

**WOODS CROSS CITY COUNCIL MEETING
MARCH 5, 2019**

The minutes of the Woods Cross City Council held March 5, 2019 at 6:30 P.M. 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

Julie Checketts

Tamra Dayley

Wally Larrabee

Matt Terry

Ryan Westergard

STAFF PRESENT:

Gary Uresk, City Administrator

Jessica Sims, Assistant City Administrator

Annette Hanson, City Recorder

Tim Stephens, Community Development Director

Scott Anderson, Public Works Director

Mark Bell, City Attorney

VISITORS:

LeGrande Blackley

Lois Schrader

Anne Blankenship

Randy Beyer

Patt Huttzell

Don Schrader

Hal Blankenship

D.L. Weeks

Hannah Chester

Johnny Filler

Michele Wood

Gary Sharp

INVOCATION:

Ryan Westergard

PLEDGE OF ALLEGIANCE:

Wally Larrabee

CONSIDERATION TO APPROVE MINUTES

The City Council reviewed the minutes of the meeting held February 19, 2019. Following the review by the City Council, Council Member Terry made a motion to approve the minutes as written with Council Member Dayley seconding the motion and all voted for the motion through a roll call vote except Council Members Checketts and Larrabee who abstained as they were not in attendance at the last meeting.

APPROVAL OF CASH DISBURSEMENTS

The City Administrator continued with the floor and reviewed the cash disbursement for the time period of 2/16/2019-03/01/2019. Council Member Larrabee made a motion to approve the cash disbursements as presented with Council Member Westergard seconding the motion and all voted for the motion through a roll call vote.

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OPEN SESSION (BRIEF ITEMS)

The Mayor opened the meeting to items from those present that they would like to bring before the City Council that were brief in nature. This would be items that would take less than two or three minutes.

There were no items for the brief open session and the Mayor closed the brief open session.

YOUTH CITY COUNCIL REPORT

The Mayor gave the floor to the Youth City Council Member Hannah Chester who reported the following to the City Council:

Last Month: --“Thank you to all who joined us for our appreciation dinner last month. We hope you enjoyed yourselves and really do know how much we appreciate you and your support.

This Month: --“We almost finished filling the 5,000 Easter eggs yesterday at our work meeting.

“We don’t have a service activity this month because of the Utah State Leadership Conference. This year, the association is hosting 2 conferences and we are able to take more youth. The dates are March 7-9 and March 14-16. There will be 12 youth attending each session.

“On the 21st, we also have the opportunity to volunteer at the elementary school for the STEAM night.

“Next Month: --“We will continue preparing for Easter at our work meeting. We are looking to reserve WX Elementary for the Easter Eggstravaganza on Saturday, April 20th. Same times as usual 10:00-11:30.”

The Mayor and Council thanked her for her report and for all of the hard work the Youth City Council is doing on behalf of the community.

RURAL WATER RECOGNITION AWARD

The Mayor then noted that the City Administrator, Mr. Gary Uresk, had been recognized as the “Office Person of the Year” at the conference in St. George. The Mayor said he would like to publicly recognize Mr. Uresk and presented the City Administrator with the award and congratulated him on the great job he does for Woods Cross City.

OPEN AND PUBLIC MEETINGS AND ETHICS TRAINING

The Mayor gave the floor to Mr. Mark Bell who serves as the city’s attorney. Mr. Bell was at tonight’s meeting to hold the annual public meetings and ethics training required by law, for the

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City Council. He went over open meeting training, public meeting requirements, emergency meetings, minutes of recording requirements, closed meetings, electronic meetings, chance meetings, and criminal penalty for violations. He also discussed ethics and the importance of having an ethics policy in place for the Council.

The City Attorney then answered questions from the Council. The Council thanked him for his time and for the training.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE S-1 SPECIAL USE ZONE

The Mayor then gave the floor to the Community Development Director who went over the following with the City Administrator:

“Given to the Council, you will find an adoption ordinance and proposed amendments to the S-1 Special Use Zone. As you know, almost six months ago the city placed a moratorium on development within the S-1 Zone. The purpose of this moratorium was to allow us to complete the General Plan Update which would address issues such as multifamily housing and its planned location throughout the community. We recently completed and adopted the General Plan Update which gives guidance for development in the city, and specifically, several areas where S-1 Zoning exists. Specifically, the area north of the high school which the General Plan designates for an area of medium density, multifamily housing that will be developed in a manner that will be compatible with the existing and adjacent single-family neighborhood. With the completion of the General Plan, the staff has prepared amendments to the S-1 Zone which have been reviewed by the Planning Commission, which included a public hearing. The attached proposed S-1 Special Use Zone chapter includes both black-lines and red-lines as noted at the top of the first page. The black-line formatting is consistent with the document submitted to the Planning Commission for consideration. The red-line text is the modifications the Planning Commission made to the document prior to their recommendation.

