

1
2
3 **City of Washington Terrace**
4

5 **Minutes of a Regular City Council meeting**
6 **Held on July 19, 2022**
7 **City Hall, 5249 South 400 East, Washington Terrace City,**
8
9

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

11 Mayor Mark C. Allen - excused
12 Council Member F. Carey Seal
13 Council Member Jeff West
14 Council Member Jill Christiansen
15 Council Member Scott Barker - excused
16 Council Member Randy Ferlin
17 CBO/Community Director Tyler Seaman
18 Utility Billing Specialist Robyn Landers
19 City Manager Tom Hanson
20 City Recorder Amy Rodriguez
21

22 **Others Present**

23
24 **1. WORK SESSION:**

5:00 P.M.

25 **Topic to include; but not limited to:**

26 Seaman and Landers updated Council on current citations that have gone out for code.
27 Hanson stated that they have met with the City Prosecutor Chris Allred and Judge Paul Olds on code
28 enforcement issues. Hanson stated that they have readjusted the citation process. He stated that residents will
29 have 14 days to respond to citations. Hanson stated that the desire is to make people aware of the issues and
30 change their behaviors rather than going to court. Landers stated that 4 out of the 22 citations sent this week are
31 rentals. Seaman stated that we have shifted from a reactive nature to a proactive nature concerning code
32 enforcement. This is due to the addition of Landers helping out with code enforcement. Seaman stated that he
33 believes that the City Council wants someone proactively working on code enforcement. He stated that Landers
34 has taken on code enforcement and has done an amazing job. He stated that it is evident to him that this can be
35 accomplished by someone focused only on code enforcement. Seaman stated that once everything goes to
36 court, he has found that is where we hit a brick wall. He stated that they have worked on citation processes,
37 citation wording and other processes. Seaman stated that the Sheriff Lt. stated that he will go out with any code
38 enforcement officer when citations are issued to the front door. He stated that it has become dangerous and
39 confrontational for code enforcement officers to go to the front door.
40

41 Hanson stated that some people are forcing our hand in regards to court appearances. Landers walked Council
42 through the citation process. She stated that she sends a letter discussing the issue and a resolve date. She stated
43 that she will call them if it involves a safety issue. After the 17 day notice, they will need to appear to court. She
44 stated that the first letter is mailed, and the second letter is hand delivered. Landers stated that most of the cases
45 going to court have received two letters (one a courtesy letter, and the other is a notice of violation). Landers

46 stated that if it involves a rental, the landlord receives a copy of the letter. Seaman and Landers stated that they
47 sometimes text a resident concerning an issue. They then have record that the resident has been made aware of
48 the problem. Seaman stated that if a courtesy notice is sent out, and then a notice of violation, the resident has
49 up to 33 day's notice. Hanson stated that a third of the summer is over by that time.

50
51 Hanson stated that the Judge stated that the citations are for the violations on that day they were cited, and he
52 will rule on that citation and give a fine. He stated that it doesn't matter if they have taken care of the issue
53 since the citation was issued. They will receive a fine for the matter that was on the day the citation was issued.
54 Hanson stated that only ten percent of the 200 letter sent out are going through the court process. He stated that
55 this is very time consuming. Hanson stated that moving forward the Council may need to decide to move
56 forward with a part time code enforcement officer.

57
58 Hanson began a discussion on backyard chickens. He stated that he has had more calls for not allowing
59 chickens than he has for allowing chickens. He stated that the City just does not have the capacity for backyard
60 chickens. Council Member West stated that chicken enforcement is more complex than bad looking yards. He
61 stated that we do not have the capacity to enforce backyard chickens. Hanson stated that the code does not
62 allow chickens in the city. Council Member West stated that conditional use permits will not solve the problem
63 either. He stated that conditional use permits could not be enforced either. Hanson stated that the city does not
64 have automatic approval to go into someone's back yard and we do not have that level of management.

65
66 Hanson began a discussion on land use for accessory dwelling units. Hanson stated that people can have
67 accessory housing units in their basement, however, it is not allowed for short term rentals (VRBO). Seaman
68 stated that our code is specific on the ADU code, noting that any accessory dwelling units connected to the
69 house cannot be used as short-term rentals, and must be advertised as 30 day rentals or more. A resident may
70 come to Council tonight concerning two short term rentals at her home. Seaman stated that she is out of
71 compliance with City code.

