City of Washington Terrace

Minutes of a Regular City Council meeting
Held on November 19, 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
Council Member Jeff West
Council Member Michael Thomas
Community Development Tyler Seaman
Code Enforcement Martin Nish
City Recorder Amy Rodriguez
City Manager Tom Hanson

1. WORK SESSION : 5:00 P.M.

Topics to include, but are not limited to;

- **Urban Chicken Proposed Ordinance**

Application :

Council Member Zishan wanted clarification on have many free inspections are included to the $50.00 application fee. He wanted language added to specify that it was up to three free inspections.. Council Member Christiansen agreed that it should be added into the language.
Council Member Parkinson suggested that two inspections are sufficient and should be included as part of the initial set up. She stated that the first inspection checks to make sure everything is good. The second inspection is in case something is wrong and out of compliance. If the inspector needs to come back to check a third time, this is when the re-inspection fee is administered. It was agreed that the language should include the initial inspection and one more additional inspection.

Council Member Parkinson suggested adding a graduated scale for how many chickens are allowed according to lot size. Council agreed that language should be added in Application 2.., under the lot size area, to reflect the scale : under 6000 sq. feet 3 chickens, 6000-8000 sq feet, up to 4 chickens, and over that they are allowed up to 6 chickens.

Council Member Zishan asked if "proof of ownership" should be defined. It was concluded that property ownership is tied to the utility billing module and can be verified.

Council Member Parkinson asked what " proposed additions to existing structures" concerning the site plan means. It was decided that the language should be changed to "to non-residential structures" to lessen confusion**.**

Regulations

Council Member Zishan stated that he thought the coop distancer in section 5a. was changed to 5 feet from the existing structure and 15 feet if they have a heating device. Hanson stated that after speaking with the fire chief, it was concluded to keep the 15 feet requirement even if they do not have a heating device, as they may install on later on and it would not need to be reinspected. Hanson suggested keeping the language as 15 feet away from the existing structure. Council Member Thomas noted that someone can make the run go towards the house and the 15 feet requirement would work either way.
Seaman suggested to change the word "pen" in regulation 5e. to read "enclosure or coop".
It was also suggested to specify "enclosed coop and pen" instead of "enclosed area" in regulations 5c. and 5d.
Council Member Parkinson added a grammatical change to 5e.to add the word "is" into the sentence.

Setback Requirements
There was discussion concerning the distance from property lines. Council Member West stated that he began thinking about the residents who are concerned that chickens will be next to them. He stated that he felt that Council needs to be mindful of the residents who do not want chickens in the city. He stated that Council needs to be cautious because they are chipping away at the setback limits and eroding the buffer zone. Council Member West noted that that the new version of the ordinance changed the footage from the property line from 20 feet from property line to 5 feet.
Council Member West stated that Council is amending an ordinance to allow people to have chickens. His concern is that residents spoke to Council about their concerns and now Council is going in the opposite direction. He feels that we need to keep the buffer zone at least 10 feet from property lines and feels that 5 feet is not appropriate. Council Member Thomas agreed that 10 feet from a fence is fine.
Council Member Christiansen stated that she is comfortable with the 5 foot setback. Council Member Parkinson stated that she is comfortable with an 8 foot setback, as many of the homes need to have a certain amount of space between property lines from the homes and she wasn't sure if a 10 foot setback would work.
Council Member West stated that the Council charge is to make it work for the city with the least amount of restrictions that we can put on. He stated that it may restrict some people, but also shows that Council considered those who do not want chickens. He stated that he is comfortable telling residents that their concerns were taken into consideration and Council decided to move the setback requirement from 20 ft. to 10 ft . as a solution.
Council Member West stated that we are doing something that works for the majority of residents while working for the city and is enforceable.
Council Member Zishan stated that he tried to do the math on his property to take off the 15 feet and noted that it doesn't leave much space. He stated that he knows other homes may be smaller.
Council Member Thomas stated that it was concluded that if someone wants chickens they will make

