

**WOODS CROSS CITY COUNCIL MEETING  
APRIL 16, 2019**

The minutes of the Woods Cross City Council meeting held April 16, 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	Wally Larrabee
Julie Checketts	Matt Terry
Tamra Dayley	Ryan Westergard

**STAFF PRESENT:**

Gary Uresk, City Administrator  
Tim Stephens, Community Development Director  
Annette Hanson, City Recorder  
Scott Anderson, Public Works Director  
Chad Soffe, Police Chief

**VISITORS:**

Joseph Rupp	LeGrande Blackley	Jason Waterson
Barbara Barnett	Daniel Herzog	Katelyn Mickelsen
Patt Huttzell	Lois Schrader	Don Schrader
Brett Evans	Brandie Evans	Craig North
Rachael Bodell	D.L. Weeks	Katrina Adams

**INVOCATION:** Ryan Westergard

**PLEDGE OF ALLEGIANCE:** Gary Uresk

The Mayor thanked the Evans family for being in attendance at the meeting and the Mayor reminded the Council and those in attendance that May 17<sup>th</sup> will be recognized as Neurofibromatosis Awareness Day. The Mayor noted there will be some activities during the city's Memorial Day celebration that will also bring attention to this disease.

**CONSIDERATION TO APPROVE MINUTES**

The City Council reviewed the minutes of the City Council meeting held April 2, 2019. Following the review by the City Council, Council Member Terry made a motion to approve the minutes as written. Council Member Checketts seconded the motion and all approved the motion through a roll call vote; Council Member Westergard abstained from voting, as he was not in attendance at the April 2 City Council meeting.

**REVIEW OF FINANCIAL REPORT**

The Mayor gave the floor to the City Administrator who went over the Financial Report with the City Council.

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**APPROVAL OF CASH DISBURSEMENTS**

The City Council reviewed the cash disbursements for the time period of April 1-April 12, 2019. Council Member Westergard made a motion to approve the cash disbursements as presented with Council Member Larrabee 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. This would be items that would take less than two or three minutes.

The Mayor gave the floor to Mr. Jason Waterson from the Utah Local Government Trust who was at the meeting to recognize Woods Cross City for their excellent safety record for the 4<sup>th</sup> year in a row. Mr. Waterson noted that the City will be receiving a rebate of premium through the Trust Accountability Program. He congratulated the city on the work they are doing in making safety the culture for the city.

Ms. Barbara Barnett living at 1720 South 580 West, then addressed the City Council and said she is concerned about the rezone that was on tonight's agenda, and the number of homes that are being proposed for the residential area. She said she is worried about the way the subdivision may be laid out. Council Member Westergard invited her to address those concerns during the public hearing regarding the rezone that was a subsequent agenda item. Ms. Barnett then asked about how many homes would be going in near the Auto Zone Car dealership. It was noted there were going to be 20 new townhomes constructed in that area. Ms. Barnett expressed concern about parking in that area. The Mayor said there would be onsite parking for the townhomes and there would be plenty of parking for their project. Ms. Barnett said she didn't want to see any more parking on the street. She also said there was a rumor that there would be apartments going in east of the Woods Cross High School seminary building. The Council said that project had not been approved yet. Ms. Barnett said she is uneasy if apartments were to go in at that location because there would not be adequate parking, especially with all of the high school students parking in the area. Ms. Barnett said she was also concerned about the building heights of the Smoot project that is going in and concerns of Mr. Smoot using the phrase "average" heights of the buildings going in at 35 feet. The Community Development Director said the buildings are being built according to the plans and the city's regulations. Council Member Westergard explained how the 35 feet is averaged and that the buildings according to code, as directed and approved.

**COMMUNITY OF PROMISE REPORT**

The Mayor gave the floor to Ms. Racheal Bodell who serves as the Chair of the Community of Promise Committee. She reported the following to the City Council:

**Farmer's Market**— "The dates have changed a little. There will no longer be a market in May and the days have cut down to once a month. Those dates will be June 3, July 8, August 5,

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September 9, October 7. The Chairperson, Katrina Adamson would like to have an activity included with each of the markets. She is looking into dance groups or a pickleball tournament as options with a focus to attract more people to the event.”

Ms. Adamson was at the meeting and discussed some of the challenges she is having. She asked the City Council for suggestions of what could be done to get more interest for the market in regard to vendor participation as well as increasing attendance. The Council discussed some things they thought might be helpful to promote more interest in the Farmer’s Market.

