



Regular City Council Meeting

Tuesday, August 6, 2024

5249 South 400 East

Washington Terrace, UT 84405

801.393.8681

www.washingtonterracecity.com

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1. **WORK SESSION** **5:00 P.M.**
Topics to include, but are not limited to:
 - **Residential In-fill Ordinance Amendment**

2. **ROLL CALL** **6:00 P.M.**

3. **PLEDGE OF ALLEGIANCE**

4. **WELCOME**

5. **CONSENT ITEMS**
 - 5.1 **APPROVAL OF AGENDA**
Any point of order or issue regarding items on the agenda or the order of the agenda need to be addressed here prior to the approval of the agenda

 - 5.2 **APPROVAL OF JULY 16, 2024, COUNCIL MEETING MINUTES**

6. **CITIZEN COMMENTS**
This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

7. **NEW BUSINESS**

7.1 **MOTION: APPROVAL OF HEAVY EQUIPMENT PURCHASES**

Approval of purchase of heavy equipment for the Public Works Department.

7.2 **DISCUSSION/MOTION: AWARD CONSTRUCTION CONTRACT FOR THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ROHMER PARK IMPROVEMENTS- PARKING LOT PROJECT**

Contract award for the removal and reconstruction of the baseball field parking lot at Rohmer Park. A sealed bid RFP was held in June.

7.3 **MOTION/ORDINANCE 24-05: APPROVAL OF AMENDMENT TO CHAPTER 17.10 RELATING TO RESIDENTIAL IN-FILL DEVELOPMENT**

The Ordinance amends text to the residential in-fill development chapter so that it aligns with the intent and purpose of the in-fill ordinance. The Language clarifies that the intent of the in-fill development policy is for well planned development to certain undeveloped, vacant, and empty parcels identified by the city.

7.4 **MOTION/ORDINANCE 24-06: APPROVAL OF AMENDMENT TO CHAPTER 17.76 TO CONFORM TO CHAPTER 2.14 OF THE MUNICIPAL CODE RELATING TO THE APPEAL AUTHORITY**

The Amendment to Chapter 17.76 (Zoning) repeals an invalid code regarding the Appeal Authority. The Amendment will re-enact the Chapter to conform to state law, and Chapter 2.14 (Administration) of City Code.

7.5 **MOTION/ RESOLUTION 24-09: RESOLUTION RATIFYING THE “LETTER OF INTENT TO MEET CONDITIONS” AND THE “REQUEST FOR OBLIGATIONS OF FUNDS” FOR THE WASHINGTON TERRACE FY24 CDS FIRE ENGINE**

The City has applied for a USDA Rural Development Grant for purchase of a Fire Engine for the Washington Terrace City Fire Department. The Letter of Commitment is part of the application process to receive funding.

8. **COUNCIL COMMUNICATION WITH STAFF**

This is a discussion item only. No final action will be taken.

9. **ADMINISTRATION REPORTS**

This is an opportunity for staff to address the Council pertaining to administrative items.

10. **UPCOMING EVENTS**

Aug. 20th City Council work session (5:00p.m.) and Council Meeting (6:00 p.m.)

Aug 29th: Planning Commission Meeting 6:00 p.m.

Sept. 2nd : City Offices closed for Labor Day Holiday

Sept. 3rd: City Council Meeting 6:00p.m.

Sept. 4-6: ULCT Annual Conference Salt Lake City

Sept. 17th: City Council Meeting 6:00 p.m.

Sept. 26th : Planning Commission Meeting (tentative)

11. **ADJOURN THE MEETING**

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1 **City of Washington Terrace**

2
3 **Minutes of a Regular City Council meeting**

4 **Held on July 16, 2024**

5 **City Hall, 5249 South 400 East, Washington Terrace City, Utah**

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7 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

- 8 Mayor Mark C. Allen
- 9 Council Member Jill Christiansen
- 10 Council Member Zunayid Z. Zishan
- 11 Council Member Cheryl Parkinson – per electronic device
- 12 Council Member Jeff West
- 13 Council Member Michael Thomas
- 14 City Recorder Amy Rodriguez
- 15 City Manager Tom Hanson

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17 **Others Present**

18 Mike Lawrence

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20 **1. WORK SESSION**

5:00 P.M.

21 **Topics to include, but are not limited to:**

- 22 • **2023 Moderate Income Housing Report**

23 Hanson stated that he has been working on the 2023 state report concerning the Moderate Income Housing
 24 element to our General Plan. Hanson stated that some state legislators feel that cities have a way to lower
 25 the cost of housing and offer affordable housing. Hanson stated that cities have a role that we can help
 26 with, however, cities have very little influence on the cost of the home regarding cost of labor, land,
 27 supplies, etc. Hanson stated that there are some cities that are not being cooperative in helping land get
 28 developed, however, he stated that it is an incorrect assumption that it is the cities fault that building is not
 29 being accomplished. There are many construction permits issued, however, due to cost of materials,
 30 developers are choosing not to build.

31
 32 Hanson stated that the City is focusing on three options that are required to comply with state law to help
 33 facilitate affordable housing within the city. Hanson stated that there are challenges to what the City can
 34 do to help facilitate affordable housing. Council Member West stated that there are 8 lots within the city
 35 that can still be developed. Hanson stated that we are just about built out within the City. He stated that we
 36 provide infrastructure through grants that support LMI other than utility rates or tax increases that would
 37 have to pay for these projects.

38
39 **Rezone for densities necessary to facilitate the production of moderate income housing.**

40 Hanson stated that we cannot dictate to what the developers can build on their property. He noted,
 41 however, with our infill ordinance, we can help with allowing smaller units and higher density within their
 42 areas.

43 Hanson stated that most of our homes are decent, live-able, and affordable housing in comparative
 44 markets.

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Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential homes

Hanson stated that we have a basic permitting process so that we can streamline where our ADU properties are located. Hanson stated that we are still working on the ADU audit to find and license those properties who are operating ADU's unlicensed. Hanson stated that we have streamlined the process for obtaining an ADU. Hanson stated that the challenge with the ADU's that are illegal is enforcing state law. He stated that we have not gone to external units at this time because the lots and environments are too tight within the city to allow outside accessory dwelling units.

Council Member Parkinson stated asked if there is another area that we could choose as one of our options so that we do not have a lot of ADU dwellings. Hanson stated that our ADU has to be owner occupied. He stated that it does not include illegal upstairs/downstair dwellings. Hanson stated that we are meeting the state criteria as defined.

Zone or rezone for higher density or moderate income residential development in commercial or mixed use zones near major transit investment corridors, commercial centers, or employment centers.

Hanson stated that we are not in a transportation corridor, however, we are in a commercial center. Hanson stated that if a developer wants to develop a piece of property, they will come in and ask if we will allow for mixed-use. He stated that a developer will speak with the city first to see what will be allowed for their properties. Hanson stated that there are a few areas within the city that can be considered for mixed-use. He stated that the Planning Commission did not feel comfortable rezoning at this time. They would rather the developer to ask and present a mixed-use development and it will be considered at that time. Council Member Zishan asked why we are not rezoning areas now and then they will be allowed when a developer comes in. Hanson stated that the Commission does not want to add to our problem with high density. They would rather that the "ask" be developer driven.

