



Regular City Council Meeting
Tuesday, June 5, 2018
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

1. WORK SESSION

Topics to include, but are not limited to: SB 235- Redistribution on sales tax, and a description of the proposed corner lot fence ordinance.

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 15, 2018, MEETING MINUTES

6. 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.

7. 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.

8. NEW BUSINESS

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

Staff will provide a summary of topics to include, but not limited to: Outstanding Budget Issues and Adjustments to the tentative budget

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.

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

Discussions of options to allow six foot fencing on street-side corner lots

8.3 MOTION/RESOLUTION 18-04: APPOINTMENT OF TEMPORARY JUSTICE COURT JUDGES

Resolution appointing pro-tempe judges in the event that Judge Lambert is unavailable.

8.4 DISCUSSION/DIRECTION: PENDING CITY CONTRACT DISCUSSION

Discussion on pending contracts to include, but not limited to; South Ogden Animal Control, Republic Services waste removal, Ogden City Fire Department

9. COUNCIL COMMUNICATION WITH STAFF

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

10. ADMINISTRATION REPORTS

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

11. UPCOMING EVENTS

June 6th: Weber Basin Water District Tour

June 8th-9th: TERRACE DAYS!!

June 19th: City Council Work Session 5:00 p.m.

June 19th: City Council Meeting 6:00 p.m.

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

12. ADJOURN THE MEETING: MAYOR ALLEN

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.

City Council Staff Report

Author: Tom Hanson
Subject: S.B 235
Date: June 6, 2018
Type of Item: Discussion



Summary: During the 2018 legislative session S.B. 235 passed with considerable discussion from ULCT and others interested parties associated with this legislation. In essence legislators took away 1.8% of the 50% sales tax distribution revenue that would have gone to local jurisdictions for general fund activities. This legislative action reduced local revenues approximately \$5M leaving cities to figure out ways to raise revenues or reduce service levels.

For Washington Terrace this reduction in sales tax revenue equates to approximately \$15,000.00. At this time staff is proposing the use of RDA funds to offset the \$15,000.00 funding shortfall as a substitute of a reduction in service. The use of RDA funds may be a short-term option or may be a long-term option depending on the Mayor and Council direction.

RDA funds are permitted to be used in this instance because of the RDA component to fund low income housing. The RDA legislation has specific requirements that allow for and direct cities to fund low income housing. Therefore, the use of RDA funds to offset this revenue shortfall would be considered an appropriate use of RDA revenues.

There are a few options that the Mayor and Council may consider going forward;

- Use RDA funds to offset the revenue shortfall (short term and long term).
- Reduce level of service. Determining this reduction of service is difficult in a city like Washington Terrace with services constrained around basic public services.
- Conduct a TNT process to raise revenues to offset the impact of S.B. 235 legislation.
- Others ideas???

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

9 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT WORK SESSION**

- 10 Mayor Mark C. Allen
- 11 Council Member Scott Monsen - excused
- 12 Council Member Blair Brown
- 13 Council Member Larry Weir
- 14 Council Member Scott Barker
- 15 Council Member Jeff West – arrived at 5:06 p.m.
- 16 Finance Director Shari’ Garrett
- 17 City Manager Tom Hanson
- 18 Public Works Director Steve Harris
- 19 Captain Clay Peterson, Fire Department
- 20 City Recorder Amy Rodriguez

22 **Others Present**

23 None

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

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

29 Hanson stated that the pay band information on the Judge has remained flat for the last several years.
30 Hanson stated that he spoke to the Judge earlier this year and he stated that he was fine with the current
31 compensation of middle of the pay band. Hanson stated that we learned from the Office of the Courts in
32 April that the pay band mandated by the State has changed. Hanson stated that he would like to
33 compensate Judge Lambert as we have in the past, by moving him to the middle of the pay band. Mayor
34 Allen stated that the judge’s work load will increase if we get the county courts, and therefore he is fine
35 with the increase. Hanson stated that we could try to find the funds in one step, or use a step process (i.e.
36 50 percent adjustment this year with the rest later in the year). Hanson stated that this is a current
37 development. Council Member Brown stated that he does not have an issue with the increase. Hanson
38 stated that there may not be an increase next year as long as he remains in the mid-range of the pay band.
39 Council Member Barker asked what we would have to do to come up with the funds. Garrett stated that
40 we would have to make adjustments to the on-going revenue source. Council Member Barker stated that
41 he would suggest the 50/50 approach. Garrett stated that she is not budgeting for the four extra courts that
42 may be brought into the City and does not know how much revenue the extra county courts will bring
43 into the City. Hanson stated that there is new legislation that will decrease a fine of \$190.00 to a late fee
44 of \$20.00, which will bring reductions in future projections. Hanson stated that he is fine with the 50/50
45 approach and suggested we could even increase 50 this year and the remaining 50 next year. Council
46 Member Weir stated that he is fine with the 50 percent this year and 50 next year, with the possibility that
47 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.
146

