



**Regular City Council Meeting**  
Tuesday, August 7, 2018  
City Hall Council Chambers  
5249 South 400 East, Washington Terrace City  
801-393-8681  
[www.washingtonterracecity.com](http://www.washingtonterracecity.com)

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

Topics to include, but are not limited to:

- Fireworks in City Limits
- Code Enforcement Issues

**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 JULY 17, 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 DISCUSSION/ACTION: MOTION TO REVIEW THE COMPENSATION FOR ELECTED AND STATUTORY OFFICERS AND SET A PUBLIC HEARING FOR**

For more information on these agenda items, please visit our website at [www.washingtonterracecity.com](http://www.washingtonterracecity.com)

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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.

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# City of Washington Terrace

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Minutes of a Regular City Council meeting  
Held on July 17, 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**

Mayor Mark C. Allen  
Council Member Scott Monsen  
Council Member Blair Brown  
Council Member Larry Weir  
Council Member Scott Barker  
Council Member Jeff West  
City Manager Tom Hanson  
Public Works Director Steve Harris  
City Treasurer Gina Kochendorfer  
Finance Director Shari' Garrett  
Lt. Jeff Pledger, Weber County Sheriff Office  
City Recorder Amy Rodriguez

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**Others present**

Charles and Reba Allen, Ulis Gardiner, Steve Jacobson, Rachel Roper, Jonathan Wright, Payson Bird,  
Jakson Shores, Stacey Nixan

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1. **ROLL CALL** **6:00 P.M.**

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2. **PLEDGE OF ALLEGIANCE**  
Scouts from Troop 267 led the pledge of allegiance.

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3. **WELCOME**

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4. **CONSENT ITEMS**

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4.1 **APPROVAL OF AGENDA**

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4.2 **APPROVAL OF JUNE 19, 2018, MEETING MINUTES**

Items 4.1 and 4.2 were approved by general consent.

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5. **CITIZEN COMMENTS**

There were no citizen comments.

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6. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**

Due to lack of citizen comments in item 5, item 6 is unnecessary.

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7. **NEW BUSINESS**

49 **7.1 MOTION/RESOLUTION 18-07: RESOLUTION AUTHORIZING INDIVIDUALS**  
50 **TO ACCESS/AND OR TRANACT WITH THE MUNICIPALITY'S UTAH**  
51 **PUBLIC TREASURER'S INVESTMENT ACCOUNTS**  
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53 Kochendorfer stated that there is a new requirement from the Office of the State Treasurer requiring  
54 municipalities to certify who has access to the Investment Accounts. She stated that it is a good fraud  
55 filter. She stated that she and City Manager Tom Hanson have access and authorization to transact on the  
56 account. Kochendorfer stated that monies that come in daily are put into the accounts. She stated that  
57 checking accounts are usually reserved for invoices and City transactions.

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59 **Motion by Council Member West**  
60 **Seconded by Council Member Mosen**  
61 **To approve resolution 18-07 authorizing**  
62 **Individuals to access/and or transact with the Municipality's Utah**  
63 **Public Treasurer's Investment accounts**  
64 **Approved unanimously (5-0)**  
65 **Roll call vote**  
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67 **7.2 MOTION/ORDINANCE 18-10: AN AMENDMENT TO THE WASHINGTON**  
68 **TERRACE CITY MUNICIPAL CODE REGARDING THE GOOD LANDLORD**  
69 **PROGRAM**  
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71 Hanson introduced Kochendorfer as the new Good Landlord Manager. Kochendorfer stated that the Good  
72 Landlord enforcement team means once a month to review calls. She stated that participants are notified  
73 when violations are present on their properties. She stated that new legislation has been past that prohibits  
74 Good Landlord Programs from mandating who can be selected as tenants. She stated that we can require  
75 eviction after a criminal act, however, we can no longer require criminal background checks.  
76 Kochendorfer stated that landlords can rent to whomever they chose.  
77 Council Member Brown stated that the training is good and if the guidelines are followed it can be a good  
78 program. He stated that he appreciates Kochendorfer' work at the city.  
79 Mayor Allen stated that he thinks the change is good and feels people can use a second chance.  
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81 **Motion by Council Member Barker**  
82 **Seconded by Council Member West**  
83 **To adopt ordinance 18-10 to amend the**  
84 **Municipal code regarding the Good Landlord Program**  
85 **Approved unanimously (5-0)**  
86 **Roll Call vote**  
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88 **7.3 PRESENTATION: SHERIFF'S QUARTERLY REPORT**