Council Member West asked at what point is the city exempt from these regulations because we don't have the capacity. Council Member Zishan asked if we want Moderate Income Housing or not. He stated that we need to make that decision. He stated that if we can create more housing without causing more issues we should rezone. If we are not going to allow mixed-use, he suggests, we close the door on the issue. Council Member Christiansen stated that if something is zoned for mixed-use, we still have to accept their product. She stated that if we keep it un-zoned, we have more ability to make sure that moderate income housing is developed on the property if that is the goal.

Hanson stated that the intent is to consider mixed-use when the application comes forward.

Council Member Zishan asked if Golden West Credit Union knows their options for the parcel that they own. Hanson stated that they do know that the area is available for mixed-use discussions.

Council Member Christiansen asked if the older buildings in the older business district can be rezoned for mixed-use. Hanson stated that it would be a nice area for mixed-use, noting that parking may be an issue for that area.

Hanson stated that he is trying to have the department that is receiving our report understand our capacity and limited lots that can be developed within the city. Council Member West stated that we have high density within the city currently, and we are expending efforts to keep utility rates and taxes lower through grants.

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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- per electronic device
Council Member Jeff West
Council Member Michael Thomas
Fire Chief Clay Peterson
Parks and Recreation Director Carlos Grava
City Recorder Amy Rodriguez
City Manager Tom Hanson

Others Present

Mike Lawrence, Amy Miller

2. ROLL CALL

6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

5.2 APPROVAL OF JULY 2, 2024, COUNCIL MEETING MINUTES

Items 5.1 and 5.2 were approved by general consent.

6. CITIZEN COMMENTS

There were no citizen comments.

7. NEW BUSINESS

7.1 MOTION: APPOINTMENT OF COUNCIL MEMBER CHERYL PARKINSON TO SERVE ON THE UTAH LEGISLATIVE POLICY COMMITTEE

Mayor Allen recommended appointing Council Member Cheryl Parkinson to the Utah Legislative Policy Committee (LPC). Hanson stated that Council Member Parkinson has a background in education and working with the legislature on legislation concerning schools. He stated that the city is allowed two members of the legislative body and one executive staff member to be voting members on the committee. Hanson stated that he and the Mayor are current members of the LPC. The Mayor stated that the committee gives opinions to the ULCT on matters concerning cities and communities.

**Motion by Council Member West
Seconded by Council Member Christiansen
To appoint Council Member Cheryl Parkinson
To serve on the Utah Legislative Policy Committee
Approved unanimously (5-0)**

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7.2 PRESENTATION: FIRE DEPARTMENT QUARTERLY REPORT

Chief Peterson presented the report to Council, stating that call volumes to the nursing homes have gone up. He stated that 40 percent of the calls are to nursing homes. He noted that overall calls for service have increased this year. He stated that there were 32 fire related calls this quarter. Chief Peterson stated that the fourth of July was fairly quiet, noting that there were no grass or home fires attributed to fireworks. Peterson stated that the Department patrols two days before and two days after on the fourth and also around July 24th. Peterson stated that manning numbers are staying steady at around 32. Mayor Allen stated that we all need to be vigilant in reporting fireworks at Rohmer Park. He stated that the fireworks may go over the hill and can cause a grass fire.

Hanson stated that the funding for the new fire apparatus is still in the last step before we can receive the funding. Hanson stated that we have missed out on a few apparatuses that have become available, however, we have not received the grant.

7.3 PRESENTATION: ANIMAL CONTROL QUARTERLY REPORT

The South Ogden Animal Control Officer presented the report to Council, stating that the heat has helped keep things fairly quiet this quarter. She stated that they have rescued three guinea pigs that were dumped within the park. She stated that the owner was charged with animal cruelty. She stated that July 4th was also quiet for Animal Control.

7.4 DISCUSSION/ACTION: DISCUSSION ON PORTABLE RESTROOM FACILITIES AT CITY PARKS

Grava stated that Council has been interested in portable restrooms in city parks. He stated that he has provided a staff report with research on expenses and pros and cons. Grava noted that Ogden City closed their parks restrooms and portable restrooms because of vandalism. He stated that vandalism is very high right now. Grava stated that the port-a-john service that we use for Terrace Days stopped supplying portable restrooms to Ogden because they have several units that were destroyed. Grava stated that the City had to pay for the units.

Grava reported that several companies no longer provide long term services because of damage and vandalism issues. He did find two companies that still offer long-term services.

Canyon View Dumpsters and Toilets is located in West Haven, and is the more affordable option. Grava stated that the service would include the units, paper products and soap. The company would come out once a week to clean, however, this would lead to having Public Works or other city employees to check on the units throughout the rest of the week. Grava stated that for three units, the cost would be \$867.00 per month.

Grava stated that if Council chooses to move forward with this option, staff recommends that the three parks to receive the temporary restrooms would be Wright Park, Van-Leeuwen Park, and the new south area of Rohmer Park. He stated that it would not be beneficial to have a temporary restroom at Lion's Park, as it is a target for vandalism as it is.

Grava stated that a construction of a permanent one unit restroom is estimated at \$455,000. Grava noted that we are at capacity to take care of the parks and restrooms that we have now. He stated that we would have to create a full-time position just to take care of restrooms in the parks.

Grava stated that the city would have to take full liability on portable restroom services. He stated that the

181 city would be liable to buy a new unit if a unit is broken beyond repair.

182

183 Grava stated that he spoke to South Ogden City about the unit that they have in their park with the rock
184 enclosure. He stated that the construction for the section around the portable unit was donated to the city,
185 noting that our engineer estimates that it would cost \$30,000 to build.

186

187 Grava stated that the contract with the company would be from April-October as a yearly contract. Mayor
188 Allen stated that the \$867.00 a month service is affordable until it is not. Grava stated that it cost around
189 \$3000-\$4000 to replace a unit. Council Member Zishan queried if we had the capacity to service the units
190 if we bought our own. Hanson stated that we do not have the capacity or the equipment to service the
191 units.

192 Council Member Zishan suggested that people are in need of restrooms now and that we should get started
193 on a trial basis and see how it goes this year. He stated that we do not have to continue the service next
194 year if the units are destroyed or if there is too much vandalism.

195 Council Member Zishan asked if the city could construct a frame enclosure with cement and a flat roof for
196 a lower cost. Hanson stated that it may be possible to construct an enclosure using exterior products.

197 Council Member West stated that there might be construction companies that would build one for the city.
198 Hanson stated that the exterior constructed enclosure makes it so that it is not that easy to tip over or
199 vandalize the sides.

200

201 Council Member Parkinson asked where the funding would come from within the budget if we were to do
202 this on a trial basis. She stated that her biggest concern is budget. Hanson stated that there would have to
203 be budget adjustments within Parks Operations as well as Public Works Operations. Council Member
204 Zishan stated that we can do the trial through October of this year and then make the decision to plan for
205 them next year within the budget. Hanson stated that it is a do-able plan.

206 Council Member West stated that he is in favor of the trial basis, noting that if there is not a lot of
207 vandalism we can plan next year to build a permanent housing structure.