72
73 Landers stated that she is concerned about allowing gravel for parking, as concrete is expensive. She stated that
74 gravel is considered a soft surface. She asked if Council would consider changing the ordinance to allow gravel
75 as long as it is maintained. Hanson stated that a consideration in the future could be gravel with a road base.
76 Seaman stated that there are a handful of citations now that regard people parking on gravel as their hard
77 surface. Council Member West stated that gravel is more manageable to enforce, as it is on the side of the yard.
78 He suggested that it may be allowed as a conditional use. Hanson stated that it will have to be thought through
79 to understand the complete picture. Council Member Seal suggested compacting road base with a level of
80 gravel on top.

81
82
83
84
85
86
87
88
89
90

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

92 Mayor Mark C. Allen- Excused
93 Mayor Pro- Tempe Jeff West
94 Council Member F. Carey Seal
95 Council Member Jill Christiansen
96 Council Member Scott Barker- excused
97 Council Member Randy Ferlin
98 Public Works Director Jake Meibos
99 CBO/Community Director Tyler Seaman
100 Utility Billing Specialist Robyn Landers
101 Fire Chief Clay Peterson
102 Weber County Sheriff Lt. Colby Ryan
103 City Manager Tom Hanson
104 City Recorder Amy Rodriguez

105
106 **Others Present**

107 Charles and Reba Allen, Kathleen Craynor, Jim Craynor, Joseph Hartley, Cal McCreary, Alex Johnson, Lilian
108 Drake, Kelly Littrell, Celeste Drake, Gail Melcher, Amy Miller

109
110 **2. ROLL CALL**

6:00 P.M.

111
112 **3. PLEDGE OF ALLEGIANCE**

113
114 **4. WELCOME**

115
116 **5. CONSENT ITEMS**

117 **5.1 APPROVAL OF AGENDA**

118 **5.2 APPROVAL OF JUNE 21, 2022, MEETING MINUTES**

119 Items 5.1 and 5.2 were approved by general consent.

120
121 **6. CITIZEN COMMENTS**

122
123 Kathleen Craynor addressed Council concerning short term rentals and Air B&B. She stated that
124 She has been denied a business license although she stated that she is in compliance with city code.
125 She stated that she was told 25 years ago that her building is in compliance. She stated that staff
126 Insists that her structure is a shed. She stated that it is insulation. She stated that no one from the
127 City will come and inspect the building. She stated that she has been denied a business license.
128 She stated that she has been told by the City Manager that she could continue doing what she was
129 doing as long as there are no complaints. She wants to know why she cannot get anyone from the
130 City to inspect her building.

131
132 Alex Johnson stated that received a ticket for having chickens in his backyard. He stated that he
133 saves grocery money by using the eggs that they produce. He stated that the eggs they do not eat are
134 donated neighbors. He stated that cost of living is one reason chickens should be allowed.
135 He stated that the chickens produce healthier eggs than store bought. He also stated that he
136 takes his chicken waste to fertilize his garden. He stated that it also helps his kids to learn

137 responsibility.

138

139 Joseph Hartley stated that he and his neighbor also have chickens. He stated that he has been in
140 contact with code enforcement concerning three hens. He stated that there was a miscommunication
141 because he was told three hens were allowed, however, now he is not allowed to have chickens.

142

143 Gail Milcher stated that she was told that it was legal for her to have chickens as long as they were
144 not roosters. She stated that there is food instability because of the economy and we need to be more
145 self sustainable. She stated that she also uses chicken waste for her garden. She stated that we need
146 to be more responsible to our world. She would like to know how to proceed to make changes.

147

148 Jake Johnson stated that he is for chickens being allowed in the Terrace. He stated that we are
149 missing out on a great benefit.

150

151 Lilly Drake and Kelly Littrell, representing Bonneville High School student body, asked permission
152 from Council for a Homecoming tradition.

153 They would like to bring back the street painting tradition for Bonneville Homecoming. Drake stated
154 that the paintings will be approved by the student advisors. She stated that they are aware
155 of the past complaints from residents about the inconvenience and how it looks, but feels that it would bring
156 the community together and bring awareness to Bonneville High School. Littrell stated that bringing
157 back the tradition would let anyone feel that they are part of the community and Laker Nation.

158 Drake stated that Laker Way would need to be blocked off while the students paint and the paint dries. She
159 stated it is scheduled for August 27th. Littrell stated that the Resource Officer can help direct traffic.

160 They would appreciate an answer soon so that they can let the surrounding neighbors know of the event.

161

162 Cal McCreary stated that he supports his neighbors who want to have chickens. He stated that as
163 long as they are taking care of their families and their neighbor's he sees no issues. He also stated
164 that it should be a discussion in the open meeting. He stated that he supports the painting of the
165 streets and supports the Bonneville High School. He stated that he is mad this is not an open
166 discussion.

