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City of Washington Terrace

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Minutes of a Regular City Council meeting Held on February 6, 2024 City Hall, 5249 South 400 East, Washington Terrace City, Utah

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

9 Mayor Mark C. Allen
10 Council Member Jill Christiansen
11 Council Member Zunayid Z. Zishan
12 Council Member Cheryl Parkinson
13 Council Member Jeff West
14 Council Member Michael Thomas
15 City Manager Tom Hanson
16 City Recorder Amy Rodriguez
17 Finance Director Shari' Garrett
18 Recreation Director Carlos Grava

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Others Present

20 Mike Lawrence

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1. WORK SESSION

5:00 P.M.

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Topics to include, but are not limited to:

- City Parks Terrace Capital Investment Plan (TCIP)

27 Hanson stated that the City has a 20 year Capital Investment Plan. He stated that the budget is planned
28 for five years. He stated that once a project is within the five year plan, it becomes a "Capital Project"
29 and the planning and funding begins to come into place.

30 Grava explained the five year plan for the twelve projects that are on the TCIP plan. Mayor Allen stated
31 that when projects are being funding, it is important to remember that they have been in the planning
32 stages and funding stages for years before. Projects are selected based on community priorities, condition
33 assessment, funding opportunities, and prioritization completion of projects.

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Parks Projects FY22-27

37 Grava stated that the projects consider the feedback from the Landmark Parks Master Plan Analysis.

1. Rohmer Park Pickleball Project Phase one.

40 Grava stated that the project was awarded a RAMP grant of \$500,000.

2. Rohmer Park Pickleball Project Phase two

42 Grava stated that the project was awarded a RAMP grant of \$647,790.

43 He stated that RAMP was interested in pickleball courts, so the city decided to apply again to continue
44 the project. He stated that the phase should be completed by April of this year.

45 3. Drinking water fountains at the baseball field and pickleball plaza.
46 Grava stated that moving forward, projects under \$10,000 will not be on the TCIP plan. Grava stated that
47 we have received money donations from the Lion's club for the baseball fountains, as well as RAMP
48 grants.

49 4. Xeriscape transition to eliminate bark.
50 Grava stated that this project involves all the parks. He stated that we will save money moving forward as
51 we will not have to replace bark each year.

52 5. Rohmer Park south entrance sidewalk, crosswalk and xeriscape.
53 Grava stated that the city received a RAMP grant to fund 60% of the project.

54 6. Rohmer Park Baseball parking lot reconstruction.
55 The City has applied for CDBG funds for this project. Grava stated that the service life has expired and
56 the parking lot has to be completed from the subgrade upwards. Grava stated that we put funds aside each
57 year until we can fund the project.

58 7. Rohmer Park Pickleball Project phase 3
59 Grava stated that this phase will include playgrounds, shaded areas, and restrooms.

60 8. Rohmer Park Pickleball Project phase 4
61 Grava stated that this phase will include a dog park, and completion of the rest of the project. He stated
62 that we will need to take care and complete our investment in the project.

63 9. Rohmer Park Pickleball plaza and baseball parking lot sealing.
64 Grava stated that this will help save our investment on the new asphalt and roadway and will extend the
65 life of the road. Grava stated that other parking lots will also receive sealant, however, these are park of
66 the Public Works schedule of projects.

67 10. Rohmer Park North entrance, sidewalk, crosswalk, and xeriscape.
68 Grava stated that the project is to enhance safety measures for entrances to the park. He stated that a ramp
69 may be put in where the concrete stairs currently sit.

70 11. Little Rohmer Bowery Improvements
71 Grava stated that the current conditions of the bowery are not good.

72 12. Playground Replacements (Rohmer, Victory, Wright Park)
73 Grava stated that the project is a necessity in the long term due to the conditions of the playground
74 equipment.

75
76 Council Member Zishan stated that he has noticed that several of our parks do not have restrooms, and
77 we are spending several hundred thousands of dollars on other parks and asked if it would be wise to
78 consider restrooms in the other parks. Hanson stated that the challenge we have is maintaining the
79 restrooms, whether fiscally or staff capacity. He stated that we have a balance with level of service, and
80 restrooms are a very high level maintenance cost. He stated that they are ongoing costs for maintenance.
81 Hanson stated that we have a position open now for custodial and it has been hard to fill.
82 Hanson stated that we found that we have a better flexibility with a part time employee rather than a
83 contractor. Council Member Parkinson suggested temporary "honey buckets" be placed in the parks until
84 we can work on permanent restrooms. Hanson stated that restrooms are the highest level of vandalism.
85 Council Member Zishan agreed that "honey buckets" are a great idea while we work out plans.

