

**WOODS CROSS CITY COUNCIL MEETING
MARCH 2, 2021**

The minutes of the Woods Cross City Council meeting held by Zoom conferencing March 2, 2021 at 6:30 P.M.

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
Sam Christiansen, Public Works Director
Tim Stephens, Community Development Director
LaCee Bartholomew, Recreation Director

Chad Soffe, Police Chief
Annette Hanson, City Recorder
Officer William Stone
Mark Bell, City Attorney

VISITORS:

Randy Elliott
Mark Vlasic
Jim Gramoll
Nichole Bailey
Michael Batt
Jack Miner
Mark Hardy

Rachel Dart
Don Schrader
Greg Bailey
Charles
Ellis
Dan

Gary Sharp
LeGrande Blackley
Tyler Barton
T Peterson
Matthew Hyde
Marley Ferrin

INVOCATION:

Julie Checketts

PLEDGE OF ALLEGIANCE:

Ryan Westergard

The Mayor welcomed those attending remotely. He invited all in attendance to participate in the meeting if they would like to do so.

CONSIDERATION TO APPROVE MINUTES

The Mayor called for the review of the minutes of the February 16, 2021 City Council meeting..

Following the review of the minutes by the City Council, Council Member Larrabee made a motion to approve the minutes as corrected with Council Member Checketts seconding the motion and all voted in favor of the motion through a roll call vote.

APPROVAL OF CASH DISBURSEMENTS

The Mayor gave the floor to the City Administrator who went over the cash disbursements for the time period of 2/4/21-2/26/21 with the City Council.

Following the review of the cash disbursements by the City Council, Council Member Terry made a motion to approve the cash disbursements for the time period of 2/4/21-2/26/21. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

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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.

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

YOUTH CITY COUNCIL REPORT

The Mayor gave the floor to Youth Mayor Rachel Dart who reported on the activities of the Youth City Council. She told the Council that on March 27th from 10:00 A.M. to 2:00 P.M. the Youth City Council will be doing an Easter Parade activity where the Youth City Council will be driven around the neighborhoods in the city by their leaders and the Youth City Council will be throwing out candy and waving to the kids who live in the city.

Youth Mayor Dart said she the Youth Council would like to see if there could be a police escort for the cars that would be participating in the parade. Chief Soffe said he would look into the matter and get back with the Youth City Council to let them know if there was an officer that would be available to help them with this activity.

SWEARING IN OF OFFICER STONE

The Mayor noted the Police Department was gaining a new officer, Officer William Stone. The Mayor gave the floor to the City Recorder who administered the Oath of Office to Officer William Stone. The Mayor and Council congratulated Officer Stone on his new appointment as an officer for Woods Cross City. He said he and the Council were happy to have him on the force. Chief Soffe said Officer Stone comes to Woods Cross with a lot of experience and training and said he is looking forward to having him on the police force as well.

DAVIS COUNTY COMMISSION UPDATE

The Mayor gave the floor to Davis County Commissioner, Randy Elliot. He reported on the activities of the County. He first reported the vaccination process was going very well in Davis County. He said they are looking at adding another site for vaccinations, possibly in Layton. Mr. Elliot reviewed with the Council the renovation design of the Davis County Memorial Courthouse. He then noted there would be a medical wing added for inmates at the county jail. He also mentioned there is a study on library services and what might be done with the Bountiful Library in regard to renovation or relocation. He said they are also watching what is going on in the legislative session as they have interest in several of the bills that are being presented.

Following the information given by Commissioner Elliot, the Mayor asked if there had been any positive COVID cases in the County jail. Commissioner Elliot said they have had a few cases, but they have been able to contain them and they are presently going down.

The Mayor thanked Commissioner Elliot for his report and his efforts on behalf of Davis County and said Woods Cross City enjoys working with the County Commissioners.

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PUBLIC WORKS DEPARTMENT REPORT

The Mayor gave the floor to Sam Christiansen, the Public Works Director. He reported on the activities of the Public Works Department.

