



Regular City Council Meeting
Tuesday, May 15, 2018
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

1. **WORK SESSION:** **4:00 P.M.**

PRESENTATION: FY 2018 AMENDED BUDGET, FY 2019 TENTATIVE BUDGET, AND FY 2020-2023 BUDGET PLAN
Topics to include, but not limited to: General Governmental Activities, Fire Department outlook, Compensation
2. **ROLL CALL** **6:00 P.M.**
3. **PLEDGE OF ALLEGIANCE**
4. **WELCOME**
5. **CONSENT ITEMS**
 - 5.1 **APPROVAL OF AGENDA**
Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.
 - 5.2 **APPROVAL OF MAY 1, 2018, MEETING MINUTES**
6. **SPECIAL ORDER**
Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by Council, Chair opens public hearing, citizen input; Chair closes public hearing, then Council final discussion.
 - 6.1 **PUBLIC HEARING: TO HEAR COMMENT ON THE FISCAL YEAR 2018 AMENDED BUDGET, FISCAL YEAR 2019 TENTATIVE BUDGET, AND 2020-2023 BUDGET PLAN**
 - 6.2 **PUBLIC HEARING: TO HEAR COMMENT ON UTILITY FUND TRANSFERS**
To receive and consider comment on the City's practice of not charging itself for water, sewer, storm water, and refuse fees that will be used for the normal operations of City operations during the fiscal year 2019
7. **CITIZEN COMMENTS**
This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a Public hearing. Please limit your comments to no more than 3 minutes.

For more information on these agenda items, please visit our website at www.washingtonterracecity.com

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

8. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

9. NEW BUSINESS

9.1 PRESENTATION: FY 18 AMENDED BUDGET, FY 2019 TENTATIVE BUDGET, AND FY 2020-2023 BUDGET PLAN

Staff will provide a summary of topics presented in the work session to include, but not limited to:
General Governmental Activities.

9.2 MOTION/ORDINANCE 18-05: AMENDING SECTION 17.56.005 AND ADDING SECTION 17.56.175 TO THE SIGN ORDINANCE REGARDING “TEMPORARY SIGNS”

The amendment will set limits for when and how temporary signs may be erected.

9.3 MOTION/ORDINANCE 18-06: AMENDMENT TO SECTION 17.10.020 RELATING TO “DENSITY” WITHIN THE IN-FILL RESIDENTIAL DEVELOPMENT CODE

The amendment provides clarification to the density provision within the in-fill development ordinance.

9.4 MOTION/ORDINANCE 18-07: AMENDMENT TO SECTION 17.44.080 “FENCES, WALLS, AND HEDGES” REGARDING CORNER LOT FENCES

The amendment allows corner lot fencing to be approved through a conditional use permit

9.5 MOTION/ORDINANCE 18-08: AMENDMENT TO CHAPTER 18.16 “INSPECTION AND CLEANING REGARDING “UNWANTED TREES”

The amendment prohibits certain nuisance trees from being planted in the city, as well as the authorization to instruct residents to remove trees that have become a nuisance to property and safety of residents.

10. COUNCIL COMMUNICATION WITH STAFF

This is a discussion item only. No final action will be taken.

11. ADMINISTRATION REPORTS

This is an opportunity for staff to address the Council pertaining to administrative items.

12. UPCOMING EVENTS

May 28th: City offices closed in observance of Memorial Day

May 30th: Planning Commission 6:00 p.m.

13. ADJOURN THE MEETING: MAYOR ALLEN

14. ADJOURN INTO RDA MEETING (RDA Meeting will begin immediately following the regular meeting)

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City of Washington Terrace

Minutes of a Regular City Council meeting
Held on May 1, 2018
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT WORK SESSION

- 11 Mayor Mark C. Allen
12 Council Member Scott Monsen
13 Council Member Blair Brown
14 Council Member Larry Weir
15 Council Member Scott Barker
16 Council Member Jeff West
17 Finance Director Shari' Garrett
18 City Manager Tom Hanson
19 Public Works Director Steve Harris
20 City Recorder Amy Rodriguez

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

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**PRESENTATION: FY 2018 AMENDED BUDGET, FY 2019 TENTATIVE BUDGET,
AND FY 2020-2023 BUDGET PLAN**

25 Garrett stated that there is no need for Truth in Taxation this year.
26 Garrett stated that all the indicators are telling us that the economy is looking stable for the next few
27 years. She stated that there are some economic uncertainty around year 3. Garrett stated that the city is
28 not aggressive on revenue projections or expenditures. She stated that the city is fairly conservative.
29 Garrett stated that inflation will be a major cost driver. She noted that federal and state mandates are
30 another unknown cost driver. She stated that low to no growth is also an issue.

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Refuse Services

33 Garrett stated that the city is going to continue recycling services. She stated that year 1-3 should remain
34 consistent. She stated that the contract with Republic Services has inflationary CPI index not to exceed 3
35 percent. Garrett stated that Weber Transfer and Recycled Earth have become a big unknown, stating that
36 the costs have changed and we can expect rate increases. She stated that level of service will stay the
37 same, however, the costs will increase. Mayor Allen suggested that a plan be developed to help us save
38 on carts and cut the new cart costs in half. Hanson stated that he working with Republic Services on
39 trying to figure out if damage is covered under warranty, or if damage is caused by the hauling trucks.
40 Garrett stated that there is a .15 increase to the refuse fee.

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42

Culinary Services.

43 Garrett stated that the level of service will remain the same. She stated that she does not know of any
44 stated mandates that could affect water. She stated that it will be business as usually, except when it
45 comes to capital. She stated that capital increases are due to maintaining levels of service, not raising it.
46 Hanson stated that due to stated mandates, Weber Basin Water will be conducting system improvements
47 that will be passed down to us. He stated that they will be speaking to Council in June concerning the

48 increases. He stated that the water system infrastructure is very old. He stated that he does not know how
49 much of an increase we will have, however, it will be a considerable amount. Garrett stated that contract
50 will increase by 7 percent annually. She stated that there will be no increase in water this year. Garrett
51 shared projections on billable gallons of water. She stated that we are about 18 months behind on our
52 projections for 2018, noting that there is always a lag. She stated that she feels that 2018 Fiscal Year is
53 coming in stronger than projected historically. She stated that the estimates for 2019 are conservative.
54 She stated that she will be cautious while moving forward with the estimates.

55
56 Sanitary Sewer

57 Garrett stated that levels of service will not change this year. She stated that capital will be a major cost
58 driver. She stated that the budget is anticipating 150,000 contribution towards capital improvements
59 equipment and infrastructure. She stated that we have deferred our own needs for operational needs due
60 to state mandates. She stated that we are behind on sewer capital infrastructure. She stated that the budget
61 is anticipating a .75 increase to sewer so it could go back solely to fund infrastructure. She stated that
62 there is no need to raise for operations, however there is a dire need to raise resources for infrastructure
63 and capital. She stated that the \$120,000 is still underfunded.

64 Hanson stated that due to the increases from Central Weber Sewer, the city has not raised rates for our
65 own capital improvements. Council Member West asked if our risk is increasing by not improving
66 infrastructure. Hanson stated that we are not at catastrophic failure, however, some things have not been
67 completed as intended. Hanson stated that the City has been focusing on getting ready for OTIS II.

68 Garrett stated that .75 to the base will generate around \$32,000 a year, however, it is not enough to keep
69 up on capital plans. Harris stated that there are several problems with the sewer system, with the biggest
70 problem being roots. Harris stated that bellies in the line creates opportunities for overflows, noting that
71 we have not had many in a while. Harris stated that several backups could increase our rates with our
72 insurance company.

73 Garrett stated that we can expect Central Weber Sewer to increase by over 2 percent annual. Garrett
74 stated that we are responding to costs that are being put upon us and passing along the costs.

75 Garrett stated that we are way below what other cities are charging for sewer because we rely on overage
76 costs. She stated that there is risk there if we do not meet estimates and cover costs. Garrett explained the
77 pros and cons with going with a flat rate fee. She stated that if we continue the tiered options, there is risk
78 to service and revenue risks. Garrett stated that she believes that 40 percent of residents use over the base
79 amount. She stated that we have seen fewer people going over with the cost of overage increases. She
80 stated that water will remain in the tier system.

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

95 Mayor Mark C. Allen

96 Council Member Scott Monsen
97 Council Member Blair Brown
98 Council Member Larry Weir
99 Council Member Scott Barker
100 Council Member Jeff West
101 Finance Director Shari' Garrett
102 City Manager Tom Hanson
103 Public Works Director Steve Harris
104 Chief Building Inspector Jeff Monroe
105 Fire Chief Kasey Bush
106 City Recorder Amy Rodriguez

107
108 **Others Present**

109 Charles and Reba Allen, Dell Kraaima, Russell Langford, Ulis Gardiner

110
111 **2. ROLL CALL**

6:00 P.M.

112
113 **3. PLEDGE OF ALLEGIANCE**

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115 **4. WELCOME**

116
117 **5. CONSENT ITEMS**

118
119 **5.1 APPROVAL OF AGENDA**

120 **5.2 APPROVAL OF APRIL 17, 2018, MEETING MINUTES**

121 Items 5.1 and 5.2 approved by general consent.

122
123 **6. CITIZEN COMMENTS**

124 There were no citizen comments.

125
126 **7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN**
127 **COMMENTS**

128 Due to Lack of citizen comments in item 6, item 7 is unnecessary.

129
130 **8. NEW BUSINESS**

131 **8.1 PRESENTATION: FY 18 AMENDED BUDGET, FY 2019 TENTATIVE BUDGET,**
132 **AND FY 2020-2023 BUDGET PLAN**

133 Garrett stated that the tentative budget is available online.

134 Garrett stated that the work session entailed Utility Funds. She reviewed some of the items discussed in
135 the work session. She stated that levels of service should remain the same for refuse within in the 5 year
136 plan, while noting that there are some uncertainties with the recycling program. She stated that the refuse
137 fund is anticipated to increase by .15.

138 She stated that the levels of services for culinary water will remain the same and there will not be any
139 increases expected this year. She stated that the major cost drivers for years 2-5 include capital and OTIS
140 II and there will be increases addressed annually.

