes in such cases. It is recommended that the legislative process for the PUD run its course prior to considering the subdivision application.

Q3: If the City Council cannot approve a final plat what happens in small towns where the City Council is the only staff for reviewing applications?

It will be necessary to train and educate a Planning Commissioner to fill that role.

Q4: How does a City Council accept a right-of-way street dedication if they don't approve the final plat?

There is no legal requirement for the City or Town Council to accept a right-of-way dedication in the law. A City's acceptance of dedicated streets is demonstrated on a recorded plat, bearing the approval of the City or Town by the Mayor.

Q5: Is it four review cycles for both preliminary and final (total of 8) or four total?

Four total during the final plat review process.

Q6: What happens after 4 cycles are complete? Does the city then issue a formal approval or denial?

The City should issue an approval or denial. If they do not timely decide, then the applicant can call for the appeal panel to be convened as required in the new legislation.

Q7: If the same subdivision includes several housing types, how does that change the review process? For example, a mixed-use project that includes single-family, townhouse, apartment, retail, commercial.

If an applicant insists on a subdivision that mixes uses in a single plat, prevailing legal opinion indicates the ordinances changes do not apply to such applications. This could be overcome and simplified by applying the changes to all subdivision applications.

Q8: In our City there is a three-step process from Preliminary, Design and Engineering and then final plat. Design and engineering is reviewed by a Development Review Committee meeting (staff, utility providers etc.) Can we still have that middle phase?

Design and engineering should not be designated as separate steps in the approval process for affected applications. Instead, they should be integrated into the preliminary or final review phase.

Q9: Can a small city hire a consultant or engineering firm to review and comment on the subdivision and bill the developer for the reviews.

If your fee schedule supports that and if the charges are reasonable, yes.

Q10: Will the ALUA be subject to Open and Public Meetings Act (OPMA) requirements? Can they simply review the plat and sign it when it is done?

Unclear – legal opinion tends to suggest that the ALUA is subject to OPMA requirements.

Q11: Is there a requirement for an application checklist?

Yes – see section 604.2(3)(b) of the required amendments.

Q12: Since the subdivisions are administrative and NOT legislative decisions, is a public hearing advised?

Answer: Legal opinion suggest NOT to hold a public hearing since the decision is administrative.

ANALYSIS

Staff has reviewed the requirements and made draft changes to the existing ordinance for review and consideration by the Planning Commission. The proposed process does not include a public hearing or public comment, as it is an administrative decision and would be required to take place during the Preliminary Subdivision Plat review period of 15 working days (three weeks). This may not align with Planning Commission meeting schedules.

KEY QUESTIONS

- Is a public hearing or public meeting appropriate for an administrative decision?
- If it is appropriate, how could it be scheduled considering Planning Commission schedule limitations?
- Staff Review Committees are apparently subject to Open Public meeting Act requirements. Could this serve as venue for public review and input?

ORDINANCE NO. 24-01

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 11-2-1 CONCERNING SUBDIVISION PLAT, REVIEW AND APPROVAL TO BRING IT IN LINE WITH STATE LEGISLATION; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION I - RECITALS:

WHEREAS, South Ogden City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC § 10-3-702, the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that under UC §10-3-707, the City is "empowered to revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated"; and,

WHEREAS, the City Council finds that the 2023 Utah Legislature passed new regulations concerning the review and approval of subdivision plats; and,

WHEREAS, the City Council finds that South Ogden City Code (SOCC) needs to be amended in order for the City to be in compliance with the new regulations; and,

WHEREAS, City staff has studied the new legislation and has proposed amendments to SOCC 11-2-1 to bring the code into compliance with state law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended as follows:

AMENDED SECTION:

Upon the adoption of this Ordinance, 11-2-1 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are fully incorporated herein.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any and all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance shall be effective on the 16th day of January, 2024, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 16th day of January, 2024.

