



Regular City Council Meeting
Tuesday, September 15, 2020
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

* **Note:** The Centers for Disease Control and Utah Department of Health have declared a national and state pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this infectious disease. Members of the Public may view the meeting via the City's Facebook page at: Washingtonterracecity.com. Comments on appropriate agenda items may be emailed to: amy@washingtonterracecity.org, or typed into the Facebook live stream at the citizen's comments agenda item.

1. **WORK SESSION:** **5:00 P.M.**
Topics to include, but are not limited to;
Disaster response efforts for the wind storm event.

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 SEPTEMBER 1, 2020 MEETING MINUTES

6. **SPECIAL ORDER**

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

6.1 PUBLIC HEARING: TO HEAR COMMENTS IN SUPPORT AND OPPOSITION TO THE DECLARATION AND DISPOSITION OF SURPLUS REAL PROPERTY OF APPROXIMATELY 69,290 SQUARE FEET LOCATED AT 5580 SOUTH ADAMS

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.

7. **CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

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

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

9. **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**

September 17th: Red Cross Donation Bloodmobile 2:00-7:00 p.m. (registration needed)

September 24th: Planning Commission Meeting 6:00 p.m.

September 21-25th: ULCT conference (virtual)

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

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3 **City of Washington Terrace**
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5 Minutes of a Regular City Council meeting
6 Held on September 1, 2020
7 City Hall, 5249 South 400 East, Washington Terrace City,
8 County of Weber, State of Utah
9

10 * **Note:** The Centers for Disease Control and Utah Department of Health have declared a national and state
11 pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this
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14 amy@washingtonterracecity.org, or typed into the Facebook live stream at the citizen’s comments agenda item.

15 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT THE WORK SESSION**

- 16 Mayor Mark C. Allen
- 17 Council Member F. Carey Seal
- 18 Council Member Blair Brown
- 19 Council Member Larry Weir
- 20 Council Member Scott Barker
- 21 Council Member Jeff West - excused
- 22 Finance Director Shari Garrett
- 23 City Treasurer Heidi Gerritsen
- 24 GIS/Storm Water Management Kuyler Thompson
- 25 City Manager Tom Hanson
- 26

27 **Others Present**

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

29 **Topics to include; but are not limited to: Business License Fee Study**

30 Garrett stated that she has sent over several fee schedules that were requested by Council. She
31 stated that no action will be taken tonight. It is a continuation of the fee study discussed a few
32 months back. Garrett stated that some of the considerations to look at are current fees, correlation
33 between actual services and fee increase, comparative fees with neighboring communities, and
34 how much taxable impact the business brings into the City.
35 Garrett stated that the fee discussion tonight will focus on the renewal fee.
36

37 **Considerations**

38 **Percentage of change to the current fees, along with dollar amount:**

39 Garrett stated that the study is showing the maximum allowable fee according to stated law. If the
40 city decides to deviate from the study (lower than the maximum), other revenue sources will be
41 needed to make up the difference. Garrett stated that Police, Fire, EMS, Beautification, and snow
42 removal are factors that can be included as part of the disproportionate fee.
43 Garrett stated that some classifications are over 100% increase. She stated that car wash,
44 convenience stores, dialysis, entertainment, group homes, long term care, and professional

45 businesses are all over 100% increases. Garrett stated that there are a few things driving the
46 changes. She focused on significant increases. She stated that some of the business were
47 re-classified. She stated that the nature of the business can become dissimilar from the nature of
48 their group. Garrett stated that “family services” have been reclassified as commercial and
49 residential. She stated that the size and scope of what they were doing became dissimilar. She
50 stated that the disproportionate calls for service can make a business dissimilar. She stated that the
51 dialysis generate a much higher call volume than the other businesses in the group. She stated that
52 if there is a business that is driving the higher fee, it affects every business in their group.
53 Garrett stated that car wash has also been reclassified, noting that they also have a
54 disproportionate call volume. Thompson stated that the dialysis center had around 23.3 calls per
55 year, which is a lot higher than the other businesses in their prior group. He noted that the call
56 number is lower than the hospital or nursing centers. Garrett stated that cost per call is \$420 for
57 the fire department, and \$103 for police services. Thompson stated that the dialysis center calls
58 are almost entirely EMS calls.