86
87 Grava stated that the plan is for 20 years, and therefore, plans continue to shift as plans are accomplished.
88 Hanson stated that some of the projects in action are funded, with the remainder needing strategy
89 planning for funding.

90
91 Grava asked if Council anticipates any challenges in funding the remaining TCIP projects. Hanson stated
92 that if Council is supportive of these projects, staff will work with finance on funding and funding
93 options. Hanson stated that if projects are not funded, or grants do not come through, the project may be

94 pushed to a later date when funding is available. Hanson stated that Parks are generally the hardest area
95 to receive funding.

96
97 Garrett stated that you have to show a direct benefit on impact fees, meaning what you pay for is what
98 you get. This is different than taxes. She stated that as long as a study is done showing the direct impact
99 and benefit, it is possible to charge fees for parks. Council agreed that they do not want a fee for parks on
100 the utility bills.

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102 Grava stated that the total impact for the five year TCIP is \$5,390,000.
103 The item will be brought before Council at a later meeting.

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Jill Christiansen
Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson
Council Member Jeff West
Council Member Michael Thomas
City Manager Tom Hanson
City Recorder Amy Rodriguez
Lt. Colby Ryan
City Attorney Bill Morris
General Planner Tyler Seaman
City Treasurer Heidi Gerritsen

Others Present

Mike Lawrence, Amy Miller, Ulis Gardiner, Jacob Koskan, Mark Holstein, Parcher Mecham,

2. ROLL CALL 6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

Item 7.2 has been postponed until a later meeting.

5.2 APPROVAL OF JANUARY 16, 2024, MEETING MINUTES

Items 5.1 and 5.2 were approved by general consent.

6. CITIZEN COMMENTS

Amy Miller, representing the United Methodist Church, updated Council on the February calendar. She stated that the pantry packs are almost completed. She stated that March 23rd is the date for the “Rise Against Hunger” event.

7. NEW BUSINESS

7.1 PRESENTATION: SHERIFF OFFICE QUARTERLY REPORT

Lt. Ryan presented the report to Council on the fourth quarter. He stated that the Trunk or Treat was a larger crowd than last year, noting there were around 2000 children coming through the line. He stated that they arrested the “Grinch” for a month, saving Christmas. Lt. Ryan stated that they participated in the “Shop with a Hero” event. He stated that Washington Terrace Church hosted that breakfast and then they completed a procession to Walmart and shop.

188 Lt. Ryan highlighted some of the bigger cases in the last quarter. He stated that there was an aggravated
189 assault on a PO. He stated that the suspect was booked into jail for aggravated assault, drunk driving, and
190 trespassing, among other things.

191 Lt. Ryan stated that there were a couple of suspicious incidents at Bonneville High School. He stated that
192 the school was put on lockdown until it could be determined things were safe. Both incidents involved
193 suspected handguns, however, it was determined that neither student had any weapons.

194 Lt. Ryan stated that there were two sex offender incidents at Rohmer Park.

195 Lt Ryan stated that the street crimes detectives had two significant cases in Washington Terrace.

196 He stated that calls for service fell in line with previous year's calls for service.

197 Lt. Ryan stated that the comstat program used to generate the report has been having issues.

198 Lt. Ryan stated that there has been a down trend in the fourth quarter for vehicle thefts and burglary. He
199 stated that there was a decrease this year, noting that a group of juveniles went on a vehicle burglary
200 spree in 2022 and those arrested are still in jail.

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202 **7.2 PRESENTATION: FIRE DEPARTMENT QUARTERLY REPORT**

203 This item has been postponed to a later meeting.

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205 **7.3 PRESENTATION: ANIMAL CONTROL QUARTERLY REPORT**

206 Hanson stated that we contract with South Ogden for animal control services. Officer Sarah Hayes from
207 South Ogden Police presented the report to Council. Hayes stated that they were able to relinquish ten
208 dogs from one of the homes where the tenants were arrested. She stated that they are all in rescue homes.
209 She stated that they have received a lot of support from the Sheriff's Office. She stated that it has been
210 very helpful because they receive a lot of threats. She stated that due to the weather there has not been
211 many stray dogs or cats taken to the shelters. She stated that they are pushing micro-chipping at the
212 shelter. She stated that they can make an appointment and come to the shelter.