WATER/STORM WATER

- Shelving Installation in Water Bay
- After Hours callouts-6
- Blue Stakes tickets
 - 2020-1517
 - Trending towards a 17% increase for 2021
- Storm Water Inspections-14
- Water Leaks repaired February (as of Feb. 25)-1
 - 1 Meter Setter repair

STREETS

- February Snowplow Mobilizations (as of February 25)-2
- Totals Miles Plowed-216
- Total Salt Used-40.5 tons
- Concrete Replaced—Trip hazards
- Asphalt Patches: 2 water leak patches
- Potholes patches

PARKS

- Parks Bay shelving
- Public Works Map Table
- Trees ordered for non-windstorm related placements
- Wildcat Park
 - Land grubbed
 - Working on utilities
 - Playground and Bowery ordered

ADMINISTRATIVE PROJECTS

- FY 22 Budget
- Davis County Pre-Disaster mitigation plan update
- Filed use Policy update with COVID Addendum
- Bowery Reservation COVID addendum
- Water Quality report redesign
- Trip Hazard Policy

SAFETY TRAINING

- Trench Safety
- Hot Asphalt Safety

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SEPTEMBER 2020 WINDSTORM UPDATE:

- Applying for Disaster Grants for Damages
- Tree planting organizing for Arbor Day
- Trees Ordered
- Vouchers/Verification

ELEMENTS IMPLEMENTATION

- Worked out the Sales Agreement
- Work Orders available in June/July
- Online Portal for Building in September

Council Member Checketts thanked the Public Works Department for replacing the pedestrian flags for crossing the street. She also asked to have a box springs that has been dumped in the north parking lot for Front Runner picked up. The director said he would take care of the matter.

The Mayor asked when the pickle ball courts would be open, and the Public Works Director said they had been opened on March 1st and all of the nets had been put back up for use.

The Mayor thanked the Public Works Director and his department for their hard work.

OPEN SESSION

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

Mr. Jack Miner of Heritage Investments and owner of lot Alumatek lot #7, addressed the Council in regard to the Assessment Area and said 100% of the Alumatek landowners opposed the Special Assessment Area. He said he felt like the assessment calculations were not correct. He asked the Council to put off approving the Assessment Area based on the satisfaction of pending litigation that he felt is forth coming.

Mr. Greg Bailey also spoke regarding the Assessment Area. He said his comments are basically the same as Mr. Miner's. He said the Alumatek subdivision should not be involved in the Special Assessment Area. He said the assessment is basically taking money from the Alumatek subdivision to pay for the Woods Cross Industrial subdivision's needed access. He said all Alumatek owners feel the same way. He asked the Mayor if he had read any of the protest letters and the Mayor said he had read of one of them but that each of the letters contained the same wording. Mr. Bailey said there are seven items in those letters that list statutes that are violating sections of Utah Code in regard to this assessment. The Mayor said he is not aware of any statutes that are being violated with the resolution that has been formed. The Mayor said the City's attorneys have reviewed the resolution that has been formed for the Assessment Area. The Mayor said there has been a protest period provided and there has been protests given and those protests will be heard by a Board of Equalization that will be formed to hear those protests and make concessions if they deem them necessary. Mr. Bailey asked who would be on that board. The Mayor said it would be made up of the Mayor and Council

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Members as well as staff and the city attorney. Mr. Bailey asked exactly who that would be from the Council and staff, and the Mayor noted that the board had not been formed yet so he did not know exactly who would be on the board.

Mr. Mike Batt then addressed the Council and said he is the owner of the Alumatek lots 2 and 3 where the Level Nine business is located. He said Level Nine asked Mr. Batt to let the Council know that as a small business they have been struggling to keep up their business during this pandemic and to have additional taxes and fees assessed will be very difficult. He said Level Nine has been operating for years under a conditional use that had been granted to them and it will be hard for them to bear a cost that will be of no benefit to Level Nine. He said Level Nine feels like it will make their business much more difficult with the additional traffic and the number of other things that will come to the area because of the new access and the new development. He said Level Nine was approved and has operated under the premise that the City approved their building and building permit based on the accesses that were in place at the time they started their business. He said Level Nine expressed that having themselves and the other Alumatek lots included in the Assessment Area is not right and they are outside of the area and an Assessment Area was never contemplated when they received their preliminary approval. Mr. Batt said he recognizes there is a process to be followed but that he and Level Nine want the Council their feelings. He said they appreciated the Council's consideration and would be happy to engage in any additional conversation.

