

City of Washington Terrace

Minutes of a Regular City Council meeting

Held on August 17, 2021

City Hall, 5249 South 400 East, Washington Terrace City,

County of Weber, State of Utah

1. **WATER TANK DEDICATION:**

5:00 P.M.

Residents were invited to the dedication of the refurbished Water Tank #1, which is coming back online after more than 25 years. The Water Tank is located at 5295 S 500 W. Mayor Allen explained the three year process to getting the tank online, and explained the funding from CDBG grants for the project.

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member F. Carey Seal
Council Member Blair Brown
Council Member Larry Weir
Council Member Scott Barker
Council Member Jeff West
Public Works Director Jake Meibos
General Planner Tyler Seaman
Fire Chief Clay Peterson
City Manager Tom Hanson
City Recorder Amy Rodriguez
Weber County Sheriff Colby Ryan

Others Present

Charles and Reba Allen, Amy Miller, Nathan Howard, Kathleen Craynor, Jim Craynor, Tyler Nielson, Prynn Murdock, Jim Taggart, Jason Allen, Paul Klema

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 AUGUST 3, 2021, MEETING MINUTES

Items 5.1 and 5.2 were approved by general consent.

6. **CITIZEN COMMENTS**

Resident Mike Lawrence asked Council Members to reconsider the business licenses fees so that they are aligned appropriately with Zions Bank recommendations. He asked each Council Member to give a

commitment and thoughts on the matter.

Resident Kathleen Craynor stated that she did not feel that many citizens had their concerns met at the last meeting. She stated that it seems like we need more money for policing and asked if there was a drastic increase in crime causing the increase in police presence. She also asked how compensation aligns with other cities.

7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS

Hanson stated that Zions Bank did a cost analysis on businesses to run inside the city and the activities that go in to supporting the businesses. Hanson stated that there is a phased approach to getting the assisting living centers in line with the study as to be business friendly, as the disproportionate fees was a very large and extreme jump. He stated that part of this process is an educational experience for the business as well so that they could learn to manage their calls for service. Mayor Allen stated that the phasing was discussed and the first phase was an extreme jump, and he believes that the Council agreed to do it that way. Mayor Allen stated that he wants to continue the phasing in process to raise fees year after year. Council Member Barker stated that we have taken a look at the suggested fees and did what was felt was right with what we can and cannot do. He explained that some fees went up and some fees went down because of their disproportionate use of our systems and felt that it was fair so that the residents don't have to pay for something that belongs to a business.

Council Member Brown stated that we will continue to raise their fee so that the residents don't have to support the businesses. He stated that the nursing homes are not paying their fair share. Council Member Seal stated that the Council voted on the recommendations and he remembers that a good percentage was on the low end and Council voted to raise most of them and will continue to monitor them. Council Member West agreed that we need to continue to monitor and raise the fees over time. Council Member Weir agreed and stated that the nursing center needs to pay their fair share. Mayor Allen stated that legally we had to comply with what the plan said, noting that he was not always happy with some of the fees, but we cannot charge more than what is justified in the plan.

Mayor Allen stated that it was decided not to bond in January. He stated that bonding is a good tool if you are to do a large project and need the money quickly. Mayor Allen stated that this increase goes towards the capital investment plan. He stated that the money goes towards 0-5 year plans, and 5-10 years. He stated that some of the funds are not ready to be rebuilt at this moment and that is why Council chose not to bond. He stated that it is better to get the money yearly and keep the projects going as planned, and look for grant monies as we go so that we can leverage the funds as we go. Mayor Allen stated that in 2001, projects needed to be completed right then, and the City chose to bond.

Mayor Allen stated that we had a period of 10 years with no price increases. He stated that the Sheriff is working at an unsafe level of police officers. He stated that crime is not going down anywhere. Mayor Allen stated that we have to have the officers at a safe amount. He stated that the increases are going to come. He stated wages, body cams, computers, and vehicles are all increasing.

Council Member Barker stated that there is a lot of crime in the City. He stated that we are trying to start the VIPS program so that we can lower our calls for service. He stated that the cost for the sheriff will decrease when the calls for service decrease. He stated that there are costs involved with the VIPS program. He stated that the stats for our city are embarrassing and citizens need to help patrol the city and get the calls down. Council Member West stated that there has been an increase in calls and they are very high for Washington Terrace City. He stated that our proportion of calls is disproportionate and we have to negotiate with the other cities on our fair rate, as they feel that we should pay more because we have a large amount of calls. Mayor Allen stated that the Sheriff Office has the same concerns as we do.