208

209 Hanson stated that funding would come from the general fund budget. Council Member Parkinson asked if
210 we have the have money in the general fund to feel comfortable to accommodate this expenditure. Hanson
211 stated that he will review with Finance Director Garrett.

212

213 Mayor Allen suggested researching the costs to owning our own units and associated costs for managing
214 the maintenance of the units. He stated that it can be brought back for discussion next year. Council
215 Member Parkinson suggested working with the company to get a feel for the usage within the parks to see
216 if there is value.

217

218 Hanson stated that we will have a challenge for staff to keep up on the daily cleaning. Hanson stated that
219 we will do what the Council wants, however, there will be a strain on our system. He stated that capacity
220 will be strained, and it will be a challenged to get other work accomplished, noting that we are short
221 manpower, and the Public Works Crew is working on the AMI installations, among other projects and
222 maintenance scheduled for this season.

223 Council Member West stated that if it becomes an undue burden to take care of the restrooms, we could
224 possibly look into adding hours to our custodian or hire a full-time employee.

225

226 **Motion by Council Member West**
227 **Seconded by Council Member Zishan**
228 **To move forward on a plan to place**
229 **Portable restrooms at city parks**
230 **Contingent on budget and discussions**
231 **Approved unanimously (5-0)**
232

233 Hanson wanted to clarify the direction of Council. He stated that the direction is for staff to move forward
234 with the three-month trial, if we have a funding option to make it happen, and then come back with a
235 budget adjustment. Council confirmed, stating that it would be contingent on budget discussions.
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238 **8. COUNCIL COMMUNICATION WITH STAFF**

239 Council Member Christiansen thanked Amy Miller for following up on the discussion on community yard
240 sales. She stated that Miller informed her that the united Methodist Church is open for community yard
241 sales and events. Interested people just need to reach out to them for community events.

242 Council Member Christiansen stated that she believes that Council receive an email from Susie Witt
243 concerning partnering with Habitats for Humanity, noting that they could be a good source for promoting
244 Moderate Income Housing.

245 Council Member Christiansen stated that Council also received an email from Nicki Butler highlighting
246 that she wrote that she was very pleased with the police presence at Terrace Days. Council Member
247 Christiansen expressed her appreciation to the Sheriff Office for how they handled the Terrace Days event.
248

249 Council Member Zishan stated that he was told by residents that there was a lot of water running down
250 5000 South flowing into the gutter. He noted that it is not happening anymore and wondered if it was
251 construction related. Chief Peterson stated that it was construction related, noting that Pine View is
252 draining their lines and dumping it into the storm drain. He stated that the lines are being bypassed for the
253 construction on 300 West.

254 Council Member Zishan asked for an update on the live stream video set up. Hanson stated that the
255 company is coming out to install before end of month. Hanson stated that there are no plans to live stream
256 Planning Commission meeting.

257 Council Member Zishan stated that the school year coming up and inquired if there are plans to do
258 anything about the vacant building by the school. He asked if we have any jurisdiction over the building
259 which has become an eyesore. Hanson stated that he can have Nish take a look and see if he can contact
260 the owner of the building. Council Member Zishan stated that there are broken windows and things
261 stacked up inside and it does not look good, especially next to an elementary school.
262

263 Council Member Parkinson stated that residents contacted her about noise pollution near the hospital. She
264 stated that Hanson looked into the issue and told her that the noise is being caused by steam coming from a
265 pressure valve for a boiler that is in need of repair. She stated that she shared the information with
266 residents around the hospital. Council Member Parkinson stated that she appreciates that Council and
267 residents can contact staff with concerns and get resolution on the concerns.
268

269 Council Member West asked if there is anything that we can do to have the property on 5000 South begin
270 their storage unit project. Hanson stated that we have contacted the owners and they have yet to start the

271 project.

272

273 Council Member Thomas stated that he ordered the no smoking signs for the parks. He stated that we may
274 not want to pursue the tri-city option, as he learned it was through a business owner.

275 He stated that a citizen asked if the monthly bills could be mostly online to save on printing and mailing.
276 He stated that it could save us \$2000 a month. Hanson stated that we could move to online only, however,
277 there are a lot of residents who may not have computers. Council Member Thomas suggested that there
278 might be a way to charge a surcharge if people want paper versions. Hanson stated that staff will research
279 and bring to council for discussion to see if Council is supportive.

280

281 Mayor Allen announced that Central Weber Sewer Improvement District declared an intent to have a slight
282 increase on their property tax . Mayor Allen stated that he is required to report that that the public hearing
283 will be held on August 19, 2024, at 600 p.m. at 2618 W. Pioneer Road in Marriott Slaterville.

284

285 Mayor Allen stated that the electronic speed sign on Ridgeline is malfunctioning and is not sure if a tree is
286 blocking the signal.

287 Mayor Allen stated that the citizen report portal on the website is easy to use, but suggested uploading the
288 concern where you see it, as it will be pinned to the location in which the report is made.

289 Mayor Allen asked Grava if anyone has approached us about benches by the pickleball court. He asked if
290 the Lion’s Club could help with supplying benches as they have done in the past. Grava stated that phase
291 three has a seating area planned. Grava stated that he will receive estimates.

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293 **9. ADMINISTRATION REPORTS**

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295 • Council Retreat: Hanson proposed November 22nd and November 23rd as the dates for the Council
296 Retreat.

297 • We will be working with Connxt to get fiber to the Shops, City Hall, and the Fire Station
298 locations. Hanson stated that we have been struggling with connectivity at the station and Senior
299 Center. Council Member Zishan asked if we have a plan for guest accounts for wi-fi and if we will
300 have to pay an extra fee for wi-fi within the parks. Hanson stated that there could be a fee. He
301 stated that we are not slated to receive fiber in Rohmer, as the cost to get the fiber within the park
302 infrastructure. He stated that we do not have a plan available at this time.

303 • Hanson stated that City Hall received a new roof. He stated that the parking lot at City Hall will be
304 striped this Friday.

305 • Hanson stated that the businesses on the end of 300 West construction are still open during the
306 construction phase.

307 • Hanson stated that he will be working on the city wide survey for this year.

308

309 **10. UPCOMING EVENTS**

310 July 24th: City Offices closed in observance of Pioneer Day

311 July 25th : Planning Commission Meeting

312 July 30th: Weber County Sheriff’s Quarterly Meeting

313 Aug 6th: City Council Meeting 6:00 p.m.

314 Aug 20th : City Council Meeting 6:00 p.m.

315 Aug 29th: Planning Commission Meeting 6:00 p.m.

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317 11. **ADJOURN THE MEETING**
318 **Motion by Council Member Chr**
319 **Seconded by Council Member Thoams**
320 **To adjourn the meeting**
321 **Approved unanimously (5-0)**
322 **Time: 7:14 p.m.**
323

324 _____
325 **Date approved** **City Recorder**
326

327
328 12. **ADJOURN INTO REDEVELOPMENT AGENCY MEETING**
329 Council adjourned into an RDA meeting immediately following the regular meeting.
330

City Council Staff Report



Author: Jake Meibos

Subject: Heavy Equipment

Date: 8/6/2024

Type of Item: Discussion/Approval

Summary Recommendation: Staff is seeking approval for the purchase of the Heavy Equipment replacement plan.