The Mayor said he appreciated the comments. He then noted that with progress in development there is always the possibility that new egresses would need to be built for developing properties. South Davis Metro Fire Department notified the City that another access would be needed for this subdivision and in consideration of the new developments going into that area, this necessitated an Assessment Area be formed. He acknowledged their protests and confirmed that a Board of Equalization will be formed with the intent to hear these protests and make decisions on the assessments for the Assessment Area. He said he did guarantee that concerns would be heard in a fair and timely manner.

Mr. Batt said he has been involved in different developments in Woods Cross as well as throughout the state and wanted to know about the impact fees that are typically set up to anticipate this type of issue as opposed to going back to existing landowners who had been permitted and approved and plats recorded without those future things in place. He said when he is involved in building a development, he often must foot the cost of infrastructure and that is part of the due diligence process. He said it seemed to him that there might be some other ways to achieve the same goal without burdening those who had already received approval in the past for their businesses.

Mr. Grant Bailey addressed the Council and said he owns a lot in the Alumatek subdivision, and that he wanted to echo his objections to this assessment as well and reiterate what the others have said. He said he feels that the assessment is unfair since he has owned this property for several years with never anything in the title report saying this area could be assessed as Alumatek and been recorded and platted as its own subdivision.

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Council Member Checketts asked Mr. Bailey if all of the fees had been listed out per lot. She said she added up the fees and she found a discrepancy in the numbers from what the city has calculated and what the Alumatek subdivision has calculated. She said she had a different total. She said the reason she is asking is that if the decision is made by the Board of Equalization to review the assessments for the Alumatek subdivision they should present the most accurate information possible.

Mr. Bailey said he was not sure what the number was, but he would double check the figures. Council Member Checketts said she wanted to make sure everyone realizes that nothing is in stone yet and she said she wanted to make sure the property owners know that she is open to hearing all sides of this matter before a final decision is made. She said she has listened and heard all of the comments and feels like there have been valid points brought up and she is open to working with the Alumatek owners. She asked what the owners thought would be a good compromise.

Mr. Bailey said he was able to access his property for a number of years without any additional expense. He said he had been sued by the City in 2006 to allow the property to be accessed. He expressed that the City's actions have opened up the property and allow the Woods Cross Industrial Subdivision to be built. He said he did not feel the Alumatek subdivision should be responsible for any more streets or access to that property. He said the first access has been in place since 2002 and he said he did not feel like anyone trying to access the Alumatek subdivision is going to use that second access because there are too many twists and turns for something like a semi-truck to use that to access to reach the Alumatek subdivision. He said he thought they would come down 2600 South and turn onto 1250 West. He said his feelings were that the Woods Cross Industrial Park does not want to bear the costs of putting in the second access and they want the Alumatek subdivision to help with the costs to help fund the other road. He said the Alumatek subdivision does not need the second access. He said the City has already issued building permits to the members of the Woods Cross Industrial Park and feels they have possibly put the cart before the horse and have made a deal with the Industrial Park with how this will be managed. He feels the Alumatek subdivision has been left out in the cold as to how to pay their assessments. He expressed that it seems like government can do what they want. He said he does not feel like this is a fair assessment to the owners of the Alumatek subdivision.

Council Member Checketts said she appreciated Mr. Bailey explaining his side of this issue and she realizes that what is being assessed is a lot of money. She asked the Community Development Director if there are impact fees set up for future infrastructure to help with future development and she said she would like to know how that is set up and if that had been addressed as well.

Mr. Miner said when he purchased his lot number 7 in the Alumatek subdivision, he was the last lot on the north end of that subdivision on 1250 West. He said there was no Woods Cross Industrial Subdivision at that time and there were no roads going north into that subdivision. He said he felt like the Alumatek subdivision should be grandfathered in. He said he has the original building information from when he bought the property and there is nothing said about the possibility of an assessment area. He said he does not have the money for this assessment because someone has built to the north of him and needs another road. He said he is seriously opposed to this. He thanked the Council for their time in listening to his concerns.

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The Mayor repeated there will be a process for those that are opposing the assessments and there will be a Board of Equalization that will listen to the concerns and make. He said each person will have the opportunity to speak to their individual circumstances. The Mayor noted how the city has grown over the years and that as the city there have been and will continue to be sensitive issues regarding development. He reiterated that the city wants to be fair in its decision making and that the Board of Equalization will provide a forum for everyone's concerns to be heard.