SOUTH OGDEN CITY, a municipal corporation

Mayor Russell L. Porter

ATTESTED:

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 24-01

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 11-2-1 Concerning Subdivision Plat, Review And Approval To Bring It In Line With State Legislation; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

16 Jan 24

CHAPTER 2 PLAT PROCEDURES

11-2-1: Subdivision Plat Requirements, Review, And Approval

11-2-2: Reserved

11-2-3: Reserved

11-2-1 Subdivision Plat Requirements, Review, And Approval

A. Each person who proposes to subdivide land in the city shall confer with city planning staff before preparing any plats, charts or plans to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. Planning staff shall inform subdivider if there are any master plan requirements for the area proposed to be subdivided.

~~B. Preliminary Plat Required:~~

1. Prior to the submission of the final plat, the subdivider shall submit a digital copy of the preliminary plat and any required construction drawings to planning staff.

~~1. at least 30 days before the planning commission meeting at which they would like the final plat to be considered.~~

2. Fees: At time of submission of the preliminary plat and/or construction drawings, there shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the planning commission and finance director require to cover engineering review and field inspection costs. Fees shall be paid to the city as per adopted fee schedule which may be amended from time to time by the city council.

3. The City Engineer shall check the preliminary plat against the following requirements:

a The plat shall be clear and legible, and drawn according to professional engineering standards. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch (1/2") border on top, bottom and right sides, left side border shall be one and one-half inches (1 1/2").

b The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

(1) The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.

(2) Where a subdivision complies with the cluster subdivision provisions

of the zoning title and this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision."

- (3) A north arrow and scale of the drawing, and the current date.
- (4) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
- (5) The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.
- (6) Parcels of land to be dedicated as public park, storm water detention basins, or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space," whichever applies.
- (7) The standard forms approved by the planning commission for all subdivision plats lettered for the following:
 - (A) Description of land to be included in subdivision, with total acres.
 - (B) Land surveyor's certificate of survey.
 - (C) Owner's dedication certificate.
 - (D) Notary public's acknowledgment.
 - (E) Planning commission's certificate of approval.
 - (F) City engineer's certificate of approval.
 - (G) City attorney's certificate of approval.
- (8) A three inch by three inch (3" x 3") space in the lower right hand corner of the drawing for recording information.

~~1.~~

~~2.4.~~ Construction Drawings: Construction drawings shall conform with South Ogden City "Public Works Standard Drawings, Details And Technical Specifications" and as stated in subsection 11-2-3C of this chapter.

5. The Staff Review Committee, as described in 10-5.1A-10-1(G)(1) and 10-5.1B-10-1(G)(1) of this code, but with the addition of one member of the Planning Commission, -is the designated Administrative Land Use Authority (ALUA) for subdivision applications. The Planning Commission and City Council shall not review or approve final subdivision applications.

~~3.6.~~ The preliminary plat review will be completed by the Staff Review Committee within 15 business days after receipt of a complete application.
~~Planning~~ Upon completion, staff shall ~~return~~ a copy of the checked preliminary plat and construction drawings to the subdivider indicating thereon any changes required by staff and/or the city engineer to be addressed in the final plat. ~~.~~

~~4.7.~~ Engineer's Cost Estimate: If requested by the City, the subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the escrow amount or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.)

~~5.8.~~ Subdivision Agreement: An agreement between the city and subdivider (if needed) shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.

~~C.B.~~ Approval Of Final Plat:

1. Final plat review will be completed by the Staff Review Committee within 20 business days following receipt of the final application.

2. There shall be no more than four review cycles as part of the final plat review process.

a. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the Staff review Committee.

b. The Staff Review Committee may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

c. Applicants must respond to the required changes, and if they disagree with the required changes, they must submit their issues in writing to the city.

3. After determining that the plat meets all requirements of this Title and the Public Works Standard Drawings, Details and Technical Specifications based on review and approval by the Staff Review Committee, and any financial guarantee has been approved by the city attorney, the Staff Review Committee shall approve the plat.

