

**WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 18, 2018**

The minutes of the Woods Cross City Council meeting held September 4, 2018 in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Rick Earnshaw, Mayor

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor
Tamra Dayley
Julie Checketts

Wally Larrabee
Matt Terry
*Ryan Westergard

*Attended part of the meeting by speaker phone

STAFF PRESENT:

Gary Uresk, City Administrator
Jessica Sims, Finance Director/City Recorder
Scott Anderson, Public Works Director
Tim Stephens, Community Development Director
Adam Osoro, Acting Police Chief

VISITORS:

LeGrande Blackley	Patt Huttzell	Joe Pierezza
Jenna Pierezza	Lois Schrader	Don Schrader
Ryan Kirkham	Brett Lutz	John Kunzler
Joshua Kunzler	Clark Burbidge	Mike McKee
Dane Hill	Lauralee Anderson	Jamie Goudy
LaRee Vandertooolen	Girl Scout Troop 215	

CONSIDERATION TO APPROVE MINUTES

The City Council reviewed the minutes of the City Council meeting held September 4, 2018. Following their review, Council Member Terry made a motion to approve the minutes as corrected with Council Member Larrabee seconding the motion and all voted for the motion through a roll call vote.

REVIEW OF THE FINANCIAL REPORT

The Mayor then gave the floor to the City Administrator who reviewed the financial report with the City Council. He went over the various funds and expenditures with the Council.

APPROVAL OF CASH DISBURSEMENTS

The City Finance Director then went over the cash disbursements listing with the Council.

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Following the review by the Council, Council Member Larrabee made a motion to approve the cash disbursements as presented with Council Member Terry seconding the motion and all voted for the motion through a roll call vote.

OPEN SESSION (BRIEF ITEMS)

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council that were brief in nature and would take less than five minutes.

Mr. Clark Burbidge living at 1157 West 1300 South stood before the Council and said he has lived in the city since 2005 and said he had concerns about the proposed increases to recycling. He said he was concerned about what the vision was for the future of the city and its recycling program and since he has lived in the city, fees continue to climb. He said he does not have too many concerns about the fees going up because he has seen some good things happen with these costs. But he went on to say there was one fee he was concerned about and it was the recycling fee. He said he had quite a few concerns about his fee going up. He said he had worked in the recycling industry for about 10 years. He noted that there are some benefits from recycling because Hill Air Force Base used some of the by products from recycling in the past but the facility at Hill Air Force Base is no longer used and has been since been torn down. He said he felt like curbside collection is redundant and not cost effective because it is separated when it goes to the recycling plant. He said that most recycling items collected are not ultimately recycled. He said he would like to propose a couple of solutions to this problem. He said he felt like an independent audit should be done of Waste Management to see where our recycling items are going and what they are doing with them. He said this would help validate what is happening with the recyclables. He also said he felt like individuals should be able to opt out of this program or the city should be able to opt out if they choose to and this problem really needs to be addressed.

The Mayor said he had contacted the city's Waste Management representative and got the statistics for the recycling for Woods Cross City. The Mayor said the real problem with the recycling program is the lack of education in what is placed in the blue bin because of contamination of the recyclables that are mixed in the can all together. The Mayor said the city has decided to address these issues by getting out more education and information to the citizens to help address these issues of how to recycle with less contamination. The Mayor gave some stats of some of the benefits of recycling. The Mayor said there have been added problems with China not taking recyclables and with the tariffs that have been put into place in Washington.

It was noted residents can opt out, but they still must pay a fee for the recycling can. The Mayor also said he felt like one other important thing to consider is that by recycling we are trying to extend the life of the landfill. Mr. Burbidge said he thought this was a good thing but that we still needed to take a good look at the recycling program to make sure it was not raising costs for residents for a small benefit.

Council Member Westergard then joined the meeting via speaker phone.