141 Garrett stated that she anticipates that mandates will land within the next 5 years.

142 Garrett stated that there is not much change operationally with Sewer, however, there will be changes
143 with capital. She stated that the budget plan anticipates a 2 percent annual increase to Central Weber

144 Sewer. She stated that she anticipates that there will be heavy mandates that will affect our plan within
145 the next 5 years.

146 Garrett stated that there have been mandates concerning storm water, including storm water mandates
147 which required us to raise our level of service. She stated that we will be doing business as usual for the
148 next year. She stated that there are going to be demands on our capital improvements, however, they will
149 not increase our levels of service, rather just maintain our infrastructure.

150 Council Member Brown stated that if we stay with the tiered system, there will be a .90 increase to
151 utilities. Garrett stated that she is open to changing the system to a flat rate system for sewer if Council
152 would like that option.

153 Garrett stated that the tentative budget does not address OTIS II, however, it will be included in the 5
154 year plan once the numbers are worked out. She stated that the project cost is 11.5 million based on 2018
155 prices. She stated that it could be more, or less, depending on the economy within the next 4 years. She
156 stated that the funding period is 2018-2023. She stated that staff will be working with Council as to
157 funding sources. Garrett stated that there are opportunities for long term financing of the OTIS II project.
158 Garrett stated that the current proposal would look at a base fee increasing by .90 (.15 to refuse, .75 to
159 sewer). Garrett stated that there will be a lot of capital needs that will be discussed within the next five
160 years. She stated that unknowns include mandates. Mayor Allen stated that Council participated in a
161 training meeting last week concerning capital needs and infrastructure and stated that he appreciates
162 Garrett and Harris on the work that they do on the infrastructure. Garrett stated that it helps that Council
163 is willing to participate in seeing the bigger picture and the plan for the future.

164
165 **8.2 MOTION: TO TENTATIVELY APPROVE THE TENTATIVE BUDGET**

166 Hanson stated that the Council is receiving the tentative budget and tentatively approving the
167 budget based on the Council priorities. He stated that the final adoption will be on June 19th and
168 that the budget may change during that time.

169
170 **Motion by Council Member Monsen**
171 **Seconded by Council Member West**
172 **To tentatively approve the tentative budget**
173 **Approved unanimously (5-0)**
174

175 **8.3 MOTION: FINAL APPROVAL OF LANGFORD SUBDIVISION TO BE LOCATED**
176 **AT 4940 SOUTH 300 WEST SUBJECT TO CITY ENGINEER APPROVAL,**
177 **MUNICIPAL CODE REGULATIONS COMPLIANCE, AND A COMPLETED**
178 **DEVELOPMENT AGREEMENT SATISFACTORY TO THE CITY ATTORNEY**

179 Hanson stated that this is the first official in-fill subdivision. Hanson stated that the in-fill
180 ordinance has been approved within the last year to help clean up those areas. Monroe stated that
181 the in-fill ordinance is beneficial to the city as well as the developers. Monroe stated that the in-fill
182 ordinance has taken 6 years to be passed.

183 Monroe stated that the Planning Commission gave a favorable recommendation and made sure
184 that that subdivision meets city standards. Monroe stated that the Fire Department has worked
185 with Mr. Langford on the fire access. He stated that this will be of value to the city in terms of
186 taxes, as well as increasing property values. Mayor Allen thanked Mr. Langford for his patience
187 with this process. Mayor Allen clarified that there are 15 lots.

188 Monroe stated that lot 1 is the existing lot that will be incorporated into the subdivision. Monroe stated
189 that there will not be access from 4950 South. Monroe stated that the subdivision will be comprised of all
190 single family homes. Council Member Monsen stated that he is excited to see the new development and
191 appreciates the zoning flexibility in order to get these projects accomplished. Monroe stated that he is

192 currently working on two infill properties.
193 Council Member Brown thanked Monroe and Mr. Langford for getting the project accomplished and is
194 looking forward to improving the weed patches in the city.

195
196 **Motion by Council Member Weir**
197 **Seconded by Council Member Barker**
198 **To approve the Langford Subdivision to be located at**
199 **4940 S 300 W subject to City Engineer Approval,**
200 **Municipal Code Regulations Compliance, and a completed development**
201 **Agreement satisfactory to the City Attorney.**
202 **Approved unanimously (5-0)**
203

204 **8.4 PRESENTATION: FIRE DEPARTMENT QUARTERLY UPDATE**

205 Chief Bush presented the quarterly report to Council, stating that they have been fairly busy and the
206 numbers have remained the same. Bush stated that there have been two cooking fires within the last
207 month.
208 Chief Bush stated that he spoke with Ogden Fire Department and stated that they have negotiated
209 \$55,000 for leasing our building this year, and \$60,000 for next year. He stated that they are working on a
210 new agreement. It would be a lease on the building with the first responder fee. Bush stated that the
211 agreement would be for 3 years, with a possible transition to our own ambulance service.
212 Bush stated that Ogden is looking at sending out their battalion chief to structure fires so that there is
213 a good command structure.
214 Chief Bush stated that the contract would have a 6 month out clause if we choose to go to a district
215 or change our structure.

216
217 **8.5 DISCUSSION/MOTION: APPROVAL OF BENCHMARK CITIES TO BE**
218 **USED FOR EMPLOYEE COMPENSATION COMPARISONS IN ACCORDANCE**
219 **WITH THE PAY PLAN PHILOSOPHY**

220 Hanson stated that staff has been working with the Council, particularly the Mayor and Council Member
221 West, on the comparison cities for the pay plan.
222 Mayor Allen stated that the benchmark cities have been changed for next year's budget.
223 Council Member Brown stated that he disagreed with the 16 cities that we started with and for the first
224 time ever, the Council discussed ability to pay and median income.
225 He stated that he feels good that we pushed the Council to look at these factors, however, his vote is no
226 because he feels that there is a mis-match and unfair comparisons.
227 Council Member Brown stated that he would like to see the city live stream Council meetings and works
228 sessions. He stated that he feels good that the Council looked at ability to pay.

229
230 **Motion by Council Member Barker**
231 **Seconded by Council Member Monsen**
232 **To approve the benchmark cities to be**
233 **Used in the Employee Comparisons in accordance**
234 **With the pay plan philosophy**
235 **Approved (4-1)**
236 **Council Member Brown- nay**

237 **8.6 DISCUSSION/MOTION: DIRECTION TO STAFF REGARDING THE YCC**
238 **FAMILY CRISIS CENTER REQUEST FOR SPONSORSHIP**

239 Hanson stated the YCC came to Council and requested a contribution of \$4000.00 for their service

240 organization. Hanson stated that one option is to use some sky miles that are expiring to obtain a
241 gift card to help as a gesture. He stated that at this time we do not have the capacity to fund the
242 full amount requested. Mayor Allen stated that less than half of the county donate their share to
243 the program. Mayor Allen stated that it is a great cause and although we cannot fund the full
244 amount, he believes that the sky mile idea is a great idea.
245 Hanson stated that the sky miles are used for travel and training, but feels that there
246 is some capacity to use the miles. Council Member Barker stated that he was concerned
247 that they did not explain how they lost their funding and is concerned about the \$4000.00 amount
248 that was suggested by the Crisis Center. Council Member Weir agreed that we cannot afford
249 \$4000, however, he would like us to be able to donate to the cause.
250 Mayor Allen stated that they do receive some government funding. He stated that the cost is
251 considerable less per bed than the YCC in Salt Lake County. Council Member Brown stated that
252 he is in favor of donating funds obtained through sky miles. Hanson stated that Gina Kochendorfer
253 suggested the plan.

254
255 **Motion by Council Member Brown**
256 **Seconded by Council Member barker**
257 **To use sky miles to donate up to/not to exceed \$800.00**
258 **To the YCC Family Crisis Center**
259 **Approve unanimously (5-0)**
260

261 **8.7 DISCUSSION/ACTION: DIRECTION ON ALLOWING FULL PAGE ADS AND**
262 **INSERTS IN THE CITY NEWSLETTER**

263 Hanson stated that the intent of advertising is to fill up space in the newsletter that is available. Hanson
264 stated that staff is concerned that we would be turning our newsletter into another piece of
265 junk mail if we have extra flyers in the newsletter. He stated that he wants to maintain the
266 integrity of the newsletter. He stated that if someone like Weber Basin Water or one of our partners in the
267 city would need to place a flyer, they would be allowed to do so.

268 Council Member Monsen stated that he is concerned at where to draw the line (as far as what business we
269 would take it from, how big the ad would be, and where it would be placed.) He stated that maybe we
270 should not be involved in ads at all. Council Member Brown stated that he agrees with Hanson and feels
271 that self-promoting waters down the newsletter. He stated that less is better and only on occasion where it
272 serves the public. Hanson stated that the ads are used now only as a filler. The funds go back into the
273 general fund. Council Member West stated that it should be limited to things that contribute to our
274 community. He stated that we can encourage people to view the local business website. Council Member
275 Monsen stated that we would like to support local business. He stated that ads should only be a direct
276 benefit to the city rather than a business.

277 Council Member Monsen stated that school productions would not be able to place an ad, however, the
278 playground donation request from Roosevelt is a direct benefit to the city.

279
280 Hanson clarified the direction from Council is to not allow private businesses full page inserts, allow
281 white fill inserts as needed, and allow full page inserts to partners that support city functions and align
282 with city objectives.

283 Council Member Monsen made the motion to agree with Hanson's description, minus the commercial
284 white fill ads. Council Member Barker stated that we should allow the opportunity for local businesses to
285 place ads. Council Member Monsen then amended his motion to the following:

286 **Motion by Council Member Monsen**
287 **Seconded by Council Member Barker**

288 **To allow white space ads, do not allow commercial full page ads,**
289 **And allow full page ads from community partners for informational purposes only**
290 **Approved unanimously (5-0)**
291

292 **9. COUNCIL COMMUNICATION WITH STAFF**

293 Council Member Monsen asked why there is not secondary water at the north end. Council Member
294 Brown stated that he spoke to Pine View Water and there is a major leak and that it could be up to a week
295 before it is fixed.

296 Council Member Barker inquired if the auto issue with employees moved forward. Hanson stated that the
297 employees were told that we would cover up to \$500 deductibles on their damaged vehicles, but not to
298 set a precedence. He suggested that Council give Solomon names for Terrace Days Grand Marshall
299

300 **10. ADMINISTRATION REPORTS**

301 Hanson stated that there were good opportunities at the ULCT training last week and appreciates the
302 attention to detail that staff and Council have toward projects. He thanked Council for supporting what
303 we do as a city.