213

214 Hayes stated that the Weber Shelter has been cleared out and there is now room. She stated that they held
215 an adoption clinic.

216

217 **7.4 PRESENTATION/DISCUSSION: SUBDIVISION ORDINANCE REVISION- S.B.174** 218 **COMPLIANCE PROJECT**

219 Hanson stated that we have an obligation to be compliant with SB 174. He stated that we have been
220 working with Planet Outpost to bring our ordinance into compliance. He stated that the state is paying for
221 the revision as a "funded mandate".

222 Hanson stated that the planning process will be outlined by state law. There will be four reviews by staff
223 and then the subdivision will go before the Planning Commission for approval. He stated that the intent is
224 to leave Council out of the subdivision process to minimize the political implications of development.

225 Hanson stated that the Planning Commission will have the final say on the subdivisions.

226 Hanson stated that the deadline date has been extended for this ordinance.

227 Seaman stated that the intent of the legislation is to speed up the process. He stated that it speeds us up in
228 reviews, but doesn't impact our timeline at all. He stated that it makes staff deliver a better quality and
229 the documents are submitted in their entirety. He stated that the state will be able to see that it may be the
230 engineer's timeline that is holding up projects.

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7.5 DISCUSSION/ACTION: BUSINESS LICENSE FOR NON-CONFORMING DUPLEXES

Seaman stated that there are differences defined in building codes on types of units.

Single family : Permanent provisions for living, sleeping eating, cooking, and sanitation for single units providing living facilities for one or more persons.

Townhouse family unit: Single family unit tied together with multiple units. It is it's own parcel. They must have fire walls to prevent fires from spreading to other units. They do not share power, gas lines, water, plumbing, etc. They are separate units, except for a shared wall with a fire wall in between. They are easy to isolate into it's own unit.

Accessory Dwelling: Internal accessory dwellings is allowed in the City. It is a livable unit created within the existing footprint of a primary owner-occupied single family dwelling. It must be owner occupied. Should have its own sleeping area, exit, eating, sanitation, and cooking area. He stated that this is a single family home, not a duplex or a town home. He stated that it must be an internal accessory unit within the home. It should not change the appearance of the home. He stated that additional parking needs must be met before they are issued a license. They also must meet egress codes.

Seaman stressed that we do not allow detached accessory dwelling units within the city. He stated that they must be internal units. He stated that someone cannot build a detached garage in their backyard with a full apartment on top. He stated that it would be rejected for non-compliance.

Seaman stated that we are following state law. He stated that it becomes a nuisance issue. Seaman stated that there are privacy issues, parking issues, fire issues, and it is easy to become out of hand.

Legal non-conforming: Land use that was established when allowed by a zoning ordinance and has been maintained continuously. Seaman stated that there are many houses that are duplexes in an R-1-6 zone. He stated that they are legal because they were legal when they were built. It is "grandfathered" in. He stated that there are a lot of houses in the city that are taking a single family home and making the basement an apartment for someone else. He stated that they are not owner occupied, so it cannot be an accessory dwelling. Seaman stated that you cannot have a family upstairs and a family downstairs that are not related. He stated that we have a giant problem in the state and the city.

He stated that it is a growing problem within the city.

Seaman stated that he wants to make sure that this is handled throughout the city properly. His recommendation is to do a complete audit of all of our rentals within the city. He stated that there are around 260 rental licenses. He stated that an audit should be done to make sure that they are in compliance with what their application states. He also recommends that if an application comes in that is non-compliant, the application should be rejected. Morris stated that employees cannot break the law, even if it was done in error. He stated that the license should be revoked regardless of who allowed the error. Seaman stated that he recommends sending a letter out to the owners letting them know that the city would like to do an audit on their property and give the owners 30 days to contact the city for the audit. He stated that if they don't comply, they will have to go to court for operating without a license.

Gerritsen stated that she has around 30 licenses that she knows of that falls into the non-compliance category. She stated that there are around 50-75 licenses that claim that they were "grandfathered" in. She stated that there are many that have licenses for one rental, but it is being rented out as two units. There are also some who have had licenses for two units, however, it is a single family home.