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Mr. Don Schrader living at 2018 South 700 West said he echoed what Mr. Burbidge had said and he also had some complaints about Waste Management. He said the garbage truck came through on a Thursday but on the schedule, it was shown that it should have been postponed a day because of the Labor Day holiday. He said he had contacted the city and the city said Waste Management would come back and pick up the garbage, but they did not return in a timely manner. The Mayor said he was not sure why there was a miscommunication on the schedule. Mr. Schrader also said he does not recycle, and he would like to opt-out, but he cannot without still paying the fee. He said he did not understand how Waste Management can raise the price of our garbage pickup during the middle of a contract. The Mayor said there are provisions made in the contract for escalators to allow them to make changes if there is a raise in gas prices or other unforeseen circumstances. Mr. Schrader said he didn't understand why the fee cannot be removed. The City Administrator said at the time recycling was adopted it was accepted that all would be included in the recycling program because the Council felt it was good for the community and would be beneficial to the community. The Mayor said saving the landfills was another consideration that was discussed when the recycling program was considered.

Mr. Schrader said he would still like to be able to opt out of the recycling program if he would chose to and he stated he wanted the schedule to be looked at to make sure when garbage would or would not be picked up during a holiday week.

Council Member Checketts suggested on the posted garbage pickup schedule it be noted if it was a holiday garbage pickup or a normal pickup day. The Council thought this would be a good idea.

Mr. Mike Mckee living on 875 West said he was upset about what happened at the last City Council meeting, but especially how those in attendance were cut off and not allowed to speak on behalf of Chief Butler. He said he was very disappointed and concerned about how he was treated but also how the public was treated. He said he wanted to be able to make comments. He said he felt like the decision had already been made regarding letting the Police Chief go before anyone spoke in the City Council meeting.

The Mayor said he felt like those that spoke represented the majority of those who were attendance and the meeting was and continued to be very lengthy, so he was trying to keep comments to a minimum as there were many in attendance who could have spoken on the good character of the Chief.

Mr. Mckee said the way it looked to him from some of the body language displayed, that the decision had already been made before comments were ever taken. The Mayor said it was a very difficult decision and he and the Council tried to do the best they could considering the difficult situation. Mr. Mckee said he felt like in his opinion there were decisions that had been made ahead of time. The Mayor said that was definitely not the case and said he felt like they had made the best decision for Woods Cross City.

The Mayor thanked those who had made comments during the brief open session.

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COMMUNITY OF PROMISE REPORT

The Mayor gave the floor to Ms. Patt Huttzell who was reporting on the activities of the Community of Promise. She reported the following regarding those activities.

Book Club—The book the club will be reading “Why Dad Died at Christmas” for their December meeting and they will be having a cookie exchange. At their last meeting they had 13-14 attendees. She said their next meeting will be on October 18, 2018.

Historian—It was noted the Black Bear Diner grand opening was held in July and it was very successful. It was noted she attended, and the district manager said it was the most well attended and most polite group he had met.

The Night Out Against Crime had about 1200 attendees and was also very successful. CPA was also successful. It was also noted the next shred date would be October 27 and there would also be a drug take back that same day.

Summer Literacy—Attended the Davis County Golf Tournament and it was a great event. She thanked Council Member Checketts for attending the tournament. It was also noted there had been about 600 books given out this past summer.

Mayor’s Report—The Farmer’s Market is going to be on September 24 starting at 4:00 P.M. They encouraged all to come out and attend this event.

POLICE DEPARTMENT REPORT

Acting Police Chief Adam Osoro reported on the activities of the police Department for the month of August as follows:

DISPATCHED CALLS

<u>2018</u>	<u>2017</u>	<u>Yearly</u>
Jan—904	Jan—1152	2017—11,411
Feb—990	Feb—821	2016—12,393
March—991	March—1020	2015—12,819
April-- 887	April—901	2014—9495
May--	May—1065	2013—8979
June--1010	June—1069	2012—7347
July--982	July—1294	2011—6918
Aug--1118	Aug—1225	2010—7167
Sept--	Sept—989	
Oct--	Oct—1000	
Nov--	Nov—988	
Dec	Dec—875	

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Running Total—7905 Total—11,411

ASSISTS OUTSIDE AGENCY

2018

Jan—134

Feb—128

March—134

April—156

May—186

June—173

July—146

Aug—no current total

Sept—

Oct—

Nov—

Dec—

Running total--911

ACTIVITY REPORT

- CPA Fall class begins
- National Night Out
- Crossing Guard Meeting—New FT/PT
- FlexPak Open House
- Spillman Training/Sexual Assault Training
- Winter Training-At Marshall's Office