147
148
149

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 **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**

**City of Washington Terrace
Changes to Tentative Budget 2019 - 2023**

Fund	Department	Category	Description	Fiscal Year	Orig Tentative Budget	\$ chg + / -	Final Tentative Budget
Judge's Salary							
General Fund 10	Justice Court	Personnel Expense	Increase judge's salary by \$3,647 annually for 2 consecutive years (and related benefits).	2019	\$ 137,920	\$4,140 ongoing	\$ 142,060
General Fund 10	Court Fines	WTC Fine Revenue	Increase WTC fine revenue	2019	\$ 78,000	\$4,140 ongoing	\$ 82,140
Fire/EMS Volunteer pay							
General Fund 10	Fire/EMS	Personnel Expense	Increase volunteer shift pay: Day Shift from \$64.42 to \$120.00 Night Shift from \$59.93 to \$72.00	2019	\$ 211,500	\$55,000 ongoing	\$ 266,500
General Fund 10	Other Revenue	Public Facility Rental Revenue	New - 2 yr. Building rental contract with Ogden City for the housing of ambulance services.	2019	\$ 500	\$55,000 one time	\$ 55,000
Homeless Shelter Funding							
General Fund 10	Non-Departmental	Homeless Shelter Mitigation Expense	HB 235 Homeless Shelter Funding (2018) requires the withholding of 1.8% of the 50% component of the local option sales tax to be deposited with the state into the Homeless Shelter Mitigation Restricted Account.	2019	\$ -	\$15,533 ongoing	\$ 15,533
General Fund 10	Contributions & Transfers	Transfer in From RDA Fund 70 - Revenue	SB 235 allows an agency to transfer money from a RDA to offset the city's annual contribution to the Homeless Shelter Cities Mitigation Restricted Account.	2019	\$ -	\$15,533 ongoing	\$ 15,533
RDA Fund 70	Contributions & Transfers	Transfer to General Fund 10 - Expense		2019	\$ -	\$15,533 ongoing	\$ 15,533
RDA Fund 70	Southeast RDA	Redevelopment Projects		2019	\$ 1,796,508	\$(15,533) ongoing	\$ 1,796,508

City of Washington Terrace
Changes to Tentative Budget 2019 - 2023

Fiscal Year	Orig Tentative Budget	\$ chg +/-	Final Tentative Budget
2020	\$ 141,970	\$4,001 ongoing	\$ 150,235
2020	\$ 78,000	\$4,001 ongoing	\$ 86,141
2020	\$ 217,695	\$60,000 ongoing	\$ 277,695
2020	\$ 500	\$60,000 one time	\$ 60,500
2020	\$ -	\$15,533 +/- ongoing	\$15,533 +/-
2020	\$ -	\$15,533 +/- ongoing	\$15,533 +/-
2020	\$ -	\$15,533 +/- ongoing	\$15,533 +/-
2020	\$ 525,696	\$(15,533) ongoing +/-	\$510,163 +/-



City Council Staff Report

Building & Planning

Author: Planning Department
Subject: Fencing Corner lots, Municipal Code 17.44.080
Date: June 5, 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 analysis: Staff assessment of the corner lot ordinance was to find some middle ground that may provide an alternative or substitution to the line of sight, or clear view, for corner lot fencing, while continuing to protect the safety of the residents as they walk, drive, and back out of their driveways throughout the community.

Staff is not in favor of the CUP process and would prefer the ordinance to stand alone based on City Council's approval of the ordinance requirements as amended. Council may choose leave the ordinance as is.

Description:

A. Topic: review

To assess the corner lot fencing section of the code.

B. Background: A resident approached City Council and asked if they would be willing to examine corner lot fencing to allow fencing to be 6 foot high 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 City's current ordinance does not allow corner lots on the street side to have fencing six (6) feet next to the sidewalk.

