

City of Washington Terrace

Minutes of a Regular City Council meeting

Held on September 6, 2022

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

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member F. Carey Seal
Council Member Jeff West
Council Member Jill Christiansen
Council Member Scott Barker
Council Member Randy Ferlin
Public Works Director Jake Meibos
Parks and Recreation Director Carlos Grava
Finance Director Shari' Garrett
City Manager Tom Hanson
City Recorder Amy Rodriguez

Others Present

Mike Lawrence

1. WORK SESSION:

5:00 P.M.

Topic to include; but not limited to:

- Park Master Planning
- Timeline and phasing of the Rohmer Park Master Plan

Hanson explained that the pricing for phase one came in one million dollars over budget, and therefore the project was regrouped and re-phased so that it meets the RAMP grant requirements and would be affordable for the City. Hanson stated that the scope of the project decreased by half and some areas were affected. Hanson explained the original plans for the complex. He stated that he and Meibos created phase 2,3, and 4. Hanson stated that the first phase will include the roadway and will be rough graded road base, along with the pickleball courts. He stated phase 2 would be the detention basin, asphalt paving of the parking lot, and playground area. Hanson stated that phase 3 would entail a nature component, restrooms, and possibly picnic areas. Hanson stated that phase 4 would be the retaining walls, nature landscaping, and possibly a dog area. Hanson stated that lighting will need to be installed along the fence line. Council Member West stated that security cameras will need to be installed for the area. Hanson stated that he would like to get the security cameras installed during phase one.

Council Member Seal stated that we need to get started on the project so that the prices do not increase. Meibos stated that the flat work will be installed during the curb and gutter road phase. Hanson stated that this will be approached through the TCIP program. Hanson stated that it is hard to foresee how pricing will change by next year. Hanson stated that we are working with our engineers for estimates for phases 2-4. Hanson stated

46 that RAMP committee understands why we needed to scale down the scope, and that they will work with us on
47 the project and makes sense. Hanson stated that the contractor will start on the project as soon as possible.
48 Hanson stated that the courts will be painted when the weather is acceptable. Hanson stated that the slabs will
49 be viable for years and years to come.

50
51 Hanson asked if Council is comfortable with the new plans. He stated that the park planning committee will
52 meet tomorrow online to discuss the plans with Landmark.

53 Hanson stated that we should be able to use property value as part of the next phase of the grant. Hanson stated
54 that if the grants do not cover the inflationary costs, the city may be able to look at bonds. Mayor Allen and
55 Council Member Barker expressed that they do not want to have to borrow for this project.

56
57 Council Member West asked if it would be feasible to put in a few more courts north of the tree line. Mayor
58 Allen stated that the area is right up against the scoreboard. Once the first phase is done, the committee can
59 look at change orders.

60
61 Meibos explained the updated cost estimate. He stated that the mobilization cost increased because the scope
62 was reduced by half. He stated that mobilization is typically 6-8 percent, and EK Bailey came in at 4 percent,
63 which is higher than the original bid, but lower than average. Meibos stated that the conduits and junction
64 boxes increased by 2 dollars a linear foot because our quantity changed. Meibos stated that \$730,845 is the total
65 bid and with contingency it comes to \$840,471. Hanson stated that Plan B, Phase one has enough funds as
66 currently set up. Garrett stated that there is around \$200,000 in the park CIP fund to be extended, bringing the
67 total to \$862,450 . Meibos stated that the \$840,000 bid does not include electrical and lighting.
68 Meibos stated that the concrete was reduced from 900 tons to 190 tons. Meibos stated that there will not be any
69 water available aside from drip irrigation.

70
71 Hanson stated that this is a great five year projection plan. He stated that the long range plan will be given by
72 the parks committee. Meibos stated that the project amount that will be asked for tonight will be \$862,450 .

73
74 Hanson stated that the cameras are installed for the safety of staff and visitors in the parks.

75
76 Council Member West stated that he noticed that there was a horseshoe tournament a few weeks back, and
77 asked who maintained the pits. Mayor Allen stated that the horseshoe association maintains the area, and the
78 City maintains the lighting. There has been discussion to have the horseshoe pits be rented so that they are
79 reserved for tournaments and such. Council Member West stated that the area could use a little more
80 maintenance.