Description:

- A. **Topic:** Discussion of the Heavy Equipment Replacement Plan.
- B. **Background:** The Public Works Department relies on several pieces of equipment to serve and maintain the City infrastructure. In 2021 the Council approved the purchase to replace two Bobtail dump trucks, the Vac truck, and add a 5500-truck equipped with a dump bed, snowplow, and salt spreader. This was part one of the Heavy Equipment Replacement Plan.
Part two is to replace the Case Backhoe, Tymco Street Sweeper, and 2015 Dodge 5500-truck.
 - **2011 Super N Case Backhoe-** The Backhoe is used to repair water leaks, maintain the storm water system and road construction work. The Backhoe is the most essential piece of heavy equipment we have and rely on it to always be in full operating condition.
 - **2001 Tymco Street Sweeper-** The sweeper is used to sweep the entire city at a minimum of 3 times each year. It's also used to clean up after road construction, water leaks and as needed to sweep heavy debris areas.
 - **2015 Dodge Ram 5500-** The Dodge Ram is equipped with a dump bed for hauling dirt, asphalt, concrete, and many other materials. The truck is also equipped with a snowplow and is 1 of 5 pieces of the snowplow fleet. This truck is also used as an everyday passenger fleet vehicle.
- C. **Analysis:** The Heavy Equipment Replacement policy states that heavy equipment should be replaced at 15 years of service or 100,000 miles. The determination will be made on a case-by-case basis.
 - The 2011 Case Backhoe has 14 years of service and 1850 hrs. It has been shown to hold a value at approximately 40k and the replacement cost has increased 8% each year. Staff has determined that replacing the backhoe at this time will allow for the maximin trade value.
 - The 2001 Tymco Street Sweeper was purchased used in 2010. The sweeper has 23 years of service and 41,050 miles. The sweeper has become a maintenance issue due to the age and functionality of the equipment. Staff have explored other options as to contract to a third party to sweep the city. The results of the analysis states that the day-to day operations would be comparable to owning and

operation our own sweeper vs. contracting a third party. The justification to purchase the sweeper is the convenience for emergencies and we would own the asset value. The sweeper components and parts are available, but the Freight Line truck parts are obsolete.

The General use Vehicles policy states that vehicles should be replaced when they reach 10 years of service or 80,000 miles or the cost of repair or maintenance equal to or greater than the current value of the vehicle. This is determined on a case-by-case basis.

- The 2015 Dodge 5500 is considered a combination of Heavy Equipment and General use Vehicle. Heavy equipment, used to haul materials to and from projects when a smaller dump truck is needed. It does not have a salt spreader, so it is used as a dump truck year-round. It is equipped with a Western snowplow. the plow has experienced several maintenance issues with the structure and the hydraulic system. the truck overall is in good operating condition. The depreciation value continues to increase, and the replacement cost increases, staff recommends replacing the truck while it is of a greater value. Each piece of equipment has been well maintained to retain its value. Staff recommends taking advantage of the condition of the equipment and maximizing the return investment.

D. Fiscal Impact:

2011 Case 580 Backhoe				
Purchase Price	Trade Value	Replacement Price	Net Cost	Budget Amount
2011- \$75000				135,000
2020	38,000	101,865	63,865	
2024	40,000	134,400	94,400	
2001 Tymco Street Sweeper				
Purchase Price	Approx. Trade value	Replacement Price	Net Cost	Budget Amount
2010- \$79,000				400,000
2020	20,000	325,000	305,000	
2024	30,000	386,676	356,676	
2015 Dodge 5500, Snowplow, Dump Bed				
Purchase Price	Approx. Trade value	Replacement Price	Net Cost	Budget Amount
Truck - 41,413.86		66,473	47,473	100,000
Dump Bed - 14,388.56		26,000		
Snowplow - 5,060				
Total - 60,862.42	45,000	92,473		

All purchases of the equipment are listed on the Utah State Purchasing Contract.

The Value of each piece of equipment has been determined by the vender trade in value or comparable at Auction.

D. Department Review: Public Works Department, City Manager, Finance

Alternatives:

A. Approve the Request: Staff are requesting the Council to approve the purchase of the listed equipment and to sale or trade the equipment as proposed.

- Case Backhoe from Century Equipment \$134,400 (Trade to vender)
- Tymco Street Sweeper from Intermountain Sweeper 386,676 (Trade to vender)
- 5550 Truck w/dump bed and snowplow. Budgeted amount \$100,000 (sale at auction, trade to vender or sale on KSL. What ever is the best interest of the city) The vender for the truck and equipment has not been determined. Staff are seeking other venders for the best pricing.

B. Deny The Request: Deny the request will require staff to maintain the equipment until replaced. The risk of the value of the equipment will lessen and the replacement cost will increase.





THE CITY OF
Washington Terrace

7755

Tymeo
WACO
TEXAS

REGENERATIVE AIR SYSTEMS
Tymeo
WACO, TEXAS

600
AIR SWEEPER

CLOSE → UPPER DOOR FIRST



City Council Staff Report



Author: Jake Meibos
Subject: Rohmer Parking Lot Reconstruction
Date: 7/2/2024
Type of Item: Discussion / Approval

Summary Recommendation: Award the contractor to the selected contract for the Rohmer Baseball Field Parking lot asphalt reconstruction for the total amount of \$296,078.09

Description:

- A. **Topic:** City Council approval is requested to award the Rohmer Parking lot reconstruction project to the selected contractor.
- B. **Background:** The Baseball field parking lot at Rohmer park is showing signs of significant stress and is to the point of replacement. The proper treatment for the current condition is to remove the existing asphalt and re-pave the parking lot.
- C. **Analysis:** on 6/4/2024 staff received 5 competitive bids from qualified contractors. The low qualified bid was submitted by Asphalt Construction and Excavation. the scope of the project will include:
- Remove and replace the asphalt of the baseball field parking lot and the north entrance to the park.
 - Install a new fence on the west side of the parking lot.
 - Surface treatment on the new asphalt
 - New Striping
- D. **Fiscal Impact:** Staff have applied for and received funding from CDBG for this project.

CDBG	\$182,088
City Match	<u>\$113,990.06</u>
Total project cost	\$296,078.09

- E. **Department Review:** Public Works Director, Finance, City Manager, Grant Manager

Alternatives:

- A. **Approve the Request:** Staff is requesting Council to approve the construction contract to Asphalt Construction and Excavation and the total project amount of \$296,078.09
- B. **Deny The Request:** Deny the request will require the project to be re-bid and prolong the completion of the project.

City Council Staff Report

Author: Tyler D. Seaman

Subject: MOTION/ORDINANCE 24-05: RECOMMENDATION TO APPROVE ORDINANCE 24-05 AMENDING CHAPTER 17.10 “ IN-FILL RESIDENTIAL DEVELOPMENT”

Date: 08/06/24

Type of Item: Motion/Ordinance

Summary Recommendation: Staff would recommend approval of the amendments to this draft of the ordinance for In-fill residential to make it more in line with the purpose and intent below:

The City Council finds that standard zoning practices are inadequate to address the development of certain undeveloped, vacant, and empty residential parcels identified by the City to ensure that such parcels can be developed as single-family or townhome residential development in manner that is well-planned, sensitive to adjoining properties, and accommodates the needs of the City.

