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City of Washington Terrace

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

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member Jill Christiansen
Council Member Zunayid Z. Zishan
Council Member Cheryl Parkinson – By Phone
Council Member Jeff West
Council Member Michael Thomas
General Planner/Building Tyler Seaman
City Recorder Amy Rodriguez
City Manager Tom Hanson
City Attorney Bill Morris

Others Present

None

1. WORK SESSION

5:00 P.M.

Topics to include, but are not limited to:

- **Residential In-fill Ordinance Amendment**

Morris stated that the in-fill ordinance was written over a decade ago. He stated that the city is close to build-out and that we are transitioning into in-fill and redevelopment projects. He stated that those are complicated things.

He stated that we have parcels where zoning does not work. He stated that the idea of the ordinance was to make an exception in our existing ordinance to allow parcels to be developed.

Morris stated that some individuals want to bend the rules. He stated that some are using commercial properties to establish density. He stated that commercial aspect was never part of the intent of the program.

Morris stated that the amendment tightens down the language as to the intent of the city. He stated that the word “in-fill” should be easy to understand that it is vacant land that needs to be filled in. He stated that some people did not understand this part. He stated that the new language makes things more readable.

Morris stated that the ordinance makes it clear that in-fill development is a legislative action of the city and puts the ball in Council’s court. Morris stated that the state legislature has taken away the power of subdivisions and other land use powers from the Council and given it solely to the Planning Commission. Morris stated that the Planning Commission will be the recommending body for in-fill properties and the

45 Council will be able to amend the recommendation, accept the recommendation, or overturn the
46 recommendation.

47
48 Morris explained the application process to the Council.

49 He explained that an owner with an odd-shaped parcel that doesn't fit with zoning or setback requirements
50 may come in and ask if they are able to develop the property if they fall under the overlay map. Council
51 Member Christiansen stated that she is concerned with the way the ordinance is written, as apartments are
52 in the area and are considered commercial. Morris stated that apartments are not considered commercial
53 for these purposes. He stated that apartment density is taken into account in the calculations, noting that
54 commercial properties that are businesses (such as Maverik) are not taken into the calculation
55 considerations. Seaman stated that occupancy is not taken into consideration, only unit numbers. Morris
56 stated that most of the in-fill is located in an R-1-6 zone.

57
58 Morris stated that this ordinance puts the onus on the Council as the developments can sometimes be
59 contentious.

60
61 Morris explained the application content.

62
63 Morris stated that there is language to allow the city attorney to write up a deed and coordinate issues that
64 arise, such as an easement, or a private road that has been subdivided. He stated that there are
65 circumstances that are unforeseen and unique. The language in the ordinance may seem vague, but it
66 allows situations that may have inhibited development before, to be dealt with appropriately.

67
68 Morris stated that residents can still come in to request to be on the overlay map.. He stated that he took
69 out the sentence concerning owners requesting to be put on the overlay map because he didn't want
70 Council to be inundated with random requests to be put on the overlay map. He stated that the idea is to
71 vest the overlay idea as a legislative function. He stated that he wants residents to know that it is a
72 legislative function and Council will decide what can be put on the overlay, not owners. Council Member
73 Zishan asked if residents can request to be on the in-fill map. Morris stated that anyone can come in and
74 request to be put on the map, however, a parcel does not meet the requirements of the in-fill map if there is
75 property on the land it is not considered vacant. Council Member Zishan clarified that the major change to
76 the ordinance is that the parcel has to be vacant. Morris stated that it always had to be vacant, however,
77 some people did not understand that in-fill meant to "fill in vacant land". Morris stated that owners who
78 want to build on parcels with existing properties on them would be considered re-development and not in-
79 fill. Morris stated moving forward, the Council needs to consider in-fill development and re-development.
80 Morris stated that the properties that were given permission to re-build as in-fill will be grandfathered in.
81 He stated that there may have been an oversight in allowing some of the developments to be completed
82 when the program first started. He stated that moving forward the only properties considered in-fill will be
83 vacant properties.