59 Garrett stated that General Services, Rentals, and Storage Units saw their fees decrease, noting
60 that reclassification and disproportionate calls for service contributed to the decrease.
61

62 Garrett noted that the Council deviated from the 2008 study and choose not to adopt the
63 maximum fee for all businesses. She stated that it was a policy decision based on assessing factors
64 and how they wanted to impose the fees.
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66 **Comparative and Competitive fees with neighboring communities:**

67 Gerritsen explained the fee schedule. She stated that none of the neighboring cities have a
68 generalized way to charge fees. She stated it is very difficult to compare fees with neighboring
69 cities. Garrett stated that classifications vary from city to city. She stated that there may be
70 different businesses within a seemingly similar classification. Council Member Brown asked why
71 the other cities have such varied scheduled and may not be following state law. Garrett stated that
72 the disparity may be due to outdated information or studies. She stated that every community has
73 different philosophies as to how they charge fees. Council Member Barker clarified that none of
74 the fees pertain to home businesses. He asked who the contractor classification belongs to. He
75 wanted to know why the state took away home business license. Garrett stated that cities can
76 consider charging a license fee for home based businesses, however, we would have to show the
77 disproportionate impact the business has on the City.
78

79 Gerritsen stated that long term care facilities also proved difficult to compare with other
80 communities. Hanson stated that he spoke to other City Managers about their rates for the same
81 type of business. He stated that they said that they consider the long term care facilities as part of
82 the community and do not rely on them for revenue. He stated that their fees are much lower than
83 what our study is showing. Hanson stated some of the cities have different philosophies
84 concerning long term care facilities. Garrett stated that she was surprised on the differences in
85 fees between the communities. She stated that our philosophy is different when it comes to
86 recouping the disproportionate fees on these types of services.
87

88 **Overall economic impact businesses bring to the community**

89 Garrett stated that there are other revenue sources that some of the businesses generate.
90 She stated that we have not sorted through the overall economic impact the business brings to the
91 City, however, if Council directs, we can look into what it would cost to find out. Garrett stated
92 that we are unique from many of the cities that were compared. She stated that we have direct

93 links for calls for service and the cost to the community. She stated that we have contract services,
94 whereas many of the comparative cities do not. Garrett stated that the residents of the long term
95 care facilities are considered as our residents in our Census number. She stated that those
96 properties are taxed as residential and not as commercial.
97 Mayor Allen stated that he was shocked to see some of the numbers as well. He stated that it is
98 never apples to apples when comparing to other cities. He stated that we have always complained
99 that there are high volume calls for service to the nursing homes, but could not see charging
100 \$50,000 for a business license fee. Hanson stated that even though it could be justified, we would
101 be on the higher end of the scale.
102 Garrett re-iterated that the study shows the maximum amount that the city can charge. We cannot
103 charge above what is in the study. Mayor Allen stated that we are not allowed to charge for
104 nuisance calls. He noted that some rental units have volume of code calls.
105 Garrett stated that there may be other channels or avenues to recoup nuisance violations costs that
106 are outside of business license regulations. Garrett stated that there are some nuisance obligations
107 within the Good Landlord Program. Mayor Allen stated that he would like the business license
108 fees to change by January with the new renewals, however, he is not sure if there is enough time
109 to discuss all the proposals.
110 Council Member Brown asked if staff could make recommendations and use that as a starting
111 point for discussions. Mayor Allen agreed that it might be a good idea for a starting point. He
112 stated that Gerritsen and her staff are closer to the issues than they are and may have better input.
113 Hanson stated that he has no problem with that as long as the caveat is that it is only a starting
114 point.

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

119 Mayor Mark C. Allen
120 Council Member F. Carey Seal
121 Council Member Blair Brown
122 Council Member Larry Weir
123 Council Member Scott Barker
124 Council Member Jeff West
125 Chief Building Official/General Planner Tyler Seaman
126 Public Works Director Jake Meibos
127 City Recorder Amy Rodriguez
128 City Manager Tom Hanson

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130 **2. ROLL CALL**

6:00 P.M.