92
93 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

94 Mayor Mark C. Allen
95 Council Member F. Carey Seal
96 Council Member Jeff West
97 Council Member Jill Christiansen
98 Council Member Scott Barker
99 Council Member Randy Ferlin
100 Public Works Director Jake Meibos
101 Parks and Recreation Director Carlos Grava
102 Finance Director Shari' Garrett
103 City Treasurer Heidi Gerritsen
104 Code Enforcement Robyn Landers
105 City Manager Tom Hanson
106 City Recorder Amy Rodriguez
107 Lt. Colby Ryan, Weber Sheriff's Office
108

109 **Others Present**

110 Gail Melycher, Amanda Hartley, Charles and Reba Allen, Kathleen McKay, Steve Nielson, Sharae Nielson, E
111 Martindale, C. Martindale, Venna Warlaumont, Robert Wad, James Craynor, Kathy Craynor, Nedra Seal, Joy
112 Gatt, Jan Shupe, Val Shupe, Kirt Freeland, Mary West, Amy Miller, Anna Graff, Zunayid Zishan, Sherri
113 Boyington, Jill Howe, Britni Linford, Ulis Gardiner
114

115 **2. ROLL CALL**

6:00 P.M.

117 **3. PLEDGE OF ALLEGIANCE**

119 **4. WELCOME**

121 **4.1 INTRODUCTION OF NEW PARKS AND RECREATION DIRECTOR**

122 Hanson introduced the newly hired Parks and Recreation Director, Carlos Grava. Hanson stated that Grava
123 has hit the road running with the beginning of the football season. Mayor Allen stated that things are going
124 very well and Grava knows recreation and is learning all the moving parts in the City.
125

126 **5. CONSENT ITEMS**

127 **5.1 APPROVAL OF AGENDA**

128 **5.2 APPROVAL OF AUGUST 16, 2022, MEETING MINUTES**

129 Items 5.1 and 5.2 were approved by general consent.
130

131 **6. CITIZEN COMMENTS**

132
133 Amy Miller, representing the Methodist Church, stated that the 40 teachers were serviced with the
134 school supply campaign this year. She gave a reminder that there is a farmers market every
135 Saturday from 9-11 AM. She stated that there is indoor pickleball events on Monday nights that
136 are open to the community. She stated that the fall boutique is coming up the first weekend in
137 November and is a great opportunity to local vendors.

Amanda Hartley stated that she would like an update into the progress of a survey that staff said that they may look into to see what the resident's opinions were on allowing chickens. Hartley stated that she receives many messages from people who would like backyard chickens to support their families. She stated that the backyard chicken alliance is encouraging the survey so that it could benefit the entire community. She stated that she has spoken to Salt Lake County Animal Control and she said that they told her that they receive two to three calls for complaints a week for 300 homes that are allowed to have chickens. She stated that if it was scaled down to Washington Terrace, it may be one complaint a month. She stated that it should only cost a few hundred dollars A month to allow for backyard chickens.

Val Shupe stated that he is opposed to the chickens, as this is a close proximity community. He cautioned Council to be careful in their decision because the City will have to enforce the decision and the city is having trouble enforcing the code issues that we have now. Shupe stated that it is important to know that most of the people will keep the chickens in their backyard and there is 4th amendment issue to, and we would have to have a court process if someone doesn't let the city into their backyards to inspect chicken pens. He stated that he moved to the city for a city environment and does not want to go on his balcony and see or smell chickens. He stated that this is not a farm community and it will infringe against the rights of residents who do not want chickens. He stated that the rules that could be put into an ordinance allowing chickens is nice to say but it still has to be enforced, and it will entail manpower.

7. NEW BUSINESS

7.1 DISCUSSION/ACTION: TO CONSIDER THE ALLOWANCE OF BACKYARD CHICKENS WITHIN CITY LIMITS

Mayor Allen opened up the discussion to Council.