167

168 Amy Miller stated that the United Methodist Church is in the middle of the school supply campaign
169 and should have the supplies out by August 15th.

170

171 Council Member West stated that by law we need to have discussion items on the agenda to make
172 any decisions. He stated that it is clear in the code that chickens are not allowed in the City, as it is
173 a code enforcement issue.

174

175 Council Member West stated that there were some public safety issues surrounding the
176 painting of the streets by the school. He stated that it will be taken into consideration and maybe Council
177 and staff can come up with some alternatives for the Homecoming tradition.

178

179 Cal McCreary stated that he doesn't know what the problem is with any of the items mentioned
180 tonight as long as it doesn't bother anyone. He stated that there are multiple families living in one home
181 and that is also against city code. He was informed that state law allows up to four.

182
183 **7. NEW BUSINESS**
184

185 **7.1 DISCUSSION/ACTION: CODE ENFORCEMENT DISCUSSION**
186

187 Hanson stated that the Council met on code enforcement issues in the work session.

188 Hanson stated that when cities are created, Council is given the responsibility to create
189 decorum and consistency so that everyone is represented city wide for a safe environment.

190 Hanson stated that Council has spoken many times about receiving calls from residents complaining about
191 their neighbors who do not take care of their yards as it is.

192 Hanson stated that he doesn't doubt the residents speaking today take care of their coops, however,
193 others may not do so. Hanson stated that with the lot sizes and the environment that we have in the city, there
194 is still an obligation to manage how things are taken care of. Hanson stated that if Council chooses to allow
195 chickens, we will have to come up with a way to effectively manage the chickens, noting that it becomes a
196 challenge with rodents and animals coming into the neighborhoods to find food.

197
198 Hanson stated that Seaman has been working with Ms. Craynor to help her understand what the parameters
199 are and what is legal. Hanson stated there were claims made earlier that don't fall into place. Hanson stated
200 that a 200 square foot building on the property does not require a permit, however, if the use is changed to a
201 short term rental, that is a problem. He stated that if the original intent was a 200 square foot pool house, that
202 is different than a housing unit.

203 Seaman stated that the accessory building in the backyard does not have any permits with the City. He stated
204 that he has the permits for the original building of the home, and there are no permits for an accessory
205 building. He stated that it is possible that the inspector at the time said that they did not need a permit based
206 off of the size of the building. He stated that once there is electricity, sewer, water and utilities involved, they
207 will need a permit. Any utilities put on it needs to meet code. He stated that the risk factor goes up for any
208 occupants inside. He stated that building code dictates that the threshold of 200 feet has a low risk factor,
209 until it increases or utilities are put in. He stated that that he initiated a notice of violation because they
210 needed a business license for a rental business which he saw advertised. He stated that he received the
211 application for the license, and he was then made aware of the building that was being used. He then issued a
212 letter of denial, as there were no records of this building to ever be allowed. He stated that he has never been
213 offered to go over and inspect the building. He stated that state code says that you cannot have a short term
214 rental in an accessory dwelling. He stated that the state made us approved city code in 2021 that states that an
215 accessory dwelling must be in the footprint of the house that currently exists. There cannot be accessory
216 dwellings that are additionally put on or any detached dwellings.

217 He stated that the rental must be advertised as 30 days or more. Basements cannot be rented as a short term
218 rental. He stated that there are two parts to this issue. The basement is also being rented as a short term rental,
219 which is also not allowed by code. Seaman stated that he continues to find advertisements and reviews on the
220 rentals. He stated that he has a building that he cannot find any records of for being allowed as living
221 quarters, and he has a basement apartment being rented as a short term rental. He stated that codes cannot be
222 overnight and he will be proceeding with the citation process and Ms. Craynor will need to come to court to
223 discuss the issue with the judge.

224
225 Seaman stated that he has apologized for misspeaking about the city allowing 3 chickens. He initially
226 understood it to be a request from a West Haven resident. He stated that he recognizes that there is a small
227 group of chicken supporters in the audience, however, he does not have the ability to change code.
228 He stated that chickens are not allowed specifically in the code adopted 7 years ago. Seaman stated that he
229 recognizes the workload involved to monitor chicken enforcement. He stated that the city needs to look at if
230 this is something that we can control for the general public. He stated that he can appreciate what was said
231 about property rights and that taking care of families is important, however, as code they need to decide
232 what will impact the entire city. He stated that the city tries to be fair, but firm and figure out how to treat
233 everyone the same way.