280 Council Member West stated that he supports the audit, and sees it as a learning opportunity as well.
281 Gerritsen stated that a lot of real estate agents are marketing them as duplex.
282 Council Member Christiansen stated that it has to be made very clear what is legal non-conforming and
283 illegal non-conforming so that they know what they can do with the property. Seaman stated that we have
284 checks and balances in place, noting that all building permits are permanent.
285 Morris stated that we can put a certificate in their file that is recorded so that the knowledge is kept.
286
287 Seaman stated that inspections are important for safety. He stated that the accessory dwelling code is
288 important because it makes the city aware of the circumstances, as it can affect gas lines, sewer, and most
289 importantly parking issues. He stated that having the accessory dwelling ordinance helps the city enforce
290 parking and other issues. Hanson stated that there are areas that are over crowded with the extra families
291 in their environments. He stated that we have to manage the impact to the residents that live here and
292 make their home here. He stated that there are challenges of parking, over crowding, and code
293 enforcement. He stated that many code enforcement issues are from absentee landlords.
294 Hanson stated that not everyone is clear on their intentions on their applications.
295 Morris stated that we can send a letter to meet with the owners and possibly enter a correction action plan
296 over a period of time so that people on leases are not put out of their homes. He would like staff to have
297 the flexibility to work with them. Hanson stated that no new licenses for illegal upstairs/downstairs
298 rentals will be issued.

299
300 **Motion by Council Member Christiansen**
301 **Seconded by Council Member West**
302 **To approve the recommendation from staff**
303 **To begin an audit and reject non-legal business licensing**
304 **As recommended by staff**
305 **Approved unanimously (5-0)**
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308

309 **7.6 MOTION/ORDINANCE 24-02: AMENDING THE INFILL RESIDENTIAL**
310 **DEVELOPMENT MAP**

311 Seaman stated that infill zone map is an overlay of the current zone. He stated that we have an established
312 infill map. He explained that parcels established as city infill lots allows the applicant to go through the
313 subdivision process. He stated that the proposed ordinance will allow a parcel to be placed on the map to
314 have the opportunity to be considered for infill properties.
315 Seaman stressed that adding the parcels to the overlay map is not approving any development on the
316 parcels. It only allows the parcel to have the opportunity to bring discussions and designs forward
317 through the subdivision process. He explained that the ground would be developed with a Development
318 Agreement, which allows flexibility within the development process that is agreed upon between the city
319 and the developer.
320 Seaman stated that density in an infill property is calculated by the density surrounding it. An infill
321 designation may allow for a tighter setback. He stated that it is important to remember that infill does not
322 mean higher density.
323 Seaman stated that the infill ordinance was established to help with properties that were over-grown with
324 weeds and trash. Parcels designated as infill allow for more flexibility within their development as long
325 as there is a Development Agreement in place.

326 Seaman stated that surrounded density is taken into consideration.
327 Seaman stated that there has been a request to add three parcels to the infill map. He stated that that the
328 person asking is asking to be on the map so that they can have a discussion to develop the property in a
329 way that doesn't fit into the R-1 zone designation that is currently in place. Allowing them on the map
330 only allows the discussions to begin. Council is not approving any developments or requests for these
331 parcels with the ordinance.
332 Seaman explained that the development must maintain the same density as to what is touching it, and
333 what is directly across the street from it. Seaman stated that infill is very delicate.
334 Council Member Zishan asked if it was a good idea to notify neighbors. Seaman stated that there was a
335 public hearing at Planning Commission. He stated that there would be another when a plan is brought
336 before the Planning Commission.
337 Seaman stated that the Development Review Committee met with the applicant today and the proposed
338 project is changing drastically.
339 Hanson stated that the ordinance is only allowing that the property can be described as an infill property
340 so that the process of discussions can begin. He stated that future conversations will be held to consider
341 density.
342 Seaman stated that the ordinance is allowing for the infill designation. Seaman stated that when he says
343 high density, that he is referring to higher density than the R-1-6 zone designation that the parcels are
344 currently zoned. He stated that it density for these parcels depends on what it is touching in regards to
345 what was allowed in the past. Seaman stated that the density needs to be calculated off of the lot size
346 and what residential properties are touching against the parcels.