**Summer Literacy—**

Mills Park will be:

June 14—U of U Chemistry Department or KSL Weather

June 21—Brad Wall a Magician will be coming

June 28—Chinese Theme

Hogan Park will be:

July 12—Clark Burbidge, the Author of “Giants in the Land” will be talking about his book. He has allowed his book to be purchased for \$3 each, however the kids will be getting it free.

July 19—U of U Chemistry Department of KSL Weather

July 26—Hogan Cabin Tour

**Arts in the Parks Concert & Movie Nights—**

June 10—Davis County Celebration Orchestra & “Mary Poppins”

July 15—Andy Legear. His son will open that night & “Spiderman—Into the Spiderverse.”

August 12—Flat Canyon Band & “Dumbo” (Night Out Against Crime).

**The next Community of Promise meeting will be held May 9, 2019 @7:00 P.M.**

**POLICE DEPARTMENT REPORT**

The Mayor gave the floor to Police Chief Soffe who reported the following to the City Council:

**DISPATCHED CALLS**

<b><u>2019</u></b>	<b><u>2018</u></b>	<b><u>Yearly</u></b>
Jan--875	Jan—904	2018—11,600
Feb--896	Feb—990	2017—11,411
March--934	March—991	2016—12,393
April--	April—887	2015—12,819
May--	May—1023	2014—9495
June--	June—1010	2013—8979

<b><u>2019</u></b>	<b><u>2018</u></b>	<b><u>Yearly</u></b>
July--	July—982	2012—7347
Aug--	Aug—1118	2011—6918
Sept--	Sept—1020	2010—7167

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Oct--	Oct—966
Nov--	Nov—842
Dec--	Dec—867
Running Total -- 2705	2018--Total—11,600

**ACTIVITY REPORT**

196 Cases Opened  
Citizens Police Academy Opening Night  
Cold Case meeting with DCSO  
Utah Chief's Conference  
FTO School (Officer Jones)  
Lethal Force Scenarios Utah Attorney Generals Office (Sgt. Daugherty)  
Cold Case Database Training (Lt. Osoro)

**USE OF FORCE REVIEWS**

- Firearm point—Assist to Bountiful Police on a Domestic involving a firearm.
- ACT-Theft suspect resisted arrest at Smith's. Suspect decided to comply when Taser was unholstered.
- Taser drive stun—Stolen vehicle located and suspect resisted arrest. No injury.

**SWAT TEAM ACTIVITY**

- Assist UPD x3
- Regular NTOA Training
- SWAT School Tryouts

**WOODS CROSS HIGH SCHOOL**

- Theft of an iPhone 10.
- Fight—Two females suspended.
- Completed another D.A.R.E. year! Thank you Officer Linton!
- WXHS music trip was a success—Took overall 1<sup>st</sup> place!
- Lockdown drill with WXPd.

**K-9 ACTIVITY**

- Traffic Stop-Vehicle searched, methamphetamine, scale, baggies and stolen handgun located. Suspect arrested for drug distribution and firearm.
- 2 outside assists—no indication
- Suspicious vehicle call at the Hills at Renaissance, Methamphetamine and paraphernalia located.
- Monthly training with DCSO.

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**DETECTIVE DIVISION**

- 16 active C.A.N.R. cases (child abuse neglect report) they are investigating in conjunction with D.C.F.S.
- 19 active Theft/Property/Fraud/Assault/Death cases.
- Detectives have been working additional hours to get our caseload handled! Thank you for a great job!

**CASE SPOTLIGHT**

On March 26, 2019, a Warrant Service was conducted on a male who had recently assaulted his pregnant girlfriend in Utah County. Upon locating the suspect, he fled from Officers in his neighborhood and attempted to gain entry in to his home. He was arrested and witnesses were interviewed.

During these interviews, numerous witnesses advised the suspect had told them he wanted to shoot Police Officers and light his house on fire. Neighbors provided information that the suspect had numerous loaded weapons in his home and was preparing for a police confrontation.

Police checked the suspects criminal history and found him to be illegally in possession of the firearms in his home. A search warrant was obtained and six firearms along with a large amount of ammunition were seized.

Suspect was arrested for Interlock Device, Open Container, Failure to Stop at Command of an Officer, Reckless Driving, Driving on a Revoked DL, and Possession of a Firearm by Restricted Person, and an active warrant for DUI.

The City Council thanked Chief Soffe for his report.

**CONSIDERATION TO ADOPT A PROCLAMATION DESIGNATING APRIL 25<sup>TH</sup> AND 26<sup>TH</sup> AS ARBOR DAY OBSERVANCE IN WOODS CROSS CITY**

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

“Given to the Council is a proclamation designating April 25<sup>th</sup> and 26<sup>th</sup> as Arbor Day Observance in Woods Cross City. This year we are getting our Arbor Day Observance in April when it should be, instead of December.”