Mr. Batt asked why the vote would be taken at tonight's meeting and wondered if they could not sit down as a group and have further discussion on the matter to identify the solution. He wondered what is driving the need to make a decision tonight. He said it might be better to try and come to a resolution instead of going through a legal battle and incurring legal costs. He said he felt like it would be better to come to a resolution now.

The Mayor said it was an agenda item and the Council wanted to proceed with building the road in a timely manner. He said if Council passed this resolution it would put in place the setting up of a Board of Equalization for those who oppose the assessment to be heard and move forward with that process. The Mayor said before any legal processes could begin, should the protestors take that action, the resolution would need to pass, and the Board of Equalization be formed to hear the protests.

Mr. Bailey asked if the city required the fees to be paid by the developer of a subdivision. The Mayor said he was not sure if the City has a road impact fee. The City Administrator said Woods Cross City does not have a road impact fee. Mr. Bailey said when the owners of the Alumatek subdivision paid for their property they paid for the road that was located in the subdivision. The City Administrator said the owners of Alumatek did not pay for the road that was there; it was the people to the south of the Alumatek subdivision who had paid an assessment to fund the road that was put in. Mr. Bailey asked if there was any documentation to prove this. The City Administrator said he would send the information by email to Mr. Bailey.

The Mayor said he appreciated the comments made tonight and everyone will have the chance to address the Board and then the Board can review all comments and concerns and make a decision on if the assessments may be reduced. He said the Board will be fair in hearing concerns and making decisions regarding this matter.

Council Member Checketts said she would like to volunteer to be on the Board.

The City Administrator said the Board is chosen according to Utah State statute, which requires the Board to consist of either three City Council Members or two City Council Members and a City staff member. He said the Council will make the decision on who will serve on the board. He went on to say that the only thing happening tonight is the creation of the Assessment Area. He then said in the next month or so more discussion before the assessments will be given.

Mr. Batt said he did not understand why things are moving forward if the protests had been made but not addressed. Mr. Mark Bell, the City Attorney, said there is a process that must be followed. This had been started a few weeks ago. Mr. Bell said there had already been a public hearing held a few

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weeks ago where opinions could be expressed at that time. Mr. Bell said that any public opinion heard tonight was at the discretion of the Mayor Mr. Bell said Mr. Miner mentioned pending litigation, but Mr. Bell said that legal litigation cannot be asserted until the assessment process is finished, and property owners have had the opportunity to go through the Board of Equalization process. He said after this process is finished and if property owners feel they have not been treated fairly, they can move ahead with the legal process if they choose to spend the money to do so. He said the City needs to follow this process and adopt the resolution tonight after which a Board of Adjustment will be created, and the property owners can talk about the equity of the adjustments that are being assessed.

Mr. Batt said he was under the impression that at tonight's meeting the assessments were going to be given, but that his understanding now is that an assessment area is just being created and Alumatek is included in that Assessment Area. He asked if an explanation could be given as to what is actually happening at tonight's meeting. He wanted to know what the next steps would be.

The City Administrator said that at tonight's meeting the Assessment Area is just being created and then the City staff will go back and look at what the final numbers would be for the actual assessment for each property owner. He said after the numbers had been reached, everyone would be given a notice with the amount of the assessment for their property. He said the Board of Equalization will be set up by the City and then property owners will have the opportunity to meet with the Board and discuss the issue. He clarified that the next step would be that the Board of Equalization would report back to the full City Council and then there would be an item placed on a City Council agenda where the actual assessment will be made. He said between now and then there is no assessment given. He also said the Assessment Area cannot be made larger, but it can be made smaller if that is what is decided by the Board of Equalization.

Mr. Batt asked if Alumatek ends up not being included in the assessment area, how the other property owner's assessment would be increased to cover the cost of the road. The City Administrator said the overall amount would not change, but the individual assessments could change.

The Mayor said that those who have spoken at tonight's meeting who own vacant property in the Alumatek subdivision should be aware that if the additional access did not go through, they would be unable to secure a building permit until the second access road is completed.

Mr. Bailey said there has already been building permits given to others who are developing in that area. The Mayor said the fire department will not allow anymore traffic in the area until the second access is established.

The City Administrator said the property owners in the Woods Cross Industrial Park who are currently building have entered into an agreement with the City to be part of the assessment area, so they are able to continue to build in that subdivision as long as they pay their assessment. The City Attorney said that along with that, the fire service area has indicated that with the commitment that the access road would be built within a five-year period they will sign off on the building permit applications; without that commitment, no one, including the City, will be able to build.