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132 **3. PLEDGE OF ALLEGIANCE**

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134 **4. WELCOME**

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136 **5. CONSENT ITEMS**

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138 **5.1 APPROVAL OF AGENDA**

139 **5.2 APPROVAL OF AUGUST 18, 2020 MEETING MINUTES**

140 Items 5.1 and 5.2 were approved by general consent.

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6. CITIZEN COMMENTS

There were no citizen comments.

7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS

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

8. RECURRING BUSINESS

8.1 DISCUSSION/ACTION: REVIEW OF VARIOUS PARKING REGULATIONS SET FORTH IN CHAPTER 10.12 OF THE MUNICIPAL CODE

Hanson stated that this is a follow up to the work session from the last meeting. Seaman stated that this item would have to go to Planning Commission for a public hearing and would like direction from Council as to how to proceed with any changes. Seaman stated that the three foot rule and regulations for no sidewalk properties are spoken about in the nuisance code and the three foot rule is mentioned in 4 different areas in code. Seaman would propose to change some wording in code. Seaman stated that we have strong ordinances concerning vehicles being on the street for 24 hours. Seaman would like direction on how to proceed with the 3 foot behind the sidewalk rule. Council Member Brown stated that he would like to get rid of the 3 foot rule all together, but asked if we would be giving up safety. Seaman stated that we allow a fence to be a foot off of the sidewalk at 42 inches, which is not much different from what a vehicle would be. Seaman stated that he feels that we are creeping into property rights. He stated that he feels that most people are considerate to not block their sidewalk with their vehicles. He stated that he would like to change it to not allowing any vehicles on the sidewalk. He thinks that the bumper on the edge of sidewalk would be on the simpler side. Mayor Allen agrees that going right up to the sidewalk may allow many to get their vehicles off of the street and feels that the 3 feet we would allow would help facilitate that. Mayor Allen stated that it would be easier to explain to residents as well. They cannot park on the sidewalk. Mayor Allen would like to have the cars off of the street and he would like to start doing that now before the winter season. Seaman stated that homes without sidewalks should be treated as we treat line of sight issues. Council Member Seal commented that he was on 300 West and there was a car parked on the street on one side and it was very narrow. He stated that he agrees that homes with no sidewalks should allow cars to park to the inside of their curb. He stated that for the narrow roads there should be a red curbing so that vehicles cannot park.

Meibos stated that there is room to pass, however, the striping makes it seem more narrow than it is. Meibos stated that this issue has come up before, however, he feels that by narrowing the feel of the road is accomplishing what we need.

Council Member Barker stated that after seeing the limited parking residents have to deal with, he is not opposed to letting people park up to the sidewalk. He stated that a potential problem could be a trailer hitch sticking out and someone walking into it. He stated that we will still need to enforce the no parking on the sidewalk. Seaman stated that new developments will be required to have consistent sidewalks throughout the development.

Mayor Allen stated that if someone is parked on the sidewalk, it will be easier to tell someone that they have to move their vehicle. Council Member West agreed that it would be easier to enforce if we let residents park up to their sidewalk.

Seaman stated that we do not have a specific ordinance that concerns private trailers. He stated that he will be reviewing that ordinance as well.

189 Seaman stated that private trailers cannot be on the road for more than 48 hours. He stated commercial
190 trailers cannot be parked on the road at all unless it is actively being used for loading and unloading.
191 Council agreed to let Seaman tweak the trailer sections.
192 Council Member Brown asked about tow trucks. Seaman stated that anything commercial over 14,000
193 pounds is not allowed in the city. Seaman stated that in general, tow trucks will not be allowed unless
194 it is a pick up truck.

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196 **9. NEW BUSINESS**

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199 **9.1 MOTION/RESOLUTION 20-14: RESOLUTION ENTERING INTO AN**
200 **INTERLOCAL AGREEMENT WITH WEBER HUMAN SERVICES TO**
201 **PROVIDE SENIOR SERVICES**

202 Hanson stated the agreement is for 5 years with Weber Human Services to allow them to use
203 our facility for Senior Activities. Hanson stated that the City is interlaced with them in a way
204 that helps us going forward.