234
235 Council Member West stated that anytime you change an ordinance to allow or restrict something, it must be

enforced. He stated that it is an odd year, as there are a lot of yards out of compliance. He stated that the problem that we have is that the ordinances must be enforced uniformly across the entire city. He stated that we have a hard time enforcing people cutting their weeds down in their yards. He stated that it will be very hard to make sure people are in compliance with animals living in their backyards, as not everyone may take care of them. He stated that the City is a community, and laws must take the community into account.

Council Member Seal stated that we would need two full time code enforcement officers to drive around and check on residents that have chickens. He stated that we would need to raise taxes to pay for this level of enforcement. Council Member Seal stated that it comes down to if we can afford to have an officer go out and verify that everyone is following the law. He stated that is where we are stuck in a hard spot. He stated that we have one part time person currently enforcing all the code issues including yards, how many people living in a home, and if people are parking on soft spots.

Council Member Christiansen stated that this is a City Council meeting and an opportunity for them to hear the community and then discuss amongst themselves. She stated that Council has had one and one discussions on this issue. She stated that something like a town hall meeting would be the appropriate time for open discussions and that the City Council meeting is not the time for give and take discussions. Council Member Christiansen stated that she likes the code as it is, however it is important for her as an official to hear voices from all the residents and see how she can meet those needs. She stated that she appreciates the concerns of the residents. She stated that one of the primary concerns of the citizens is that the city looks and remains beautiful and stays a desirable place to live, noting that code enforcement is a huge concern to the majority of the residents. She stated that we need to be able to enforce the code that we already have it and it would be hard to add another level. She stated that she welcomes conversation with the residents because that is how she learns what the concerns are and promises to bring what they tell her to staff and Council for more discussion.

Council Member Ferlin stated that he believes all of the members in the audience are responsible citizens and his heart goes out to them. He stated that he is also part of a social media site and hears resident's views on the issue. He stated that he knows how they treat their property and his confidence that we could enforce opening the door to something like this is a concern for him. He stated that he is concerned because there are way too many residents who refuse to do their part. He stated that when he moved in, there were issues with his neighbor who had chickens at the time. He stated that there were rats run across the streets, mice in the yards, other rodents and stray cats.

Seaman stated that there are 266 code violation cases open and 110 homes have been brought into compliance. He stated that the code enforcement has shifted from reactive to pro-active. He stated that they are given people 30 days to take care of situations. He stated that there have been requests from people to enter extensions. He stated that they have been working with these requests, giving an example of people who need extensions to put concrete on their soft services, noting that concrete is hard to get as well as someone who can lay it correctly. He stated that in the past, chickens were dealt with through complaints. The focus has shifted to proactive involvement. He stated that we have ramped up staff with code enforcement. He stated that we have been able to get citations into the court and have some type of resolution to them.

Council Member West stated that he likes the shift of the proactiveness, noting that the complaints he receives are from people that are doing their part while others are out of compliance.

Hanson stated that it comes down to property value and the "Broken Window" theory. He stated that it is a safer environment when things are neat and tidy. He stated that it comes down to safety and property values. Hanson stated that those who choose to not follow the rules are our challenges. It is not making it more difficult for us, it is making it more difficult to the residents and surrounding neighbors. Underlying goal is to protect life, safety, and property.

Hanson asked if there is any direction from Council for staff to change ordinances that are currently written.

Council Member West stated that he likes the shift to a more proactive enforcement stance. He recommends to continue down the path and get the workload down before we consider adding more code that would need enforcement. Council Member Christiansen agreed.
Council Member Seal leave code as it is until there is more discussion or information on items that were brought forth tonight. Until then, he proposes to leave the code as is.

Landers stated that there have been 442 code enforcement cases since April and it has been brought down to 110. She described a case where the community came together to help a 92 year old lady who received a citation and helped clean up her property. Landers noted that two chicken citations were visual, and two of the chicken citations were complaint based.

Landers stated that the city has established an email address people can use to send in complaints. It is report@washingtonterracecity.org.

7.2 MOTION: APPROVAL OF “AMENDMENT TO LOT 8 BLOCK 1 PARCEL H SUBDIVISION” LOCATED AT 486 WEST 4900 SOUTH

Seaman stated that this concerns a large lot which wanted to divide into two lots. He stated that the zoning is R-1-6, noting that both lots are larger than the required minimum of 6000 sq. feet. He stated that there was a public hearing held and a favorable recommendation giving from the Planning Commission. He stated that everything about each lot is conforming.