304 Hanson stated that the city received rebate money on the sheriff's contract and he would like to
305 recommend using some of the funding for speed feedback signs on 300, Ridgeline, and 500 West
306 Northbound. He stated that he would like to update the camera system and put it down at lower Rohmer.
307 Hanson clarified that we would not exceed the rebate money on these projects.

308 Hanson stated that the speed signs would be in an environment that is minimally obtrusive to the
309 neighborhood. He stated that they could be portable and brought to other areas in the city. Hanson stated
310 that they would be solar powered.

311 Hanson stated that the boy scouts helped with a project at little Rohmer by demolishing the fence and
312 cleaning up the area. Hanson stated that the Public Works Crew supported the project.

313 Hanson stated that staff is looking at ways for an Open House for the Public Works facility and
314 recommends merging that with an Emergency Prep fair in September. Council Member Monsen
315 suggested reaching out to organizations that are involved in Emergency Preparedness Programs.

316 Hanson stated that Hanson is finalizing the invoice for the water main break.

317 Hanson stated that there will be more police training in the medical building and should be demolished
318 sometime this summer.

319 Hanson stated that we will be receiving a permanent drop box from Weber County Election office.
320

321 **11. UPCOMING EVENTS**

322 May 3rd: Central Weber Sewer District facility tour 4:00 p.m.

323 May 15th: City Council Work Session 5:00 p.m.

324 May 15th: City Council Meeting 6:00 p.m.
325

326 **12. ADJOURN THE MEETING: MAYOR ALLEN**

327 **Mayor Allen adjourned the meeting at 7:57 p.m.**
328
329

330 _____
Date Approved

City Recorder

Report Criteria:

- Accounts to include: With balances
- Print Fund Titles
- Page and Total by Fund
- Print Source Titles
- Total by Source
- Print Department Titles
- Total by Department
- All Segments Tested for Total Breaks
- Account.Account Number = "106146","105430"

Account Number	Account Title	07/17-04/18	2017 - 2018	2017-18	Budget Adj Justification
		Cur YTD Budget	Budget Adj (+/-)	Final Adjusted Budget	
GENERAL FUND					
Police Expenditures					
10-54-30	Contracted Police Services	831,085	20,000-	811,085	\$(20,000) Sheriff's Office contract refund. See attached letter.
Total Police Expenditures:		831,085	20,000-	811,085	
Streets Expenditures					
10-61-46	Street sign project	.00	20,000	20,000	As a budgetary caution, the amount proposed in the adj. is below their preliminary estimate.
Total Streets Expenditures:		.00	20,000	20,000	
GENERAL FUND Revenue Total:		.00	.00	.00	
GENERAL FUND Expenditure Total:		831,085	.00	831,085	\$20,000 Pole mounted radar speed displays.
Net Total GENERAL FUND:		831,085-	.00	831,085-	
Net Grand Totals:		831,085-	.00	831,085-	

WEBER COUNTY SHERIFF'S OFFICE



SHERIFF TERRY L. THOMPSON

Klint D. Anderson
Chief Deputy
Law Enforcement Division

Kevin L. Burns
Chief Deputy
Corrections Division

Steffani Ebert
Administration
Support Services
Division

Law Enforcement Division
(801) 778-6600

Corrections Division
(801) 778-6700

Emergency Management
(801) 778-6680

Office Hours are
Monday through
Friday
8:00 am to 5:00 pm

721 West 12th Street
Ogden, Utah 84404

Fax (801) 778-6667

April 4, 2018

A preliminary review of the Sheriff's Office 2017 Budget v. Actual information shows a budget savings of approximately \$315K. We had anticipated bringing this topic up at our quarterly Law Enforcement meeting in January that ended up being canceled.

The amount of each of the city contracts is figured using a percentage of the Sheriff's Office Approved Budget. The cities have agreed on these amounts and they have been billed accordingly. Although no prior direction or discussion has taken place, nor is there any contractual requirement for any adjustment to be made as a result of the actual year-end budget amount, we have received approval by the Commission and the Comptroller to make an adjustment on your last quarter's bill to account for the savings this year. I have included the estimated adjustment amounts below; however, the final amount will not be calculated until after the County's audit is completed. Each city's final adjustment will be deducted on the April – June 2018 quarterly billing.

Based on the 43%/57% formula, the County anticipates returning approximately \$180K to the cities/unincorporated for the cities' 2018 budget year. The primary reason for the savings was due to an adjustment of vehicles in our fleet program. The Sheriff's Office eliminated several administrative and spare vehicles during 2017. This, however, did not impact services to the contract cities.

2017/18 Contract	budget v actual adj		Refund Amt
\$ 501,621	\$ 483,496	Farr West	\$ 18,125
\$ 510,231	\$ 491,795	Hooper	\$ 18,436
\$ 67,888	\$ 65,435	Huntsville	\$ 2,453
\$ 279,367	\$ 269,273	MSL	\$ 10,094
\$ 418,046	\$ 402,941	Plain City	\$ 15,105
\$ 126,426	\$ 121,857	Uintah	\$ 4,568
\$ 831,085	\$ 801,056	Washington Terrace	\$ 30,030
\$ 1,003,030	\$ 966,788	West Haven	\$ 36,242
\$ 1,240,808	\$ 1,195,974	Unincorporated	\$ 44,834
\$ 4,978,503	\$ 4,798,615	TOTAL	\$ 179,888

I have also attached a preliminary summary of the budget vs. actual amounts for your review.

If you have any questions or please let me know. You may wish to note that additional discussion will also need to take place regarding the purchase of new digital P25 compliant radios for Sheriff's Office deputies. This is a mandatory change that will be required by Utah Communications Authority by the year 2020. We anticipate purchasing these radios at the beginning of 2019 and this will have a budget impact to the city contracts as well.

Respectfully,

A handwritten signature in blue ink, appearing to read "T. Thompson", with a stylized, looped initial "T".

Terry Thompson

TT:se

Budget actual
 Total Cost \$ 8,734,216 \$ 8,418,623
 General Fund 43% 0.43
 Copcontract City Cost Burden \$ 4,978,503 \$ 4,798,615
 Deputies 72
 Avg. FTE Cost per Officer \$ 121,309

	Population %	Calls/Svc %	TaxVal %	Population	Calls/Svc	Taxable Value
Farr West	10.90%	9.25%	12.82%	6616	4022	\$ 414,261,070
Hooper	13.54%	6.96%	11.66%	8214	3027	\$ 376,707,010
Huntsville	1.02%	1.70%	1.77%	621	741	\$ 57,120,659
MSL	2.87%	8.35%	5.71%	1744	3651	\$ 184,548,708
Plain City	10.38%	6.41%	9.01%	6299	2789	\$ 290,917,395
Uintah	2.19%	2.89%	1.93%	1328	1257	\$ 62,361,711
Washington Terrace	15.09%	18.30%	10.30%	9157	7957	\$ 332,579,673
West Haven	19.65%	20.65%	22.45%	11921	8980	\$ 725,068,302
Unincorporated	24.35%	25.49%	24.35%	14776	11088	\$ 785,622,259
	100.00%	100.00%	100.00%	60676	43492	\$ 3,230,176,787

2017/18 Proposal			
Population	Calls/Svc	Taxable Value	
50%	50%	0%	
\$ 271,423	\$ 230,198	\$ -	=
\$ 336,982	\$ 173,249	\$ -	=
\$ 25,477	\$ 42,411	\$ -	=
\$ 71,548	\$ 207,819	\$ -	=
\$ 258,418	\$ 159,628	\$ -	=
\$ 54,482	\$ 71,944	\$ -	=
\$ 375,669	\$ 455,417	\$ -	=
\$ 489,063	\$ 513,968	\$ -	=
\$ 606,190	\$ 634,618	\$ -	=
\$ 2,489,252	\$ 2,489,252	\$ -	=

	2017/18 Contract	FTE	budget actual adj	Refund Amt
Farr West	\$ 501,621	4.14	\$ 483,496	\$ 18,125
Hooper	\$ 510,231	4.21	\$ 491,795	\$ 18,436
Huntsville	\$ 67,888	0.56	\$ 65,435	\$ 2,453
MSL	\$ 279,367	2.30	\$ 269,273	\$ 10,094
Plain City	\$ 418,046	3.45	\$ 402,941	\$ 15,105
Uintah	\$ 126,426	1.04	\$ 121,857	\$ 4,568
Washington Terrace	\$ 831,085	6.85	\$ 801,056	\$ 30,030
West Haven	\$ 1,003,030	8.27	\$ 966,788	\$ 36,242
Unincorporated	\$ 1,240,808	10.23	\$ 1,195,974	\$ 44,834
	\$ 4,978,503	41.04	\$ 4,798,615	\$ 179,888.01

2017/18 Proposal			
Population	Calls/Svc	Taxable Value	
50%	50%	0%	
\$ 261,616	\$ 221,880	\$ -	=
\$ 324,806	\$ 166,989	\$ -	=
\$ 24,556	\$ 40,878	\$ -	=
\$ 68,963	\$ 200,310	\$ -	=
\$ 249,081	\$ 153,860	\$ -	=
\$ 52,513	\$ 69,344	\$ -	=
\$ 362,095	\$ 438,961	\$ -	=
\$ 471,391	\$ 495,396	\$ -	=
\$ 584,287	\$ 611,688	\$ -	=
\$ 2,399,308	\$ 2,399,308	\$ -	=

2017/18 Cost Per Resider	2017/18 Cost per Call
\$ 75.82	\$ 124.72
\$ 62.12	\$ 168.56
\$ 109.32	\$ 91.62
\$ 160.19	\$ 76.94
\$ 66.37	\$ 149.89
\$ 95.70	\$ 100.58
\$ 90.76	\$ 104.45
\$ 84.14	\$ 111.70
\$ 83.97	\$ 111.91

Description	2017 Budget	Actual2	Difference
Salaries & Wages	4,327,334	4,354,188	(26,854)
Health/Dental Insurance	805,488	765,800	39,688
Disability	25,862	25,580	282
Retirement	1,312,318	1,267,076	45,242
FICA	329,742	329,261	481
Termination Pool	161,638	162,217	(579)
WCF	36,638	36,974	(336)
Subscriptions	2,000	2,132	(132)
Training & Travel	48,000	62,463	(14,463)
Meals & Entertainment	4,000	5,731	(1,731)
Office Supplies & Expense	40,000	34,402	5,598
Equipment Maintenance	380,000	326,169	53,831
Telephone	50,000	53,943	(3,943)
Service Fees	270,000	254,293	15,707
Search & Rescue	25,000	18,201	6,799
Special Investigations	2,000	2,273	(273)
projects	13,000	12,700	300
Special Supplies	35,000	26,701	8,299
Quartermaster	75,000	52,964	22,036
K9	5,000	4,287	713
Motors	5,000	16,342	(11,342)
Controlled Assets	20,000	49,090	(29,090)
Interdept. - Telephone	44,981	45,269	(288)
Interdept. - Fleet	704,405	498,759	205,646
Interdept. - Computer Maint.	65,143	65,142	1
Interdept. - Risk Management	102,554	102,553	1
Jail Transfers	404,734	404,734	0
Total	9,294,837	8,979,244	315,593



City Council Staff Report

Building & Planning

Author: Planning Dept.
Subject: AMENDING SECTION 17.56 OF THE SIGN ORDINANCE RELATING TO TEMPORARY SIGNS AND SPECIAL EVENT SIGNAGE.
Date: May 15, 2018
Type of Item: ACTION: Action by Motion

Summary Recommendations: By Motion, approval to amend Section 17.56. of the Sign Ordinance relating to Temporary Signs and Special event signage.