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Mr. Batt said he already has a building built in the Alumatek subdivision, but he was wondering in a standard setting when a plat is recorded, this issue is already been resolved so there should not be an obstacle to issuing a building permit on a plat once it has gone through the preliminary and final plat process and been recorded. He said he was not sure how a new imposition could be placed on a lot that already has final subdivision plat approval. The City Attorney said the history of the area would need to be reviewed. He said that at the time the Alumatek subdivision was platted the city did not have and does not have a roads impact fee that would facilitate this action. He said he thought history shows that the expense was born by Mr. Alan Christiansen when he executed the original subdivision development. He said if they were doing it today, it might be different than what the City has to do based on what they have had to do historically with the approval of the Alumatek subdivision plat and the approval of the Woods Cross Industrial subdivision plat. He said he thought at the time those were approved no one could have anticipated there was going to be an issue with the International Fire Code and the access that had been provided. He said this had arisen just recently. Mr. Bell said he felt Mr. Batt had a fairly good argument to have at least some reduction in amount of the assessment because his building is already there. He said the problem the other property owners face is they cannot build in the future without the second road.

Mr. Batt said that through impact fees or Pioneering Agreements there might be other ways to look at resolving this issue, but he felt like it might be hard to pay a cost now that you may not need for twenty years if you were not planning to build in the near future.

Mr. Bell did say they used careful consideration on utilizing the Pioneer Agreement on this and the determination was made that this was the fairer process and gives everyone the ability to spread out the payments over a long period of time at historically low interest rates at the present time.

Mr. Miner said he should not have to be forced to pay money that he did not sign up for and he has no contract with the City.

Mr. Bell said he would like to discuss that matter at a future time. Mr. Miner asked if he could bring his attorney with him as they have future dialogue and Mr. Bell said he would welcome that and would welcome a phone call anytime from his attorney as well.

Council Member Checketts asked if there could be a road impact fee assessed so this might not be an issue in the future.

The City Administrator said he would like to ask the City Engineer to look at any future roads that might be going into the city and see the viability of such an impact fee. He said most of the major roads had already been put in within Woods Cross City so he did not know if such a change would be of any benefit at this time. Council Member Checketts said she would like to have this investigated so this situation might be avoided in the future if possible.

Council Member Westergard noted for those who had filed the protests in writing, the figures did not add up. He said the total was \$567,000, \$85,228 short of what their stated total. He did not know if something was missed or if the amount was wrong. He said they might want to look at the correct amounts if they are moving forward based on a certain dollar amount.

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The Mayor said he appreciated the comments at tonight's meeting. He said he had not intended it to be another public hearing, as the public hearing had occurred, but he felt like it was good to hear the concerns again so they can be kept in mind moving forward.

There were no further comments for the open session and the Mayor closed the open session.

CONSIDERATION TO APPROVE A RESOLUTION 2021-726 AMENDING THE CONSOLIDATED FEE SCHEDULE REGARDING ROOM RENTAL

The Mayor gave the floor to the Ms. Jessica Sims, the Assistant City Administrator who noted:

“Given to the Council is a resolution formalizing an update to the City’s Consolidated Fee Schedule to allow long term rental of the City Hall Multi-Purpose Room. Also given to the Council are Long Term Rental Applications, Agreement for Long Term Rental, and an updated schedule of Multi-Purpose Room Rental fees at both City Hall and the City Shops buildings, which were reviewed during the last City Council Meeting.”

Council Member Westergard sited an error to be fixed. He said on the fees page, the dollar amounts had been switched between the resident and non-resident fees. Ms. Sims said she would reverse those dollar amounts if the Council is alright with approving the resolution with those changes.

Council Member Dayley made a motion to approve resolution 2021-726, a resolution amending the consolidated fee schedule regarding room rental with the changes as noted. Council Member Westergard seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE A RESOLUTION 2021-727 DESIGNATING THE 1960 SOUTH STREET ASSESSMENT AREA (the “Assessment Area”) FOR THE PURPOSE OF:

- (i) Levying assessments against properties within the Assessment Area to finance the costs of acquiring property, constructing road improvements, along with other necessary miscellaneous improvements at approximately 1960 South 1100 West
- (ii) Estimating the amount of the assessments to be levied and the method or methods of assessments and
- (iii) Generally describing the period over which the assessments are to be paid and the manner in which the city intends to finance said improvements, and related matters.