205 **Motion by Council Member Weir**
206 **Seconded by Council Member Barker**
207 **To approve Resolution 20-14 to enter**
208 **Into an interlocal agreement with Weber Human Services to**
209 **Provide Senior Services for a 5 year agreement**
210 **Approved unanimously (5-0)**
211 **Roll Call Vote**

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213 **9.2 MOTION/ORDINANCE 20-05: AN ORDINANCE AMENDING SECTION**
214 **4.20.020 RELATING TO DEFINITION OF SIGNIFICANT PARCEL OF REAL**
215 **PROPERTY**

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217 Hanson stated that we are amending our City code to conform to state law.
218 Seaman stated that state law requires that we define a significant parcel as over one acre. We will
219 be selling City property located at 5580 South Adams Ave., which is over one acre. We will be providing
220 a 14 day public notice for the Public Hearing. Seaman stated that we added a section to exclude
221 easements.

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223 **Motion by Council Member Seal**
224 **Seconded by Council Member Barker**
225 **To approve ordinance 20-05 amending**
226 **Section 4.20.020 relating to the definition of**
227 **Significant parcel of real property**
228 **Approved unanimously (5-0)**
229 **Roll Call Vote**

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231 **9.3 DISCUSSION: DISPOSAL OF SURPLUS REAL PROPERTY**

232 Hanson stated that we are looking at transferring property ownership of 5580 South Adams Avenue to
233 the RDA. A public hearing will be held at the next meeting.

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9.4 DISCUSSION/MOTION: APPROVAL OF THE SIDEWALK IMPROVEMENT COST-SHARE POLICY

Meibos stated that a sidewalk trip hazard replacement program was approved. He stated that he has had questions from residents who are replacing driveways and need their sidewalk replaced. He stated that some of the sidewalks do have trip hazards. He stated that if the sidewalk was on our replacement list, along with some other requirements, we would entertain paying 50 percent of the sidewalk replacement cost. He stated that the resident would have to apply for the help. Meibos stated that he would approve on case by case basis. He stated that the benefit is that the improvements will help the resident’s lots and it will be easier on our budget for sidewalk repair. Meibos stated that the homeowner would have to hire a contractor and we would inspect and reimburse up to the agreed upon amount. Meibos stated that in some situations we would have replaced the sidewalk anyway, however, depending on the extremity of the trip hazard, it may be some time before we are able to fix it. Meibos stated that available budget will be considered.

**Motion by Council Member Brown
Seconded by Council Member Weir
To approve the sidewalk improvement cost-share policy
Approved unanimously (5-0)**

10. COUNCIL COMMUNICATION WITH STAFF

Council Member Barker reminded Council to check their email concerning the auditor’s questions. He stated that he enjoyed the signs at the park concerning the dog issues.

Council Member Barker stated that Rohmer Park is looking great. He stated that the weeds on 5700 South are coming back up. Seaman stated that both parties on that street have been contacted. Hanson stated that Aaron Solomon has been taking on janitorial services for the time being. Council Member Barker stated that there is a storm drain off of 5500 that is full of stuff. Meibos stated that they will look at it in the morning.

Mayor Allen stated that the pavilion at Little Rohmer is always busy, as well as Rohmer Park. Mayor Allen stated that our first home game for football is this Saturday. He stated that COVID protocols will be followed. He stated that baseball has started and we have been fortunate not to have any issues with COVID.

11. ADMINISTRATION REPORTS

Hanson stated that the materials for the Lion’s Park playground have been delivered and should be installed this week.

Hanson stated that someone drove into the football field and did “donuts”. Hanson stated that he was able to pick up the vehicle on the camera in the park. He has posted the information on facebook asking for any information on the owner of the vehicle. The license plate was too foggy on the tape to read.

12. UPCOMING EVENTS

- September 7th: City Offices closed for Labor Day
- September 15th City Council Meeting 6:00 p.m.
- September 17th: Red Cross Donation Bloodmobile 2:00-7:00 p.m. (registration needed)
- September 24th: Planning Commission Meeting 6:00 p.m.

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

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**Motion by Council Member West
Seconded by Council Member Barker
To adjourn the meeting
Approved unanimously (5-0)
Time: 7:23 p.m.**

Date Approved

City Recorder