that sacrifice of their yard.
Council Member Christiansen stated that there is a lot of excitement in north end for chickens and those homes many have smaller yards.. She stated that concern for neighbors is valid , bust she is not comfortable telling people they can't have chickens because we were too concerned with their neighbors.
Council Member West stated that he is comfortable saying that residents are allowed to have chickens with the restrictions noted. He stated that he feels that it is fine to say that Council considered everything and as a community we can support an ordinance to allow chickens with these conditions.
Council Member Christiansen stated that she will not change her mind on the 5 feet minimum that allows the residents to have the freedom to do what they want with their yard and have chickens.
Council Member Zishan stated that the reason to pass the ordinance is to give people what they want, but there are too many restrictions. He stated that it is not fair to knock out half of the people.
Council Member West noted that prior Councils have not passed the ordinance because it is a difficult decision to say that 30 percent of residents cannot take advantage of the ordinance, but noted that that's the reality. He stated that to make it work for everyone would go against what has been suggested by the university agriculture department and would be more than what other cities are doing. He stated that it is difficult to par it down and make it work for everyone.
Council Member Zishan stated that we waited for South Ogden to pass their ordinance so why don't we follow their ordinance since we are sister city. Council Member West stated that we are also a sister city to Riverdale and their ordinance limits chickens to homes with 20,000 sq ft. lots. Council Member Zishan stated that we need to do what works for our city, to which Council Member West agreed stating that is what we are doing.
Mayor Allen noted that we are at an impasse as to whether the setback should be at 5 or 10 feet away from the property line, and suggested putting in a number in the ordinance for which Council will vote.
Council Member Zishan stated that the whole idea was to give people opportunity, and we are doing something that takes away opportunity so why do it. Council Member West stated that we are not taking anything away, that we are allowing people to have something that they currently do not.

<u>Coop requirements</u>
Council Member Christiansen stated that she feels that we are micro-managing the keeping of the Coop by not allowing people to compost. She stated that we should not be over legislating the type of bedding that is to be used. She stated that we could enforce on a case by case basis if odors occur and complaints come in.
Council Member West agreed that we do not need to over legislate and inquired if there is an authority that speaks about appropriate bedding to which we could refer people. Council Member West stated that we include the purpose of clean bedding.
Hanson stated that the purpose of clean bedding is to keep an environment that is healthy to the chickens and to neighbors.
Council Member Christiansen suggested using the South Ogden code which addresses cleanliness without overburdening them with a specific type of bedding. Seaman will use that section of South Ogden's code. Council Member Parkinson stated to leave l in (i) stating not detectable odor.
Council Member Christiansen would also like to use the passage concerning compost bins or air tight containers for disposal of manure. It was also suggested that the selling of composting is

not permitted be put in writing into the code.

Council Member Christiansen questioned regulation d., asking why do we not allow anything other than sod to be the vegetation. Council Member Parkinson stated that it may be for fire reasons. Council Member Christiansen suggested adding language that if using a heater, they cannot use anything but sod.
Seaman suggested adding back the language that an application will be denied if someone has code violations.

General considerations
Mayor Allen stated that he wants the code to reflect "single family dwellings" and not "single family zones". He stated that it is alright if someone is renting a room as long as the home is owner occupied.

Council Member Zishan wants to update the language about application fees including the first two Inspections and then for each re-inspection after the first two, the fee would be $50.00.
Council Member Parkinson stated that the property will be inspected upon completion of the application. She stated that the site plan will be reviewed upon application and initial site inspection will occur upon completion.
Hanson stated that if there is complaint it would trigger an inspection fee.
Council Member Christiansen stated that we cannot charge people on invalid complaints. Council Member Zishan stated that the number of inspections should reset after complaints are resolved..

Mayor Allen stated that any current chicken owners will have 30 days to comply with the Ordinance and he would like to add language stating that if they don't apply for a license we will Charge a $250.00 fee.
Council Member Christiansen stated that we need to give them more leeway to get this taken of.
Council Member Thomas stated that the ground would be too hard now get an appropriate run
It was suggested that once the ordinance is passed, Nish can speak to them and let them know the timeline on when we expect completion of the project. Mayor Allen stated that we need to have it tied to the ordinance. Council Member Zishan wants existing chicken owners to know this requirement and about the ordinance.

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City Recorder Amy Rodriguez
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Others Present
Carey Seal, Amy Miller

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

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA AND NOVEMBER 5, 2024, COUNCIL MEETING MINUTES

Council Member Parkinson would like the minutes to reflect the full house we had at the last minutes and to recognize the families and coaches of the Mini Titans

Items 5.1 was approved by general consent.

