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City of Washington Terrace

Minutes of a Regular City Council meeting
Held on May 15, 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 - excused
13 Council Member Blair Brown
14 Council Member Larry Weir
15 Council Member Scott Barker
16 Council Member Jeff West – arrived at 5:06 p.m.
17 Finance Director Shari’ Garrett
18 City Manager Tom Hanson
19 Public Works Director Steve Harris
20 Captain Clay Peterson, Fire Department
21 City Recorder Amy Rodriguez

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23

Others Present

24
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None

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27

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

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29

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

30 Hanson stated that the pay band information on the Judge has remained flat for the last several years.
31 Hanson stated that he spoke to the Judge earlier this year and he stated that he was fine with the current
32 compensation of middle of the pay band. Hanson stated that we learned from the Office of the Courts in
33 April that the pay band mandated by the State has changed. Hanson stated that he would like to
34 compensate Judge Lambert as we have in the past, by moving him to the middle of the pay band. Mayor
35 Allen stated that the judge’s work load will increase if we get the county courts, and therefore he is fine
36 with the increase. Hanson stated that we could try to find the funds in one step, or use a step process (i.e.
37 50 percent adjustment this year with the rest later in the year). Hanson stated that this is a current
38 development. Council Member Brown stated that he does not have an issue with the increase. Hanson
39 stated that there may not be an increase next year as long as he remains in the mid-range of the pay band.
40 Council Member Barker asked what we would have to do to come up with the funds. Garrett stated that
41 we would have to make adjustments to the on-going revenue source. Council Member Barker stated that
42 he would suggest the 50/50 approach. Garrett stated that she is not budgeting for the four extra courts that
43 may be brought into the City and does not know how much revenue the extra county courts will bring
44 into the City. Hanson stated that there is new legislation that will decrease a fine of \$190.00 to a late fee
45 of \$20.00, which will bring reductions in future projections. Hanson stated that he is fine with the 50/50
46 approach and suggested we could even increase 50 this year and the remaining 50 next year. Council
47 Member Weir stated that he is fine with the 50 percent this year and 50 next year, with the possibility that
we could adjust the budget later in the year and increase the pay amount.

48 Hanson stated that we would not see any increase in court revenues for 6 months. Council Member
49 Brown stated that he is fine with any of the options. Council Member Barker stated that he is in favor of
50 50 percent this year and 50 percent next year. The Mayor and Council discussed \$4000 increase for FY
51 19 and another \$4000.00 in FY 20.

52
53 Hanson explained that the City will be receiving \$55,000 from Ogden City and would like to use the
54 funds to increase the stipend for the Fire Fighters. Hanson stated that he is concerned with the day shift
55 coverage. Hanson stated that our call volume is high and we need to map out how we can move forward
56 to stay viable. Mayor Allen stated that it makes sense to take the \$55,000 and use it towards the fire
57 fighter's stipends. Peterson stated that many of the fighters at the station have full time day jobs. He
58 stated that the increase may help a little at this time, but suggested that staff and Council need to figure
59 out what to do in the future to retain the department. Peterson stated that he would look into the
60 consolidation district as a future option. He stated that there will be a bigger pool and easier coverage
61 instead of trying to do it ourselves. Hanson stated that it is an area that is a challenge for the City. Mayor
62 Allen stated that we have a responsibility to take care of the safety of the residents. Council Member
63 Brown asked if there is a way to charge someone who is a habitual user of the medical services. Peterson
64 stated that those cases are usually thrown out if they make it to court. Peterson stated that the call logs
65 can track the users. Peterson stated that he can use the new dispatch system to search homes and residents
66 to track calls. Hanson stated that there will be an out-clause in the contract with Ogden City that allows
67 us to give notice if we want to start our own ambulance service or consolidate. He stated that Ogden City
68 has stated that they would be sending more of their VCF's on our calls.

69
70 Mayor Allen stated that Council has talked about Hanson's wage and that Hanson's contract stated that
71 his compensation would follow the pay plan philosophy used for all employees.
72 Council Member Barker stated that he does not know why we would change that. Mayor Allen stated that
73 we would be paying average minus ten percent. Council Member Brown stated that he feels that the pay
74 plan is subject to review and we should be responsible to the citizens. He stated that it should not be a
75 slam dunk increase. Council Member Brown stated that it was good to talk about the pay plan this year,
76 stating that it is the biggest expense that we have. Mayor Allen stated that the benchmark cities will be
77 reviewed again this year to see what could be a better fit.