Description:

A. Topic: Adding a section which will relate to the type of temporary signs that are prohibited and a section to regulate special event signs. A public hearing was held at Planning Commission, with no public input. The Planning Commission gave a favorable recommendation.

B. Department Review: Staff recommends approval of the amendment.

Alternatives:

A. Approve the Request:

The City Council may approve Ordinance 18-05 and amend Chapter 17.56 to add description for Temporary signs and Special event signs.

B. Deny the Request:

The City Council can deny the recommendation.

C. Continue the Item:

The City Council may table the request to a later meeting, subject to suggesting additional information, or requiring changes to the ordinance..

Significant Impacts: no significant impact if amended.

**CITY OF WASHINGTON TERRACE
ORDINANCE 18-05**

TEMPORARY SIGNS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING SECTION 17.56.005 AND ADDING SECTION 17.56.175 TO THE
SIGN ORDINANCE RELATING TO TEMPORARY SIGNS; SEVERABILITY;
AND PROVIDE FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereinafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a of the *Utah Code Annotated* authorizes the City to regulate land use and development;

WHEREAS, the City Council desires to amend the sign ordinance to allow temporary signs to be erected with city approval;

WHEREAS, the City finds it necessary to update its municipal code in order to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on April 26, 2018, to take public comment on this proposed Ordinance;

WHEREAS, the Planning Commission held a public meeting on April 26, 2018, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on May 15, 2018;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington Terrace, Utah, as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase in the *Washington Terrace Municipal Code* inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2. Amendment. Sections 17.56.005 and 17.56.175 of the *Washington Terrace Municipal Code* entitled “Definitions” and “Temporary Signs” is hereby amended to read as follows:

17.56.005 Definitions

The following definitions shall be observed and applied:

1. "A-frame " means a prohibited sign that is temporary in nature, double faced, constructed of dimensional lumber, two (2) separate panels attached at the top and designed to stand without other structural support on four (4) legs. Size of the panels to be thirty inches (30") wide by forty eight inches (48") high. The entire sign is to be no taller than sixty inches (60") when erected. Exception: Similar type signs used by the real estate industry do not fall into this category.
2. "Abandoned signs" means signs which no longer identify or advertise a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
3. "Administrator" means the city building official or representative shall be the administrator of this title.
4. "Animated sign " means any sign which makes use of movement or change of lighting to depict action or to create a special effect or scene (compare definition of Flashing sign).
5. Area: See definition of sign, area of.
6. "Arcade sign " means a sign projecting beneath the underside of any structural overhang or passageway.
7. "Awning sign" means a sign shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework (compare definition of Canopy sign).
8. "Awning sign" means a sign painted on, or attached flat against the surface of an awning.
9. "Banner sign" means a sign made of fabric or any non-rigid material with no enclosing framework. See also definition of Stream banner sign.
10. Billboard: See definition of off premises sign.
11. "Building front" means one exterior wall of a building facing a front line of a lot or one exterior wall containing the primary entrance to the building.
12. "Building sign" means any sign supported by uprights, braces, or other devices, or painted on, or otherwise attached to any building.
13. "Bulletin board" means any freestanding sign not exceeding six feet (6') in height, listing the names, times, uses and other locations of various services, offices or activities within a building or group of buildings limited to:
 - a. Public or semipublic use;

- b. Charitable or religious use;
 - c. Medical center, clinic or hospital.
14. "Campaign sign" means a sign soliciting support for a person running for public office or a sign defending or objecting to a ballot issue or proposal being placed before the public at an election.
 15. "Canopy sign" means a sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building sign (compare definition of Awning sign).
 16. "Changeable copy sign (automatic)" means a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.
 17. "Changeable copy sign (manual)" means a sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.
 18. "City" means unless the context clearly discloses a contrary intent, the city of Washington Terrace.
 19. "Combination sign" means a sign incorporating any combination of the features of pole, projecting and roof signs.
 20. "Clearance (of a sign)" means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
 21. "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
 22. "Copy" means the wording on a sign surface in either permanent or removable letter form.
 23. "Directional/information sign" means an on premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
 24. "Display sign" means the area made available by the sign structure for the purpose of displaying the advertising message.
 25. "Doubled faced sign" means a sign with two (2) faces.
 26. "Electronic sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

27. Electronic Message Center: See definition of Changeable copy sign (automatic).
28. "Facade" means the entire building front including the parapet.
29. "Face of sign" means the area of a sign on which the copy is placed.
30. "Festoons" means a string of ribbons, tinsel, small flags, pinwheels or similar devices.
31. "Flashing sign" means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light. This does not include message center or time/temperature signs (compare definitions of animated sign and Changeable copy sign (automatic)).
32. "Flat sign" means a sign erected parallel to and attached to or painted on or pasted on the outside wall or window of a building, and projecting not more than eighteen inches (18") from such wall or window.
33. "Floodlighted sign" means a sign illuminated in the absence of daylight and by devices that reflect or project light upon it.
34. "Freestanding sign" means a permanent sign supported upon the ground by poles or braces and not attached to any building. Any monument sign or pylon sign supported by uprights or braces placed on or in the ground and not attached to any building.
35. "Frontage" means the length of the property line of any one premises along a public right of way on which it borders.
36. Frontage, Building: "Building frontage" means the length of an outside building wall on a public right of way.
37. "Ground sign" means a sign placed upon the ground or supported by a frame or supports placed in or upon the ground.
38. "Government sign" means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
39. "Height (of a sign)" means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
40. "Home occupation/occupant sign" means any unlighted sign not over one square foot in area attached flat against the dwelling and displaying only the occupant's name and/or address and/or occupation.

41. "Identification sign" means an on premises sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes and public and semipublic buildings. Temporary and development signs are classified in this category only.
42. "Illegal sign" means any sign and/or advertising structure erected without a permit required by this chapter, or in violation of any of the limitations, prohibitions or requirements of this chapter.
43. "Illuminated sign" means a sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper (compare definition of animated sign or Changeable copy sign (automatic)).
44. "Marquee sign" means any sign attached to and made part of a marquee.
45. "Nameplate sign" means a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises.
46. "Off premises sign" means a sign which directs attention to a use, project, commodity or service not related to the premises on which it is located.
47. "Pole sign" means a sign wholly supported by a sign structure in the ground.
48. "Political sign" means an exempt sign that contains political speech that is protected by the 1st Amendment of the United States Constitution or the equivalent protection in the state constitution.
49. "Portable display surface" means a display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals.
50. "Projecting sign" means a sign attached to a building or other structure and extending in whole or in part more than eighteen inches (18") beyond any wall of the building or structure.
51. "Property sign" means a sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.
52. "Public necessity sign" means a sign informing the public of any danger or hazard existing on or adjacent to the premises.
53. "Roof sign" means a sign erected partly or wholly on or over the roof of a building, but not including ground signs that rest on or overlap a roof twelve inches (12") or less.

54. "Service sign" means a sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as directions, locations, sales or other pertinent facts.
55. "Sign" means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification as set forth in this chapter.
56. "Sign structure" means any structure which supports or is capable of supporting a "sign" as defined in this section. A sign structure is permitted to be a single pole and is not required to be an integral part of the building.
57. "Stream banner sign" means any banner sign that is stretched across and hung over a public right of way.
58. "Temporary sign" means any exterior sign, banner, balloon, inflatable, streamer, pennant, valance, or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, plastic, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time or special event as provided by code.
59. "Time and/or temperature sign" means a display containing illuminated numerals to show the time and/or temperature.
60. "Wall sign" means a sign which is affixed to an exterior wall of a building or structure and which projects not more than eighteen inches (18") from the building or structure wall, and which does not extend more than four feet (4') above the parapet, eaves or building facade of the building on which it is located.

17.56.175 Temporary Sign Regulations

Temporary signs are allowed subject to the following requirements:

- 1. Permit Required. Each temporary sign is subject to a no cost permit issued by the building official.**
- 2. Allowable Temporary Signs. Only a wall sign, or a pedestal type temporary sign located on-premise shall be issued a permit.**
- 3. Prohibited. No permit shall be issued for a banner sign, any portable reader board, any type of electric sign, a sign attached to another sign or sign structure, balloon, streamer,**

inflatable device, stationary vehicle and/or trailer with any graphics or advertisements, “A” frame signs, or any other type of temporary sign.

4. Construction Standards. All temporary signs shall be:

- a. Properly constructed and maintained so that each sign is weighted, anchored, or attached to the surface so that there is no danger to public safety.
- b. Not be located within five (5) feet of any public sidewalk or any public right-of-way.
- c. Free from dilapidation, fading, holes, rips, tears, and other damage.