6. SPECIAL ORDER

6.1 PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIRST PUBLIC HEARING TO CONSIDER POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES PROGRAM FOR PROGRAM YEAR 2025

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC HEARING

The Public Hearing was opened at 6:09 p.m.

Mayor Allen opened the public hearing for the CDBG program and stated that the purpose of the hearing is to provide citizens with pertinent information about the Community Development Block Grant Program and allow for discussion of possible applications for the 2025 funding cycle. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Wasatch Regional Front, in which Washington Terrace is a member, is expected to receive approximately $978,712, in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time.

Mayor Allen read several of the eligible activities listed including examples, such as Construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.

Mayor Allen indicated that in the past Washington Terrace has received 14 CDBG grants which were used to purchase Fire Department Equipment to include a skid loader for the brush truck, thermal imaging equipment, and breathing apparatus, Seismic upgrades to two Water Tanks, a restroom and bowery at Victory Park, the 4525 South Sewer Main Replacement, construction of the Civic/Senior and Fire Station ,Water Main Feeds, installation of water valves throughout the city, a cab and chassis for the Fire Department, the AMI water metering system, and currently the removal and reconstruction of the Parking Lot at Rohmer Park. The city has handed out its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the city has identified as being needed in the community.

It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

The Mayor asked if there were any suggestions. There were no citizen comments.

The hearing was adjourned at 6:16 p.m.

7. CITIZEN COMMENTS

Amy Miller, representing the Methodist Church, stated that there is a free community wide Thanksgiving dinner this Saturday at 5:00 p.m.
Miller updated Council on December events. She stated that there is a free "make it and take it craft event" for children on the first Saturday in December. She stated that there is a dinner at 5:30 and a bell concert at 6:30p.m. on Saturday the 8th. She stated that there is a candlelight event on Christmas Eve. She stated that these are all free events. She stated that the information for all the events are available on the community website.

Carey Seal stated that he attended the Mosquito Abatement Board conference a few weeks ago. He is the representative for Washington Terrace City. Seal reported on West Nile cases within the county and state. He stated that mosquito diseases can transfer from person to person, even if someone is bit in another

country and travels to another location. He stated that mosquito abatement is important to stop the spread of diseases. Seal stated that some diseases carried by mosquitos can transfer very quickly and can even cause death. Seal stated that mosquito larva can live throughout the winter. He cautioned Council to be aware of any frozen ponds or buckets of water, as the mosquitos may hatch as the ice thaws in spring.

8. NEW BUSINESS

8.1 PRESENTATION/DISCUSSION: TRANSPORTATION ORDIANCE REIVEW

Hanson stated that he appreciates staff's diligent work on the ordinance. This item is discussion only, the ordinance will be brought back for approval after considerations are included.
Seaman stated that parking enforcement has always been challenging. He stated that there are several loopholes in the current ordinance and staff felt that there was a need to rewrite the entire ordinance. Seaman stated that he and the committee worked through the ordinance with legal.

Mayor Allen stated that the main focus tonight is the parking sections. He stated that the winter parking conditions have not changed. Seaman stated that there is now a $50.00 parking violation fee. Hanson stated that there would need to be a change to our fee schedule for the violation fee. Seaman stated that the Weber County Sheriff department is responsible for any enforcement on the street, and Nish would be responsible for enforcement off of the street onto private property. Seaman stated that Nish and staff can put warning stickers or hangers on vehicles to give warning to vehicles letting them know that there is an issue. Mayor Allen stated that winter parking is an issue every year.

Mayor and Council read through the ordinance.
Mayor Allen asked if "motor home" could be added to the recreational vehicle section. Council Member Christiansen asked if someone is prepping to go on vacation, or loading the vehicle, can there be leniency applied. Seaman stated that current code allows for 72 hours parking for loading. Seaman stated that from a safety standpoint, the roads are not made for this type of parking for trailers. He stated that there are many vehicles parked on the road and it becomes challenging. Seaman stated that the timeframe needs to be reduced or not allowed at all unless they are actively loading. Seaman stated that he would recommend not allowing the trailers to be parked unless they are actively engaged. Seaman stated that the 72 hours starts once the vehicle is marked. Seaman stated that the Sheriff's Office do not immediately fine. They due their due diligence to find the owner. Council Member Christiansen stated that she wants residents to know that we understand that they don't have storage to put their trailer somewhere off the road. Seaman stated that the majority of our roads are not wide enough for a RV or trailer to be parked on the road and have two vehicles pass. He stated that it takes the roads down to one lane, which can be dangerous. Seaman stated that we need to have the verbiage so that the enforcement can tell the owner that the vehicle needs to be immediately moved.