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

“The protest period ended on February 15th and we received 8 protests. The 8 protests were comprised of all 8 lots in the Alumatek Subdivision. Given to the Council is a copy of the protests. The 8 protests are identical. Also given to the Council is a summary sheet showing the percentage of the protests. The 8 protests represent 35% of the taxable area included in the Assessment Area. A total of protests 40% or greater is required to prohibit the creation of the Assessment Area. With that in mind the resolution given is establishing the 1960 South Assessment Area.

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“The Council will also need to adopt a resolution appointing a Board of Equalization and set hearing dates for the board members to hear appeals. The Board will need to meet on 3 consecutive dates for one hour each day between the hours of 9:00 A.M. and 9:00 P.M. This will give an opportunity for affected property owners to discuss any adjustments they feel are justified in the assessment. We will need 3 members of the City Council to serve on that Board.”

**Summary of Protests
Proposed 1960 South Street Assessment Area**

Protest Received

Property Owners:	4
Lots:	8
Area:	10.63 Acres
Taxable Value:	\$4,588,670

Proposed Assessment Area Totals

Property Owners:	11
Lots:	23
Area:	56.58
Taxable Value:	\$13,161,110

Protests Received as a Percentage of Totals

Property Owners:	36%
Lots:	35%
Area:	19%
Taxable Value:	35%

Following the information given, Council Member Larrabee made a motion to approve resolution 2021-727, a resolution designating the 1960 South Street Assessment Area for the purpose of:

- (i) levying assessments against properties within the Assessment Area to finance the costs of acquiring property, constructing road improvements, along with other necessary miscellaneous improvements at approximately 1960 South 1100 West
- (ii) estimating the amount of the assessments to be levied and the method or methods of assessments and
- (iii) generally describing the period over which the assessments are to be paid and the manner in which the city intends to finance said improvements; and related matters.

Council Member Dayley seconded the motion, and all voted in favor of the motion through a roll call vote.

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PUBLIC HEARING: PROPOSED ADOPTION OF NEW COMMERCIAL, RESIDENTIAL AND TRANSITIONAL ZONING DISTRICTS IN THE “NORTHWEST QUADRANT” OF THE CITY, INCLUDING RESCINDING THE EXISTING ORDINANCE GOVERNING THE AREA INCLUDING THE FOLLOWING:

- a. The proposed adoption of new commercial, residential, and transitional zoning districts in the “Northwest Quadrant” of the City, including rescinding the existing ordinance governing the area. The amendments include:
 - a) rescinding the current “Legacy Gateway” Zone (Chapter 12-31 of the Woods Cross Code);
 - b) the adoption of a Single-Family Residential Zone (R 1-15/20)
 - c) the adoption of a Single-Family Residential Transition Zone (SFRT); the adoption of a Commercial/Residential Transition Zone (CRT); the adoption of a Community Commercial Zone (C2-A); and the adoption of a Regional Commercial Zone (C-3).
- b. The proposed amendment of the City’s Zoning Map, affecting areas in the “Northwest Quadrant” of the City and rescinding the current zoning map. (See full notice and associated documents at <https://www.woodscross.com/notices>)

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

“There is a public hearing scheduled for the City Council regarding the proposed zoning chapters and zoning map changes for the Northwest Quadrant. The Planning Commission held a public hearing regarding this matter at the Planning Commission meeting. The Planning Commission held a public hearing and took comment on the following new zones and their corresponding draft chapters:

- Single Family Residential (R-1-15/20)
- Single Family Residential Transition Zone (SFRT)
- Commercial/Residential Transition Zone (CRT)
- Community Commercial Zone (C2-A)
- Regional Commercial Zone (C-3)

“In addition, they reviewed the final proposed zoning map amendments that correspond to the proposed zones above.