89 Lt. Pledger stated that reports will be sent to the Council next week. He stated that GEO tabs are a little  
90 low for last month. He stated that overall the numbers still look pretty good.  
91 Lt. Pledger stated that there was a child crimes task force meeting in the beginning of the month. He  
92 stated that after the meeting, the task force arrested a resident with several child crime felonies.  
93 Lt. Pledger stated that calls like this that involve many officers are not reported on the GEO tab reports  
94 and explained that sometimes the numbers are misleading.  
95 Lt. Pledger described an incident that occurred at one of the apartment complexes. He stated that several  
96 hours were spent tracking down witnesses and collecting evidence which resulted in arrest.

97 Lt. Pledger stated that there are staggering numbers concerning suicides and suicide attempts in the past  
98 few years. He stated that the QPR will be starting up soon. He would like to have notices in the  
99 newsletter if possible so that there could be great community turn out.

100 Lt. Pledger stated that officers are going to multiple suicide attempts per day and feels that it is not on the  
101 decline. Mayor Allen stated that the City would love to participate with the Program.

102 Lt. Pledger stated that he is not aware of any problems during the fourth of July, and stated that he has  
103 reminded his crews to be aware of fire restriction areas around the 24<sup>th</sup>.

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105 **7.4 PRESENTATION: ANIMAL CONTROL QUARTERLY REPORT**

106 South Ogden Animal Control Officer Stacey Nixan stated that there has been a spike in stray dogs and in  
107 calls for service. She stated that dogs in heat are out roaming and noted that it is typical for this time of  
108 year. She stated that they have been hitting Rohmer Park for off leash dogs and noted that the heat may  
109 be keeping people inside as they have not had a lot of problems at the parks.

110 Nixan stated that she has not received any raccoon calls. She stated that the biggest problem is  
111 eliminating the food source. She stated that grubs in the lawn attract raccoons. She stated that they are not  
112 contracted to euthanize raccoons. Nixan stated that residents need to eliminate the food source by not  
113 leaving food out for birds, cats, or dogs. She stated that this is the most efficient way to eliminate the  
114 problem. She stated that once the babies are born, the mother will take them away, however, she noted  
115 that once they find a safe place, they return to the same spot every year.

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118 **7.5 DISCUSSION/MOTION: APPROVAL OF THE LEASE AGREEMENT WITH**  
119 **OGDEN CITY REGARDING WASHINGTON TERRACE FIRE STATION #51**

120 Hanson stated that the lease agreement is with Ogden City for the use of our fire station for ambulance  
121 services. He stated that the funds collected will be used for the stipend for recruitment and retaining of  
122 the volunteer firefighters.

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132 **8. ADJOURN INTO RDA MEETING**

133 Council adjourned into RDA meeting at 6:49 p.m.

134 Council re-joined the regular meeting at 7:02 p.m.

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138 **9. COUNCIL COMMUNICATION WITH STAFF**

139 Council Member Brown asked if bids can be taken to tear the old Public Works shop down and the  
140 materials be taken away. Hanson stated that he will be preparing a document that should be available next  
141 week for the bid process. Council Member Brown stated that it is important to define work hours and  
142 time frame. Hanson stated that the skin and framing of the old building can be recycled and other options  
143 are available. Council Member Brown stated that the intent is to have the area cleaned up. Hanson stated  
144 that the cinderblock building will most likely be left, but anything that is part of the metal building must  
145 be taken off the property.

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146 Council Member Barker asked if a tour of the Sheriff's Office will be available. Hanson stated that he  
147 will work on putting that together.  
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150 **10. ADMINISTRATION REPORTS**

151 Hanson stated that we have been working with Riverdale and South Ogden on the Fire District  
152 Consolidation. He stated that there will be a meeting scheduled with all the Mayors, Councils, and Fire  
153 Chiefs of the cities involved to see if we are going in the right direction. Hanson stated that this will build  
154 a foundation, however, there are no final numbers.