“The S-1 Zone was created 30 years ago as part of the settlement of a lawsuit involving the city, the owners of the Barber Brothers Dealership, and the citizens of the adjacent single-family neighborhood. The zone was drafted in a manner to satisfy all the parties in that lawsuit. As such, the present S-1 Zone has a wide range of conditional uses from commercial to one-family and two-family dwellings, and condominiums. Furthermore, there are a few specific regulations governing the development of uses in this zone. The S-1 Zone allows the Planning Commission to determine the development standards that would apply to any proposed use in the zone. The proposed amendment creates, at a minimum, some structure and regulations for the development of residential uses in the zone. You will note that single-family through four-family dwellings are listed in the draft in addition to planned dwelling groups. In fact, the Planning Commission approved a 20-unit townhome planned dwelling group as part of the initial development of the Hepworth property north of the high school. This townhome project would be consistent with the goals of the General Plan for this area, and as such, the amendments are drafted to permit future phases of this development.

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“Both the staff and the Planning Commission view these amendments as a temporary measure until the Zoning Ordinance is rewritten and adopted. It is assumed that during the rewrite and adoption of a new zoning ordinance, more specific zones and regulations will be created, not only for the residential mentioned above but other areas throughout the city. This future rewrite will, no doubt, update and replace these amendments or perhaps the S-1 Zone as it is constituted today. The proposed amendments would, in the short term, give the Planning Commission the structure and regulations they need to review and approve future phases of the townhome project north of the high school in addition to ensure conformance with our General Plan vision for the area.

“The Planning Commission has recommended to the City Council the adoption of the S-1 Amended chapter as given to the Council.”

The Council reviewed some of the areas in the city and what the applicable zoning. Mr. Stephens noted for the Council there had been a community meeting that was held to get input for the train station area that is surrounding the Front Runner station and he said he had received input in regard to that area. He said they are getting good response for suggestions for this area and said there would be a follow-up workshop.

The Mayor opened the public hearing for public comments at 8: 00 pm.

Mr. Gary Sharp, living at 1312 South 840 West, who is also a member of the Planning Commission, came before the Commission and said he felt Mr. Stephens had given a good representation of what had been discussed at the Planning Commission meeting but he did say that he felt like it would be a good idea to have a joint work session with the Planning Commission and City Council so both bodies can discuss what they feel like would be best for the amendments to this zone. He said the moratorium is being lifted in a few weeks and this zone would be affected by the lifting of that moratorium. He added that he and some of the other Planning Commission members felt there needs to be more discussion on what the future vision for the S-1 Zone should be. He suggested additional review and possibly another joint work meeting between the Planning Commission and City Council would be helpful.

Mr. Randy Beyer, Director at Knowlton General, then addressed the Council. He said he was at tonight’s meeting because he is a developer working with the property owner located at 1950 South 500 West. He requested council consider allowances for three story buildings. He said they would like to create a buffer with the two-story buildings that are currently being built and then would plan to taper up the project to the south to allow three stories.

Mr. Beyer also expressed concerns with a possible city requirement of garages as they are expensive to build and make housing less affordable to potential owners. Mr. Stephens said current ordinance language that is in the ordinance stipulates two covered parking spaces as required noting that garages are *preferred*. Mr. Beyer said carports would not be next to any residential areas, they would be located south of where the units are presently being constructed, and not next to the homes which do have garages. Mr. Stephens also mentioned there is one more piece of property on

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the east and one to the south of the approved townhome project that this developer is looking to develop, that would need to be taken into consideration for the S-1 zone.

Council Member Westergard noted Woods Cross has a requirement for two car garages and that change had occurred many years ago. He suggested that if there are three-bedroom units and there are not two car garages required, there will not be enough parking for the proposed developments. He expressed that the city has had some negative experiences with past developments where parking requirements were not adhered to and ended up causing long-lasting problems. Council Member Westergard asked Mr. Beyer to be sensitive to the Council's concerns. Council Member Westergard then asked what the cost for rent would be for the proposed leased units. Mr. Beyer reported a range of \$850 to \$1450 depending on the size. Council Member Westergard expressed that he felt these amounts would not be considered affordable housing. Mr. Beyer replied that while some may not view these units as strictly affordable housing, they are being built as a "more affordable" option.

Mr. Hal Blankenship, living at 1918 South 580 West then addressed the Council. He noted that he lives nearby the approved development that will soon be constructed. He said almost all of the homes on his street that will back the development are single family homes. He said he and his neighbors have had concerns about the higher story buildings looking into the homes. He has appreciated the developer being sensitive by limiting the number of windows on the north side of the development to allow more privacy to current residents. Mr. Blankenship further concern about parking and traffic issues in the area as more developments occurs, stating that this area already suffers congestion, largely as a result of the car dealership in the immediate area. He encouraged the council to address parking and congestion before more density comes into the area.