Description:

- A. **Background:** Staff has recently been presented with some challenges to the current In-fill Residential Development Code. We have met as a review team to discuss some amendments to make it more in line with the purpose and intent of In-fill within Washington Terrace City.
- B. **Analysis:** Staff agrees with the amendments made and believes they are more aligned with the intent of In-fill developments.
- C. **Planning Commission.** The Planning Commission held a public hearing on the ordinance amendment on July 25, 2024. The Planning Commission subsequently gave its favorable recommendation for this ordinance. Minutes of the Planning Commission Meeting, including public hearing comments were supplied to Council.

**CITY OF WASHINGTON TERRACE
ORDINANCE 24-05**

IN-FILL RESIDENTIAL DEVELOPMENT AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING CHAPTER 17.10 RELATING TO IN-FILL RESIDENTIAL
DEVELOPMENT; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

WHEREAS, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on July 25, 2024, to take public comment on this Ordinance, and subsequently gave its recommendation to Approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on August 6, 2024, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1: Repealer.

Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment.

Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

Chapter 17.10

Single Family In-fill Residential Development

Sections:

- 17.10.010 Purpose And Intent.**
- 17.10.020 Application Process.**
- 17.10.030 Application Contents.**
- 17.10.040 Development Agreement.**
- 17.10.050 Eligibility And Guidelines.**
- 17.10.060 Administration.**

17.10.010 Purpose and Intent.

The City Council finds that standard zoning practices are inadequate to address the development of certain undeveloped, vacant, and empty residential in-fill parcels identified by the City to ensure that these developments such parcels can be developed as single-family or townhome residential development in manner that is are well-planned, sensitive to adjoining properties, and accommodates the needs of the City. This Chapter is intended to address challenges presented by in-fill parcel, configuration, phasing projects, and other challenges presented by in-fill development. The City recognizes that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner. It is also acknowledged in-fill development is a legislative function that include a zoning map amendment and accompanying zoning map amendment to the “In-fill Overlay Zone” and adoption of a Master Development Agreement that includes to the site plan, land use regulations for the overlay zone, and applicable setback within the overlay zone that regulations be enforced and assured in accordance with a development agreement. This Chapter ~~is to~~ creates the enabling provisions for adopting a ~~specialized~~ said overlay zone for in-fill residential development and applying them to particular properties, this Chapter is not intended or to be interpreted to provide for redevelopment and is limited to single-family dwellings.

17.10.020 Application Process.

In order to be eligible to file an application under this Section, the parcel owner, or the owner’s authorized agent, of an eligible property must be identified on the “In-fill Development Overlay Map” that is adopted by ordinance as part of the City’s General Plan. If a parcel is identified on said In-fill Overlay Map, then a property owner may petition the City to create an individual “In-fill Development Overlay Zone” (IDOZ) which is a sub-overlay zone and applies to a particular property. The application shall include the elements listed in this Chapter. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-overlay zone, map it to the property and approve the Master Development Agreement required in this Chapter. The application for a sub-zone creates no rights in the property owner until any such sub-zone and the Master Development are approved by the City

Council and recorded on the applicable ~~against~~ the property.

17.10.030 Application Contents.

1. Compliance. Compliance with the eligibility requirements and guidelines.
2. Application. Any application under this Chapter for a sub-zone shall include the following:
 - a. A fee equal to the anticipated costs incurred by the City.
 - b. An engineered plat map of the property proposed for the sub-overlay zone including the proposed development and/or subdivision of the property within the requirement of the subdivision ordinance and municipal code, improvement drawings, and topographical information at 2' contours or more detailed.
 - c. The proposed sub-overlay zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Master Development Agreement.
 - d. A proposed Master Development Agreement.

17.10.040 Master Development Agreement.

1. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering or may make any modification to a Master Development Agreement that the City Council deems appropriate and in applying the Master Development Agreement to the property as a part of the creation and mapping of the sub-overlay zone.
2. Required elements in the Master Development Agreement include but are not limited to:
 - a. Plan of the entire project showing residential layout that complies to the subdivision ordinance and municipal code to the greatest extent possible, and indicates where exceptions are requested.
 - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines.
 - c. Proposed development standards for residential including lot areas, dimensions, and setbacks.
 - d. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
 - e. Proposed process for implementing, administering, enforcing, and making modifications to the proposed project.
 - f. A provision ensuring that the City cannot be held liable for any damages arising out of the project and the Development Agreement.
 - g. Construction and escrow.
 - h. Any other items that the City Attorney deems appropriate.

17.10.050 Eligibility And Guidelines.

- 1) Eligible Parcels. The In-fill ~~Development Overlay Map~~ set forth in Exhibit “A” adopted as part of the City’s General Plan and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. ~~Parcels not identified on the In-fill Development Overlay Map are not eligible. The Owner of any parcel not identified on the In-fill Development Overlay Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.~~
- 2) Requirements. The existing zoning and General Plan shall be residential zoned where the property includes empty and vacant parcels that have been undeveloped for a period of more than ten (10) year without any structures.
- 3) Guidelines. The following guideline apply:
 - a) Size and Access. Meet the size and access criteria as follows:
 - i) Be a single-family residential dwelling unit or townhouse design, Being accessed from a public street.
 - ii) Be of sufficient size for egress without interfering with adjoining properties and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
 - iii) Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
 - iv) Be capable of being serviced by utilities and infrastructure.
 - v) Be no more than two (2) stories, including any basement.
 - b) Architecture and Design. Meet the architecture and design criteria as follows:
 - i) Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
 - ii) Provide for the following architectural features:
 - (1) Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall consist of: cement board, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.
 - (2) Color schemes, such as earth-tones, that promote curb appeal.
 - (3) Varied rooflines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
 - (4) Front porches shall include decorative exterior lighting.
 - c) Density. The density of lots in any in-fill development shall be calculated based upon the average density of the single-family or townhome residential uses immediately adjoining to, and across the street from, the property seeking in-fill development under this Chapter on a per acre basis as determined and calculated by the Building Official. No commercial, multi-family or similar zoning shall be used in any calculation, in-fill development shall only be use to add additional single-family or townhouse dwelling units to a parcel that is odd shaped or otherwise cannot meet the single-family development standards.

17.10.060 Administration.

- 1) Administrative Function. It is policy that after the legislative adoption of the In-fill Development Sub-zone (In-fill SZ) Overlay Zone and accompanying Master Development Agreement, that implementation shall be an administrative function and not legislative.
- 2) Maintenance. Unless otherwise provided in the Master Development Agreement, all infrastructure in the sub-zone shall be maintained and operated by an owner association established for that purpose.
- 3) Covenants. Any covenants, conditions, and restriction shall be approved by the City as part of the Master Development Agreement.
- 4) Escrow. As part of the Master Development Agreement, the applicant shall enter into an Escrow Agreement. The escrow funds shall be deposit in escrow account with a federally insured financial institution approved by the City and be in the amount equal to the cost of the improvements not yet installed and as estimated or approved by the City Engineer. The City shall be authorized to draw upon the funds to complete any improvement, and the escrow amount shall additionally include costs incurred by the City for approval of the development, and ten percent of the total costs of improvements as determined by the City Engineer as a contingency warrant amount.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20__.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 20__.
PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) _____, 2) _____, and 3) _____.