78
79 Council Member Brown stated that he would like to see the City live-stream our City Council meetings.
80 Hanson stated that he would research using our camera system that we have and see if it was possible to
81 use them to live-stream.

82
83 Garrett stated that three utility rate options were given. 1. Raising the sewer fee .75 to help support the
84 capital fund infrastructure. 2. Using a flat sewer instead of the tiered sewer fee 3. Bringing the sewer fee
85 up to 1.00 towards the capital fund infrastructure.

86 Garrett stated that options 1 and 2 are expected to bring in the same revenue amounts.
87 Council Member Weir stated that option 2 gives people who go over "free use" and will raise the fee
88 \$100 a year for some residents who do not go over on the sewer.

89 Garrett stated that we could slowly graduate into less reliance on overage. Hanson stated that any changes
90 we make goes straight to the base. Garrett stated that she would like to speak to Council in the future on a
91 hybrid plan where the base fee covers our costs. Council Member Brown and Barker stated that they are
92 fine with the \$.85 increase to the sewer fee (along with the \$.15 refuse increase) to have an even \$1.00
93 increase to the utility rates this year. Garrett will run the numbers and come up with a plan to have a
94 structurally balance fee schedule. Garrett stated that she can include the flat fee proposal in a new plan
95 that would be discussed later in the year for FY 20 consideration.

96 Garrett pointed out that we are always below what is happening in the state concerning taxes. Garrett
97 stated that the only area that we are showing growth is sales tax.

98 Garrett stated that building permits fluctuate and we do not budget for them until they are pulled. She
99 stated that we do not rely on building permits.

100 Garrett stated that we are seeing leveling off on Class C funds. She stated that projections for fines and
101 forfeitures are not expected to remain as high as it was this year. Garrett stated that compared to last year,
102 we are only looking at a \$5800 increase to revenue sources. Garrett stated that sales tax is our largest
103 revenue source for governmental activities. She stated that an increase of 3 percent is projected every
104 year. Garrett stated that our city is very unique and she spends a lot of time looking at different areas to
105 project growth. Garrett stated that we rely heavily on stated wide sales tax. Garrett noted that we have
106 seen increases of 4 or 5 percent over the last few years on sales tax.

107

108 Garrett stated that there are a lot of economic uncertainty in the 2022-23 years. Garrett stated that there is
109 a “Fiscal First Aid” in our budget plan that lays out the plan on what we would do in an economic
110 downturn. Hanson stated that revenue for the new Golden West development would not kick in until
111 there is occupancy on the building, however, he does not have a time frame for the complex. Garrett
112 stated that the building permits are not factored into the budget plan.

113

114 Garrett stated that there are changes in the administration, treasurer, and recorder funds due to the
115 re-organization of the departments. Garrett stated that the city can only keep 25 percent over budget in
116 our general fund. The rest of the funds are moved over to capital. She stated that it is contingent on
117 excess amount as well as how much class C monies we receive.

118

119 Garrett stated that the police services is the second largest department in the general fund and the future is
120 unknown. She stated that there could be risks involved. Hanson stated that the force is losing a lot of
121 officers to other departments and it is a continual area of high risk.

122

123 Garrett stated that there are major budget issues in the Fire/EMS fund. Garrett stated that proposed
124 changes to the department will affect our bottom line.

125

126 Garrett stated that have of the Full Time Employees are employed within Public Works. She stated that
127 personnel estimates are estimated at 3 percent increases towards benefits.

128

129 Garrett stated that the road monies are grossly underfunded. She stated that we have started to put money
130 aside for the 300 West reconstruct project. She stated that when we receive our STP funding for the
131 project, we will have the 7 percent match available. She stated that a downside is that we are taking away
132 from current projects and activities to do so. Garrett pointed out that there is no funding budgeted for
133 parks project, aside from parking lot maintenance. She stated that they are address through grant funding
134 when the time arises.