The Mayor said they are aware of the issues and that the council and administration will be looking into the matter further to see what can be done to alleviate some of these concerns.

Council Member Checketts said she did not see anything in the ordinance regarding visitor parking. Mr. Stephens reported that development is governed by the Woods Cross Municipal Code on parking (12-20) and that 2 ½ parking stalls are required to accommodate visitor parking.

There were no further comments and the Mayor closed the public hearing.

Council Member Dayley said she felt like she was unprepared at this point to give a recommendation for the zone and would like more time to consider some of the issues. She expressed questions regarding the definition of townhomes opposed to condominiums opposed to apartments. She would like explanation of the requirements for each one. In addition to clarification on wording in the proposed zone change, she would also appreciate understanding of the numbers of units allowed. Considering the possibility of renters, as opposed to ownership, she feels there needs to be consideration of how these projects would be overseen. Council Members Checketts expressed discomfort with garages being termed as "preferred" rather than "required," feeling that carports instead of garages could result in increased vandalism and more parking problems. Along with these items, there was continued discussion on how the ownership would be

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established, how many units would be allowed, as well as how parking standards would be established.

Following deliberations, the Council said they would like to have more time to consider the ordinance and its impact on projects in the long-term. It was determined that the Council will meet with the Planning Commission for a more in-depth discussion within a work session prior to or in conjunction with the Planning Commission's next regular meeting on Tuesday, March 12 at 6:00 P.M.

CONSIDERATION TO ADOPT AN ORDINANCE APPROVING AMENDMENTS TO THE S-1 SPECIAL USE ZONE

Council Member Terry made a motion to table this item until next Tuesday, March 12th in favor of meeting with the Planning Commission in a work session to further discuss the matter at 6:00 P.M. Council Member Westergard seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE DAVIS COUNTY 2019 ELECTION SERVICES INTERLOCAL AGREEMENT

The Mayor gave the floor to the City Recorder who noted for the Council a request to approve an interlocal agreement with Davis County Election Services for the upcoming 2019 election. She noted some of the services included through this agreement and that the city has received effective and efficient election service from Davis County in the past.

The Mayor asked if there would be somewhere to go to physically vote and it was noted there will still be physical voting locations available for those who choose to vote in person.

While the Council was provided a cost schedule for 2019, there was a question if there was also a breakdown of costs compared with the 2017 Election. Staff committed to get the information to the Council for their review.

Council Member Westergard then made a motion to approve the Davis County 2019 Election Services as presented contingent upon Council receiving a breakdown of 2017 election costs for comparison to cost estimates for 2019. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO SET SPRING CLEAN-UP SCHEDULE

The Mayor gave the floor to the Public Works Director who went over the following information with the Council:

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“Given to the Council is information that outlines the Spring and Fall Clean-up periods I have set the dates between April 6th-13th, 2019 for our Spring Cleanup and October 5th-12th, 2019 for the Fall Clean up period. These times will allow us to utilize a Waste Management compactor truck for curbside material pickup for the Spring Cleanup only. We will have containers at the shop where people can bring debris for disposal during extended hours on these dates. With the change at the Bountiful Landfill we will not accept green waste to be delivered at the shops from residents.

“On the second Saturday of March, May, June, July, August, September, November, the shops will be open for disposal of acceptable debris, excluding green waste from 9:00 A.M. to 12:00 P.M.

“We will continue to curbside chipping on the 2nd Monday of March, May, June, July, August, September, November. This is done by prior request through the city offices.”

It was noted the public works department will take disposal items at the old city shop facility for the spring cleanup time period.

REVIEW OF PUBLIC WORKS FACILITY PAYMENTS

The Public Works Director continued with the floor and noted the following for the City Council:

“In discussing the cost over runs with the parties involved, JUB has made the offer to reduce the costs by \$8,193.06 as given to the Council. Ascent has offered a reduction of \$50,000 as given to the Council in an email which was updated to increase the \$44,000 to \$50,000, this includes \$20,000 that was written off since their last invoice and an additional \$30,000 taken off the final invoice. The actual amount they would bill us for the final December billing would be \$190,788.26.”

The Mayor thanked the Public Works Director for his work on the matter.

Council Member Westergard said he was still not satisfied with the outcome and said he hoped the parties involved would understand they would not receive a positive recommendation by the city if anyone were to inquire. He also said he would not recommend using the same process that had been used to build the new city shops again in the future because it did not turn out as had been presented.