**Motion by Council Member Christiansen
Seconded by Council Member Seal
To approve the “Amendment to lot 8 Block 1 Parcel H Subdivision”
Approved unanimously (4-0)**

7.3 PRESENTATION: SHERIFF OFFICE QUARTERLY REPORT

Lt. Colby Ryan presented the quarterly report to Council. He stated that there has been success with the flock cameras county wide. He stated that there have been 16 total cases. He stated that 6 of them have been in Washington Terrace City. He stated that they have made 13 felony arrests with the flock cameras. Lt. Ryan stated that they recovered over \$267,450 in stolen vehicles using the flock cameras. He stated that they saw total calls for service increase from 2021. He stated that a lot of that could be contributed to more active traffic code enforcement. He stated that Utah is on course to set an all time record to traffic related fatalities. He stated that speed and traffic enforcement is a great benefit to the City. Council Member Christiansen expressed her appreciation for the increased traffic control making our streets safer.

7.4 PRESENTATION: FIRE DEPARTMENT QUARTERLY REPORT

Chief Peterson presented to Council that out of the 263 medical calls last quarter, 77 were to the nursing homes. He stated that the department assisted in 4 automatic aid calls to other cities for structure fires. Chief Peterson stated that there was one grass fire on the fourth of July, but otherwise the Terrace was fairly quiet. He noted that there were 55 grass fires in the county that night resulting in 4 structure fires. He stated that the department has been really proactive with patrol and education on restricted zones. Chief Peterson stated that the department will be out on July 23rd and 24th patrolling the areas. Council member West stated that he appreciates the residents in the city abiding by the regulations.

7.5 PRESENTATION: ANIMAL CONTROL QUARTERLY REPORT

South Ogden animal control Officer Hayes congratulated the city on animal care. She stated that people are licensing their dogs and they are able to get dogs home. She stated that the numbers have been really low the last few months. She stated that there have been minimal dogs at large due to microchipping and licensing.

Hayes stated that they patrol Rohmer Park and appreciates the sheriff office backing them up and patrolling Rohmer Park as well. She stated that the shelter hours have changed to 3:00 -7:00 p.m.

Hayes stated that it is very difficult to approve and enforce chicken ordinances. She stated that animals come in and bring diseases (raccoons, rats, mice,) that transfer to dogs, cates, and people.

Council Member Christiansen asked if stray cats can be brought in to be neutered. Hayes stated that the shelter is having a difficult time getting animals into vets for spaying. She stated that they have cut down the number of animals that they can take in. She suggested calling ahead to see if the shelter has room.

7.6 MOTION: APPROVAL OF CONSTRUCTION CONTRACT FOR THE 5200 SOUTH TRENCHLESS SEWER REHABILITATION PROJECT

Meibos stated that the project is a sewer line project to remove all the cracks in the line on 5200 South. He stated that the low bid was to Whitaker Construction for \$286,614 with construction and engineer contingency.

Meibos explained the pre-qualification process for the bids.

Hanson showed some slides of the current project on 5200 South, to which this project is connected.

**Motion by Council Member Seal
Seconded by Council Member Christiansen
To approve the construction contract for the
5200 South Trenchless Sewer Rehabilitation Project
To Whitaker Construction and
Engineer contingency for \$286,614
Approved unanimously (4-0)**

8. COUNCIL COMMUNICATION WITH STAFF

Council Member Seal asked if the business on 5600 South that was approved last year will break ground anytime soon. He asked if any other lots on that area have been sold. Hanson stated that the project is on hold. He is unsure on the sale of any other lots.

9. ADMINISTRATION REPORTS

Hanson stated that "Trees of Heaven" is on the list as one of the most noxious weeds in the area. Hanson stated that this is becoming an issue on some of the properties in the city. He stated that the trees are infiltrating onto their surrounding neighbors. He stated that Weber County is notifying residents if they have invasive weeds on their properties.

Hanson stated that there are 3 open positions within the City. He stated that we have applications to be reviewed this week.

10. UPCOMING EVENTS

July 25th: City Offices closed in observance of Pioneer Day

July 28th: Planning Commission Meeting 6:00 p.m. (tentative)

11. ADJOURN THE MEETING: MAYOR ALLEN

394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415

Motion by Council Member Ferlin
Seconded by Council Member Seal
To adjourn the meeting
Approved unanimously (4-0)
Time: 7:38 p.m.

12. REDEVELOPMENT AGENCY MEETING (The RDA meeting will convene immediately following the regular Council Meeting).