155 Hanson stated that the meeting is for July 31<sup>st</sup>. Council will be made aware of the time once it has been  
156 settled. Hanson stated that capital and staffing needs are the biggest concerns. Hanson stated that the  
157 meeting is still very preliminary.  
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160 **11. UPCOMING EVENTS**

161 July 26<sup>th</sup>: Planning Commission Meeting – Cancelled  
162 August 7<sup>th</sup>: City Council Meeting- 6:00 p.m.  
163 August 21<sup>st</sup>: City Council Meeting – 6:00 p.m.  
164 August 30<sup>th</sup> .Planning Commission Meeting – 6:00 p.m.  
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166 **12. MOTION: ADJOURN INTO CLOSED SESSION**

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168 **Council adjourned into closed session to discuss:**

- 169 ○ To discuss the character, professional competence, or physical or mental health of an  
170 individual.  
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172 **Motion by Council Member Barker**

173 **Seconded by Council Member Weir**

174 **To adjourn into a closed session**

175 **Approved unanimously (5-0)**

176 **Roll Call Vote**

177 **Time: 7:18 p.m.**  
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179 **13. ADJOURN THE MEETING: MAYOR ALLEN**

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181 Mayor Allen adjourned the closed session and regular meeting at 7:48 p.m.  
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**Date Approved**

\_\_\_\_\_ **City Recorder**

## **AUGUST 21, 2018**

According to state law, a compensation schedule for elected officials and statutory officers (Recorder and Treasurer) must be adopted through ordinance whenever the schedule changes. A public hearing must be set before the ordinance can be adopted.

### **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**

August 21, 2018: Council Meeting 6:00 p.m.

August 30, 2018: Planning Commission Meeting 6:00 p.m.

September 3, 2018: City Offices closed for Labor Day

September 4, 2018: City Council Meeting 6:00 p.m.

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

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## City Council Staff Report

**Author:** Admin

**Subject:** Compensation Schedule

**Date:** August 7, 2018

**Type of Item:** Motion to set public hearing



**Summary Recommendations:** Motion to review the compensation schedule for elected and statutory officers and set a public hearing.

### Description:

- A. **Topic:** In accordance with state law, compensation for elective and statutory officers are fixed by adopting a compensation schedule by ordinance. A public hearing must be set before the ordinance can be adopted. The city has not followed this procedure in the past, largely because there has not been an increase to the elective officials salary in more than 10 years.
- B. **Background:** During the budget process for FY 19, it was discussed to budget for an increase to the Mayor's salary by \$100 a month. This increase was proposed due to the amount of meetings and boards that the Mayor attends monthly. The budget document includes this increase, however, it cannot go into effect until a public hearing is held and the ordinance for compensation schedules is adopted. While researching this ordinance, it was discovered that this law applies to statutory officers as well. Statutory officers are officers that every municipality, by law, has to have employed. These include the City Recorder and City Treasurer. We have not followed this procedure in the past, and this ordinance will bring us into compliance with state law.
- C. **Analysis:** I have attached the proposed ordinance which will be on the August 21, 2018, Council Meeting for adoption. We will need to adopt the ordinance to be in compliance with state law, regardless if any compensation changes are made.

The discussion tonight will concern the compensation schedule. There are several ways that this can be accomplished.

1. We can set the compensation schedule for the ranges that are in the current budget document. However, to remain in compliance, we would have to hold a public hearing and amend the ordinance every year ( if any of the ranges, including Recorder and Treasurer, change)
2. We can set the compensation schedule for a wide range, and thus not have to amend the ordinance if circumstances change from year to year. The ranges on the compensation schedule **do not have to reflect** what is actually in the budget documents. It is more of a guide as to when Council will feel comfortable on triggering a public hearing and ordinance change. If any of the officer's wage range changes, the ordinance will need to be amended.

- For example, Harrisville City has set their Treasurer compensation schedule with a range of \$30,000- \$80,000. This does not mean that this is the budget wage range for the Treasurer. It only means that as long as the compensation does not go over the \$80,000, the ordinance does not need to be changed and a public hearing does not need to be held.
3. We can set the compensation schedule for the current budgeted range for elected officials and add the notation that the range is set with a possible increase each year. This is another option that can be used if any of the wages increase, however, it will need to be monitored to make sure that any increases do not exceed the proposed increase percentage.
- For example, the City Council compensation can be set at the current rate, with the notation of possible 2 percent increase each year. This way, if there is an increase in future years, as long as it does not exceed the 2 percent, the ordinance does not need to be amended. However, this percentage increase could not be used for the positions of Recorder or treasurer.

Per state law, we will need to adopt the ordinance. The discussion tonight will be on the compensation and salary schedule that will be on the ordinance. The schedule should reflect the amounts that Council feels comfortable with, while setting the amounts at which Council would like to hold public hearings and amend the ordinance.