The Ordinance requires that a six (6) foot fence be installed at 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 needs to be able to maintain the line of sight and clear view for the safety of pedestrians, traffic, or the homeowner themselves who are backing out on to the roadway with a less intrusive restriction to the line of sight. With current ordinance policy, if the neighbor is trying to back out of his or her driveway, the vehicle (average vehicle is 15 feet) has plenty of room without pulling into the street to see if traffic is coming and or anyone is walking on the sidewalk. It comes down to a line of sight protection for the public and neighbor.

C. Consideration:

PLANNING COMMISSION RECOMMENDATION:

To allow and approve that corner lot fencing to be allowable by the Planning Commission as a "Conditional Use Permit" with conditions for compliance to the "Fencing Code" to grant an exception to the Corner lot fencing under a CUP.

Options:

A. Approve the Request:

The City Council may approve one of the following options (Below) to the Municipal ordinance to amending 17.44.080 “Fencing, Walls, and Hedges”.

B. No Action:

The City Council may take no action to amend the Municipal Ordinance 17.44.080 “Fencing, Walls, and Hedges”.

C. Continue the Item:

The City Council can Table the Fencing Ordinance and advice staff to move the item to a later meeting, and advice staff to make any change or additions.

Alternatives:

Compromise to forgo the “Conditional Use Permit” option as recommended by the planning Commission and create a permitted use alternative, which would be outline in the fencing of corner lots within the fencing chapter of the Municipal Code.

CORNER LOT OPTIONS

First (1) option: describes an alternate method by measuring corner lot fencing to allow six (6) foot fencing along the street side of a corner lot. Please review Corner lots sections “i – v”

ORDINANCE

Fence, wall and hedges 17.44.080
17.44.080 Fences, Walls And Hedges

A. Residential Zones:

1. Interior Lots:

- a. Front Yards: No fence shall be erected in any residential zone which exceeds four feet (4') in height. All fence s 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. (interior lot)
- c. Residential Zones: interior lot within any rear or side yard area, the fence cannot exceed more than six feet (6') in height, unless approved by the Planning Commission as Conditional Use.

1. **Corner Lots:**

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 fences must be constructed on or within the property line. Any fence constructed adjacent to a future or existing sidewalk shall be place one (1') foot behind sidewalk to allow a clear walkable area.
- 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, as adopted

in the following requirements. ~~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.~~

- i. Sight Triangle: The "sight triangle" is to protect the line of site for the intersection of 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.
- ii. A fence, wall, or hedge shall not be constructed or maintained to encompass or limit access to any public utility or any City water meters. Exception may pertain to a secondary water system valves that may exist in the rear yard or side yard of a property.
- iii. The sight-triangle shall be maintained and protected for any adjacent primary driveway closer than (24') twenty-four feet of the constructed or proposed fence over (4') four-feet high. Within (24') twenty-four feet, the adjacent driveway sight-triangle shall be protected for the clear view setback of (24') from the edge of primary driveway at one foot back of sidewalk and (15') fifteen-feet from the face-of-curb to the fence alignment nearest the primary driveway. The primary driveway is defined as the driveway leading directly into the household garage or primary attached carport.
- iv. Fence, wall, or hedge shall be constructed or maintained behind gas and power meters, utilities to maintain access to those meters and equipment.
- v. Landscaping or shrubbery within the driveway site triangle or the roadway site triangle shall not obstruct or block or impede the line of site within those areas. Impediments shall be removed or altered in order to protect the sight-triangle for the safety and wellbeing of residents and motorist within Washington Terrace city.
- vi. If the driveway is located on the opposite side and away from the corner lot that it does not restrict the line of sight.

3. Retaining Walls:

- A. 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 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. Maintenance of Fences and Walls: All fences and walls shall be maintained in good repair. Areas adjacent to the wall or fence shall be maintained by the property owner.

G. Removing or repairing a fence that does not comply with the fencing ordinance must be constructed and installed to meet the current fencing ordinance.