84 Mayor Allen stated that the amended ordinance is covering the loopholes and giving people a better
85 understanding of what in-fill actually is. Council Member Zishan stated that he wants to make sure we are
86 fair to everyone. Morris stated that if Council wants to allow someone to tear down their property and
87 build something different, Council should look at a re-development ordinance, not the in-fill development.
88 He stated that this would be a legislative decision.

89 Morris stated that we do not currently have a re-development ordinance. Morris stated that when the

90 ordinance was first constructed, there may have been some cases that were let through. He stated that this
91 amendment will clear up any confusion down the road.

92
93 Hanson stated that there have been two residents who have twisted the intent of the ordinance.
94 Morris stated that the program has been running successfully for ten years, and within the last 18 months
95 there have been a lot of people trying to twist the ordinance and take advantage of the system.
96 Morris stated that there are no pending litigation or notice of claims at this time. Morris stated that we
97 were very specific with the attorney who was representing a resident. Morris stated that once a threat is
98 made of litigation, Council and staff are not to talk anymore to the resident or about the situation.
99

100 Morris stated that we wanted to clear up the language in the ordinance to make it clear that we are using
101 unit numbers and not occupancy numbers to calculate density. Morris stated that if a home is burnt down,
102 or damaged by weather events, or dilapidated, the owner can rebuild within one year. He stated that they
103 are protected by state law. He stated that the owner would have to re-build what they had before. They
104 could not rebuild to something that they didn't have before. Morris stated that many of the residents have
105 been grandfathered-in as a duplex, where now it is a single-family zone. A resident would be able to
106 rebuild as a duplex, even though the zone does not allow it at this time.
107 Morris stated that we would need a Master Development Agreement which writes its own zoning for that
108 site, as it would be different than anything in the neighborhood.
109

110 Seaman stated that we have an applicant that currently has a legal non-conforming duplex. He wants it on
111 the in-fill overlay map so that if something happens to his property, he can rebuild and add another unit on
112 the lot. Seaman stated that having the property on the overlay map is a first step, however, the process still
113 needs to be followed according to the ordinance.
114

115 Council Member Christiansen asked how we justify in-fill as moderate income housing, as it is for single
116 family and town homes. Morris stated that someone may be able to qualify for one of the smaller houses.
117 He stated that home ownership is the goal of Gov. Cox. He stated that allowing smaller developments in
118 certain zones may be a tool to get there.
119

120 Morris stated that the city does not have a re-development ordinance. He stated that the residents are trying
121 to bootstrap off of the in-fill ordinance for their density. He stated that a re-development ordinance allows
122 someone to take a parcel with a structure on it and demolish the structure to build something new and
123 modern. Morris stated that residential realm has not been done in the city. He stated that the Golden West
124 Building is a perfect example of re-development in commercial properties.
125

126 Hanson stated that the intent of the ordinance was to fill in vacant properties because we had many
127 problems with run down lots and weeds.
128

129 Morris stated that our resources are being stretched by people coming into the state.
130

131 Morris suggested that we clarify the ordinance and bring it back at the next 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
Public Works Director Jake Meibos
Fire Chief Clay Peterson
General Planner Tyler Seaman
City Recorder Amy Rodriguez
City Manager Tom Hanson

Others Present

Amy Miller, Ulis Gardiner, Paul Klema, Parker Meacham, Amy Walker

2. ROLL CALL

6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

Mayor Allen asked the audience to read the intellectual property permission notice on their agenda, as the meeting will be streamed live on You Tube.

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

Mayor Allen stated that item 7.3 will be brought back at a future meeting, after clerical changes are made.

5.2 APPROVAL OF JULY 16, 2024, COUNCIL MEETING MINUTES

Items 5.1 and 5.2 were approved by general consent.

6. CITIZEN COMMENTS

Amy Miller, representing the United Methodist Church, stated that they finished their school supply event and are distributing the supplies to the children and schools. She stated that there will be a community wide blessing of the backpacks after services this upcoming Sunday. She stated that there will be a community back to school barbeque and invited everyone to attend. It will be held on the last Sunday of

180 the month.

181

182 Paul Klema stated that a worker told him that 300 West road construction would be done this Saturday. He
183 stated that if it is not, then the city does not tell the truth.