Council Member Barker stated that this issue has come up at least 4 times in the past 6.5 years since he has been on the Council. He stated that Council looks at different options and talks to people and realizes that there are people who would like chickens, however, in the past discussions and people that he has spoken to, he has found that there is definitely a majority of people who do not want chickens. He stated that he took the opportunity to learn as much as he could about the issue. He stated that Ogden City has gone through this process several times and it had been turned down several times, but they currently have an ordinance that allows chickens. Council Member Barker stated that the last meeting that they had on the subject, the City had a Veterinarian doctor who is in charge of fowl and chickens for the state come and give a presentation on the pros and cons of allowing chickens. Council Member Barker stated that he watched the non-partisan presentation and learned a lot. He stated that Weber Morgan Health also gave a presentation. He stated that he sees the benefits of chickens but also some of the disadvantages, noting that this is not a rural community. He stated that he and his wife wanted to be in an urban community and not have what is out west with the cows and chickens. Council Member Barker stated that he understands the reasoning for wanting chickens. He stated that he went to IFA to look at what is needed for chickens. He stated that chicken coops cost \$300-\$1500. He stated that 3 dozen eggs cost around \$8.50.. He stated that he understands the food issues, however, he stated that he has spoken to people who have chickens and they have told him that they don't do it to produce eggs, but they want to do it as a hobby, not an egg producer.

Council Member Barker stated that he Cleared from the doctor there are a lot of things you have to do and not do to keep the community safe. He stated that it was suggested by the doctor that chickens are not to be kept to give or sell eggs to their neighbors. He stated that salmonella is a real issue with chickens. He appreciates those who want to have them but he doesn't see the benefits for the mass majority of residents in the city because of what chickens might bring. He stated that racoons and rats come around chicken coops. He stated that he doesn't think that we want to bring it to the community as a Council. He stated that he

personally believes that chickens should be kept on a farm or rural area.

Council Member West spoke to several people with chickens and they have also told him that it is a hobby, and that you cannot make money or save money from having chickens. He has learned a lot about chickens over this process. Council Member West stated that chickens do not start producing eggs until 9 months of life and only produce eggs for about two years. He wondered how the chicken would be disposed of and how it would be taken care of. He stated that he received a lot of phone calls on both sides of the issue. He stated that one resident could not attend the meeting due to illness, but asked him to relay his message that it is not a farming community. Council Member West stated that he has received audio recordings from a resident who has chickens in his neighbor's backyard. He noted that there are lots in the city that are smaller than 6000 square feet, which would be less than the space required if Council were to pass an ordinance allowing chickens.. He stated that it is important to consider our neighbors. Council Member West stated that he will vote not according to what he feels abouts, but rather what is best for the community.

Council Member Christiansen thanked Amanda and the backyard chicken alliance for their curtesy and professionalism that they brought as they talked and taught about chickens. Council Member Christiansen stated that she does not want chickens in her backyard, nor in her neighbors. However, she stated that she feels that it is important as a city to allow citizens to use their property in ways that would benefit their families Council Member Christiansen stated that she feels it could be managed with the restrictions and regulations and the negatives could be mitigated. She stated that given the state of things economy wise and given the reasoning that backyards chickens are a common thing, she does not feel that it would be wrong to allow the city to change their ordinance and allow chickens.

Council Member Seal stated that he has learned a lot from the alliance and other residents who have spoken to Council and to him. He stated that he has heard from many residents on the pro and con side of allowing chickens Council Member Seal stated that he has heard concerns from the alliance and believes that some are valid, however, he stated that he does not feel that it is valid in a city like this. Council Member Seal stated that he is not in favor of changing the ordinance.

Council Member Ferlin stated that he feels morally obligated to speak to his experience and why he will vote the way he will. He stated that when he moved here, his neighbors had chickens. He stated that the chickens did not work out for the neighbors and they got rid of the chickens, however, the dilapidated chicken coop still remains event though the people have moved. Council Member Ferlin stated that he has seen rats run across the street and he does not want that around his home and children. He stated that he has to be concerned for the health and safety of his kids. He stated that he will base his vote off of the conversations that he has had with people and the community around him.

Hanson stated that he has followed up on a Y2 analytic blind survey that would be statistically viable, and found that it would cost \$15000, which was found to be too high of a cost to be spent on a survey.

Mayor Allen appreciates all the comments that he has received for and against chickens. He stated that he entertains a motion to advise staff on what direction to go.

Motion by Council Member Barker
Seconded by Council Member Seal
To do not change ordinance as currently exists
and retain current ordinance not to allow chickens in Washington Terrace
(there was a clarification that a yes vote means to not to change policy)
Mayor Allen asked for a roll call vote
Council Member Seal -Aye
Council Member Christiansen- Nay
Council Member West- Aye
Council Member Barker- Aye
Council Member Ferlin- Aye
Approved (4-1)

Mayor Allen stated that the vote was to keep the ordinance in place for Washington Terrace City. Mayor Allen asked Landers what our options are now for current residents who have chickens. Landers stated that the next phase is that the current chicken holders with notification to comply would have their notice go to citation tomorrow. She stated that they would have 5 to 14 days to get in touch with the courts. Hanson stated that we have not issued citations as yet to be fair until we had clear direction on the issue. Hanson stated that we would like to give appropriate time for residents to give their chickens to new homes.