99 Mayor Allen stated that it is hard to compare cities that are exactly like ours. He stated that we take an
100 average of the comparison cities and then knock it down 5-10 percent. Mayor Allen stated that we try to
101 treat our employees as families. He stated that we try to compensate in other ways for the price decrease.
102 Council Member Brown stated that we have 15 benchmark cities. He stated that the median income is
103 \$56000 per household. He stated that we have 9300 people. He stated that we should not be considering
104 Farmington in the mix and there are far better comparisons out there. He stated that he hopes the Council
105 will review them. Mayor Allen stated that we need to throw cities in the mix that staff may want to move
106 to. He stated that we would like to retain employees. He stated that we combine jobs because we have
107 fewer employees.
108 Council Member West stated that we do review the cities on a yearly basis, and we should compare
109 comparable cities yearly, as to Council Member Brown's point.

110 111 **8. NEW BUSINESS**

112 113 **8.1 PRESENTATION: OGDEN-WEBER TECHNICAL COLLEGE SCHOLARSHIP**

114 President Jim Taggart from Ogden-Weber Technical College presented to Council. He stated that the
115 college was established 50 years ago and serve 6000 students a year. He stated that they used to be
116 Applied Technical College. He stated that their students have 6-7 jobs waiting for them when they
117 graduate. Taggart stated that the college focuses on high demand jobs that are needed in the community.
118 He stated that they have 35 high tech, high demand programs. Taggart stated that there are good paying
119 jobs in Utah and we don't want to export talent. He stated that all students graduate debt free. He stated
120 that high school students attend tuition free.

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122 Taggart thanked the Mayor and City Council for being transparent and letting residents share with them.
123 He stated that originally the College was going to give a half year scholarship, but changed their mind to
124 a full tuition scholarship. Brynn Murdock stated that they wanted to reinvest in the community. She
125 stated that the recipient will receive a full tuition scholarship.

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127 Mayor Allen stated that a student has been chosen from the community. The scholarship was advertised
128 and the committee chose resident Stephon Wolfgramm, who will use the scholarship to help complete his
129 journey to becoming a Certified Nursing Assistant (CNA.).

130 131 132 **8.2 MOTION/RESOLUTION 21-22: A RESOLUTION ADOPTING THE FISCAL** 133 **YEAR 2022 BUDGET AND SETTING THE CERTIFIED TAX RATE**

134 Mayor Allen stated that the budget process began in November. He outlined the timeline, stating that the
135 tentative budget was brought before Council in April and was unanimously approved to continue on that
136 path. He stated that the acting budget was approved in June to approve an acting certified tax rate of
137 0.002187. He stated that a public hearing was held in August to hear comments from the residents. He
138 stated that staff requests the adoption of the budget as presented and setting the certified tax rate.
139 Council Member Brown stated that he has difficulty supporting the tax increase and does not care how
140 Weber County administration shoved a 19 percent increase on us and felt that was unfair and cannot
141 support that. He also stated that he feels the Wilkinson Contract was mismanaged. He stated that he
142 supports the budget overall, however he doesn't like certain aspects.

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144 **Motion by Council Member Barker**
145 **Seconded by Council Member West**
146 **To approve Resolution 21-22 adopting**
147 **The Fiscal Year 2022 Budget and setting the Certified Tax Rate**

148 **Approved (4-0)**
149 **Roll Call Vote**
150 **Seal- Aye**
151 **Brown- Nay**
152 **Weir- Aye**
153 **Barker- Aye**
154 **West- Aye**
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157 **8.3 MOTION: APPROVAL OF PLEASANT VALLEY WEST SUBDIVISION (Phase 5)**
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159 Seaman stated that the subdivision was recommended for approval from the Planning Commission. He
160 stated that the subdivision was always planned on, however, due to geotechnical issues, it was halted
161 several years ago. He stated that the Development Agreement has not been completed and is still with the
162 attorneys. He stated that there will be an amendment to the Development Agreement to add the Geotech
163 report to the plat and a stipulation for parking on only one side of the street. Council Member Barker
164 asked what type of provisions due we have to protect the city if the hill landslides. Seaman stated that the
165 Geotech report will be in the recording of the plat and the homeowners will be warned of any potential
166 hazards. He stated that there are risks, but they are low risks. He stated that he will have to make sure
167 during the building process that they do not get into the toe of the hill.