Hanson stated that we have had issues in the past where the tires are marked and the vehicle has moved six inches, still parked on the street. Lt. Cowley stated that the wording is as strict as it is because the loopholes have become problematic. He stated that there are a few issues that need to be looked at within the committee. He stated that 10.930 there are no provisions for loading and unloading, however, there are provisions under 10.940. He feels that it is reasonable to have the same provisions under 10.930.

Mayor Allen stated that no home business or commercial business vehicles can be parked on the road at any time. Mayor Allen stated that people are bringing their work vehicles home all the time. He stated that

he doesn't have an issue with those types of work vehicles, however, he is concerned with landscaping or utility work trailers. He stated that the trailers are attached to the trucks. He questioned if we can allow work vehicles on the road, as people are trying to make a living. Seaman stated that he does not believe that there are any rules against using your business vehicle as your personal vehicle. Lt. Cowley stated that it should be addressed in the ordinance for clarification. He suggested defining the type of vehicle rather than "work vehicle". Mayor Allen stated that he is not concerned with work trucks, until it becomes a semi-trailer or tow truck. Seaman stated that the issue started because of trailers. He stated that the trailers were becoming an issue and the code would not let us enforce removal of trailers that were parking on the streets that do not belong in the city.
Seaman stated that the weight of the vehicle would be an appropriate way to define what is allowed. Mayor Allen stated that the nuisance seems to be the trailers that are parked on the road. He stated that there are many recreational trailers parked at homes. Council Member Parkinson stated that work vehicles may be parked on the street while they are performing a service at a home. Lt. Cowley stated that they will do everything that they can to have someone come into compliance before they cite or tow any vehicles. Council Member Christiansen stated that she would like it in code so that it is in the record for residents who read the ordinance in the future.

Mayor Allen asked Council how they feel about utility trailers. Council Member Christiansen stated that some of the trailers are for work, and some are for personal use. She stated that there are times that we need to have flexibility with moving the vehicles onto the road. She stated that she is concerned that the ordinance does not allow for that flexibility. Mayor Allen stated that sometimes trailers need to be shuffled around for a day or so. Hanson stated that people have to shuffle vehicles around. He stated that there is a catch 22 in not allowing instances for shuffling of cars, however, he noted that this could be used by some as a loophole. He stated that we need to find the correct language to allow short term parking and not have it become a loophole.

Council Member Parkinson stated that the number one reason for the ordinance is for safety. She stated that we need to keep every aspect of the ordinance to fit safety purposes. She stated that safety issues need to be the focus of the ordinance. She stated that safety issues need to remain in the forefront.
Hanson stated that the intent of the city is to allow people to load their vehicles and leave. He stated that the challenge would be that the 24 hour limit would become a loophole for people who want to leave their trailers on the street in the public right of way for their business vehicles. Hanson stated that we would have no proof that the vehicle is a business vehicle. Lt. Cowley stated that the provision could be written that the recreation vehicle can be parked for 2 hours while loading or unloading, and that would negate the 24 hour regulations.

Council Member Christiansen asked about the moving trailers or pods that are parked by the business while residents are loading or unloading. Lt. Cowley stated that deputies are trained to address the spirit of the law and would realize that those types of trailers are not what the ordinance is for.
Council Member Christiansen asked why we have to be super strict on some ordinances, and others we can have leeway. She stated that it feels disingenuous to the residents. Mayor Allen suggested language concerning pods or moving trucks and strictly enforce those types of scenarios. Hanson stated that there should be detailed information on how they can be used. Hanson stated that he realizes if the pods go on someone's driveway it may push their cars onto the streets.
Lt. Cowley stated that storage containers are addressed in the ordinance. The question becomes how we

define “active”. Seaman stated that when he needs dumpsters or pods moved, he has dealt directly with the company. Seaman stated that emergency repairs and construction projects are permitted with permits from the city.
Seaman stated that the Public Works Director can determine safety of parked vehicles.