184

185 Parker Meacham stated that he is working on a project within the city. He stated that he wanted to thank
186 Council and City staff for taking the time to consider the project.

187

188 Amy Walker, Council for Mr. Meacham, stated her concerns about restrictions on the in-fill ordinance,
189 stating that they seem as though they are targeting his properties, noting that the change doesn't seem like
190 it is a widely applicable change. She stated that it is unclear as to why the 10-year restriction is in place.
191 She stated that she and Meacham came to speak about the item concerning the ordinance change, as his
192 properties are specifically affected. Mayor Allen stated that the item they came to discuss has been taken
193 off the agenda. He stated that the work session was devoted to that item. He stated that the Council was not
194 ready to vote tonight on the item.

195 Hanson stated that communication with Mr. Meacham is allowed until a threat of litigation is given. He
196 stated that once there is a threat of a lawsuit, Council and staff cannot discuss the matter with Mr.
197 Meacham any further.

198 Hanson stated that Mr. Meacham can reach out to individual Council Members. He stated that any
199 promises by individual Council Members should not be considered a promise by the Council.

200

201 **7. NEW BUSINESS**

202

203 **7.1 MOTION: APPROVAL OF HEAVY EQUIPMENT PURCHASES**

204 Meibos stated that a Heavy Equipment Plan was established in 2021. He stated that we are now in phase
205 two of the plan. Meibos listed the three items that are to be replaced: Case Backhoe, Tymco Street
206 Sweeper, and the 2015 550 Dodge Dump Truck.

207

208 Meibos stated that the case backhoe is around 15 years old and is \$40,000 in a trade. He stated that it is
209 used for water leaks, storm water systems, and other projects around the city. He stated that it is an
210 essential part of our fleet and is relied on heavily every day.

211

212 Meibos explained that the Tymco Sweeper has many maintenance issues and is on its way out. He stated
213 that the parts for the cab and chassis are obsolete. He stated that we may receive money for the motor.
214 Council Member Zishan asked if it was possible to rent a sweeper. Meibos stated that he did an analysis,
215 and it would cost the same to own the sweeper as it would cost to rent one and have someone come out
216 and sweep. He stated that owner the sweeper would be beneficial to the city as we would be able to use it
217 at our convenience. He stated that we could use it for emergencies, extra projects, construction cleanup
218 projects, noting that it is sometimes difficult to rent a sweeper due to demand. Meibos stated that at the end
219 of the life of the equipment, we would still have monetary value. Meibos stated that the cost is spread out
220 over the 20 year span. Meibos stated that it takes around 2 weeks to sweep the city and we sweep 3-4 times
221 a year. He stated that the sweeper is also used before the parade. Meibos stated that extra uses were not
222 factored into his analysis.

223

224 Meibos stated that the 2015 Dodge truck is used as one of our fleet vehicles. He stated that it is also used
225 as one of our dump trucks. He stated that it is also a vehicle in our snow removal fleet. He stated that there
CC Meeting 080624

226 is still value in the vehicle, however, the price of a new one will increase. He stated that the financial
227 impact has been broken down in the staff report.

228 Meibos stated that this vehicle will not have a spreader. He stated that there is not a need for a spreader,
229 and more of a need to have the dump bed to haul water and equipment in the winter. He stated that it hauls
230 asphalt and concrete and new materials for water leaks.

231
232 Meibos stated that the request is for brand new replacement equipment. He stated that the budget for the
233 plan was started 4-5 years ago. He noted that the items are within our budget plan for this year. Meibos
234 stated that it has been discussed with the finance director.

235 Council Member Zishan asked for staff to notify residents before they sweep the streets so that they can
236 move their vehicles off of the street. Meibos stated that we tried to notify residents this spring through the
237 newsletter, facebook posts, and website. He stated that they keep an eye out for streets that may have been
238 missed. Meibos stated that it is hard to pinpoint an area on a specific day because of staffing and projects
239 that may pop up daily. Meibos stated that they will try to plan for an area and let them know which week
240 the area will be scheduled to be swept. Council Member Zishan suggested that we utilize facebook and
241 other media avenues as much as possible to spread the word.