135

136 Garrett stated that OTIS II is moving forward and it will be getting complex over the next few years. She
137 stated that OTIS II is going to affect streets and utilities. Garrett stated that the project cost is estimated at
138 11.5 million dollars. She stated that there is market risk moving forward. Garrett stated that she would
139 like Council to consider funding through General Obligation Debt and Utility Service Debt. A very
140 important exception would be if the Council would like to go out for a GO bond. This would go out to
141 the citizens for approval. Garrett stated that she may be suggesting going out for a Sales Tax Bond rather
142 than a GO Bond. She stated that she and Hanson will have further conversations with Council on a course
143 of action for OTIS II funding,

144
145 Hanson stated that he would like to set up a half day Utility Retreat.

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

151 Mayor Mark C. Allen
152 Council Member Scott Monsen – arrived at 6:21 p.m.
153 Council Member Blair Brown
154 Council Member Larry Weir
155 Council Member Scott Barker
156 Council Member Jeff West
157 Finance Director Shari’ Garrett
158 City Manager Tom Hanson
159 Public Works Director Steve Harris
160 Chief Building Official Jeff Monroe
161 City Recorder Amy Rodriguez

162

163 **Others Present**

164 Charles and Reba Allen, Jax Weaver, Kathy McKay, Jake Rosser, Lana DeLion, Carly DeLion, Ryan
165 Johnson

166
167
168

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

170

171 **3. PLEDGE OF ALLEGIANCE**

172

173 **4. WELCOME**

174

175 **5. CONSENT ITEMS**

176 **5.1 APPROVAL OF AGENDA**

177 **5.2 APPROVAL OF MAY 1, 2018, MEETING MINUTES**

178 Items 5.1 and 5.2 were approved by general consent.

179

180 **6. SPECIAL ORDER**

181

182 **6.1 PUBLIC HEARING: TO HEAR COMMENT ON THE FISCAL YEAR 2018**
183 **AMENDED BUDGET, FISCAL YEAR 2019 TENTATIVE BUDGET, AND**
184 **2020-2023 BUDGET PLAN**

185 Garrett stated that the tentative budget is available online. Garrett stated that a budget adjustment
186 has been sent out to the Council. She stated that the adjustment is for a \$20,000 contract reduction
187 to the Law Enforcement contract for the current year. She stated that the reduction will be used
188 for law enforcement equipment, such as speed signs and traffic equipment.

189 Garrett stated that the major budget issues in the tentative budget addresses the future of Fire/EMS
190 challenges, OTIS II reconstruct project, personnel expenses and associated increases, law
191 enforcement services, and utility rates. Garrett stated that base rate will be raised \$1.00 to help with
192 ongoing costs. Garrett stated that level of service may change depending on the outcomes of major

193 budget issues, but are not expected to change.

194

195 **Mayor Allen opened the Public Hearing at 6:12 p.m.**

196 There were no citizen comments.

197 **Mayor Allen closed the Public Hearing at 6:13 p.m.**

198

199 **6.2 PUBLIC HEARING: TO HEAR COMMENT ON UTILITY FUND TRANSFERS**

200

201 Garrett stated that there is a state requirement for the city to hold a public hearing to notify residents that
202 we are not charging ourselves for utility services for which we are using. She stated that the estimated
203 amount for services for which we consume to conduct business is \$88,000 annually.

204

205 **Mayor Allen opened the Public Hearing at 6:16 p.m.**

206 There were no citizen comments.

207 **Mayor Allen closed the Public Hearing at 6:17 p.m.**

208

209

210 **7. CITIZEN COMMENTS**

211 Resident Kathy McKay -109 W 5150 S- stated that many in her area have received notices from code
212 enforcement. She suggested that residents should receive and sign for code enforcement rules when they
213 sign up for utility services so that they understand the rules of the city. She stated that it may be easier for
214 Inspector Monroe to enforce.

215

216 **8. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN** 217 **COMMENTS**

218 Mayor Allen stated that the resident flyer given to new sign ups is being redone. He stated that the
219 packet will have information regarding ordinances, important contacts, and other helpful
220 information. Mayor Allen stated that the newsletter also provides information to the residents. He
221 stated that the new resident packet is being updated and the signature area may be considered.

222

223 **9. NEW BUSINESS**

224

224 **9.1 PRESENTATION: FY 18 AMENDED BUDGET, FY 2019 TENTATIVE BUDGET,** 225 **AND FY 2020-2023 BUDGET PLAN**

226 Hanson stated that the item was addressed during the public hearing.

227

228 **9.2 MOTION/ORDINANCE 18-05: AMENDING SECTION 17.56.005 AND ADDING** 229 **SECTION 17.56.175 TO THE SIGN ORDINANCE REGARDING “TEMPORARY** 230 **SIGNS”**

231 Monroe stated that two types of temporary signs have been addressed. Monroe stated that one is the basic
232 temporary sign, the other is a special event sign. Monroe stated that time lines have been set so that the
233 signs do not become unsightly if left out for a long time.