Second Option, allow for a Corner Lot Conditional Use request:

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: Fence s, 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. Conditional Use Corner lot fencing:

- 1. Any person or entity desiring a Conditional Use for an exception to this Chapter 17.44.080, fences, walls and Hedges of the *requirements* of this ordinance as applied to a parcel of property that he/she owns, leases, or in which he/she holds some other beneficial interest or is personally responsible for may apply to the applicable authority for a *Conditional Use* from the terms and conditions of the ordinance.
- 2. The Authority having jurisdiction may grant a Conditional Use if:
 - a. The applicant shall bear the burden of proving that all of the conditions justify a conditional use.
 - b. The applicant shall list reasons whether or not there are circumstances that exist to this property that does permit an exception to the ordinance and which deprives the property of privileges granted to other properties.
 - c. Whereas, the Authority having approval cannot grant a conditional use to a self-induced adverse condition brought on by the person responsible or owner of the property.
 - d. Granting the conditional use to the property, are they conditions that are different to the general appearance of the neighborhood or have they been self-imposed.
 - e. Does this restrict the property of it's essential enjoyment and property right
 - f. Does this adversely affect the interest of the neighborhood.
 - g. Whereas, does this application affect the health and safety of the neighborhood.
 - h. Is the request reasonable in nature relating to the property that will substantially minimized the use of the property.
 - i. A building permit shall be required for all fences approved as a conditional use.

The planning commission is the land use authority responsible for the approval or revocation of any conditional use permit issued in the city.

Third (3) option: no change, keep ordinance as currently adopted.

**WASHINGTON TERRACE CITY
ORDINANCE 18-07**

FENCE, HEDGE, AND WALL REGULATIONS AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING SECTION 17.44.080 OF THE WASHINGTON
TERRACE MUNICIPAL CODE RELATING TO FENCES, HEDGES,
AND WALLS; 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 _____, 2018, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2018, and desires to act on this Ordinance;

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. Section 17.44.080 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

17.44.080 Fences, Walls And Hedges

- A. Residential Zones:
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 and is limited to the interior of a lot or parcel.
- c. Residential Zones. A fence within the interior lot or parcel of any rear or side yard area shall not exceed six feet (6') in height.

1. Corner Lots:

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 fences must be constructed on or within the property line. Any fence constructed adjacent to an existing or future sidewalk shall be located a minimum one (1') foot behind sidewalk to allow a clear walkable area.
- 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, as adopted in the following requirements. ~~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.~~
 - i. Sight Triangle. The "sight triangle" is to protect the line of site for the intersection of 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.
 - ii. No fence, wall, or hedge shall be constructed or maintained over, across, surrounding, or limiting access to any public utility or any utility meter. This does not apply to secondary water system valves that may exist in the rear yard or side yard of a property.
 - iii. The sight-triangle shall be maintained and protected for any adjacent primary driveway closer than (24') twenty-four feet of the constructed or proposed fence over (4') four-foot high. Within (24') twenty-four feet, the adjacent driveway sight-

triangle shall be protected for the clear view setback of (24') from the edge of primary driveway at one foot back of sidewalk and (15') fifteen-feet from the face-of-curb to the fence alignment nearest the primary driveway. The primary driveway is defined as the driveway leading directly into the household garage or primary attached carport.

iv. Any fence, wall, or hedge shall be constructed or maintained behind gas and power meters, utilities to maintain access to those meters and equipment.

v. Landscaping or shrubbery within the driveway site triangle or the roadway site triangle shall not obstruct or block or impede the line of sight within those areas. Impediments shall be removed or altered in order to protect the sight-triangle for the safety and wellbeing of residents and motorist within the City.

3. 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 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. Any fences, walls, hedges over six feet (6') shall not be constructed without approval by the appropriate local authority or building official.

E. Prohibited Fencing. No fence shall be constructed of barbed wire, shard wire, or electrically charged wire in any residential zones. The following material is prohibited 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.

F. Standard. All fences shall be weather protected from rust, sun, rain, and any other outside elements.

G. Maintenance of Fences and Walls. All fences, walls, and adjacent areas shall be maintained in good repair at all times by the property owner.

H. Removal and Repairs. Removing or repairing a fence that does not comply with the municipal code must be re-constructed and re-installed in accordance with the current code requirements.

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.