~~6. After determining that the plat meets all requirements of this Title and the Public Works Standard Drawings, Details and Technical Specifications based on review and approval by staff, and any financial guarantee has been approved by the city attorney, the planning commission shall approve the plat during a planning commission meeting.~~

4. After approval by the Staff Review Committee~~planning commission~~, the subdivider shall print a copy of the final plat suitable for recording and submit it to planning staff who will gather all necessary approval signatures on the plat. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder by the subdivider. No building construction or subdivision improvements shall be started until recording of the final plat.

~~7.~~5. After the Staff Review Committee has approved a final plat, staff shall report the subdivision approval to the Planning Commission at the next available meeting.

C. Appeals:

1. For disputes relating to public improvement or engineering standards, the City shall assemble a three-person appeal panel that will meet within 10 business days after receiving an appeal request from the applicant.

a. The panel of expert must include:

i. One licensed engineer designated by the municipality.

ii. One licensed engineer designated by the land use applicant.

iii. One licensed engineer, agreed upon, and designated by the two designated engineers.

b. Members appointed to the panel may not have an interest in the application in question.

c. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the remaining 50%.

d. The appeal panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

2. For all other disputes, the municipality shall refer the to the designated appeal authority (Title 10-4 Appeal Authority/Hearing Officer).

D. Recording:-

The final ~~The~~ plat shall be recorded by the subdivider within a period of seven (7) days after all required signatures have been obtained. The owners or developers shall pay all recording fees._

1. No plats shall be recorded in the office of the county recorder and no lots

identified in such plat shall be sold or exchanged unless the plat is approved, signed and accepted by the city.

2. Approved lot line adjustment applications are not required to be recorded.

E. Inspections:

~~2.1.~~ City staff and/or the city engineer shall make inspections of all improvements as they deem necessary and shall inform the subdivider of the results of the inspections.

~~3.2.~~ Final Inspection: After final inspection by city staff and/or the city engineer, the results shall be made known to planning staff and the subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city.

Resolution No. 24-01

RESOLUTION OF SOUTH OGDEN CITY AMENDING AND RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE FOR CITY MEETINGS, AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AND FINAL PASSAGE.

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC")§ 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council has previously adopted Rules and Procedures for City meetings; and,

WHEREAS, the City Council now finds that it desires to amend those Rules and Procedures to clarify the election of a Mayor Pro-Tempore and the assigning and election of members of the Council to boards and committees ; and,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SOUTH OGDEN AS FOLLOWS:

SECTION 2 – ADOPTION OF AMENDMENTS

That the amendments to Rules and Procedures for City Meetings, Attached Hereto As **Attachment "A"**, and by This Reference Fully Incorporated Herein, Is Hereby Approved and Adopted.

SECTION 3 - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION 4 - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION 5 - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to an y extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION 6 - DATE OF EFFECT

This Resolution shall be effective on the 16th day of January, 2024 and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 16th day of January, 2024.**

SOUTH OGDEN CITY

Russell L. Porter
Mayor

ATTEST:

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT “A”

Resolution No. 24-01

Resolution Of South Ogden City Amending And Re-Adopting The City Council Rules Of Procedure For City Meetings, And Providing That This Resolution Shall Become Effective Immediately Upon Posting And Final Passage.

16 Jan 24

Rules of Procedure for City Meetings

Last Updated ~~06 Dec 2022~~ [January 16, 2024](#)

The "Body" (City Council, Planning Commission, etc.) may adopt any rules it deems necessary to the efficient conduct of its meetings.