Following the information, Council Member Dayley made a motion to accept resolution 2019-673, a resolution adopting a proclamation designating April 25<sup>th</sup> and 26<sup>th</sup> as Arbor Day Observance. Council Member Westergard seconded the motion and all voted for the motion through a roll call vote.

The Public Works Director also indicated that this is the 20<sup>th</sup> year Woods Cross City had participated in the Tree City USA; adding that the City had received a flag in honor of their 20-

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year participation with this program and a Tree City Recognition Ceremony would be held at the new city shops this year.

“The Public Works Department is working with a resident, Greg Harrison, whose son and also a neighbor’s son were victims of suicide. He would like to plant a grove of trees on April 25<sup>th</sup> and 26<sup>th</sup> in Mills Park in memory of these boys. He is contributing funds to the city to pay for the trees.” Mr. Harrison has commissioned a rock stepping stone to in honor of these two boys and others “that did not survive our nation’s suicide crisis. This stone will be placed in the grove.

The Mayor noted that Mr. Harrison had donated a \$2000 check to the city to go towards the planting of this grove of trees.

The City Council asked the Public Works Director to thank Mr. Harrison for his donation, as Mr. Harrison was unable to attend tonight’s meeting. The Council expressed that they felt this would be a nice area for people to go and to find peace when they have lost a loved one to suicide.

**PUBLIC HEARING: REZONE OF FIVE ACRES LOCATED AT APPROXIMATELY  
1400 WEST 1500 SOUTH FROM A-1 AGRICULTURE TO R-1-8 SINGLE FAMILY**

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

“Craig North is working with a couple of property owners to develop a residential subdivision on the north side of 1500 South at approximately 1400 West. The property is presently zoned A-1 Agriculture which would require minimum one acre lots and the property owners are requesting that the subject properties be rezoned to R-1-8 Single Family Residential. R-1-8 zoning exists adjacent to the subject property on its north and west sides and also on the south side of 1500 South Street. Mr. North has also made application for preliminary plat review and approval. Mr. North is in the midst of reviewing this application and preliminary plat with the staff for submittal to the Planning Commission in the near future.

As you know, the subject properties are part of a larger agriculturally zoned area that runs from approximately the west boundary of the subject properties eastward almost to 1100 West Street. Furthermore, this area was discussed in detail by the Planning Commission and City Council during our recent General Plan update. In the final approval of the new General Plan, the City Council designated this area exclusively for single family development. Any changes to zoning must conform with the General Plan objectives for the subject property and the surrounding area. The proposed zoning is consistent with the adjacent residential zoning. For this reason, the Planning Commission has forwarded to the City Council a recommendation to approve a rezone of the subject properties from A-1 Agriculture to R-1-8 Single Family Residential.”

Council Member Dayley asked where the city was at with the updating of city zoning ordinances. Mr. Stephens said they would be putting together an RFP this year. Council Member Checketts said she would like to see R-1-10 and R-1-12 zones added to the new zoning ordinances when they are rewritten. She encouraged expeditious updating of the code to include these larger lot zones.

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Following the information given, the Mayor opened the public hearing.

Ms. Barbara Barnett inquired as to the size of lots for the R-1-8 Zone. Mr. Stephens said most of the lots in Woods Cross are zoned R-1-8 which means that lots cannot be smaller than 8,000 square feet. It was noted these lots in the proposed zone change area would be similar to others in the nearby residential neighborhood. Ms. Barnett said she is shared that she is thinks putting 13 homes in this area is too many. She would like to see larger lots. Mr. Stephens responded that while the proposed change is to R-1-8 (8000 square feet), the smallest lot in the subdivision would be over 9000 square feet.

Council Member Westergard clarified by law property owners can request rezone to match or conform with surrounding properties. The requested rezone fits with the master plan and matches the neighborhoods that are located in this area to the south and to the west; therefore it is within the property owner's rights to request the rezone.

Ms. Barnett reiterated a concern that traffic and population is going to become crazy with more people moving into Woods Cross City and she hates to see it go from a quiet city to a very busy city with lots of traffic.

Council Member Westergard agreed that population will continue to increase, adding that communities will have to be creative in dealing with the challenges that will come with the growth in population over the coming years. He shared that it will likely be difficult for future generations to find homes to live in.

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

Council Member Dayley said she is apprehensive with the in-migration and due to the favorable circumstances in Utah, leading to an influx of people putting demands on the road and water systems. She said the Council should carefully consider the long term affects of rezoning and take steps to make sure that residents' concerns are heard.