“During the Planning Commission’s public hearing there were comments given regarding concerns that either existing nonconforming uses or uses that would become nonconforming would be permitted to exist and continue under the proposed zoning. There was also a comment regarding road connections with West Bountiful. There was a comment and request that the City consider using the Commercial Residential Transition Zone (CRT) in place of proposed Community Commercial Zone (C2-A) on the north side of 500 South. The individual owns property in this area that straddles the Woods Cross/West Bountiful City boundary and is interested in doing a higher density residential project which will not be permitted in the proposed C2-A Zone. An additional written comment has

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been submitted regarding this and is given to the Council. Also given to the Council is a written comment that was submitted from the owner of the self-service storage facility located at 1180 South and Redwood Road regarding concerns with becoming a non-conforming use.

“At the conclusion of the public hearing, the Planning Commission held a discussion and made several motions recommending to the City Council adoption of the five proposed zone chapters for the Northwest Quadrant, adoption of the proposed zoning map designating areas in the Northwest Quadrant for the proposed zoning, and the proposed rescinding of the existing Legacy Gateway Zone (LGC) and current zoning map. Please refer to the minutes of the Planning Commission minutes for the motion and specific recommendations. We are anticipating further public comment during the City Council’s public hearing regarding this matter. We would recommend that, at the conclusion of the public hearing and City Council discussion, the Council can take the Planning Commission’s recommendation and the public input under advisement and table this matter until their next scheduled meeting and provide the staff and Mark Vlastic from Landmark Design further direction regarding the proposed drafts. It is anticipated that the City Council will consider adoption of these matters at their following meeting on March 16th, at which time we will have an adoption ordinance ready for the Council’s consideration.”

Following the information given by the Community Development Director, he turned the time over to Mr. Mark Vlastic with Landmark Design who shared a short presentation regarding the ordinance changes and what is hoped to be achieved by those changes.

Following the presentation by Mr. Vlastic the Mayor thanked Mr. Stephens, Mr. Vlastic, and the Planning Commission for their hard work on this matter.

Mr. Stephens pointed out that there were two written comments from property owners. He noted one was from the Redwood Road 1180 South storage unit complex owner which explained he wanted to remain in the I-1 Industrial Zone and the other owner has property on 500 South on the north side of the road who has property in the C2-A Zone and expressed a desire to have the same area on the north on the Commercial Residential Transition Zone. He said he wanted to make sure the Council was aware of those two comments.

The Mayor then opened the public hearing.

Mr. Jim Gramoll addressed the Council and he said he had written one of the letters, spoken of by Mr. Stephens, expressing his concerns regarding the zoning on the north side of 500 South. He said he has been a developer and is familiar with zoning and planning. He expressed his concern about commercial zoning on the north side of 500 South. He said he did not think it was in the city’s best interest, or in his best interest as a property owner, to change the zoning as outlined. Mr. Gramoll said he wanted to address a couple of comments that were made by Mr. Vlastic during his presentation that he believed supports what he is asking from the Council. Mr. Gramoll said that Mr. Vlastic had stated one of the objectives of land uses was that they fit together. He said that was the basis he addressed in his letter. He said he would like to see land uses that fit together better than what is proposed and to keep those zones on both the north and south sides of 500 South the same. He did not feel like it was a good idea to change one side of the street to one zone and the other side of the

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street to another zone. He said the properties are similar, and they should fit together. He said both of those properties transition to other uses and felt they should be zoned as transition areas. Mr. Gramoll also said that Mr. Vlasic also talked about the Euclidian model of zoning and offering greater land flexibility. Mr. Gramoll said he thought that could be achieved with a CRT Zone opposed to a Commercial Zone on the north side of 500 South. Mr. Gramoll went on to say that the CRT Zone is a transition zone which would fit better on the north side of 500 South and south side. He thanked the Council for their time and asked that consideration be given to amend the zoning as he had presented in his comments.

Council Member Checketts asked if Mr. Gramoll currently owned property in the C2-A Zone and Mr. Gramoll said affirmed he did. Council Member Checketts asked what was behind that property and Mr. Gramoll indicated that there is residential to the north of the property, noting there are some deep lots in that area. He said the property in question in West Bountiful was zoned as residential.

Mr. Gary Sharp spoke in support of the proposed zoning and zoning map changes as presented. He said as a member of the Planning Commission, the Commission had worked hard on the zoning changes and had gone through careful and in-depth discussion on how these changes would best serve the residents of Woods Cross, as well as the surrounding community. He said this was a very good place to start and as time moves forward there may need to be few other changes made. He said he was a little concerned about the R-1-15/20 lots. He said he hopes that works out as it was envisioned. He said overall it is great plan and he thinks it will work well for Woods Cross City.