USE OF FORCE REVIEWS

- Hands on arrest of a domestic violence suspect—No injuries
- Three Officers Gunpoint-Aggravated Robbery Suspect Lorena's-Arrested without incident

SWAT TEAM ACTIVITY

- No Ops
- Regular NTOA Training
- Competed in the Mountains States SWAT Competition

WOODS CROSS SCHOOL ACTIVITIES

- Majority of School remodel is complete (tile, paint, landscaping ongoing)

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- New Security Cameras/Electronic Door Locks
- Fight-two suspended
- Several vehicle lockouts
- First Fire Drill

K-9 ACTIVITY

- Lorena's robbery. High winds affected the tracking scent, it's believed 3 suspects initially fled on foot.
- 20 hours of training
- National Night Out Demos

DETECTIVE DIVISION

32 active C.A.N.R. cases (child abuse neglect report) they are investigating in conjunction with D.C.F.S.

23 active Theft/Property/Fraud/Assault/Death

Detectives are investigating an Aggravated Robbery at Lorena's. 4 juveniles attempted to steal a vehicle from an elderly female. One suspect was arrested on scene. Since his arrest, information has been obtained about the other 3 individuals. Further arrests are very likely.

Council Member Checketts asked that the police department investigate bike thefts that have been occurring at the Legacy Prep School north campus. She said occurrences of bike theft and destruction have been occurring almost daily. Acting Police Chief Osoro said he would look into the matter.

Mr. Clark Burbidge asked about glass in schools and concerns about earthquakes. He asked if an assessment had been done. It was noted the school district would have to be contacted to check into that question.

CONSIDERATION TO APPROVE THE PURCHASE OF NEW CROSSING GUARD SIGNS

The Mayor gave the floor to the Public Works Director who noted this was a follow-up to an item that has been previously talked about and he noted the following for the Council:

“Council Member Checketts was able to find school crossing signs that include battery back-up. They are an ELTEC product through Intermountain Traffic. Given to the Council is the information on the sign as well as the bid given to us. I had to adjust the bid by \$1,080 since they only quoted one back up battery and we will need four. The total cost of the signs would be \$12, 060. City Staff met with the sales rep of Intermountain Traffic and discussed the product with her. One concern we have is that the sales rep for Intermountain Traffic is in Loveland,

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Colorado and the ELTEC rep that we talked to was in Texas. There is nobody in the state that we could interface with in case we have any problems. Other than that, we feel the sign would meet our needs.

“One option that we are pursuing is the possibility of installing a battery back up on our existing signs. If that is feasible, it would cost around \$2,000 which is considerably less than \$12,000. We are working with electricians to see if that is feasible. Our recommendation is to keep working for a month or so to work with the electrician to see if this is feasible, if not we would feel comfortable purchasing the signs through Intermountain Traffic.”

There was discussion on adding Tattle Tale and then have an officer for backup if the signs fail. Council Member Checketts said she would prefer the battery backup.

The Public Works Director said he would like to see the backup batteries installed in the current signs and if that is not possible, go ahead with the purchase of the new signs.

The Council said they would like the Public Works Director to see if the backup batteries could be installed in the current signs first before they made the larger purchase of the signs. The Public Works Director said he would continue to work with the electrician to see if it is at all possible.

Council Member Checketts made a motion to table this item until further information can be gathered as discussed. Council Member Terry seconded the motion, and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT AN ORDINANCE ESTABLISHING TEMPORARY REGULATIONS FOR DEVELOPMENT WITHIN THE “S-1 SPECIAL USE” ZONE

The Mayor gave the floor to the Community Development Director who noted the following for the City Council:

“Mr. Mark Bell sent this ordinance out to each of you this weekend for your review. Currently the S-1 Zone lists condominiums as a conditional use and the town homes next to the Hampton Inn and the ones proposed to be built on John Hepworth’s property were approved as a condominium conditional use in the S-1 Zone. Our concern is that the density of the condominiums is not specifically defined in the S-1 Zone. This is the same problem we experienced with the mixed-use zone and we do not want a repeat of what happened with that approval.

“We are proposing a moratorium be placed on the S-1 Zone to allow us through the general plan change and the zoning ordinance change to change the S-1 Zone to address the condominium density issues?”