Council Member Seal stated that there were some people who received incorrect information from the City and recommends giving people until the end of the month before the citations are issued. Council Member West clarified that this would be a grace period until the issue of the citation, and not changing the parameter dates of the citation.

Mayor Allen suggested giving until October 6th before they will receive the citation.

**Motion by Council Member West
Seconded by Council Member Barker
To extend the grace period of 30 days for citations to
Be in compliance with existing ordinance
Motion clarified and revised:
Citation will not be issued until October 6th, and those not in
compliance will receive citation on October 6
Approved unanimously (5-0)**

Hanson clarified that the judge will look at the citation as to what happened on the day the citation was issued. There is not grace period between the day of citation and court date. Hanson stated that this is the time to record and make the system aware that it will be in court. Hanson stressed that the date of citation is day of infraction.

Mayor Allen asked those who have chickens or know people with chickens to please pass the word onto others.

7.2 DISCUSSION/MOTION: APPROVAL OF THE ROHMER PARK MASTER PLAN AND PROJECT PHASING SCHEDULE

Hanson stated that staff has been working on Park Master Planning. He stated that the property south of the ball diamonds that is vacant was a key issue. Hanson stated that the bids came in way over budget for phase one, which originally consisted of a roadway, detention basin, pickleball court, and a playground. He stated that staff broke down the plan to find an affordable solution. Staff came up with a Plan B phase 1, which will consist of a graded roadway coming in from the existing parking lot, curb and gutter, pickleball courts, and flatwork concrete.

Hanson stated that Phase 2 will consist of the south end asphalt roadway, a second playground, and finishing of the playground area from phase one.

Hanson stated that Phase 3 will consist of a restroom and pavilions, along with finishing out the rustic playground. Phase 4 will have trails that would go up to the upper bluff.

Hanson stated that this will take over 5 years, during this time staff will be working on grants.

Hanson stated that we received \$500,000 from RAMP grants. Hanson stated that RAMP leadership understands the challenges and we will not be penalized for the change in scope. Hanson stated that staff is looking at other outdoor grants for future phases.

**Motion by Council Member Seal
Seconded by Council Member West
To approve the Rohmer Park Master Plan (TCIP)**

298 **And Project Phasing schedule**
299 **Approved unanimously (5-0)**
300
301

302 **7.3 DISCUSSION/MOTION : APPROVAL TO AWARD THE CONSTRUCTION**
303 **CONTRACT FOR THE ROHMER PARK PICKLEBALL PROJECT**

304 Meibos stated that the scope has been cut in half for Phase one.

305 He stated EK Bailey was the low bid and Plan B Phase One was updated to \$730,845.

306 He stated that with engineering and contingency, the total would be \$840,471. Meibos stated that the total
307 budget amount is budgeted for \$862,450. Meibos stated that there will be a change order with EK Bailey to
308 add lights and electricity to the project.

309 Council Member West clarified that the scope change took the project to 4 phases, and even with the cost
310 of material increase we are still able to do the project with the grant money received this year.

311 Council Member Barker stated that there are citizens on the park planning committee and if any residents
312 are interested in something going on in the city, there are opportunities for citizens to participate and help
313 in planning of events or projects.

314
315 **Motion by Council Member West**
316 **Seconded by Council Member Seal**
317 **To award the construction contract for the**
318 **Rohmer Park Pickleball Project**
319 **To EK Bailey for \$862,450**
320 **Approved unanimously (5-0)**

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322 **7.4 DISCUSSION: DISCUSSION OF PROPOSED ORDINANCE 22-04 “BUSINESS**
323 **LICENSING UPDATED”**

324 Gerritsen stated that the business license ordinance was updated last year and with that staff was made aware
325 of further clarifications needed to be made to avoid unintended confusion.

326 She stated that clarifications were made to the section pertaining to separate locations in the ordinance.

327 Gerritsen clarified that rental properties do not have to maintain a separate license per unit and only pay the
328 disproportionate fee for each unit. She stated that commercial businesses will need to have a license for each
329 separate location.