242
243 **Motion by Council Member Christiansen**
244 **Seconded by Council Member Thomas**
245 **To approve the purchase of heavy equipment**
246 **As outlined in the staff report to**
247 **Include the case backhoe, the street sweeper, and the heavy duty truck**
248 **And also to dispose of vehicles in the best interest in city**
249 **Approved unanimously (5-0)**

250
251 **7.2 DISCUSSION/MOTION: AWARD CONSTRUCTION CONTRACT FOR THE 2024**
252 **COMMUNITY DEVELOPMENT BLOCK GRANT ROHMER PARK**
253 **IMPROVEMENTS- PARKING LOT PROJECT**

254 Meibos stated that the Rohmer Park Baseball Parking Lot Reconstruction Project was put out to
255 bid in June, however, we were not able to award the contract until authorization from the
256 State regarding our CDBG grant. He stated that the construction covers the baseball parking lot
257 and a section of the north entrance.

258 Meibos stated that there were five bids for the project. He stated that the lowest qualified bid
259 was from Asphalt Construction and Excavation for \$296,000.

260 He stated that CDBG will fund \$182,088, and the city match will be 38.5 percent of the total project
261 cost, which is calculated at \$113,990.

262
263 Meibos stated that we are anticipating that the project will start the 19th of this month. He stated that it
264 should be finished quickly.

265
266 **Motion by Council Member West**
267 **Seconded by Council Member Christiansen**
268 **To approve the funding for the Rohmer Park Lot Reconstruction**
269 **Using the CDBG monies and the**
270 **city match as described**

271 **Approved unanimously (5-0)**
272

273
274 **7.3 MOTION/ORDINANCE 24-05: APPROVAL OF AMENDMENT TO CHAPTER 17.10**
275 **RELATING TO RESIDENTIAL IN-FILL DEVELOPMENT**

276 Item 7.3 has been removed from the agenda.
277

278 **7.4 MOTION/ORDINANCE 24-06: APPROVAL OF AMENDMENT TO CHAPTER 17.76**
279 **TO CONFORM TO CHAPTER 2.14 OF THE MUNICIPAL CODE RELATING TO**
280 **THE APPEAL AUTHORITY**

281 Rodriguez stated that the amendment repeals an invalid code reference in the zoning section of municipal
282 code. The amendment will re-enact the zoning chapter to conform to state law, as well as our
283 Administration Code that was enacted in 2010 when state law changed allowing city managers to appoint
284 the appeal authority rather than an Appeal Authority Committee.
285

286 **Motion by Council Member West**
287 **Seconded by Council Member Thomas**
288 **To approve the changes for Ordinance 24-06**
289 **To update the language to be in line with our**
290 **Existing code in other sections**
291 **Approved unanimously (5-0)**
292 **Roll Call Vote**
293

294 **7.5 MOTION/ RESOLUTION 24-09: RESOLUTION RATIFYING THE “LETTER OF**
295 **INTENT TO MEET CONDITIONS” AND THE “REQUEST FOR OBLIGATIONS OF**
296 **FUNDS” FOR THE WASHINGTON TERRACE FY24 CDS FIRE ENGINE**
297

298 Hanson stated that the Council may ratify the letter of intent to meet conditions and the request for funds,
299 obligating the city to meet our match. Hanson stated that the funds for the fire engine is budgeted. Hanson
300 stated that we are anticipating that the funds are encumbered and will be moved over to the correct GL
301 fund once the grant is approved officially. Hanson stated that we will purchase the fire engine and submit
302 yearly reports and follow the rules of the grant. Hanson stated that the government will hold a lien on the
303 vehicle to the percentage that they are funding.
304

305 Chief Peterson stated that we have a vehicle on hold until the grant can be formally approved. He stated
306 that it is 27 feet long and is compact and will get around very easily in the city. He stated that it is rated a
307 type 1 fire and type 3 brush. Chief Peterson stated that it is a 2023 demo unit with not many miles.

308 Hanson stated that the state had the authorization to sign the grant last Friday. Hanson noted that we have
309 been proactive on checking the box on everything they have asked us to do and that all requirements have
310 been met.