347
348 **Motion by Council Member Thomas**
349 **Seconded by Council Member West**
350 **To Approve Ordinance 24-02 amending**
351 **The Infill Residential Development Map**
352 **Approved unanimously (5-0)**
353 **Roll Call Vote**

354
355 **7.7 DISCUSSION/MOTION: APPROVAL TO AWARD THE CONSTRUCTION**
356 **CONTRACT FOR THE 300 WEST WATERLINE PROJECT**

357 Hanson explained the 300 West Waterline Project.
358 Hanson stated that the lowest bid for the project was by Kapp Construction for \$349,837.50. He stated
359 that the total amount estimated for the project would be \$384,821.
360 Hanson stated that staff applied for a water grant, unfortunately, we did not receive the funding. He stated
361 that we have capacity in the water project fund without putting our capital at risk. Hanson stated that the
362 bids came in very reasonably.

363
364 **Motion by Council Member Parkinson**
365 **Seconded by Council Member**
366 **To award the construction contract**
367 **To Kapp Construction**

368 **For total project amount of \$384,821.25**

369 **Approved unanimously (5-0)**

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8. COUNCIL COMMUNICATION WITH STAFF

Council Member Christiansen thanked staff for their look into barriers for Lion's Park in light of the events of the morning. She stated that she feels that we need to prioritize our park's safety with more than a chain link fence protecting the park and residents.

Council Member Zishan stated that he has received several emails to reopen the backyard chicken issue. He stated that they have a solid case and they feel that the last time there was a discussion it was not a proper discussion and he would like to put in an official request to put it on the agenda for discussion. Three council members stated that they would like it on the agenda.

Council Member Zishan asked about the updates on live streaming the meetings. Hanson stated that we do not have enough in our budget at this time for the set up that we would need. He stated that he will begin research if it is a priority to Council and budget considerations. Council Member West suggested that Hanson get an estimate and see what it looks like economically and take it from there.

Council Member Parkinson passed along thanks from residents from a cul-de-sac to the Public Works crew for their work removing snow from their area.

She stated that residents are concerned about how dark the development of the through street on 5700 South and Adams Ave is at night, and inquired on future lighting plans. Hanson will check and see if the light is on a work order and if it will be part of the lighting work to be done on 5700 South. Hanson stated that Rocky Mountain Power has been delayed in repairing the lights.

Council Member Thomas asked when the potholes will be refilled. He also mentioned if the trucks leaving Roosevelt elementary will be long term and who will pay for any damage to the roads. Hanson stated that the road is built for heavy equipment and the hopes is that it will hold up under the pressure. Hanson stated that potholes are on the Public Works list and will fill them when weather appropriate. Hanson stated that residents can report potholes or street issues directly to Jake Meibos. He believes that there may be a button on our website. Council Member West suggested that we continue our education efforts and put information in the newsletter and website on processes to report information to the city.

Mayor Allen stated that nothing will be changed within this calendar year regarding the Weber Human Services interlocal agreement.

Mayor Allen stated that he believes that there is a grant program for televising Council Meetings. He stated that he and Tom have been asking other cities about their live streaming. He stated that many they have spoken to have said the viewing is minimal.

Mayor Allen stated that he is offended that people think that the city didn't do their due diligence a year and a half ago concerning backyard chickens. He stated that there were many meetings held and a lot of discussions with good research. He stated that it can go on the agenda if Council wants it. Council Member West stated that he will share some of the research that Council did last year concerning backyard chicken allowance. He stated that there neighboring cities that allow chickens, but with conditions. He stated that only 30 percent of homes in the city would be eligible for chickens if we follow what the neighboring cities are doing

Council Member Zishan stated that every issue has an answer and the discussion is how in depth does Council want to go.

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9. ADMINISTRATION REPORTS

Hanson stated that he met with staff today concerning other options for fencing around the park. Hanson stated that there is a challenge between stopping them and injuring them if they hit bollards or bricks. He stated that we will research appropriate barriers for the playground.

10. UPCOMING EVENTS

- February 19th : City Offices closed for President’s Day**
- February 20th: City Council Work Session (5:00 p.m.) Council Meeting (6:00 p.m.)**
- February 29th: Planning Commission Meeting 6:00 p.m. LEAP YEAR!!!!**

11. ADJOURN THE MEETING: MAYOR ALLEN

**Motion by Council Member Thomas
Seconded by Council Member West
To adjourn the meeting
Approved unanimously (5-0)
Time: 8:13 p.m.**

Date approved

City Recorder