The current compensation for the officer's that this ordinance pertains to are:

Mayor: \$7,200 \* to increase to 8,400 if the \$100.00 per month is implemented. (please note that RDA members receive \$2,400)  
 Council: \$2,400 (please note that RDA members receive \$2,400)  
 City Recorder: range \$43,430-67,246  
 City Treasurer: range \$38,688- \$58947

**D. Department Review:** City Recorder, City Manager, Legal

**CITY OF WASHINGTON TERRACE  
ORDINANCE 2018- \_\_\_\_**

**COMPENSATION SCHEDULE**

**AN ORDINANCE ADOPTING THE COMPENSATION SCHEDULE AND  
EXCLUSION OF ELECTED OFFICIALS FROM THE FEDERAL FAIR LABOR  
STANDARDS ACT FOR THE CITY OF WASHINGTON TERRACE, UTAH.**

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

**WHEREAS**, *Utah Code Annotated* §10-3-818, 1953 as amended, enables municipalities to adopt a compensation schedule for “elected and statutory officers” as provided by law;

**WHEREAS**, on August 7, 2018, a motion was approved by the City Council to review or consider the compensation or salary schedule for elected and statutory officers for the purpose of determining whether or not it should be adopted, changed, or amended and a public hearing was scheduled as provided by law;

**WHEREAS**, after publication of the required notice, the City Council held its public hearing on August 21, 2018, to accept public comment on this Ordinance;

**WHEREAS**, the City Council desires to adopt this Ordinance in order to comply with state law;

**WHEREAS**, the City finds that elected officials are excluded from the Federal Fair Labor Standards Act in accordance with 29 CFR Ch. V §553.11 entitled “Exclusion for elected officials and their appointees”;

**NOW, THEREFORE**, the Washington Terrace City Council hereby ordains as follows:

**Section 1: Repealer.** Any existing compensation schedule for elected and statutory officers is hereby repealed.

**Section 2: Adoption.** The Compensation Schedule for elected and statutory officers is hereby adopted as follows:

<b>COMPENSATION SCHEDULE</b>	
<b>Elected Officer</b>	<b>Compensation</b>
Mayor	Amount: \$
City Council	Amount: \$
<b>Statutory Officer</b>	<b>Salary Schedule</b>
City Recorder	Position Salary Range: \$

City Treasurer	Position Salary Range: \$
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**Section 3:** The City finds and determines that its elected officials are hereby deemed excluded from the Federal Fair Labor Standards Act in accordance with 29 CFR Ch. V §553.11 entitled “Exclusion for elected officials and their appointees.”

**Section 4:** **Effective Date.** This Ordinance shall be effective immediately after posting or publication.

PASSED AND APPROVED by the City Council on this 21<sup>st</sup> day of August, 2018.

\_\_\_\_\_  
MARK ALLEN, Mayor

ATTEST:

\_\_\_\_\_  
AMY RODRIGUEZ, City Recorder

RECORDED this \_\_\_ day of \_\_\_\_\_, 2018.

PUBLISHED OR POSTED this \_\_\_ day of \_\_\_\_\_, 2018.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with *Utah Code Annotated* §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.

\_\_\_\_\_  
City Recorder DATE: \_\_\_\_\_

**10-3-818 Salaries in municipalities.**

- (1) The elective and statutory officers of municipalities shall receive such compensation for their services as the governing body may fix by ordinance adopting compensation or compensation schedules enacted after public hearing.
- (2) Upon its own motion the governing body may review or consider the compensation of any officer or officers of the municipality or a salary schedule applicable to any officer or officers of the city for the purpose of determining whether or not it should be adopted, changed, or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.
- (3)
  - (a) Notice of the time, place, and purpose of the meeting shall be published at least seven days before the meeting by publication:
    - (i) at least once in a newspaper published in the county within which the municipality is situated and generally circulated in the municipality; and
    - (ii) on the Utah Public Notice Website created in Section 63F-1-701.
  - (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be given by posting this notice in three public places in the municipality.
- (4) After the conclusion of the public hearing, the governing body may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the municipality or adopting a compensation schedule applicable to any officer or officers.
- (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality establishing a salary or compensation schedule for its elective or appointive officers and any salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the municipality has enacted an ordinance pursuant to the provisions of this chapter.
- (6) The compensation of all municipal officers shall be paid at least monthly out of the municipal treasury provided that municipalities having 1,000 or fewer population may by ordinance provide for the payment of its statutory officers less frequently. None of the provisions of this chapter shall be considered as limiting or restricting the authority to any municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI, Section 5, to determine the salaries of its elective and appointive officers or employees.

Amended by Chapter 90, 2010 General Session