234 Monroe stated that an “A” frame sign is two boards strapped together. He stated that these type of signs
235 are not allowed. He stated that they are allowed under the special event sign sections.

236 Monroe stated that Real Estate open house signs are addressed under the real estate section of code and is
237 regulated by state law. Monroe stated that you must have a permit from the Building Inspector to display
238 a temporary sign. He stated that there is no charge for the permit.

239

240 **Motion by Council Member Barker**

241 **Secoded by Council Member Monsen**

242 **To approve Ord. 18-05 amending**
243 **The sign ordinance regarding “Temporary Signs”**
244 **Approved unanimously (5-0)**
245 **Roll Call Vote**
246

247 **9.3 MOTION/ORDINANCE 18-06: AMENDMENT TO SECTION 17.10.020 RELATING**
248 **TO “DENSITY” WITHIN THE IN-FILL RESIDENTIAL DEVELOPMENT CODE**

249 Hanson stated that this change is “housekeeping” on our in-fill ordinance change. The density
250 Section under “density” has been stricken. Monroe stated that the in-fill ordinance has conditions
251 stating that the units must be single family homes, however, they can put them together as one building,
252 but they cannot be a rental property.
253

254 **Motion by Council Member West**
255 **Seconded by Council Member Weir**
256 **To approve Ord. 18-06 amending**
257 **The In-fill Residential Development Code**
258 **Relating to density**
259 **Approved unanimously (5-0)**
260 **Roll Call Vote**
261
262

263 **9.4 MOTION/ORDINANCE 18-07: AMENDMENT TO SECTION 17.44.080 “FENCES,**
264 **WALLS, AND HEDGES” REGARDING CORNER LOT FENCES**

265 Council Member Weir stated that he has a conflict of interest because he served on the Planning
266 Commission when it first came before them. Mayor Allen stated that the conflict of interest is
267 just a declaration and does not preclude him from acting on this issue. Monroe stated that
268 he appreciates the Planning Commission. Monroe stated that staff’s preference is not to change the
269 ordinance to allow 6 foot fencing on corner lots, citing safety issues. Monroe stated that the
270 Planning Commission recommended allowing the fence under a conditional use permit. Monroe
271 stated that he does not recommend that option either because once it is done for one, it has to be
272 done for everyone. Monroe stated that the conditional use permit is approved by the Planning
273 Commission and would not come before Council.

274 Hanson stated that there are challenges if we were to go against a generally accepted line of sight
275 Protection practice, the city would become negligent in protecting a right of way. He stated that
276 we take on responsibility for the area if we make exceptions on line of sight protections.

277 Hanson stated that he understands people’s concerns on maximizing their property, however, for
278 The safety of pedestrians, or travelers on the road, he recommends not changing the ordinance.
279 Council Member Brown stated that we need to be as safe as possible. He stated that we should be
280 more aggressive on line of sight issues.

281 Council Member Monsen what our ability to approve or deny on a case by case basis.

282 Monroe stated that neighbors must be contacted, a drawing must be brought in as to where it
283 Would be placed. He stated that if there are no conflicts, the Planning Commission can approve. If
284 it is denied, there is an appeal authority to make the final decision. Council Member Monsen stated
285 that he is concerned with line of sight issues. Council Member Monsen stated that he knows
286 of no cities that allow for a 6 foot fence out to the sidewalk. Monroe stated that there are some,
287 however, the setbacks may be more restricted and residents are made to take down the fence if
288 there is a safety issue. Hanson stated that the ULCT and Legislature is asking cities to be very clear
289 in ordinances. He stated that we cannot leave it open to loose interpretations on the law.