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331 **7.5 DISCUSSION: DISCUSSION ON PROPOSED ORDINANCE 22-05 “UTILITY**
332 **AMENDMENTS”**

333 Gerritsen stated that the staff completed an in- depth review of the ordinance, noting that the last complete
334 revision was in 2007. This review identified several areas recommend for changes.

- 335 - Property owner responsibilities
 - 336 - Billing charges and how to obtain late fee waiver
 - 337 - Temporary disconnection process clarification
 - 338 - Removal of temporary water connections section
 - 339 - Removal of section relating to garbage containers
 - 340 - Addition of modification to late fee and disconnection time frames to allow for holidays and
 - 341 weekends to fit into the time frame.
 - 342 - Clarification on payment arrangements
 - 343 - Identifies termination of services for change of ownership and/or non-payment
 - 344 - Changes to security deposits
 - 345 - Removal of access to premises
 - 346 - Renumbered the PRUD section
 - 347 - Grammatical and spelling changes
-

Gerritsen stated that Council will have time to review the proposed changes and the ordinance will come before them in two weeks for action. Mayor Allen stated that Gerritsen and their group have been fantastic in their review to make it fair but firm for everyone. Council Member Barker asked if there was a way to let residents know of these policies so that they know they have the option to call the city and make arrangements they will not have to face disconnection.

7.6 DISCUSSION: DISCUSSION ON PROPOSED ORDINANCE 22-06 “ SOLID WASTE AND RECYCLING”

Hanson stated that the City has one solid waste provider. He stated that historically, we did not need to define who that was. He stated that we ran into a situation where we needed to make it clear that there is only one solid waste provider in Washington Terrace City. Hanson stated that the ordinance is a completely new ordinance that makes it clear that any property smaller than a 4- plex will be required to use our services for garbage utilities. Hanson stated that this will affect 17 properties within the city. Hanson stated that the ordinance has been totally rewritten by Legal with the guidance of staff. Hanson stated that he gives a lot of credit to Garrett and her team for paying attention to detail to make it a more successful environment for the city.

8 COUNCIL COMMUNICATION WITH STAFF

Council Member Ferlin stated that he is excited to have Carlos Grava as part of the staff. He is excited to see how the recreation program grows under his leadership.

Council Member Seal welcomed Grava, and thanked Landers and Amy Miller for attending and giving the information. He stated 5600 South does not look well and wanted Hanson to know the weeds are four feet high.

Council Member West welcomed Grava to the City. Council Member West thanked Landers for her work on code compliance, noting that she has put a lot of effort into letting owners who have yards out of compliance that we value and love this City and want it to look better than it currently looks.

Council Member Barker also welcomed Grava to the staff.

Mayor Allen thanked staff for all their hard work. He stated that he received a thank you note from Bonneville high School for the support of “Laker Pride” and allowing them to paint the street for homecoming. Mayor Allen stated that he participated in the parade. Mayor Allen stated that we need to support the school and their students, as they are the future leaders.

9 ADMINISTRATION REPORTS

Hanson proposed that this year we have a back-to-back retreat on November 18 and 19th (two half day sessions). He asked Council to check their schedules to see if it works for their schedule.

Hanson stated that he will be at a conference at the next meeting, however, the city attorney will be at the meeting.

Hanson explained the split watering theory of the parks this year during conservation.

10. UPCOMING EVENTS

September 20th: City Council Work Session 5:00 p.m.(cancelled)
September 20th: City Council Meeting 6:00 p.m.

401 September 29th: Planning Commission Meeting (Tentative) 6:00p.m.
402 October 4th: City Council Meeting 6:00 p.m.
403 October 5-7: Utah League of Cities and Towns Convention (Salt Lake City)
404 October 10th: City Offices closed for Columbus Day
405 October 18th: City Council Meeting 6:00 p.m.
406 October 27th: Planning Commission Meeting 6:00 p.m.
407

408 **11. ADJOURN THE MEETING: MAYOR ALLEN**

409 **Motion by Council Member West**
410 **Seconded by Council Member Christiansen**
411 **To adjourn the meeting**
412 **Approved unanimously (5-0)**
413 **Time: 7:22 p.m.**
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418 _____
419 **Date Approved**

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418 _____
419 **City Recorder**

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