City Recorder

DATE: _____

City Council Staff Report



Author: Building and Planning

Subject: Amendment to Appeal Authority code

Date: 8/06/24

Type of Item: Ordinance

Summary Recommendation: A public hearing was held during the 07/25/24 Planning Commission Meeting. The Planning Commission gave a favorable recommendation to Council to approve the ordinance. Minutes of the meeting and public comment were given to Council. Recommendation is to approve the Ordinance Amending Chapter 17.76 “Appeal Authority” to be aligned with the Administrative section of Washington Terrace Code.

Description:

A. **Topic:** Amendment to Chapter 17.76 “Appeal Authority”

A. **Background:** In 2010, state law enabled cities to use administrative processes to handle land use appeals, rather than committees. City code Chapter 2.14 was changed by ordinance at that time, repealing and re-enacting all municipal code regarding the Appeal Authority. While staff was researching for a recent hearing that was requested, it was found that the code was not repealed in the zoning section, Title 17, of the municipal code. The code that is in in Chapter 17.76 references the old code that has been repealed and is invalid.

The amendment to Chapter 17.76 will bring that section of the code in compliance with current state law and city code and diminish any confusion as to the Appeal Authority process.

B. **Fiscal Impact:** None

C. **Department Review:** Legal, Recorder, Planning

**CITY OF WASHINGTON TERRACE
ORDINANCE NO 2024-06**

APPEAL AUTHORITY AMENDMENTS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE CITY, UTAH,
AMENDING CHAPTER 17.76 TO CONFORM TO CHAPTER 2.14; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, there is potential conflicting provisions in the *Washington Terrace Municipal Code* relating to the Appeal Authority that the City seeks to address;

WHEREAS, the City seeks to adopt changes in state law to improve the *Washington Terrace Municipal Code*;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on July 25, 2024, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on August 6, 2024, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1. Repealer. Any Ordinance that conflict with this Ordinance is repealed.

Section 2. Amendment. Chapter 17.76 is hereby adopted to read as follows:

**Chapter 17.76
APPEAL AUTHORITY APPEALS**

Sections:
17.76.010 ~~Created Organization~~ Appeals.
17.76.020 **Powers and Duties.**
17.76.030 ~~Appeals Procedure~~ Procedure.

17.76.010 ~~Created Organization Appeals.~~

~~The Appeal Authority set forth in Chapter 2.14 of the municipal code shall govern all appeals under this Title. An appeal authority is created and constituted as provided in section 2.28.020 of this code. The city council may appoint one or more residents in accordance with section 2.28.020 of this code to serve as alternate members of the appeal authority. Alternate members may participate in discussion on any appeal, but may not vote unless there is less than three (3) voting members present. If the city council has not designated a member of the appeal authority as an alternate, then the chair of the appeal authority may designate the same.~~

17.76.020 Powers and Duties.

~~The Appeal Authority shall exercise the powers and duties provided by law for administrative land use decisions made by a land use authority. The appeal authority shall exercise the powers and duties prescribed in section 2.28.020 of this code.~~

17.76.030 Appeals Procedure Procedure.

- ~~1. Written Appeal. Unless otherwise provided by law, each appeal shall be filed with the City Recorder in writing by a party with standing within ten (10) calendar days of the decisions of the land use authority. The written appeal shall detail the rationale for the appeal under the applicable code. Any notice of the appeal shall be provided as set forth in state law. Each appeal to the appeal authority shall be on a form provided by the city, and all information called for by such form shall be furnished by the appellant. Before making its decision, the appeal authority shall hold a public meeting upon the appeal. The agenda of such meeting shall be posted according to law. Before any appellant shall be entitled to any meeting, he shall pay to the city the appropriate filing fee for the appeal. Such fee is to be paid at the time of the filing of the appeal. The appeal authority may give notice to other interested persons and organizations.~~
- ~~2. Fee. A fee as specified on the City's fee schedule shall accompany each written appeal. If no fee is specified then such fee shall be the estimated cost incurred by the City to conduct the appeal.~~
- ~~3. Expert Panel. Only an appeal related to a geological hazard is eligible for an expert panel subject to Utah Code §10-9a-703. Each appeal, filed in proper form with the required fees, shall be docketed and placed upon the agenda of the appeal authority. The agenda of the appeal authority shall be posted in accordance with law.~~
- ~~4. Review. The scope of review of any appeal shall be de novo. The appeal shall be conducted in accordance with the applicable state law set forth in Title 10, Chapter 9a, Part 7 of the Utah Code Annotated, this Chapter, and as outlined in Chapter 2.14 of the municipal code. The decision or any other action of the appeal authority shall be recorded in the appropriate minutes book, together with the vote of each member of the appeal authority, those absent being so marked.~~
- ~~5. Court. The decisions of the Appeal Authority is final and may be appealed to the District Court within the time limitations provided in state law. All appeals under this Title shall be made to the Second District Court.~~

City Council Staff Report



Author: Tom Hanson

Subject: Letter of Conditions Compliance Resolution

Date: August 6, 2024

Type of Item: Action / Resolution

Summary Recommendation:

Staff received directions from the USDA requiring the authorization to execute the RD-1942-46 "Letter of Intent to Meet Conditions" and Form 1940-1 "Request for Obligation of Funds".

Therefore, the staff is requesting a formal resolution authorizing the execution of the agreements and any other requirement required by the USDA as related to this grant.

The staff has reviewed the requirements for reporting, funding guidelines and the obligation to complete the project and are confident in our ability to complete the requirements defined in the documents.

The staff is committed to complying with the requirements as described in the Letter of Conditions.

Description:

- A. **Topic:** Resolution to ratify the submission of RD 1942-46, "Letter of Intent to Meet Conditions," and Form RD 1940-1, "Request for Obligation of Funds," The execution of these and all other documents required by USDA Rural Development.
- B. **Background:** This action is in response to the city's application for USDA grant funding to replace the aging fire engine. The USDA grant was submitted and awarded Federal funding to support a portion of the cost for the vehicle.
- C. **Analysis:** Staff reviewed the Letter of Conditions and are confident in our ability to comply with the requirements.
- D. **Fiscal Impact:** The city portion of the grant is described in the attached items. In short, the city is obligated to spend their portion of the grant first totaling \$354,436. The USDA portion will pay the balance of the purchase not to exceed \$468,000.
- E. **Department Review:** This requirement for a resolution agreeing to follow specific guidelines for grant funding is like the requirements with the CDBG and other Federal funding programs.