**CONSIDERATION TO ADOPT AN ORDINANCE TO REZONE PROPERTY LOCATED AT APPROXIMATELY 1400 WEST 1500 SOUTH FROM A-1 AGRICULTURE TO R-1-8 SINGLE FAMILY**

Following the comments from the public hearing and the above discussion, Council Member Larrabee made a motion to adopt ordinance 592, an ordinance rezoning property located at approximately 1400 West 1500 South from A-1 Agriculture to R-1-8 Single Family. Council Member Westergard seconded the motion and all approved the motion through a roll call vote.

**PUBLIC HEARING—APPROVAL OF SHAMROCK VILLAGE SUBDIVISION PHASE 4 LOCATED AT APPROXIMATELY 2000 WEST 2100 SOUTH**

The Mayor gave the floor to the Community Development Director who reviewed the following with the City Council:

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Development Associates has filed an application and plat for phase 4 of the Shamrock Subdivision. Phase 4 consists of 34 single family lots and a parcel designated as "E" which will function as both a storm drain detention/open area and connection from the neighborhood to the Legacy Parkway Trail. Most of the lots in this phase are over 8,000 square feet with a few ranging from 9,000 square feet up to one lot that is just over 14,000 square feet.

Parcel "E" will be designed with storm water detention and will be finished with turf and a concrete pathway connecting the parcel street frontage and neighborhood to the Legacy Parkway Trail. A few trees will be planted along the pathway.

The developer's engineers were somewhat challenged with this phase with regard to the outflow of sewer and storm water. As such, this phase of the subdivision will be raised to facilitate the function of gravity utilities and drainage. Specifically, lots 204 – 214, will be several feet higher, in some cases five to six feet higher than the adjacent lot elevations of Valentine Estates. The staff and Planning Commission have been concerned with this issue. The above-mentioned lots will be mostly graded northward toward the proposed street; however, a small portion of the rear yard will drain toward the subdivision boundary with Valentine Estates.

During the Planning Commission's first review of the Phase 4 Plat, they had numerous questions and concerns with the grading and elevation design. They wanted to discuss this matter in more detail with the city engineer and, as such, tabled the matter until the following Planning Commission meeting.

During the follow-up Planning Commission meeting, Greg Seegmiller, the city engineer from JUB Engineers, reviewed this matter with the Commission in significant detail. Mr. Seegmiller informed the Planning Commission that he and the city staff had engaged in further discussions with Development Associates. Together with their engineer it was determined there were no viable options to facilitate drainage and utilities other than raising the grade. It was resolved that the drainage in the rear yards of the proposed lots adjacent to Valentine Estates would function better if the developer were to install a private storm drain line to collect water from this area and channel it to the proposed public storm drain. There was some question whether an eight-inch storm drain pipe in the backyards would be adequate. Mr. Seegmiller said he would look in to it to see if a ten-inch pipe would be a better option for drainage of this area.

In the end, Mr. Seegmiller and the developer's engineer agreed that a ten-inch drain line could provide an improved situation and that all roof drains will be required to discharge to the front of the lots.

Following the discussion, the Commission approved a motion to forward a recommendation to the City Council to approve Shamrock Phase 4 with the condition that "any outstanding engineering red-lines must be resolved, and the subsurface drain capacity shall be reviewed and finalized prior to presentation to the City Council." It should be noted that as of the date of this City Council meeting, the engineering red-lines are being reviewed by the city engineer and plans have been amended to upsize to a ten-inch storm drain line for the subject rear yards.

Mr. Greg Seegmiller attended the City Council meeting to answer questions. He was invited before the Council to explain the engineering analysis and elevation drainage issues, how they



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were developed for this area, and how the drain systems are being put in to control the water in the subdivision. The Council asked Mr. Seegmiller a number of questions regarding the drainage on the lots and what some of the proposed problems might be expected. It was suggested that there be a drain/drain access in the lowest part of the property on every lot to make certain that the drainage of water can be adequately handled.

The Mayor then opened the public hearing regarding this item.

Mr. Daniel Herzog, who is working with the developer on the Shamrock Village, addressed the Council and explained the responsibilities of the HOA in respect to managing subdivision drainage. He said the HOA should regularly check these areas throughout the HOA in order to monitor drainage and make sure there were no problems.

The Council asked Mr. Herzog if the developer would be willing to add a drain/drain access on each lot rather than every two lots. Mr. Herzog said that while they would be willing to put a drain on every lot, he perceived this action as overkill at this point, noting that the developer had already voluntarily bumped up the size of pipes from eight inches to 10 inches though 8 inches would have been adequate. However, he committed that the developer would be willing to put a drain/drain access on each lot.