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Council Member Checketts asked if six months is long enough for this moratorium. The City Administrator said six months is the maximum allowed by state law.

Following the discussion Council Member Dayley made a motion to adopt ordinance 586, an ordinance establishing temporary regulations for development within the S-1 Special Use Zone. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote except Council Member Westergard who was no longer attending the meeting via speaker phone at this point.

**CONSIDERATION TO APPROVE THE EXTRAORDINARY RECYCLING INCREASE
REQUEST FROM WASTE MANAGEMENT**

The City Administrator noted the following for the Council:

“During the last Council meeting, Beth Holbrook proposed splitting the \$1.15 increase into two increases, one in October and one in February. I have given the Council her proposal. We need to discuss this to determine if we want to accept this proposal or not.”

Council Member Terry said he did not like the small increase. He said he felt like he would just like to add the \$1.15 at once and not increase it twice. He also said he thinks the Council needs to take a hard look at the recycling program to see if it is in the best interest of the city to continue with the program.

Council Member Checketts also said she would like to see the \$1.15 increase at once and not have it taken out in two increments.

Council Member Larrabee said he felt like it should be tabled and have Ms. Holbrook come back and bring more information and have the independent audit done which had been proposed earlier in the City Council meeting during the open session.

The Mayor said he had spoken with Ms. Holbrook and she said there is additional information on their website for helping residents understand how to recycle better. He said he would like to see the independent audit done as well.

Mr. Clark Burbidge then commented and said Europe has been dealing with this problem for many years and they have been able to take care of this problem. He said he felt like Waste Management needs to look at this issue. He said this needs to be looked and a long-term solution needs to be looked at now.

The Mayor said he agreed and said these issues do need to be looked at and will follow-up with suggestions that have been made.

Council Member Dayley said she agreed with what has been discussed with doing the independent audit and have the \$1.15 be charged January 1. She also said there would be cleaner

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recycling products to reduce the contamination factor if there are bins for the recycling items set around the city for specific items to be dropped off in these bins. She said she felt this would be a better option.

There was also some discussion on what recourse the city might have with Waste Management regarding this issue to encourage them to find other options for this problem. The City Administrator said the Council might want to tell Waste Management they would approve the increase in January, but they would like to have more information gathered regarding other options and information, such as an independent audit.

The City Administrator said there are several issues that need to be considered. He said we need to know where our recyclables are going. He said we also need to get more information on what and how the recycling really needs to be done.

The Council discussed what would be best and decided they would like Ms. Holbrook to come back and give them more information on what had been discussed by the Council.

Council Member Larrabee made a motion to deny the rate increase for Waste Management with Council Member Checketts seconding the motion and all voted for the motion through a roll call vote.

There was some discussion on the opt out option and some of the Council said they would like to add the opt out and some said they felt like all should be included in the recycling to keep costs down and encourage beautification of our city and community.

CONSIDERATION TO GRANT CONDITIONAL ACCEPTANCE FOR SHAMROCK VILLAGE PHASES 1 & 2

The Mayor gave the floor to the Public Works Director who noted the following for the City Council:

“We would recommend conditional acceptance of these improvements authorizing the release of the appropriate bond amounts down to 10% with the exception of the landscaping.”

Council Member Terry made a motion to grant conditional acceptance for Shamrock Village Phases 1 & 2. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

SAFETY ACCOUNTABILITY REPORT

The Mayor gave the floor to the City Administrator who noted the following for the City Council:

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“The September Safety Committee meeting was rescheduled because of the League Conference. I have it rescheduled for Monday and I will send you the Executive Accountability Report later on Monday.”

There was discussion on how there is going to be a safety competition between team made up of city employees. He noted the teams have been chosen and organized and he will continue reporting on this event as this moves forward.

OPEN SESSION

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council.

Council Member Checketts said she had a resident ask if there are ordinances for construction noise at night. It was noted that where the noise was occurring, this was a UDOT issue and when the resident did speak with someone, they were less than helpful. It was noted that UDOT is exempt because they work when there is less traffic when it is safer with the less traffic.

Council Member Terry said he was intrigued with the ranked choice voting and was asking what the Council thought. The Mayor said that right now they do not want to change things when they are trying to get voters out to vote. He said the League said they were in favor of keeping things the way they are right now.