Alternatives:

- A. **Approve the Request:** Continue moving forward in the procurement process.
- B. **Deny The Request:** Terminates the grant payment process.
- C. **Continue the Item/Impact:** Continuing the item will push the deadline for approval outside the requirements of the grant and will essentially terminate the grant funding.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20__.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) _____, 2) _____, and 3) _____.

City Recorder

DATE: _____

City of Washington Terrace
County of Weber, State of Utah

RESOLUTION NO. 24-09

**A RESOLUTION RATIFYING THE “LETTER OF INTENT TO MEET CONDITIONS”
AND THE “REQUEST FOR OBLIGATIONS OF FUNDS” FOR THE COMMUNITY
FACILITIES PROGRAM GRANT FOR WASHINGTON TERRACE FY24 CDS FIRE
ENGINE**

WHEREAS, the City has applied for and received authorization for funding assistance under the USDA Community Facilities Program for the purchase of a fire engine that will benefit the citizens and make the most efficient use of the city resources; and

WHEREAS, the City must agree to the established reporting conditions that must meet before final authorization of funds can be given to the application under the Community Facility (CF) Program; and

WHEREAS, the City agrees to utilize funds not to exceed \$468,000 in accordance with USDA Rural Development grant policies;

NOW THEREFORE, be it resolved that the City Council of Washington Terrace hereby approves the “Letter of Intent to Meet Conditions” and the “Request for Obligation of Funds,” along with any other necessary requirements for the authorized purposes outlined therein. The aforementioned documents are hereby approved and incorporated by reference.

The City Council further authorizes and directs the Mayor or City Manager to execute the agreements on behalf of the City of Washington Terrace.

PASSED AND ADOPTED by the City Council of Washington Terrace this ____ day of _____ 2024.

DATED this ____ day of _____ 2024.

CITY OF WASHINGTON TERRACE

Mark C. Allen, Mayor

ATTEST:

Amy Rodriguez , City Recorder

ROLL CALL VOTE

Council Member Christiansen
Council Member Zishan
Council Member Parkinson
Council Member West
Council Member Thomas



July 26, 2024

Mayor Mark Allen and City Council
Washington Terrace City
5249 S. South Point Drive
Washington Terrace, UT 84405

Subject: Letter of Conditions for a Community Facilities Grant to
Washington Terrace FY24 CDS Fire Engine

Dear Mayor Allen,

This letter, with attachments, establishes conditions that must be understood and agreed to by the applicant before further consideration may be given to the application for assistance under the Community Facilities (CF) Program. Any changes in project cost, source of funds, scope of services, or any other significant changes (this includes significant changes in the applicant's financial condition, operation, organizational structure or executive leadership) in the project or applicant must be reported to and approved by USDA Rural Development by written amendment to this letter. Any change not approved by USDA Rural Development will be cause for discontinuing processing of the application.

This letter is not to be considered as grant approval or as representation to the availability of funds. The application can be processed on the basis of a USDA Rural Development grant not to exceed \$468,000. Funds for this project are provided by the Rural Housing Service (RHS).

Please complete and return the attached Form RD 1942-46, "Letter of Intent to Meet Conditions," and Form RD 1940-1, "Request for Obligation of Funds," within the next ten (10) days, if you desire that we give further consideration to your application. The execution of these and all other documents required by USDA Rural Development must be authorized by appropriate resolutions of the applicant's governing body.

The grant will be considered approved on the date Form RD 1940-1, "Request for Obligation of Funds," is mailed by USDA Rural Development.

Project Budget—Based on Standard Form 424, “Application for Federal Assistance,” the project cost and funding will be as follows:

a.	<u>Project Cost</u> Equipment	<u>Total</u> \$822,436	<u>USDA Grant</u> \$468,000.	<u>Applicant Injection</u> \$354,436.
	TOTAL:	<u>\$822,436</u>	<u>\$468,000</u>	<u>\$468,000</u>
b.	<u>Source of Funds</u>			
	Applicant Injection (cost share from applicant)		\$354,436	
	USDA Grant		\$468,000	
	TOTAL:		\$822,436	

Any changes in funding sources following obligation of Agency funds must be reported to the processing official. Project feasibility and funding will be reassessed if there is a significant change in project costs after bids are received. If actual project costs exceed the project cost estimates, an additional contribution by the borrower may be necessary.

Section I of the attached conditions (Items 1- 6) must be satisfied prior to grant closing or six (6) months [non-construction projects] from the date of this letter.

In addition to the conditions in Sections I-III, the applicant must fully comply with all requirements on Form RD 3570-3, Community Facilities Grant Agreement. The Agency reserves the right to cancel funds if the applicant does not fully comply with all requirements as presented or subsequently modified, as needed.

If you have any questions, feel free to contact this office.

Sincerely,

Mary Najarro
Loan Specialist

cc: Community Programs Director, USDA Rural Development
Tom Hansen, Washington Terrace City Manager

ATTACHMENT TO LETTER OF CONDITIONS

SECTION I. CONDITIONS TO BE SATISFIED PRIOR TO GRANT CLOSING OR BEFORE CONSTRUCTION BEGINS, WHICHEVER OCCURS FIRST

1. Disbursement of Funds

- a. The applicant will provide evidence that funds from other sources will be made available for the project cost in the amount of \$354,436. This evidence should include a copy of the loan/grant award that addresses how funds will be disbursed.
- b. The applicant's contribution of funds toward the project cost shall be considered the first funds expended and must be deposited in its project account before construction is started. After providing for all authorized costs, any remaining RHS project funds will be considered RHS grant funds and refunded to RHS. For CF Direct Loan and Grant combination projects, if the amount of unused RHS project funds exceeds the RHS grant, that part would be RHS loan funds.
- c. Agency funds will not be used to pre-finance funds committed to the project from other sources.

2. Security Requirements

- a. The applicant will be required to complete and execute Form RD 3570-03, "Community Facilities Grant Agreement" before grant funds are disbursed.
- b. United States of America, USDA, RHS to show as lien holder on title to the vehicle.
- c. The grantee understands that any property improved with Federal grant funds may have use and disposition conditions which apply to the property as provided by 2 CFR part 200 as adopted by USDA through 2 CFR part 400 in effect at this time and as may be subsequently modified.
 - a. The grantee understands that any sale or transfer of property is subject to the interest of the United States Government in the market value in proportion to its participation in the project as provided by 2 CFR part 200 as adopted by USDA through 2 CFR part 400 in effect at this time and as may be subsequently modified.
 - b. In accordance with 2 CFR 200.330, the grantee understands that it must submit regular reports on the status of real property in which the Federal Government retains an interest. Reports shall be submitted annually for the first three years of the award and every five years thereafter on SF-429 Real Property Status Report, or similar format.

3. **Insurance and Bonding Requirements**

- a. General liability and vehicular coverage must be maintained—Provide USDA Rural Development with proof of coverage.