Council Member Dayley suggested a careful review at the city’s procurement process to help protect the city in the event of any future large projects.

The city administrator noted that in the future hiring a project manager from the city side of things would be advisable as a means to aid in effectively managing the timeline and the city’s interests.

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APRIL 18TH GREAT UTAH SHAKE OUT UPDATE

The Mayor gave the floor to Council Member Larrabee who shared that the state of Utah had been holding the “Great Shake Out” as a means of preparing for possible earthquakes for about 11 years. He noted that some of the cities within the state had been experiencing first hand, the effects of small earthquakes recently. He expressed that living near a fault line, citizens and businesses and governments should become more preparedness minded in the event a large earthquake was to happen.

Council Member Larrabee said he would like to see something on the reader board as well as in the city newsletters that are sent out to the residents, reminding them to work on being prepared in the event of an earthquake. He he encouraged people to register online at the Great Utah Shake Out website to get great and helpful information.

SANITATION— DISEASE PREVENTION IN AN EMERGENCY—APRIL 11TH PRESENTATION

Council Member Larrabee continued with the floor and noted the following for the City Council:

“Thursday April 11th, 2019 Ms. Kathryn McMullin, Emergency Planner, Utah Division of Emergency Management will offer information about creating a proper sanitation system in the home. This event is sponsored by the Woods Cross Stake and the Woods Cross Emergency Preparedness Council and will be held at the Woods Cross Stake Center at 2064 South 800 West, Woods Cross. Everyone is invited and encouraged to attend.”

MEMORIAL DAY DISCUSSION

The Mayor said he had not been able to get ahold of the band, but he thought they would be using the same band as last year. He also said he thought everything else was in order.

Council Member Checketts said to make sure there was a first aid kit available for the race. She said they used one for people last year in the race. It was suggested that volunteers with first aid training be placed throughout the race by the water stations.

OPEN SESSION

The Mayor opened the meeting to those who would like to bring an item before the City Council.

Mr. Hal Blankenship then addressed the Council again and said on the 16th of March there will be a Scouting for Food Drive for the Bountiful food bank. As in the past, empty Scouting for Food bags will be left on the residents doors, all they have to do to participate is fill those bags with non-perishable food items and leave them for the scouts to pick up. Currently the local food bank is serving 66 schools and distributing 2500 pantry packs per week.

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Council Member Checketts said the Shamrock development has put in a model home that has two front doors and two garages. She said it is being advertised on the developer's website a "Next Gen/Home within a Home" and does not fit the zoning in the development.

Mr. Stephens said the zoning in this area only allows homes to be used as a single-family dwelling. He said that in the case of an additional kitchen the home owner is asked to sign an acknowledgement that the home will only be used strictly as a single-family dwelling unit. The signed acknowledgement is officially recorded with Davis County and should create a red flag when ownership changes; that way the new owners should be aware it is not a duplex or multi-family unit.

Mr. Stephens and the City Administrator said that they would talk to the Shamrock Estates developer about this concern.

Council Member Checketts said she had received a complaint from a resident about airport noise. Mr. Stephens indicated that the previous owners had been good to work with and that staff would revisit the airport to address this concern and see what might be done to minimize some of the noise.

Council Member Checketts mentioned receiving an email concerning a problem at the elementary school that is not being adequately addressed by the school. She asked if Officer Linton could talk with the child's family regarding the issue. Chief Soffe said he would address the matter.

PLANNING COMMISSION REPORT

Mr. Stephens reported on the Planning Commission meeting held February 26, 2019. Please refer to the minutes of that meeting for the details of his report.

SOUTH DAVIS SEWER DISTRICT REPORT

Council Member Westergard reported that the open house for the Sewer District was a huge success. Participation was double what had been expected. He reiterated the waste to energy project is going will benefit many people and serve as a model for other communities.

Mr. Westergard mentioned that they are still working on the algae project and it is coming along. Some heavy metals present in the water have been attributed to killing the algae off. The district personnel are working toward cost-effective processes to remove heavy metals from the water in order to increase the algae's chance of survival.

MAYOR'S REPORT

The Mayor said he had nothing further to report.

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CITY ADMINISTRATOR'S REPORT

The City Administrator noted the following for the City Council:

1. Budget Schedule

“Given to the Council is the proposed budget schedule for the FY 2020 budget. The tentative budget will be approved on May 7th with the final budget being approved on June 18th. I have scheduled two additional dates in May if needed to review the tentative budget. If we need to adjust those dates, we can move them to a date to better meet your schedule.”

ADJOURNMENT

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the meeting at 9:35 P.M. with Council Member Larrabee seconding the motion and all voted for the motion through a roll call vote.

Rick Earnshaw, Mayor

Annette Hanson, City Recorder