311 Chief Peterson stated that the vehicle is in Oregon. He stated that it is on hold, however, if it is needed to
312 fight the fires in Oregon and they cannot hold it for us, we should be able to find another vehicle for our
313 city.
314

315 **Motion by Council Member Christiansen**
316

317 **Seconded by Council Member Zishan**
318 **To approve Resolution 24-09**
319 **Ratifying the Letter of Intent to Meet Conditions and**
320 **The Request for Obligations of Funds for the**
321 **Washington Terrace FY 24 CDS Fire Engine**
322 **Approved unanimously (5-0)**
323 **Roll Call Vote**
324

325
326 **8. COUNCIL COMMUNICATION WITH STAFF**

327 Council Member Christiansen stated that she is curious if there was any follow up with Susie Witt from
328 Habitat for Humanity concerning low income housing for families. Hason stated that he reached out and
329 has a meeting set up with Witt.

330
331 Council Member Thomas stated that several citizens reached out to him after they read an article in the
332 Standard and stated that they were grateful that we are not raising property taxes like other neighboring
333 cities.

334 Council Member Thomas stated that there are houses with dead trees which are leaving leaves and pine
335 needles on people's rooftops. He stated that people are worried about fires jumping from house to house.
336 He would like this issue to be directed to Code Enforcement. He stated that the area in concern is on 300
337 East and 5000 South working it's way north. Hanson stated that we can see what we can do to comply with
338 the hazard. Mayor Allen stated that residents can use the non-emergency report program on our website to
339 submit concerns. Hanson stated that concerns will be prioritized by the nature of the situation.

340 Council Member Thomas stated that citizens are grateful for the new port-a-potties at the parks.

341 Council Member West stated that he spoke with a citizen who was concerned about the placement of the
342 port-a-potty. He stated that he told them that they need to be in the open due to vandalism.

343
344 Council Member Parkinson stated that the Fire Department did an amazing job at the house fire this past
345 week and she is very pleased with their efforts.

346
347 Mayor Allen asked Hanson to take a look at the Communities that Care email to see if it is a grant
348 opportunity for the city.

349
350
351 **9. ADMINISTRATION REPORTS**

352 Hanson stated that we are anticipating that the asphalt should be completed on 4400 South to 4900 South
353 on the 300 West Project by the end of next week. The Asphalt is expected to be poured April 15-17th and
354 the project is anticipated to be wrapped up on time. Hanson stated that after that section is completed, they
355 will work on the intersection, noting that signage and other measures will let residents know that the
356 businesses will remain open.

357
358 Hanson stated that staff is working with the schools and the sheriff's office on a crossing guard media blitz
359 to let residents and drivers remember to be aware of crossing guards and the children crossing when school
360 is back in session.

361
362 Hanson stated that the Planning Commission will hold a public hearing this month to discuss the backyard

363 chicken proposed ordinance.

364

365 Hanson stated that the Weber School District has offered \$5,000 for a lit crossing sign. They would like
366 three lighted crossing signs within the city. Hanson stated that the signs are \$6,000 each. He stated that he
367 has reached out to them to let them know that if they would like to donate the \$5,000, we can install one
368 this year and pay the \$1,000 difference. He stated that next year the City can try to obtain "Safe Route to
369 School" grants to pay for the additional two signs that they would like. Hanson stated that the city would
370 maintain the lighted signs.

371 Meibos stated that the District would like lighted signs at the following crossings: 5000 S and 150 E, 4800
372 South, across from the High School, and at 4700 S and 200 E. He stated that their priority will be
373 installed first at 4700 S. 200 E.

374

375 **10. UPCOMING EVENTS**

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

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

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

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

380 Sept. 4-5: ULCT Annual Conference Salt Lake City

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

382 Sept. 26th : Planning Commission Meeting (tentative)

383

384 **11. ADJOURN THE MEETING**

385

386 **Motion by Council Member West**

387 **Seconded by Council Member Thomas**

388 **To adjourn the Meeting**

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

390 **Time: 7:02 p.m.**

391

392 **The Council adjourned into a Redevelopment Agency Meeting immediately following the**
393 **regular meeting.**

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Date Approved

City Recorder

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