5. **Special Regulations.** Notwithstanding the other requirements and limitations of this section, the following special regulations apply to special event, seasonal or special sales, new products or services, new management, grand openings, and similar events:

- a. Permissible signs include temporary signs that may otherwise not be allowed including pennants, banners, flags, inflatable structures, character or product likenesses, and other small portable signs that can be moved inside upon closing. Banner signs which get torn by wind, persons, or other causes shall be immediately removed. No search lights are allowed at any time.
- b. Such signs shall be allowed for a maximum of fourteen (14) consecutive days no more than twelve (12) times per year, except recognized holidays may extend through these specific holiday season. (Halloween, Thanksgiving, Christmas, New Years, 4th of July and Easter.
- c. Multi-family Property. Multi-family properties are limited to three (3) displays per years, and limited to a maximum of three (3) temporary signs per fifty (50) linear feet of frontage.

Section 3. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the Ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect immediately upon its passage and posting.

PASSED AND APPROVED by the City Council this ____ day of _____, 2018.

MARK C. ALLEN, Mayor,
City of Washington Terrace

ATTEST:

WTC Ord. 18-05

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2018.

PUBLISHED OR POSTED this ____ day of _____, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) _____ 2) _____ and 3) _____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder

DATE: _____



City Council
Staff Report

Author: Planning Dept
Subject: Amend In-fill Ordinance 17.10.7”Density”
Date: May 15, 2018
Type of Item: Action/Ordinance

Summary: Approval to pass the Amendment to the In-fill ordinance 18-06, section 17.10.020”Density”; to remove the last sentence in that paragraph, which refers to and states maximum of ten (10) lots.

1. **Description:** Density. The density of lots in any in-fill development shall be calculated based upon the average density of the surrounding residential uses on a per acre basis as calculated by the Building Official. ~~However, no in-fill development shall exceed the maximum of ten (10) units per acre regardless of the average density of surround residential uses.~~

The last sentence restricts in-fill properties from developing more than 10 lots for any in-fill subdivision. This sentence is in conflict with the first part of the paragraph where it states that the density will be calculated by the Building Official.

The purpose of this section is to address the calculated per acre based on the surrounding “residential uses” which is there to encourage the development of underutilized parcels in residential property in the residential zones.

Topic:

The Planning Commission has reviewed the In-fill ordinance and determine that the last sentence should be eliminated to be in compliance with the rest of the ordinance. The intent is to provide an ordinance for developing In-fill properties. The section stating that there should be a maximum of 10 lots should be removed to allow in-fill properties to develop more than 10 lots per acre for higher density as determined by the Building Official and the surrounding residential zoning.

Analysis

The objective is to allow developers and Landowners the information and criteria to develop their property as higher density and meet the City standards for Single family homes.

Discussion:

The In-fill ordinance was establish to provide adequate policies and procedures to guide In-fill development within the city, moreover to allow communities with vacant properties which are eyesores and/or a safety hazard to develop.

In-fill housing is the process of allowing buildable new dwellings within an existing suburb of older houses. It is an important way of providing for future growth with minimum increase to public services. Urban in-fill can be addressed successfully by a municipality at a relatively low cost through targeted code changes that address issues like building setbacks, and lot size, appearance, amenities and access and/or egress.

When providing In-fill development to property owners, we should consider the rights of the property owners and also the impact to the city and to existing neighborhoods as there is a potential for the increase of property values with newer homes being built in the area.

**WASHINGTON TERRACE CITY
ORDINANCE 18-06**

IN-FILL RESIDENTIAL DEVELOPMENT AMENDED

AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING SECTION 17.10.020.(7), RELATING TO “DENSITY”, WITHIN THE “IN-FILL RESIDENTIAL DEVELOPMENT” STANDARDS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on April 26,2018, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance on April 26, 2018;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

- Section 1:** **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2:** **Adoption.** Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

**Chapter 17.10
IN-FILL RESIDENTIAL DEVELOPMENT STANDARDS**

- Sections:**
- 17.10.010** **Purpose and intent.**
- 17.10.020** **Eligibility.**
- 17.10.030** **In-fill Planning Commission Approval Required.**

17.10.010 Purpose and intent.

The purpose of this chapter is to encourage the development of underutilized parcels in zones which, have been identified as areas where in-fill residential development should be encouraged. This chapter identifies conditions under which in-fill development is supported and relaxes certain development requirements in those instances in an effort to promote the construction of in-fill development at appropriate locations in the city.

17.10.020 Eligibility.

1. Definition. In-fill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. The City has identified significant vacant land parcels within city limits, which, for various reasons, has been passed over in the normal course of urbanization and are eligible for In-fill status.
2. Eligible Parcels. The In-fill Development Map set forth in Exhibit “A” adopted and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. Parcels not identified on the In-fill Development Map are not eligible.
3. Development Agreement. In-fill development is entirely subject to a written “Development Agreement” negotiated by the City and Owner that meets or exceeds the requirements of this Chapter.
4. Additional Eligibility Criteria. In order for any parcel on the In-fill Development Map to obtain a permit for in-fill development the following additional criteria must be met:
 - a. Be zoned residential.
 - b. The Owner of any parcel not identified on the In-fill Development Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.
5. Size and Access. Meet the size and access criteria as follows:
 - a. Being accessed from a public street.
 - b. Be of sufficient size for egress without interfering with adjoining properties, and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
 - c. Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
 - d. Be capable of being serviced by utilities and infrastructure.
 - e. Be no more than two (2) stories.
6. Architecture and Design. Meet the architecture and design criteria as follows:
 - a. Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
 - b. Provide for the following architectural features:
 - i. Front of the home may consist of combined materials, but at least 60 percent of the front shall consist of either brick or stone (the home may also be 100 percent brick and stone if so desired). With the other 40 percent of materials shall be blended an defined as Engineered Wood

(hardy board), Wood (decorative shingles, heavy Timber, etc) and Cultured Stone and stucco, no vinyl or metal siding shall be allowed to be installed on the front of the home.

- ii. Color schemes that promote curb appeal.
- iii. Varied rooflines that provide include, decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
- iv. Flat roofs shall not be allowed.
- v. Front porches with outdoor lighting.

7. Density. The density of lots in any in-fill development shall be calculated based upon the average density of the surrounding residential uses on a per acre basis as calculated by the Building Official. ~~However, no in-fill development shall exceed the maximum of ten (10) units per acre regardless of the average density of surround residential uses.~~

17.10.030 In-fill Planning Approval Required.

Development proposals desiring to utilize the in-fill standards of this chapter shall be subject to a site plan that meets the minimum requirements of this Chapter with the overall development plan of the entire parcel to include the proposed residential uses (such as patio homes, condominiums, or townhouses) to be submitted for recommendation before the Planning Commission and action (approval, modification, or denial) by City Council prior to issuance of any building permit.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2018.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2018.

PUBLISHED OR POSTED this ____ day of _____, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) _____, 2) _____, and 3) _____ on the above referenced dates.

_____ DATE: _____

AMY RODRIGUEZ, City Recorder



City Council Staff Report

Building & Planning

Author: Planning Department
Subject: Fencing Corner lots
Date: May 15, 2018, Tuesday, 6:00pm
Type of Item: Action item by motion

Summary Recommendations: City Council, by motion, to act on fencing of Corner lots.

Staff recommendation:

We recommend not to change the ordinance, and approve the ordinance with no change by motion. Staff's opinion that the current ordinance meets the needs of a corner lot. Currently, by code, the residents can install a 4 foot fence to the sidewalk and begin the 6 foot fence at the 15 foot point measured behind curb. This protects the line of sight for the well-being and safety of residents and neighbors.

Description:

A. Topic: review

To consider the corner lot fencing section of the code and review the corner lot fencing requirements as recommended by the Planning Commission.

B. Background:

A resident who was building a new home in Washington Terrace City on a corner lot approached the City Council to request an amendment to allow corner lot fencing 6 foot high to go next to the sidewalk on the street side of a corner lot. The City Council then directed staff to bring this item to the Planning Commission for their recommendation. The citizen also argued that other cities fence ordinances allow for six (6) foot fencing to the sidewalk. He stated that allowing this change brings no impact to the neighbor or neighborhood and it will bring uniformity to those that are not in compliance.

- The City's current ordinance does not allow corner lots on the street side to have six (6) fencing next to the sidewalk. The Ordinance requires that a six (6) foot fence shall be installed a distance of fifteen (15) feet as measured from the back of curb, the reason for the fifteen (15) foot requirement is that the neighboring property shall be able to maintain the line of sight and vision for the safety of pedestrians, individuals walking on the sidewalk to be observed easier to see. A traffic flow can be visible as neighboring property owners pull out of their driveway, (the average length of a car or truck is 15 feet) with a less intrusive restriction

**CITY OF WASHINGTON TERRACE
ORDINANCE 18-07**

FENCES, WALLS, AND HEDGES

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING SECTION 17.44.080 RELATING TO “FENCES, WALLS, AND
HEDGES”; SEVERABILITY; AND PROVIDE FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereinafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a of the *Utah Code Annotated* authorizes the City to regulate land use and development;

WHEREAS, the City Council desires to amend the municipal code to allow corner lot fencing to be reviewed and approved through a conditional use permit with conditions met by city approval;

WHEREAS, the City finds it necessary to update its municipal code in order to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on April 26, 2018, to take public comment on this proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington Terrace, Utah, as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase in the *Washington Terrace Municipal Code* inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2. Amendment. Sections 17.44.080 of the *Washington Terrace Municipal Code* entitled “Fences, Walls, and Hedges” is hereby amended to read as follows:

17.44.080 Fences, Walls And Hedges

A. Residential Zones: fence

1. Interior Lots:
 - a. Front Yards: No fence shall be erected in any residential zone which exceeds four feet (4') in height. All fences must be constructed on or within the property line.
 - b. Back Yards: A fence, wall, or hedge not in excess of six feet (6') in height may be erected anywhere on the lot behind the front yard setback line of the required front and side yard setbacks.
 2. Corner Lots:
 - a. Front Yards: No fence shall be erected in any residential zone which exceeds four feet (4') in height, except within the sight triangle. (See subsection A3, "Sight Triangle", of this section.) All fence must be constructed on or within the property line.
 - b. Back Yards: A fence, wall, or hedge not in excess of six feet (6') in height may be erected anywhere on the lot behind the rear line of the required front setback of the dwelling. On the side bordering the street, a fence, wall, or hedge not in excess of six feet (6') in height may be erected, but must be set back from the required front setback of the dwelling a minimum of twelve feet (12'), and the sidewalk a minimum of six feet (6') or minimum fifteen feet (15') behind curb.
 3. Sight Triangle: The "sight triangle" is an area which extends for thirty feet (30') in R-1-6 zones and forty feet (40') in all other zones from the corner in both directions. The maximum height in the sight triangle is two feet (2') for all fences, walls and hedges. All fences within the sight triangle must be on or within the property line. Any trees within the sight triangle must be trimmed above the ground at a seven foot (7') minimum or comply with section 17.44.130 of this chapter.
 4. Retaining Walls: Where a fence is erected on a retaining wall, or where for other reasons there is a difference in elevation of the surface of the land on either side of a fence, the height of the
 5. Fence shall be measured from the surface of the land on the side having the highest elevation.
- B. Commercial Zones: Fence heights in commercial and manufacturing zones shall be as approved by the planning commission.
 - C. Public Facilities: The provisions of this section shall not apply to fences required by state law to surround and enclose public utility installations and public schools.
 - D. Residential Fences, Walls, Hedges: Fences, walls, hedges over six feet (6') shall not be constructed without approval by the appropriate local authority.
 - E. Prohibited, Weather Protected Fences: Fences shall not be constructed of barbed wire, shard wire, or electrically charged wire in residential zones. Prohibited materials in all zones: grape stakes (or similar), plastic sheeting/plastic materials other than vinyl, Traps, cloth, canvas or like materials,

plywood, pallets, chain link fencing with slats will not be permitted within the front setback nor along any street. All fences shall be weather protected from rust, sun, rain, and any other outside elements.

F. Special Regulations for Corner Lot Fencing:

1. Any person or entity desiring to fence a corner lot may apply for a Conditional Use Permit subject to the requirement of this part and other regulations for fencing in the municipal code.
2. The Planning Commission, or its designated authority, may grant a Conditional Use Permit for a corner lot fence if:
 - a. That for the purposes of this chapter the terms fence is inclusive of any berm, hedge, or other similar structure.
 - b. The applicant demonstrates that applicant meets all the conditions of the code.
 - c. The applicant shall provide a complete list of the facts and circumstances that support issuance of the permit.
 - d. The proposed fence will not interfere with sight distances, intersection clear areas, or otherwise visually impair any intersection.
 - e. That the fence is proposed to be located in the area of the least impact of any alternative locations.
 - f. That the location and height of the fence does not pose any public safety risk to the public, drivers, pedestrians, or otherwise.
 - g. That the Planning Commission, or its designated authority, may limit the materials, location, and height of any fence when granting a Conditional Use Permit in order to mitigate any impacts.
 - h. A building permit is required for the construction of the fence upon issuance of the Conditional Use Permit.

Section 3. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the Ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect immediately upon its passage and posting.

PASSED AND APPROVED by the City Council this ____ day of _____, 2018.

MARK C. ALLEN, Mayor,
City of Washington Terrace

ATTEST:

WTC Ord. 18-07

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2018.

PUBLISHED OR POSTED this ____ day of _____, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1)_____ 2)_____ and 3)_____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder

DATE: _____



City Council Staff Report

Building & Planning

Author: Planning Dept.
Subject: AMENDING SECTION 8.16 OF THE INSPECTION & CLEANING ORDINANCE RELATING TO NUISANCE
Date: May 15, 2018
Type of Item: Action, City Council by motion

Summary Recommendations: Motion to approve the amendment to Section 8.16. to adopt section 8.16.035, "Unwanted Trees".

Description:

A. Background: The City has received complaints from residents about "unwanted trees" which have become a nuisance. Currently, there is no ordinance in the City Municipal code to correct a nuisance violation for any type of tree, unless it is damaging the sewer line or the city infrastructure. The Ordinance includes a list of trees that have been identified as nuisance type of trees and should be avoided or not planted.

B. Department Review: Staff recommends approval of the amendment.

Alternatives:

A. Approve the Request:

The City Council may approve amendment to the City Ordinance 18-08.

B. Deny the Request:

The City Council can deny the recommendation.

C. Continue the Item:

The City Council may table the request to a later meeting, subject to suggesting additional information, or requiring changes to the ordinance..

Significant Impacts: no significant impact if amended.

The following is the section of code that was added to the ordinance:

8.16.035. Unwanted Trees.

The following conditions concerning **trees** are hereby declared to be unlawful and a public nuisance. It shall be unlawful for the owner, occupant or the person in control of any property in the city to plant, maintain or permit the public nuisance described below to exist on said property or within the parking strip abutting such property:

- a. Any tree that impacts or that encroaches onto neighboring property, over or through a fence. Should be cut or trimmed and maintained.

- b. Any tree designated as a unwanted tree as listed in either commercial or residential should not be planted or maybe required to be removed, if the tree has a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of healthy trees, shrubs or plants in the city, or which is capable of causing an epidemic spread of a communicable disease, such as Dutch elm disease or insect infestation, or gypsy moth,
- c. If the tree is hazardous, dead decayed overgrown and/or uncultivated or not maintained which may become a hazard to any structure and/or a fire hazard or danger to surrounding area, or which is likely to harbor rats, vermin or other pests or insects and/or a nuisance to neighboring property through suckers growth or an invasive root system and with intrusive seedlings, should not be planted and required to be removed.

The listed type of trees to prevent a nuisance that are unwanted trees are as follow:

1. Tree of Heaven, 2. Black locust trees, 3. Siberian elm, 4. Russian olive tree, 5. Mimosa (Albizia julibrissin), 6. White Mulberry (Morus alba), 7. Hackberry (Celtis occidentalis), 8. Eastern Cottonwood (Populus deltoides), 9. Bradford Pear (Pyrus calleryana 'Bradford'), 10. Chinese flame tree (aka bougainvillea goldenrain tree), 11. Ginkgo tree, Sweet gum tree, 12. American Elm (Ulmus Americana), 13. Box Elder (Acer Negundo), 14. Idaho Locust (Robinia x Ambigua), 15. Birch (Betula),

**CITY OF WASHINGTON TERRACE
COUNTY OF WEBER, STATE OF UTAH**

**INSPECTION AND CLEANING
ORDINANCE NO. 18-08**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, REPEALING AND RE-ENACTING CHAPTER 8.16 OF
THE WASHINGTON TERRACE MUNICIPAL CODE RELATING
INSPECTION AND CLEANING; SEVERABILITY; PROVIDING
AN EFFECTIVE DATE**

WHEREAS, the City of Washington Terrace, Utah, (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, *Utah Code Annotated* §10-11-1, et seq, authorizes the City to conduct inspection and cleaning of certain property and nuisances;

WHEREAS, the City finds it necessary to update its municipal code in order to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on April 26, 2018, to take public comment on this proposed Ordinance;

WHEREAS, the Planning Commission held a public meeting on April 26, 2018, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on May 15, 2018;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace, Utah, as follows:

Section 1: Repealer. Chapter 8.16 of the *Washington Terrace Municipal Code* is hereby repealed in its entirety.

Section 2: Re-enactment. Chapter 8.16 of the *Washington Terrace Municipal Code* is hereby re-enacted to read as follows:

**Chapter 8.16
INSPECTION AND CLEANING**

Sections:

- 8.16.010. Authority.**
- 8.16.020. Definitions.**
- 8.16.030. Duty to maintain.**
- 8.16.035. Unwanted Trees**
- 8.16.040. Nuisance declared.**
- 8.16.050. Accumulation prohibited.**
- 8.16.060. Administration and enforcement.**
- 8.16.070. Appeal.**
- 8.16.080. Eradication and removal by municipality.**
- 8.16.090. Statement of expenses and demand for payment.**
- 8.16.100. Cost recovery.**
- 8.16.110. Suit and judgment for expenses.**
- 8.16.120. Assistance of sheriff.**
- 8.16.130. Non-exclusive remedy.**
- 8.16.140. Enforcement and penalty.**

8.16.010. Authority.

This chapter is known as “Inspection and Cleaning” adopted as authorized by *Utah Code Annotated* §10-11-1, et seq, 1953 as amended. In accordance with *Utah Code Annotated* §10-8-60, the city hereby exercises its broad authority to declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue, or suffer any nuisance to exist.

8.16.020. Definitions.

As used in this code, the following words mean:

1. “Abandoned” means a nuisance condition or nuisance object left or perceived to be left unattended, disused, discarded, discontinued for more than 10 days upon public or private property.
2. “Abate” or “abatement” means an action by the city to repair, replace, rehabilitate, remove, destroy, demolish, correct or otherwise remedy any condition that is declared a nuisance in this chapter.
3. “Enforcement official” means an building inspector, code enforcement official, sheriff, for other official designated by the city manager to enforcement of this chapter.
4. “Nuisance” means a condition or location where that the city has declared a nuisance using the broad nuisance declaration powers set forth in *Utah Code*

- Annotated* §10-8-60. Such condition includes but is not limited to a unsightly or injurious object, structure, non-maintained conditions, unsightly conditions, noxious conditions or objects, trash, junk, refuse or garbage, anything dangerous to human life or health, or anything rendering the soil, air, water, or food to be impure or unwholesome.
5. “Nuisance vehicle” means any wrecked, obsolete, junked, inoperable, unregistered, or expired vehicle, or any portion of such vehicle in the city. It also includes any vehicle or part of a vehicle that is parked illegally on public property or the public right-of-way, in violation of land use regulations, not able to be driven legally based on any condition or status. It further includes any vehicle used for commercial purposes in a residential zone that is not actively going to or returning from a delivery in the city, or a vehicle used for commercial purposes where the owner of the vehicle does not have an approved commercial site plan and/or a business license within the city.
 6. “Noxious weed” means vegetation that is determined by the state of Utah, Weber County, or Utah State University (USU) Extension Services to be environmentally invasive.
 7. “Owner” means any person or entity that is the reputed or record owner of the premises, or the responsible party as provided in this chapter.
 8. “Property” means any real property, lot, parcel or plot of ground, whether occupied or not, and any premise including a building or structure, or the premises on which a building or structure is located, or undeveloped land.
 9. “Refuse”, “junk”, “debris” or “garbage” means useless, worthless or discarded materials, indoor household furniture or parts thereof left outdoors, used tires, parts of vehicles, unsightly machinery or equipment, unsightly appliances or parts of appliances, trash, rubbish, grass and tree trimmings, rotting material or vegetation, litter, scrap building materials, food product waste, dead animals, and any similar material.
 10. “Temporary permit” means temporary permit issues by the Utah Division of Motor Vehicles for a vehicle that is being repaired or restored to pass required state and county inspections or otherwise.
 11. “Vehicle” means a motorized, non-motorized, or self-propelled device intended primarily for transportation, use and operation on a road or utility or recreation, or a device used in the transportation of any item from one location to another such as a trailer.