The Mayor reported on the parking issues at Auto Source; he said the part of the curb and the crosswalk the city was supposed to paint not been done. It was noted the painting was scheduled to happen soon.

WASATCH INTEGRATED WASTE REPORT

The Mayor then gave the floor to Council Member Larrabee who reported on the activities of the Wasatch Integrated Waste Management District. He reported on pieces of property that have been acquired in Layton and Centerville for future Waste Management use. He noted they will be working on a new burn processing project that will also help extend the life of our landfill. He said he would invite those who are involved in the project to come and make a presentation to the Council in what they are doing regarding these projects.

MOSQUITO ABATEMENT REPORT

The Mayor gave the floor to Council Member Terry who reported that there have been 7 human cases of West Nile virus with one death, but no cases have been reported in Davis County. He said the season is winding down.

Council Member Checketts said she had a neighbor who was concerned about having her neighborhood sprayed for mosquitoes because he has bees. Council Member Terry said they are

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very careful about spraying after the bees have been gone into their hives at night. He said the Abatement District is careful to try and not spray when bees would still be out and be active.

PLANNING COMMISSION REPORT

Council Member Terry reported on the Planning Commission meeting held September 11, 2018. Please see the minutes of that meeting for the details of his report.

SOUTH DAVIS METRO FIRE AGENCY REPORT

The Mayor reported on the activities of the South Davis Metro Fire Agency. He noted the ground breaking for the new fire station is on Saturday, September 15. It should take about one year to build, and the new address will be 343 South Main which is significant because that is the same number of first responders who were killed on 911. He said they had also approved the repairs on the Mueller Park Station.

SOUTH DAVIS RECREATION DISTRICT REPORT

The Mayor noted the new director of the recreation district was doing an excellent job. He also said they are looking at doing a partnership with Bountiful City and they will be building an ice ribbon in Bountiful City's Plaza that will help free up time at the ice rink at the recreation center. He said there will be ice skating in the winter and inline skating in the summer on the ribbon that will be put in.

He also said there is a lot of demand on the swimming pool with four swim teams wanting time at the pool. He also said one of the swim team members from the Tsunami Swim team had qualified for an event at the Olympics which was very exciting.

MAYOR'S REPORT

The Mayor said he had nothing further to report.

CITY ADMINISTRATOR'S REPORT

The City Administrator noted the following for the City Council:

1. Pickleball Courts

“The Public Works Director is getting ready to finalize the landscaping at the Public Works building and has inquired regarding his proposal to put pickleball courts at that location. If I recall, pickleball courts at that location was not a high priority for RAP Tax funding, but I thought I would bring it up to let you make the decision before he moves ahead with the landscaping.

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2. Water Meter Proposal

“The Public Works Director is still waiting to hear back from the supplier and should have that information by the next Council meeting.”

The Council noted they would like to wait on the construction of new Pickleball Courts to see what the demand might be in the future.

The City Administrator also said there are 25 applicants for the Assistant City Administrator position. It was noted that the Mayor as well as Council Member’s Westergard and Dayley would serve on the hiring panel to fill this new position.

MOTION TO GO INTO RDA MEETING

At 8:43 P.M. Council Member Terry made a motion to go into a Redevelopment Agency Meeting. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

MOTION TO COME BACK INTO CITY COUNCIL MEETING FROM RDA MEETING

At 8:54 P.M. Council Member Terry made a motion to go back into City Council from the RDA meeting. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

MOTION TO GO INTO CLOSED SESSION

At 8:54 P.M. Council Member Terry made a motion to go into closed session. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

The Council decided to take a short break at this point in the meeting. The closed session continued at 9:00 P.M.

MOTION TO COME BACK INTO CITY COUNCIL MEETING FROM CLOSED SESSION

At 10:18 P.M. Council Member Terry made a motion to go into open session with Council Member Checketts seconding the motion and all voted for the motion through a roll call vote.

ADJOURNMENT

At 10:19 P.M. Council Member Dayley made a motion to adjourn the meeting with Council Member Terry seconding the motion and all voted for the motion through a roll call vote.

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Rick Earnshaw, Mayor

Jessica Sims, City Recorder