4. **Civil Rights & Equal Opportunity**— The grantee has received an award of Federal funding and is required to comply with U.S. statutory and public policy requirements, including but not limited to:

- a. **Age Discrimination Act of 1975** – This Act (42 U.S.C. 6101 *et seq.*) provides that no person in the United States shall on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- b. Agency financial programs must be extended without regard to race, color, religion, sex, national origin, marital status, age, or physical or mental handicap. The recipient must display posters (provided by the Agency) informing users of these requirements, and the Agency will monitor the recipient’s compliance with these requirements during regular compliance reviews.
- c. The applicant is subject to a post-grant closing civil rights compliance review by USDA Rural Development utilizing Form RD 400-8, “Compliance Review.”
- d. As a recipient of Rural Development funding, you are required to post a copy of the Non-Discrimination Statement listed below in your office and include in full, on all materials produced for public information, public education, and public distribution both print and non-print.

Non-Discrimination Statement

“This institution is an equal opportunity provider and employer.”

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at <https://www.ocio.usda.gov/document/ad-3027>, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

If the material is too small to permit the full statement to be included, the material at a minimum includes the statement in print size no smaller than the text that “This institution is an equal opportunity provider and employer.”

5. **Environmental Reviews**— The project as proposed has been evaluated to be consistent with the National Environmental Policy Act. Other Federal, State, tribal, and local laws, regulations and or permits may apply or be required. During any stage of project development, including construction, should environmental issues develop which require mitigation measures, USDA Rural Development applicants are required to notify USDA Rural Development and comply with such mitigation measures. Failure by an applicant to implement mitigation measures may disqualify the project from Agency funding. Mitigation measures identified or prepared as part of the NEPA environmental process must be implemented. If the project or any project element deviates from or is modified from the originally-approved project, additional environmental review may be required.

6. **Electronic Funds Transfer**—All grant funds will be transferred to grantees via Electronic Funds Transfer/Automated Clearinghouse Systems (EFT/ACH). Normal transfers will be ACH, with money being placed in the grantees account two business days after the USDA processing office approves the pay request. The applicant must submit the Electronic Funds Transfer Form containing the banking (ACH) information to the USDA Servicing Office at least 45 days prior to the date of grant closing. Failure to do so could delay grant closing.

SECTION II. GRANT CONDITIONS

1. **Disbursement of Grant Funds**—USDA Rural Development funds will be disbursed as they are needed in the amount(s) necessary to cover the Rural Development proportionate share of obligation due and payable to the Grantee.

2. **Monthly Reporting**— The applicant must monitor and provide a monthly reports to USDA Rural Development on actual performance for each project financed, or to be financed, in whole or in part with USDA Rural Development funds. For construction projects, include Forms RD 1924-18, “Partial Payment Estimate” or similar format.

3. **Final Inspection**—A final inspection will be made by USDA Rural Development on the component USDA is financing before final payment is made.

4. **Excess Funds**—Any remaining funds must be utilized for approved purposes within 120 days following the final inspection or the funds will be canceled without further notification from USDA Rural Development.

SECTION III. GRANT CONDITIONS TO BE SATISFIED AFTER PROJECT COMPLETION

1. **Financial Statements**—To be submitted on an annual basis in accordance with the following:

- a. 2 CFR Part 200, Subpart F establishes audit requirements that borrowers and grantees must follow. Borrowers and grantees who expend \$750,000 or more in Federal awards in their fiscal year, have CF loan balances totaling \$750,000 or more, or a combination of the two must submit an audit in accordance with 2 CFR 200, Subpart F.

Federal funds expended during a borrowers fiscal year: 2 CFR Part 200, Subpart F requires a borrower that expends \$750,000 or more in Federal awards in their fiscal year to submit a single or program-specific audit. A CF direct loan, guaranteed loan, and/or grant, or any combination thereof, are considered Federal awards.

Grantees: Grantees that expend \$750,000 or more in a year in Federal awards must have an audit conducted in accordance with 2 CFR Part 200, Subpart F except when the grantee elects to have a program specific audit conducted.

Prior loan and loan guarantees: 2 CFR Part 200, §200.502(b) establishes the basis for including loan and loan guarantees (loans) on the Schedule of Expenditures of Federal Awards (SEFA). The value of new loans made or received during the audit period plus the beginning of the audit period balance of loans from previous years for which the Federal Government imposes continuing compliance requirements must be reported on the SEFA. CF Program loans require its borrowers to meet continuing compliance requirements. Continuing compliance requirements that CF borrowers must meet include, but are not limited to, funding reserves, maintaining insurance, deposit funds in Federally insured banks, meet financial covenants, maintain sufficient debt service ratios, comply with civil rights requirements, and comply with additional requirements established as part of the loan approval process.

Borrowers and grantees must submit audits within nine months from the end of the borrower's fiscal year or 30 days after receipt from the auditor, whichever is earlier. The audited financial statements must be submitted to the Federal Audit Clearinghouse.

- b. All borrowers exempt from the audit requirements cited in 1(a) above, and who do not otherwise have annual audits, will within 60 days following the end of the borrower's fiscal year furnish Rural Development with annual financial statements, consisting of a verification of the organizations, balance sheet and statement of income and expenses.

Grantees exempt from the audit requirements cited in 1(a) above, and who do not otherwise have annual audits, will within 60 days following the end of the fiscal year in which any grant funds were expended furnish Rural Development with annual financial statements consisting of a verification of the organizations, balance sheet and statement of income and expenses.

The borrower/grantee may use Forms RD 442-2 “Statement of Budget, Income and Equity” and 442-3 “Balance Sheet”, or similar format to provide the financial information. For borrowers using Form RD 442-2, the dual purpose of fourth quarter management reports, when required, and annual statements of income will be met with this one submission.

2. **Audit agreement**—If you are required to obtain the services of a licensed Certified Public Accountant (CPA), you must enter into a written audit agreement with the auditor. The audit agreement may include terms and conditions that you and auditor deem appropriate.

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID 52-029-982252903		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME Washington Terrace, City of		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME Utah	
		5. COUNTY NAME Weber	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - AI/AN 4 - HISPANIC 5 - A/PI	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10-PUBLIC COLLEGE/UNIVERSITY 11-OTHER	8. COLLATERAL CODE 1-REAL ESTATE SECURED 2-REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT	9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.
10. SEX CODE 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN. MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO	13. CREDIT REPORT 1 - YES 2 - NO
14. DIRECT PAYMENT (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10,000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000		18. USE OF FUNDS CODE (See FMI)	
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE 941 (See FMI)	20. PURPOSE CODE 8	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT	24. AMOUNT OF LOAN	25. AMOUNT OF GRANT \$468,000.00	
26. AMOUNT OF IMMEDIATE ADVANCE	27. DATE OF APPROVAL MO DAY YR	28. INTEREST RATE 0 %	29. REPAYMENT TERMS
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder COPY 1 - Finance Office COPY 2 - Applicant/Lender COPY 3 - State Office

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

BABAA does not apply to this grant for the purchase of a new fire engine. It is not considered an infrastructure project and does not involve construction, alteration, maintenance or repair of infrastructure. Engine is a specialized vehicle with limited sources providing this type of equipment. Grant subject to

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. YES NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date _____, 20____ Tom Hanson, City Manager (Signature of Applicant)

Date _____, 20____ (Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

(Signature of Approving Official)

Typed or Printed Name: Karl P. Larsen

Date Approved: _____ Title: CP Director

38. TO THE APPLICANT: As of this date _____, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.