Basic Policies for South Ogden City Meetings

1. For City Council matters, the Mayor, any Council Member, or the City Manager can place an item on the City Council agenda.
2. For other bodies, any member of that Body may place an item on the agenda.
3. An item scheduled for the agenda can be rescheduled for a different date by a majority of the members of the Body.
4. The Chair must recognize Members wishing to make a motion or enter a debate in the order in which they request recognition.
5. The Chair must ask for a motion and a second to the motion on each item on the agenda. Any motion receiving a second will be discussed by the Body.
6. Any Member may call for the question at any time. A vote will then be held on the motion.
7. Any document adopted and passed that requires signatures will be signed at the meeting, prior to adjournment. If the Chair refuses to sign the document(s), any three Members may execute the document on behalf of the Body.
8. Member packets will be distributed before a scheduled meeting.
9. All meetings are open and public meetings unless specifically closed under the provisions of the Utah Open Meetings Act.
10. A public meeting is defined as a meeting at which public business is discussed, decided or policy formulated. Citizens are allowed to attend and observe but not necessarily participate.
11. A public hearing is defined as a meeting which provides citizens the opportunity to express their position on the issue under consideration, both pro and con after due notice. Citizens may observe and comment as provided by the Body's rules but this is not a forum for a debate with the Body.

12. Citizens' comments will be taken at the beginning of the meeting. Any citizen, who wants to make comments will have the opportunity to do so in an orderly manner. This opportunity to make a comment is not to be mistaken for a public hearing nor is it an opportunity to debate with the governing body. Responses to public comments by elected officials and/or staff may be permitted by the Chair, recognizing no decisions or policies may be adopted during public comment time. The Body will not tolerate any interruptions or disruption of meetings. Each citizen may speak once for a period not to exceed three (3) minutes.
13. Any citizen desiring an item be placed on an agenda should submit, in writing, a description of the proposed agenda item, a rationale for placing the item on the agenda, and all background information needed for the Body to make a decision. The City Manager, or his/her designee, will inquire whether any member of the appropriate Body is willing to sponsor the item for the agenda. Sponsored items will be placed on the agenda for the next meeting of that Body. Non-sponsored items will not be placed on the agenda. **Items to be placed on the agenda are due by noon at least three working days before regularly scheduled Meeting.**

Rules for Conducting Public Hearings

1. All members of the public will be allowed to speak once for a period not to exceed five minutes.
2. If a comment or question from a member of the Body interrupts a member of the public speaking during a hearing, the time taken by the comment or question and the response will not be counted as part of that citizen's five minutes.
3. If a member of the Body raises a question about a comment from a member of the public after the person has made his/her comments, the member of the public will be allowed two minutes to respond to each question raised.
4. Members of the public cannot give their five minutes away to another person to speak on their behalf.
5. A member of the public, during the time allotted for that person's comments, may request of the Body that the record be held open for written comment. Any member of that Body may then move to hold the record open for written comments for a specified period. If the motion receives a second and passes by majority vote, the record will be held open for the specified time, otherwise the item will not be received into the record.
6. Participants in public hearings will be expected to conduct themselves with civility. Speakers must be courteous. **Applause is not allowed.** Outbursts from those attending a public hearing will not be tolerated. When a member of the public has been recognized and is speaking, he/she has the floor. Other members of the public may not speak either to the speaker or members of the Body until they have been given the floor. Spontaneous comments or other outbursts from the public will not be allowed.

Rules for Conducting Electronic Meetings

1. Any meeting of the Body may be called and held electronically provided such meeting is otherwise called in conformance with the Utah Open and Public Meetings Act found in Utah Code Title 52, Chapter 4, and consistent with the procedures set forth herein.
2. The City main office at 3950 South Adams Avenue, South Ogden, Utah is where Body meetings would normally convene and will be the anchor location for all electronic Body meetings. The City finds that such chambers provide space and facilities so interested persons and the public may attend and monitor the open portions of meetings of the Body, whether such meeting is a public hearing or otherwise.
3. A meeting may be held by using computer and/or telephone conferencing to allow a member of the Body, subject to the open meeting requirements of Utah, to be present at a meeting. A quorum consisting of a simple majority, must be present at the anchor location. There will be a limit of only two electronic connections at any meeting. Any member of the Body participating via electronic means may make, second and vote on all motions and participate in the discussion as though present. Except for a unanimous vote, a public body that is conducting an electronic meeting shall take all votes by roll call.
4. To provide for electronic meeting attendance, public notice of such meeting must be given at least 24 hours before the meeting by (i) posting written notice at the anchor location; and (ii) providing written or electronic notice to (a) at least one newspaper of general circulation within the State and in the City; or (b) to a local media correspondent; and (c) the state's public notice website; and (iii) providing notice of the electronic meeting to the members of the council or board at least 24 hours before the meeting so they may participate in and be counted as present for all purposes; and (iv) providing each member of the public body a description of how to electronically connect to the meeting.
5. A request for electronic meeting attendance made by a member of the council or board may be made up to three days, but not less than twenty-four hours, prior to the scheduled meeting to allow for public notice provisions. Requests to attend meetings electronically must be made to and approved by the [M](#)mayor or chairperson of the affected board or commission.