8.16.030. Duty to maintain.

In accordance with *Utah Code Annotated* §10-11-2, all property owners, their agent(s), all occupant(s) or tenants, or other person having control of real property have a duty to maintain real property free and clear of any nuisance or nuisance activity as provided in this chapter. The duty in this section shall deemed all property owners, their agent(s), all occupant(s) or tenants, or other person having control of real property to be the responsible party for any nuisance and each shall be joint and severally liable therefore for its removal, remedy, and/or damages, including fines and penalties.

8.16.035. Unwanted Trees.

The following conditions concerning trees are hereby declared to be unlawful and a public nuisance. It shall be unlawful for the owner, occupant or a person in control of any property in the city to plant, maintain or permit the public nuisance described below to exist on said property and/or within the parking strip abutting such property:

- a. Any tree that impacts or that encroaches onto neighboring property, over or through a fence. Should be cut or trimmed and maintained to prevent damage.
- b. Any tree designated as a unwanted tree as listed in this ordinance and in either a commercial or a residential area should not be planted or may be required to be removed, if the tree has a destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of healthy trees, shrubs or plants in the city, or which is capable of causing an epidemic spread of a communicable disease, example: such as Dutch elm disease or insect infestation, or gypsy moth.
- c. If the tree is hazardous, dead decayed overgrown and/or uncultivated or not maintained which may become a hazard to any structure and/or a fire hazard or danger to surrounding area, or which is likely to harbor rats, vermin or other pests or insects and/or a nuisance to neighboring property through suckers growth or an invasive root system and with intrusive seedlings, should not be planted and may be required to be removed.

The listed type of trees to prevent a nuisance that are unwanted trees are as follow:

1. Tree of Heaven, 2. Black locust trees, 3. Siberian elm, 4. Russian olive tree, 5. Mimosa (Albizia julibrissin), 6. White Mulberry (Morus alba), 7. Hackberry (Celtis occidentalis), 8. Eastern Cottonwood (Populus deltoides), 9. Bradford Pear (Pyrus calleryana 'Bradford'), 10. Chinese flame tree (aka bougainvillea goldenrain tree), 11. Ginkgo tree, Sweet gum tree, 12. American Elm (Ulmus Americana), 13. Box Elder (Acer Negundo), 14. Idaho Locust (Robinia x Ambigua), 15. Birch (Betula).

8.16.040. Nuisance declared.

The following objects, acts, or conditions along with any resulting condition, are hereby declared to be nuisances in violation of this chapter and subject to the penalties provided herein:

1. Conditions that create a possible fire hazard.
2. Unlawful pollution or environmental degradation, or anything rendering the soil, air, water, or food to be impure or unwholesome.
3. Conditions that harbor or attract rodents, insects, disease, or other forms of life deleterious to human habitation.
4. Deleterious surroundings and structures in violations of local codes.
5. Allowing or causing to keep, deposit, dump, burn, bury or allow to exist any unsightly or injurious objects, structures, junk, discarded or unused objects or equipment, nuisance vehicles, noxious weeds, grass over six (6) inches in growth, or neglected landscaping.

6. To allow vegetation, waste, garbage, litter, filth, refuse, feces, or manure to accumulate within or upon any property, except where it is scheduled for immediate removal.
7. To discharge or dump liquid waste, hazardous waste, or refuse of any kind into any street, road, sidewalk, gutter, stream, drain, pipe, wash, natural water course, ditch, canal, lot, or other property.
8. To obstruct any watercourse, storm drain, or pipeline.
9. To permit any garbage container to remain on a premise when it has become unclean, offensively putrescent, or overflowing.
10. To block, obstruct, or interfere with access or use of city streets, sidewalks, easements, or right-of-ways without an encroachment permit from the city.
11. Any condition or object that may cause immediate and irreparable harm to a person or endanger public health and safety.
12. The accumulation of animal waste products.
13. Any unkept, offensively putrescent, or filthy stable, stall, corral, feed yard, or in any other structure or area where animals are kept.
14. Allow to be kept or collected any putrid grease, vegetable matter, rotting substance, or other similar matter on any premises.
15. Dumping, disposal, or handling of grease, oils, fats, or substance in any manner that may result in any pollution, clog, or damage to any sewer system, storm water system, or the environment.
16. To have or permit upon any condition that creates unnecessary stagnant water, or unnecessarily fosters flies, mosquitos, or rodents.
17. To pollute or render fowl water in any spring, stream, well, or other water supply. Including any action or inaction that may jeopardize or harm a public or private water system, including a drinking fountain.
18. Create or allow a condition or object that may detrimentally affect any sanitary sewer line or system, septic system, or other waste collection system. Including any action or inaction by an owner that may result in any overflow, system failure, or other potential public or environmental hazard relating to sewer.
19. To allow any property or project to hold any decaying material, hazardous material, explosives, or offensive substances.
20. To plant or maintain any tree or vegetation that may enter or damage any storm drain, field or land drain, or sewer systems, or cause heaving or other damage to any sidewalks, curbs, gutters, or streets. Including overhanging trees, branches, or vegetation in violation of the Manual on Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) standard, or other applicable code.
21. To plant or maintain trees or vegetation which obstruct the clear view of traffic, traffic signs, fire hydrants, utilities, public right-of-ways, sidewalks, curbs, and intersection corner property sight triangles specified in the land use ordinance.
22. To fail to properly keep adjoining public sidewalks clear of snow and any other obstruction.

23. To put or cause to have put snow, ice, leaves, litter, dirt, debris, or other refuse into the public right-of-way.
24. To operate a business within the city without obtaining the appropriate city business license, along with any required state license and tax identification numbers.
25. Failure to control and prevent back-flow and eliminate all cross connections between any auxiliary water source and the city's culinary water systems.
26. Failure to install, maintain, control, back-flow devices for any sewer and/or water system.
27. Failure to immediately stop and repair any culinary water, secondary water, or sewer line break.
28. Leaving fuel, flammable material, or similar material open and accessible to children or creating an attractive nuisance condition.
29. Failure to park any vehicles, motor home, fifth-wheel, trailer, water craft, recreational vehicle, and axle driven devices on a solid surface type material such as asphalt or concrete. The solid surface area must also cover the full size of the vehicle where such vehicle is parked. Nuisance under this part are exempt where granted a winter parking exemption in the municipal code under Section 10.16.030 so long as the required spring restoration of the soft surface is completed as provided in the municipal code. Failure to make spring restoration of soft surface under this part is a nuisance under this chapter.
30. Failure to park or place any vehicle, trailer, or equipment at least three feet behind the sidewalk and nine feet behind curb where no sidewalk exists.
31. Failure to install or maintain any toilet, sink, plumbing, or sewer facility in accordance the applicable international building codes, or regulations of the Weber-Morgan Health Department.
32. Failure to comply with the property maintenance code, which regulates the conditions and maintenance of all property, buildings and structures, such as fences, roofs, siding, and otherwise.
33. Any construction activities on any property without the proper permits.
34. Allowing or keeping any abandoned appliances, furniture, furnishings, or containers outside on any property.
35. Keeping any appliance or device accessible to children that may be airtight and contain a lid, lock, or door device which may not be released from the inside.
36. Failure to keep or maintain landscaping or storm water basin required on an approved site plan.
37. Parking any motor home, fifth-wheel, trailer, water craft, or recreational vehicle property used for residential purposes for more than forty-eight (48) hours. Allow any such vehicle described in this part of park on the public right-of-way or within 3 feet of the sidewalk.
38. To allow any basketball standard, other recreation device, or equipment of any kind to obstruct or interfere with any street, sidewalk, curb, or gutter.
39. To hold, park, keep, operate, maintain, or keep any nuisance vehicle or abandoned vehicle where there is no valid temporary permit.

40. Burning of any kind without a valid burn permit.
41. To permit or cause to keep, deposit, dump, bury, or allow to exist any unsightly or injurious objects, structure, junk, discarded or unused objects or equipment, equipment, noxious weeds, grass over six (6) inches in height.
42. Parking or keeping any commercial vehicle or commercial activity in a residential zone or without a valid site plan in a commercial zone.
43. Operating a business without a valid business license.
44. Overnight parking of any commercial vehicle over 10,000 gross vehicle weight on any city street, sidewalk or municipal property.
45. Keeping or harboring excessive animals, stray animals, or any animals in violation of the municipal code.
46. Failure to keep or maintain landscaping in accordance with Section 17.44.200.6.

8.16.050. Accumulation prohibited.

It is unlawful and a violation of this Chapter for the owner or occupant of real property or estate, or its agent, to cause or permit upon such property, or right-of-way adjacent thereto, the accumulation of, or, after notice as provided in this chapter, to fail to eradicate or remove garbage; refuse; abandoned vehicles or inoperable vehicles, boats, or trailers; or any unsightly or deleterious objects or structures.