AMY RODRIGUEZ, City Recorder

DATE: _____

**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 OF WASHINGTON TERRACE
RESOLUTION 18-04**

**A RESOLUTION OF THE CITY OF WASHINGTON TERRACE, UTAH,
AUTHORIZING THE APPOINTMENT OF TEMPORARY
JUSTICE COURT JUDGES**

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, the City provides the Washington Terrace/Marriott-Slaterville Justice Court;

WHEREAS, from time-to-time the Washington Terrace/Marriott-Slaterville Justice Court Judge may be absent from Court or have a real or perceived conflict of interest that disqualifies the Judge from hearing a particular case;

WHEREAS, Utah Code Annotated §78-A-7-208 provides for the “temporary justice court judge” and reads “. . . the governing body [City Council] may appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as a temporary justice court judge.”

NOW, THEREFORE BE IT RESOLVED by the City Council of Washington Terrace, that Judge James L Beesley, Judge W. Brent West, Judge Reuben J. Renstrom, or any other Justice Court Judge currently holding office within the Second Judicial District or in an adjacent county; or that meets the Utah Supreme Court’s requirements to of a senior court judge, is hereby appointed as the Washington Terrace/Marriott- Slaterville Temporary Justice Court Judge to serve in the event of the absence or disqualification of the Washington Terrace/Marriott- Slaterville Justice Court Judge.

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

MARK C. ALLEN, Mayor

ATTEST:

AMY RODRIGUEZ, City Recorder
Roll Call Vote:
Council Member Barker
Council Member Brown
Council Member Monsen
Council Member Weir
Council Member West

IN THE WASHINGTON TERRACE/MARRIOTT-SLATERVILLE
JUSTICE COURT, WEBER COUNTY, STATE OF UTAH

STATE OF UTAH

STANDING COURT ORDER:
Temporary Judge Coverage

IT IS HEREBY ORDERED:

For purposes of temporary judge coverage, those judges listed below are approved to serve when needed in the Washington Terrace/Marriott-Slaterville Justice Court. The Washington Terrace City Council has approved the use of temporary judges, and those listed below are eligible for such service. Temporary judge coverage may be for sickness, unavailability, vacation or conflict. A conflict could arise from my own recusal on a given case, or the recusal based on motion/affidavit from a party. The judges shall be used in the order listed.

1. W. Brent West
2. Reuben J. Renstom
3. James L. Beesley
4. If judges listed 1 through 3 are not available, a justice court judge of the Second District will be used, proceeding alphabetically until one is found that can provide temporary judge coverage. The next time temporary coverage is needed, and number 1 through 3 are not available, proceed alphabetically right after the one who last served in my court.

Attached is the approved Resolution of the Washington Terrace City Council, outlining the parameters of who is qualified to serve as a temporary judge in the Washington Terrace Justice Court.

Dated this 14th day of May, 2018.



Patrick E. Lambert, Justice Court Judge

Certificate of Service

A Copy of the executed Standing Order was emailed to the presiding justice court judge, and associate presiding justice court judge, of the Second District, on May 15, 2018 at the following:

Trent Nelson, tnelson@utcourts.gov

City Council Staff Report

Author: Tom Hanson
Subject: Contract Agreements
Date: June 5, 2018
Type of Item: Discussion



Summary: This is an informational staff update to inform the Mayor and Council of three contracts that will be brought forward for consideration at the June 19th council meeting. The agreements to be discussed are as follows; South Ogden Animal Control, Ogden City Rental Agreement for use of the Fire Station and Republic Service Refuse agreement.

Description:

- A. **Topic:** At this point in time staff would like to give the Mayor and Council an opportunity to discuss the above listed contract agreements scheduled to be presented in the June 19th council meeting.

The South Ogden Animal Control agreement will in essence extend the current agreement for five years. However, it needs to be noted that this will be a new agreement because the existing agreement does not have the built-in capacity for any additional extensions. The agreement will maintain the current level of service and will have a continued escalation rate based on the CPI for either the Western Region or the Denver area CPI. Discussions with South Ogden has shown a willingness to continue participation with Washington Terrace and sees the agreement to be mutually beneficial.

As discussed previously, Ogden City has agreed to enter into a lease agreement with Washington Terrace City for the use of our fire station to house their ambulance operations. Washington Terrace City Staff are still working out the details of the lease agreement but feel that the agreement will benefit the city as we work through the fiscal needs of the Fire Department. At this time the lease is for a two-year period. However, we are considering a five-year time frame with an appropriate out clause.

As an order of business staff is including the refuse contract as a discussion item just in case there are any questions associated with the agreement. We have not received the contract at this point in time. I am quite sure that we will receive and edited the contract before the meeting on the 19th.