Council Member West stated that a trailer should never be detached, however, if the work truck and trailer is parked safely and is used everyday, he believes that it could be parked in front of a residence.
Council Member Parkinson stated that safety must be considered.

Seaman stated that permitting becomes an addition burden to staff for enforcement. Seaman stated that the legislature deregulated home businesses, which can become a problem because we cannot impose conditions.

Hanson asked for input from Council on language for utility trailers that impact the environment that they are in. He asked if Council would allow those types of trailers. Council Member Zishan stated that we cannot allow trailers for any safety concerns at any time.

Hanson recommended language that states unless a vehicle is actively participating in business, they need to be off of the road. Lt. Crowley stated that some of the unattached trailers on the road may not be a safety issue. He stated that they were struggling to define what constitutes a safety issues. He stated that Council needs to decide if trailers are a concern, or if the committee should focus on safety issues. Hansons stated that the safety issues are too hard to prosecute in court. Hanson stated the intent is not to have overnight storage on the road. He stated that the intent is to get trailers off of the street city wide. Hanson stated that there have been many complaints. Council Member Zishan stated that if a trailer is not a safety concern, and is just an annoyance, he feels that we are forcing them to rent a storage unit, however, he understands the reasoning behind the ordinance.

Council Member Christiansen stated that we need to allow opportunities for people to widen their driveways. Seaman stated that we allow for widening an approach up to 32 feet. He stated that the challenge in cutting curb is that there needs to be an excavation bond of $2,000, which the city holds for a year. He stated that allowing people to park on gravel, may allow people to park all over their property. He stated that parking is very challenging.

Council Member Christiansen asked how we determine if a vehicle is parked for the purpose of sale.

Seaman stated that he and the committee will review the ordinance and work on changes. The ordinance will be given to the city attorney for review and will be brought back to Council at a later date.

9. <u>COUNCIL COMMUNICATION WITH STAFF</u>

Council Member Zishan asked if the city would be able to donate money to a fundraiser to the school district. Hanson stated that we have our own challenges within our city, so we leave the resources to the school district.

Council Member Parkinson asked about the slide replacement at Wright Park and was told that it may be a CDBG project.

Council Member Thomas stated that he received complaints concerning the survey and asked if we could increase the amount of space to respond. He also asked if there is a way for people to have the city pick up green waste on the curb if they are unable to bring it to the public works shop. Hanson stated that he would look into the possibility. Council stated that they would be agreeable to link up with residents' who may need help transporting their green waste and provide names and contacts of those who are willing to volunteer.

Mayor Allen stated that there is a tradition within the city, the Council offer the employees a holiday gift between Thanksgivings and January 12th in lieu of a party or gift. He stated that this is cost efficient. He would like Council permission to continue the tradition. Council agreed for this gift.

10. ADMINISTRATION REPORTS

Hanson stated that he and the Mayor, along with Council Member Parkinson, attended the LPC this week. He stated that they spoke about reaching out to legislators to meet with the Council in a work session on December 17th. Hanson stated that the meeting is not scheduled, but we can amend the annual meeting schedule to accommodate. Council suggested having the meeting at 6:00 p.m. and providing refreshments. Hanson will reach out to the representatives.

Hanson stated that the retreat begins at 7:30 a.m. this Friday and Saturday.
Hanson stated that there will be a Moderate Income Housing presentation in which Council is invited. The presentation is this Thursday. Hanson will send the invitations tomorrow.
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11. UPCOMING EVENTS

Nov 22-23: City Council Retreat
Nov 28-29: City Offices closed for Thanksgiving Holiday
Dec 3rd : City Council Work Session (5:00 p.m.) and Council Meeting (6:00p.m.)
Dec 14th Candy Cane Run!
Dec.25th Christmas Holiday- City Offices Closed
Dec 26th: Planning Commission (tentative) 6:00 p.m.

12. ADJOURN THE MEETING- MAYOR ALLEN

Motion by Council Member Thomas
Seconded by Council Member Christiansen
To adjourn the meeting
Approved unanimously (5-0)
Time: 8:05 p.m.

Date Approved **City Recorder**