168 Seaman stated that the first three houses have been widened instead of being long, while the other 7 are
169 far enough away from the slope.

170 Council Member Brown agrees with Council Member Barker and stated that we have a duty to proceed
171 with caution so that the homeowners do not come after the city for money. He stated that it would have a
172 profound effect on the city and that we should go to the furthest extent possible so the we have less
173 liability if something were to happen in that area.

174 Council Member Seal asked if we can we require specific things like footing drainage before the house is
175 built. Seaman stated that those types of recommendations are entailed in the Geotech report and he will
176 inspect and make sure that it meets the requirements. He stated that they are putting in additional
177 drainage that will tie into the storm drain system. He stated that it is uncommon, but is highly
178 recommended with these types of buildings. Council Member Seal asked whose fault is it when the house
179 comes down. Seaman answered that it a fair question, to which he responded he was unsure. Council
180 Member Barker clarified that it is not a city road, but there is infrastructure in the road that we will
181 maintain. Seaman stated that we will still have an agreement to maintain the existing infrastructure that
182 was put in years ago. He stated that they will have their own HOA per the development agreement and
183 that they will maintain the snow removal.
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185 Council Member Barker stated that he has a concern for the city, as well for the residents when they
186 build, but he wants to make sure that we are protected. He noted that he is not sure that we have
187 everything we need at this time.

188 Mayor Allen stated that the Geotech report is 30 pages long. He stated that our land use attorney has
189 reviewed and passed it along to the Planning Commission. Seaman stated that it is not common to have
190 the Geotech recorded on the plat so that people know that this is sensitive land. He stated that the same
191 concerns came up during Planning Commission. Seaman stated that it is the opinion of Bill Morris that
192 we will be protected when we record the Geotech.

193 Council Member West noted that lots 1 and 2 are questionable with regards to how close they are to the
194 toe of the hill.

195 Council Member Brown stated that we moved our Public Works shops because we were told that it was a
196 concern to keep the shops in the same area of land. Mayor Allen stated that the parking lot was already

sluffing off the hill and shops were only 50 feet away.
Seaman stated that Morris stated that the Geotech engineer has stamped and guaranteed that it is buildable area. Seaman stated that he does not know if it is the same soil composition as where the public works shop was located. He stated that based on the Geotech report he is in support of the project.

Tyler Nielson was introduced as the engineer for the project. He stated that he understands the concerns and plans on living in the development himself. He stated that the has been master-planned for years. He stated that the ground is seen as stable and buildable, however, it becomes unstable when you factor in earthquakes. He stated that recommendations for earthquakes have changed. Nielson stated that the reports show that based on the Geotech engineer, if an earthquake event happens, a slip plain will develop 100 feet back from the scarp. The development will keep a 150 feet footmark and will only have parking on the northside of the road to accommodate that setback. He stated that the slope on the northside can now be cut into as long as there is an engineered solution (rocks, retaining walls). Neilson stated that lots 1 and 2 will most likely go into the rocks as long as it is safe.
Neilson stated that the infill ordinance allows for this development. The sewer and storm infrastructure has been in there for 20 years. He stated that the ground water is 35 feet deep.
Hanson stated that Neilson works as a engineer for other municipalities and has worked with the city to make sure that it is sustainable without putting the costs on other residents. Hanson stated that it will be a PRUD and the developer has been responsive of things that we asked of them. Hanson stated that the analysis is in excess of anything we would ask anyone else to do because of their proximity to sensitive lands. Hanson stated that we have confidence in their Geotech.

**Motion by Council Member Brown
Seconded by Council Member West
To approve the Pleasant Valley
West Subdivision Phase 5
Contingent on the Development Agreement
Approved unanimously (5-0)**

8.4 MOTION/ORDINANCE 21-06 : RE-ENACTING CHAPTER 13.12 OF THE MUNICIPAL CODE "SEWER SERVICES"

Meibos stated that Central Weber asked that we adopt their Sewer Control and Rules and Regulations. He stated that we updated some of our processes and put them in the revised code.
Meibos stated that the code explains what the city owns and what the resident owns. He stated that it spells out what we are responsible. Mayor Allen stated that every Central Weber Sewer participating city will be including this information in their ordinance.