Disturbing Meetings

The City Council may fine or expel, and other Bodies meeting on behalf of the city may expel, any of its members for disorderly conduct upon an affirmative “majority plus one” vote of those members present. The Body may also, upon an affirmative ~~majority~~ “majority plus one” vote of those members present, expel any person who is disorderly during any regular, work or special meeting of the Body.

The Chair may expel any person, other than a member of the Body, who is disorderly during any regular, work or special meeting of the body.

Notes on Decorum in Discussion/Debate Generally:

A loose paraphrasing of *Robert's Rules of Order* (Ninth Edition) suggests the following guidelines in

helping to maintain civility and fairness during discussion and debate. These guidelines are pertinent when controversial issues arise in discussion.

1. Treat one subject at a time

Do not speak adversely on a prior action that is no longer pending: In debate, a member cannot reflect adversely on any prior act of the body not then pending, unless a motion to reconsider, rescind, or amend it is pending, or unless s/he intends to conclude his/her remarks by making or giving notice of one of these motions.

2. Alternate between opposite points of view in discussion unless it is clearly apparent there is unanimous support for the question under discussion.

Fairness, and the appearance of fairness is vitally important to success and effectiveness in the deliberative process.

3. Maintain decorum in discussion and avoid allowing personalities to enter into the debate

Do not attack a member's motives: When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but should always avoid discussions of personalities, and under no circumstances should s/he attack or question the motives of another member. The measure, not the member, is the subject of debate.

Avoid personalizing issues. The phrase "attack issues, not people" summarizes the goals of discussing and debating matters brought before a deliberative body. Any personal remark or attack must be ruled out of order by the chair: "Bob is a whiny anarchist and for that reason I cannot support his motion" is a comment that must be stricken and called up short immediately. Remarks must be kept free of personal reference.

The motion being considered is the subject of debate, not the member who proposed it. Offensive language is by definition offensive and all remarks must avoid personal invective.

Address all remarks through the chair: it is best practice if members of a deliberative body do not address one another directly, but address all remarks through the chair. This is an effective tool in keeping away from the likelihood of sliding into personalizing an issue. If, while a member is speaking in discussion or debate, another member wishes to address a question to him/her. . . the member desiring to ask the question should address the chair, proceeding as... [a] Point of Information ...

4. Confine debate to the merits of the question under discussion.

Confine remarks to the merits of the pending question. In a discussion and debate a member's remarks must be germane to the question then before the body.

Members should refrain from speaking adversely on or about a prior action that is not pending. In debate, a member cannot reflect adversely on any prior act of the society that is not then pending, unless a motion to reconsider, rescind, or amend it is pending, or unless he intends to conclude his remarks by making or giving notice of one of these motions.

5. Division of a question—members may be for one part of a question and not for another.

Council Appointments To Boards And Committees

1. At the first meeting of each new calendar year, the City Council will nominate and elect a Mayor Pro-Tem, who shall act in the Mayor's stead in leading and conducting council meetings in the case the Mayor is unable to attend, either in person or electronically.
2. At the first meeting of each new calendar year, the Mayor shall appoint, by the advice and consent of the City Council, members of the City Council to represent South Ogden City on various boards and committees, e.g. Ogden Weber Chamber, Weber County Mosquito Abatement Board, Bonneville Communities That Care, etc.

5.