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

**CONSIDERATION TO APPROVE SHAMROCK VILLAGE SUBDIVISION PHASE 4  
LOCATED AT APPROXIMATELY 2000 WEST 2100 SOUTH**

Following the above discussion, Council Member Checketts made a motion to approve the Shamrock Village Subdivision Phase 4 located at approximately 2000 West 2100 South with the conditions set by the Planning Commission and the City Council as well as the condition that a drain/drain access is put in on the lowest point of the property on every lot. Council Member Dayley seconded the motion and all voted and approved 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:

“Given to the Council is the Safety Report for March 2019. We had no incidents during the month of March. A review of the competition score sheets shows that BS<sup>2</sup> again is the winner for the first quarter of 2019.”

**OPEN SESSION**

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

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Ms. Patt Huttshell, of 1387 West 2250 South, inquired about free shredding and drug take back. She was directed to the city's newsletter and informed that the dates were set for April 27<sup>th</sup>. Shredding will be available from 8:00 A.M. to 10:00 A.M. and Drug Take Back will be open from 8:00 A.M. to Noon. Ms. Huttshell also asked about the opportunity to sign up for CodeRed notifications. The Council directed her to the city's website as well as the current newsletter. Both give clear instructions on how residents can sign up for the CodeRed emergency notifications.

Council Member Checketts noted that there is graffiti on the west side of the bridge on highway 89. She was informed that UDOT has the responsibility for this bridge and staff said they would look into the matter.

Council Member Checketts also suggested that the city could look into using rubber flooring for the playgrounds in the city instead of using wood chips, possibly funding this with RAP tax funds. The City Administrator agreed to have staff investigate the cost as well as the pros and cons of utilizing this type of material in the playgrounds.

Council Member Dayley expressed unease over negative/sad news stories surrounding the Woods Cross area. She said suggested that Council and staff consider ways to promote positive news and the reality that there are great things going on in the city of Woods Cross. The Council talked about a few things they thought could be done to help with this.

Council Member Westergard mentioned that there is a garbage truck near his home coming very early in the morning and asked if the garbage collector could be contacted to shift their pick up schedule to a time later in the day. He also noted there were some large puddles that were causing water to back up into the roads during the heavy rain. He asked that staff look into the situation to make sure drains are not clogged and look at remedial options.

**WASATCH INTEGRATED WASTE REPORT**

Council Member Larrabee directed Council to a news release about the new sorting system at the Waste District. This information had been included in the City Council's packet for the new sorting system for the Waste District. He reminded the Council that the \$2 increase will go into the effect July 1<sup>st</sup>.

**MOSQUITO ABATEMENT REPORT**

Council Member Terry noted that the Mosquito Abatement District is gearing up for the upcoming mosquito season. They will be requested to spray before the movies in the park and possibly for the Farmer's Market.

**PLANNING COMMISSION REPORT**

Council Member Terry briefly reported on the Planning Commission meeting held April 9, 2019. Please see the minutes of that meeting for the details of his report.

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**SOUTH DAVIS FIRE AGENCY**

The Mayor noted the Centerville Fire Station is about 18 days behind in construction due to the inclement weather. He invited everyone to drive by the new construction and take a look at the new building.

**SOUTH DAVIS RECREATION DISTRICT REPORT**

The Mayor also reported they are working on a general plan for expansion, and repairs for the recreation center that will need to be done before the expansion. He noted the South Davis Recreation Center has been in operation for 12 years.

**MAYOR'S REPORT**

The Mayor complemented Chief Soffe and his team in taking care of all of the challenges that had come their way recently. He thanked them for their professionalism and hard work during difficult circumstances.

**CITY ADMINISTRATOR'S REPORT**

**1. Strategic Planning Document**

The Council recently received the Strategic Plan report from Brian Muir. The City Council will receive quarterly updates as to the progress being made in association with the Strategic Plan priorities and objectives.

**2. FY 2020 Budget**

The City administrator mentioned that staff had completed and emailed the tentative budget to all City Council members by electronic earlier in the week. The Council was invited to contact him directly if they had any questions or concerns. Time will be set aside in the future to review and work through the budget document prior to it being presented to the Council for final approval.

The City Administrator then informed the City Council that Maureen Nelson, the City Treasurer, has given notice of her retirement mid May. Maureen has worked for the city for just over 15 years. The Council expressed happiness for her decision and noted that Maureen would be missed.

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**ADJOURNMENT**

There being no further business before the City Council, Council Member Terry made a motion at 9:07 P.M. to adjourn the meeting with Council Member Westergard seconded the motion and all voted in the affirmative and the motion was passed through a roll call vote.

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Rick Earnshaw, Mayor

Annette Hanson, City Recorder