**Motion by Council Member West
Seconded by Council Member Seal
To adopt Ordinance 21-06
Re-enacting Chapter 13.12 of the
Municipal Code " Sewer Services"
Approved unanimously (5-0)
Roll Call Vote**

8.5 MOTION: APPROVAL OF DISPOSITION OF SURPLUS PROPERTY

Hanson stated that we have a city process to dispose of small items (such as chairs, printers, etc), that can be done in-house. He stated that there is a separate process to dispose of capital items. This part of the process is having the Council review the items. Meibos stated that some of the items to be disposed of

246 exceed the \$5000 limit. He stated that one of the items is the bobtail with the salt spreader that we will
247 not be replacing. He stated another item is the 1990 Fire pumper. Meibos stated that there is a sewer
248 cleaner that is not worth maintaining in its current condition. He stated that we would like to surplus it
249 once we receive the new vac truck. Chief Peterson stated that the pumper came from the TNT auction. He
250 stated that the quote for this pumper was between \$3000-\$10,000, however, he noted that the pumper
251 does not meet fire standard codes and could not be used for fire services. He stated that this will most
252 likely go for personal use and that is why it is priced as it is.
253 Meibos stated that the bobtail may be sold on our own before we take it to auction. He stated that the rest
254 of the equipment will get more exposure at the auction.

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257 **Motion by Council Member Weir**
258 **Seconded by Council Member Barker**
259 **To approve the disposition of surplus property**
260 **Approved unanimously (5-0)**
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263 **9. COUNCIL COMMUNICATION WITH STAFF**

264 Council Member stated that he appreciates the striping that was done on Adams and 5700 South. He
265 stated he has stopped to talk to people around the city regularly. He stated that he visits the Senior Center
266 and enjoys talking o the people there and appreciates what the City has done for that program. Mayor
267 Allen stated that Weber Human Services manages the program and appreciates their work with the
268 seniors.

269 Mayor Allen commented that it was hard to get paint for the roads and that Public Works is saving us
270 money by doing the striping themselves.

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272 Council Member Brown stated that when he found out that the sheriff wanted \$200,000 during the TNT,
273 he spoke with our finance director and he found out that our second biggest contract was with Wilkinson
274 Landscaping. He stated that there is a yearly increase based on the cost of living index. He stated that he
275 did not know that the contract included the extension of the contract for 3 more years. Council Member
276 Brown explained that in November of 2020, the city manager made the decision to extend the contract for
277 \$139,000 for 3 years. Council Member Brown stated that his issue is that it was approved by executive
278 authority and that he feels that the best practice is to have Wilkinson compete when his contract is up. He
279 stated that it rubs him wrong to have city manager extend a contract of \$417,000 for three years and feels
280 that he overstepped his boundary.

281 Council Member Brown stated that if he does have executive authority, then there should be a limit. He
282 stated that he has the right to know and strongly suggests that Council talk about limits. He would like
283 procedures put in place, as he feels blindsided. He is asking that moving forward, Council is advised.
284 Council Member Barker stated that the contract was approved by Council Member Monsen and was
285 seconded by Council Member Brown at that meeting. Council Member Brown stated that the contract
286 was agreed upon by all, but he stated that his issue is that when it came up again in 2020, Council should
287 have been notified.

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289 Council Member Barker asked if we have an agreement with others who park in our parking lot and go to
290 other businesses. He stated that we may need to get an agreement in place so that no one can claim they
291 have ownership of our parking lot.

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293 Council Member West asked if we have gotten updates on a Lacrosse Program. Hanson stated that he
294 will follow up on that issue with Recreation.

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Mayor Allen

10. ADMINISTRATION REPORTS

There were no administrative reports.

11. UPCOMING EVENTS

August 24th: Special Council Meeting – Board of Canvass 5:00 p.m.

August 26th: Planning Commission Meeting 6:00 p.m.

September 6th : City Offices closed for Labor Day

September 7th : City Council Meeting 6:00 p.m.

12. ADJOURN THE MEETING: MAYOR ALLEN

**Motion by Council Member barker
Seconded by Council Member weir
To adjourn the meeting
Approved unanimously (5-0)
Time: 7:43 p.m.**

Date Approved	_____	City Recorder	_____
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