290 Monroe stated that a four foot fence is allowed to the sidewalk and a 6 foot fence is allowed 15 feet back.

291 Mayor Allen stated that it has been recommended by the Planning Commission to keep the ordinance as
292 is while adding the conditional use permit portion to the ordinance. Staff is recommending no change to
293 the ordinance. Mayor Allen stated that he does not agree with the conditional use permit, stating
294 that it could become a liability. He stated that he likes the ordinance as it stands.
295 Council Member Weir stated that he believes that it should be reviewed on an individual basis and the
296 Planning Commission should be allowed to look at each case. Council Member Barker stated that he
297 would like to keep the ordinance as is and keep the line of sight protection.
298 Planning Commissioner Allen stated that he voted nay on the ordinance. Council Member Weir
299 noted that Commissioner Allen stated that there was not a problem with line of sight when it was
300 originally brought before the Planning Commission. Commissioner Allen stated that was correct at that
301 time.

302

303 Mayor Allen allowed several residents to speak.

304

305 Jeff Rosser- 286 W 5600 S- stated that he brought the issue to Council. He stated that all the others cities
306 that he has researched allow for this type of ordinance and does not understand why we have the most
307 stringent ordinance. He stated that his neighbor would not be effective if he put up a 6 foot fence. He
308 stated that there is plenty of line of sight in his opinion. He stated that he has spoken to fence installation
309 contractors and they have never heard of such a requirement in an ordinance.

310

311 Resident Ryan Johnson- 241 E 4300 S- stated that he does not have any line of sight issues with his
312 fence request. He stated that the current ordinance would cut his back yard in half. He stated that
313 he has no intention of putting up a solid fence. He stated that his fence will be chain link. He stated
314 that the conditional use permit is a compromise to accommodate persons to maximize the use of
315 their footprint. He stated that sticking with the current ordinance is a scapegoat for people not
316 doing their work. He stated that there are many residents who have illegal fences up now.

317

318 Council Member Monsen stated that the chain link fence was not addressed and that he is
319 not ready to vote on this issue tonight. Monroe gave a brief history on the setback requirements.

320

Motion by Council Member Monsen

Seconded by Council Member Weir

321

To table the discussion

322

Approved (3-2)

323

Council Members Monsen, Weir, West- Aye

324

Council Members Brown, Barker- Nay

325

326

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

327

328
329 Monroe stated that the ordinance addresses nuisance trees. He stated that trees have been planted too
330 close to properties and have been causing destruction to property and infrastructure.

331 He stated that there are areas with unwanted trees. He stated that the intent of the ordinance is to help
332 clarify what type of trees are allowed and where they are to be planted. He stated that some trees are
333 hazards to homes, neighboring homes, infrastructure, and attract insects and diseased trees. He stated that
334 the ordinance will allow the city to step in and mitigate issues with nuisance trees.

335 Council Member Brown stated that it is a good idea, but is concerned as to who applies the law as
336 well as the cost to remove trees. Monroe stated that it may cost money to remove the tree, however, the
337 city should have the backing to make people take out trees if they are destroying their homes,
338 neighbors' homes, sewer systems, and sidewalks.

339 Hanson stated that we have some areas that have trees that are a fire hazard and this would allow us to
340 enforce removal. Mayor Allen stated that the ordinance addresses reasons as to why a tree may not be
341 planted, and why we may be able to ask it to be removed.
342 Monroe stated that request for removal of trees would be on complaint basis. Monroe stated that the
343 nuisance tree problem would be treated as any nuisance issue and would go through the court process.
344

345 **Motion by Council Member Barker**
346 **Seconded by Council Member Weir**
347 **To approve Ord. 18-08 amending**
348 **Chapter 8.16 Inspection and cleaning regarding**
349 **Unwanted trees (5-0)**
350 **Approved unanimously**
351 **Roll Call Vote**
352

353 **10. COUNCIL COMMUNICATION WITH STAFF**

354 Mayor Allen stated that a thank you note will be sent to the Boy Scouts of America for their
355 help on several park projects.

356 Hanson stated that Solomon is looking for names for Grand Marshall for Terrace Days.
357

358 **11. ADMINISTRATION REPORTS**

359 Hanson reminded Council about a Weber Basin Water tour on June 6, 2018. Council Member
360 Barker stated that he would like to attend.
361

362 **12. UPCOMING EVENTS**

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

364 May 30th: Planning Commission 6:00 p.m.
365

366 **13. ADJOURN THE MEETING: MAYOR ALLEN**

367 Mayor Allen adjourned the meeting at 7:34
368

369 **14. ADJOURN INTO RDA MEETING (RDA Meeting will begin immediately following the**
370 **regular meeting)**
371

372 _____
373 **Date Approved**

_____ **City Recorder**