8.16.060. Administration and enforcement.

1. Administration. The enforcement official administers this chapter.
2. Powers and duties. The enforcement official is authorized to:
 - a. Inspect real property within the city to determine whether such constitute a nuisance as provided in this chapter.
 - b. Follow the procedure in *Utah Code Annotated* §10-11-1, et seq, for inspection, cleaning, nuisance abatement, and cost recovery.
 - c. Ascertain the names of the owner(s) or occupant(s) of property where a nuisance exists.
 - d. Serve notice, in writing, upon the ascertained owner(s) or occupant(s) or other responsible persons, etc, either:
 - i. In person or posted on site or by mail (certified mail if required by state law) to the property owner of record as described in *Utah Code Annotated* §10-11-2(2)(a)(i), if mailed to the last-known address of the owner according to the records of the county recorder; or
 - ii. In person or posted on site or by mail (certified mail if required by state law) to a non-owner occupant or another person responsible for the property who is not the owner of record as described in *Utah Code Annotated* §10-11-2(2)(a)(ii), if mailed to the property address.
 - iii. In the written notice described in *Utah Code Annotated* §10-11-2(2)(a), the municipal inspector shall:

- (1) Identify the property owner of record according to the records of the county recorder.
 - (2) Describe the property and the nature and results of the examination and investigation conducted in accordance with *Utah Code Annotated* 10-11-2(1)(a); and
 - (3) Require the property owner, occupant, or, if applicable, another person responsible for the property to:
 - (a) Eradicate or destroy and remove any identified item examined and investigated under *Utah Code Annotated* §10-11-2(1)(a); and
 - (b) Comply with *Utah Code Annotated* 10-11-2(2)(c)(iii)(A) in a time period designated by the municipal inspector but no less than 10 days after the day on which notice is delivered in person or post-marked.
 - (4) For a notice of injurious and noxious weeds described in *Utah Code Annotated* §10-11-2(2)(a), the enforcement official is not required to make more than one (1) notice for each annual season of weed growth for weeds growing on a property.
 - (5) The municipal inspector shall serve the notice required under *Utah Code Annotated* §10-11-2(2)(a)(i) under penalty of perjury.
- iv. Notice should indicate a statement informing the party of their right to appeal and any civil fines or criminal penalties that may be imposed.
 - v. Notice may state alternative remedies as appropriate.
 - vi. Proof of service may be required for cost recovery from the county treasurer, any court, or otherwise.
- e. Eradicate and remove objects in violation of this chapter, impose fines, initiate suit, or seek other remedies allowed by law, and/or assess costs in accordance with *Utah Code Annotated* §§10-11-3 and 10-11-4.

8.16.070. Appeal.

The owner(s) or occupant(s) who receives a notice under this chapter may file a written appeal with the city recorder within ten (10) days from being serviced by mail or other wise, or within ten (10) day of any written final decision or fine of an enforcement official. All appeals are held before the appeal authority and governed in accordance with the procedure set forth in the municipal code. Failure to make timely appeal forfeits rights associated with the same and serves as cause for dismissal of any adverse action against the city by an aggrieved party or any party with standing.

8.16.080. Eradication and removal by municipality.

If the owner(s) or occupant(s) of the property described in the written notice given in accordance with this Chapter, including any decision from an appeal related to the same, fail or neglect to conform to the requirements relating to the eradication and removal of any objects determined to be in violation of this chapter, the city manager, or his designee, may employ all necessary assistance to cause such materials or conditions to be eradicated and removed from the property at the initial expense of the municipality.

8.16.090. Statement of expenses and demand for payment.

Upon completion of the eradication and removal, the enforcement official, or his designee, shall cause to be prepared an itemized statement of expenses incurred by the municipality for the eradication and removal of the nuisance in violation of this chapter, along with a demand for payment of the same to be made within thirty (30) days from the date of mailing. Said a copy of statement and demand shall be mailed (certified mail if required by state law) to the owner(s) or occupant(s) of the property described in the written notice.

8.16.100. Cost recovery.

In the event that the owner(s) or occupant(s) of the property described in the written demand for payment fail to make payment timely or as set forth in the demanded, the enforcement official, or his designee, may seek cost recovery at set forth in *Utah Code Annotated* §10-11-1, et seq, including referral to the county treasurer to be included in tax notice as provided by law.

8.16.110. Suit and judgment for expenses.

In the event that the collection of expenses for violations of this chapter, and eradication and removal of the same, are pursued in court, the municipality shall be entitled to sue for all expenses related to the violation including administration, eradication, removal, attorney's fees, court costs, and interest on the same. Judgment shall be executed in the manner provided by law.

8.16.120. Assistance of sheriff.

The enforcement official, or his designee, may request assistance from the sheriff in any abatement or enforcement action under this chapter.

8.16.130. Non-exclusive remedy.

Any enforcement, action, or penalty under this chapter shall not be construed to exclude the city from seeking any other remedy provided by law or the municipal code.

8.16.140. Enforcement and penalty.

A owner, person, firm, corporation, occupant, tenant, or other party responsible for a nuisance or nuisance condition under this chapter is subject to the following:

1. Initial. On-sight of any nuisance violation under this chapter, the enforcement official may issue a written on-sight \$10 fine to be paid to the city within fourteen (14) days.

2. Civil fines. Civil fines may be imposed for nuisance violations of this chapter in addition to any abatement or removal costs. Compounding civil fines accrue as follows:
 - a. \$25 per day a violation or nuisance continues uncorrected or unabated after the ten (10) day notice period expires for first thirty (30) days after the notice period expires.
 - b. \$100 for the next thirty (30) days a violation continues.
 - c. \$500 for the next thirty (30) days a violation continues.
 - d. \$1000 per day after that where a violation continues.
3. Criminal. Any person who allows a nuisance to continue after receiving notice under this chapter is guilty of a class B misdemeanor and subject to a fine in the amount of \$750.00 and/or six (6) months in jail.
4. Alternative remedies. The following alternative remedies apply:
 - a. Corrective action plan. The enforcement official, at his discretion, may enter a written agreement with the owner or occupant for a corrective action plan to remedy the nuisance violation and provide a plan and time frame for the same.
 - b. Court imposed. In addition to other remedies provided by law, the court may also assign the responsible party or owner, occupant or person having a interest in or control over the property to probation or to an alternative program to designed to aid the owner or occupant deal with mental or psychological issues that resulted in the nuisance condition. This alternative remedy is specifically designed for hoarders.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 5: Effective date. This ordinance take effect immediately after approval and posting.

PASSED AND APPROVED by the City Council this ___ day of _____, 20___.

MARK C. ALLEN, Mayor,
City of Washington Terrace

ATTEST:

AMY RODRIGUEZ, City Recorder

WTC Ord. 18-08

RECORDED this ____ day of _____, 2018.

PUBLISHED OR POSTED this ____ day of _____, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing Ordinance was duly passed and published, or posted at 1)_____ 2)_____ and 3)_____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder



**City of Washington Terrace
Redevelopment Agency Meeting
Tuesday, May 15, 2018
following the Regular City Council Meeting
City Hall Council Chambers
5249 South 400 East, Washington Terrace City**

1. ROLL CALL

2. INTRODUCTION OF GUESTS

3. CONSENT ITEMS

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

3.1 APPROVAL OF AGENDA

3.2 APPROVAL OF MEETING MINUTES FROM MARCH 6, 2018

4. SPECIAL ORDER

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by Board, Chair opens public hearing, citizen input; Chair closes public hearing, then Board final discussion.

**4.1 PUBLIC HEARING: TO HEAR COMMENT ON THE FISCAL YEAR 2018
AMENDED BUDGET, FISCAL YEAR 2019 TENTATIVE BUDGET, AND
FISCAL YEAR 2020-2023 BUDGET PLAN**

5. COMMENTS CONSIDERED

6. ADJOURNMENT OF MEETING: CHAIR ALLEN

CERTIFICATE OF POSTING

I, Amy Rodriguez, The undersigned duly appointed City Recorder of the City of Washington Terrace do hereby certify that the above agenda was posted in three public places within the City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting.

For Packet Information, please visit our website at www.washingtonterracecity.org

City of Washington Terrace

Minutes of a Redevelopment Meeting
Held on March 6, 2018
Immediately following the Regular City Council Meeting
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of

CHAIR, BOARD, AND STAFF MEMBERS PRESENT

Chair Allen
Board Member Monsen
Board Member Brown
Board Member Weir
Vice- Chair Barker
Board Member West
Public Works Director Steve Harris
City Manager Tom Hanson
Secretary Amy Rodriguez

Others Present

Charles and Reva Allen, Ulis Gardiner, Mike Lawrence, Dawn Lawrence

1. ROLL CALL

2. INTRODUCTION OF GUESTS

3. CONSENT ITEMS

3.1 APPROVAL OF AGENDA

3.2 APPROVAL OF MEETING MINUTES FROM JULY 18, 2017

Items 3.1 and 3.2 approved by general consent.

4. NEW BUSINESS

4.1 DISCUSSION: STRATEGY SESSION FOR DEVELOPMENT OF LAND WITHIN THE RDA AREAS

Hanson explained that the Redevelopment Agency is a separate Board that is tasked to get better and best use of economic areas. Hanson stated that the taxes were brought back into the RDA project to help with the development of the commercial area. He stated that the school district, along with other taxing entities, gave us some of their taxes to help us improve our tax base. He stated that the RDA looks for opportunities to help build the land and get taxing entities onto the property, which therein helps all the surrounding taxing entities.

Hanson stated that if we could use RDA funding to help rebuild the trailer storage area, it could increase the tax base of that area. He stated that it is possible to use the RDA money to relocate the storage area so that the land could be used for a different purpose. Hanson stated that we are held accountable for the use of the RDA funds. He stated that staff strategically aligns the funding used in appropriate ways in the RDA.

Hanson stated that there are several RDA districts. There is a central business district (by the Terrace Playhouse), and then the South East area around City Hall.

Hanson stated that there is a challenge in the location in the central business district, however, there is still money available in the RDA for that area.

Hanson stated that he realizes that there are things to be done to help increase the value around the South East area.

Hanson stated that he has not had any one on one discussions with the Boyer Company. He stated that he has had conversations with the property owner concerning the trailer storage unit. Hanson stated that the South East RDA area is generally from 5000 South with some cut-outs. It extends to Maverick and past the water tower. He stated that it stops at 5700 South and does not extend to the river.

Hanson stated that the goal is to enhance projects that encourage growth. He stated that goal is to get buildings built.

Council Member noted that the other entities want buildings for property taxes, while we would like retail so we can get the sales taxes.

Hanson stated that this is a different funding source from General Government activities.

Hanson stated that the goal is to get a three story building.

Hanson asked if the Board would be comfortable with this conversation. Chair Allen asked Hanson to send out a map of the RDA areas. Hanson stated that we have had a successful history with the RDA. Hanson stated that the new RDA has been in effect for 3 years, with 7 years left.

Hanson stated that he will be bringing RDA information back for budget discussions.

Chair Allen thanked Harris and his crew for taking care of the water main leak.

5. COMMENTS CONSIDERED

There were no comments considered.

6. ADJOURNMENT OF MEETING: CHAIR ALLEN

Chair Allen adjourned the meeting at 7:39 p.m.

Date Approved

City Recorder