Mr. Matthew Hyde, representing the Wayne and Carma Pasco Trust property located at 1522 West 500 South, then spoke to the Council. He said they support the direction the change is going and especially support the rescinding of the present Legacy Gateway zoning area.

Mr. Tyler Barton of Bob's Tree Service addressed the Council. He noted he has property at 1550 West 1500 South. He said he is a little late getting involved but he wanted to address the C-3 Zone. He said the majority of property owners in that area are already using their property in the ways they would like to use it. He said the Auto Auction is not in compliance with the new zoning and probably never will be. He said as far as he knew the Kingston's did not have plans for their large pieces of property. He said he was wondering exactly what the city is planning for those areas because he does not see the changes according to the new zoning taking place any time soon because the property owners are already using the property as they choose to.

The Mayor said that when the zoning is changed the existing uses of the property will be grandfathered in. He said in the future if the properties were to be sold or the value of the property is such that it is to be developed, the zoning will help guide the development in that area in the future. He said the city is in negotiation with some of the property owners in that area with some possible development which might change the property value and the use of the area. He said the City would benefit and development would be guided from the zoning changes that are being proposed.

Mr. Hyde spoke again and said he wanted to clarify that he as a representative for Wayne Hyde who supported the recension of the Legacy Gateway Zone. He said it is a positive change. He said the change that is being approved tonight is a more friendly development zone than the Legacy Gateway

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Zone as the property can now be developed in many different ways with the new zoning instead of just being limited to a very few uses for the property in the area.

Council Member Checketts noted for those questioning why the City was updating its code and vision that the current City Masterplan was about 20 years old. It was time to readdress the plan and revise the vision in that area to allow flexibility of uses of the properties in that area being rezoned.

Council Member Checketts asked Mr. Stephens what type of businesses would go in with the C2-A Zone. He noted it would be similar to the general commercial zone with retail and office space, and possibly restaurants. Council Member Checketts she said she is concerned about those types of businesses butting up next to a residential area in West Bountiful. She said she wanted to make sure the city is being a good neighbor to them.

Mr. Stephens said that with earlier discussions with West Bountiful they expressed concerns with higher density residential the CRT Zone would allow. He said if West Bountiful ever desired the higher density housing, the City could always go in and amend chapters to work with West Bountiful.

Mr. Gramoll said he has concerns about the flexibility of that area. He said the C2-A Zone is more restrictive than the old zone and more restrictive than the CRT Zone. He expressed this is problematic because development in that area is slow and there should be more flexibility to not hamper the development in that zone.

Mr. Ellis Grow addressed the Commission and he said he represented some of the property owners just west of 1100 West in the R-1-15/20 Zone and some in the C2-A Zone. He said he had reviewed the changes and he is in support of the changes.

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

**REVIEW OF COMMENTS FROM THE PLANNING COMMISSION AND CITY COUNCIL
PUBLIC HEARINGS REGARDING CHANGES TO THE ZONING ORDINANCE AND MAP**

Mr. Stephens noted for the Mayor and Council that that tonight was the opportunity for public input as well as discussion from the Council. He said he was expecting formal adoption at the City Council meeting in two weeks.

Mr. Bell said the process now the Council had received the recommendation from the Planning Commission, was for the City Council to consider the recommendation and either approve the recommendation, deny the recommendation, or make modifications to the recommendation. He said the purpose of this agenda item is to facilitate a dialogue between the governing body of the Council and staff so if there are changes the Council would like to have included in the final zoning map or regulations and changes can be made and reviewed over the next few weeks before final adoption is made by the Council.

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The Mayor then asked for any comments from the Council regarding what had been presented.

Council Member Westergard said the property in West Bountiful that is just north of the C2-A Zone is being used for residential property but the rest of it is all zoned as agricultural according to West Bountiful's zoning map on their website.

The Mayor said many of the lots to the north are 2-3 acre lots and would accommodate very nice homes going in. The Mayor asked Mr. Stephens if the area under new zoning would help protect West Bountiful from possible future high-density apartments or building in that area.

Mr. Stephens said the Planning Commission recommended this map because it does reflect the general plan for land uses in the different areas in the Northwest Quadrant. He said the C2-A Zone that was developed for this area reflects what is in the General Plan and that the city has had meetings with West Bountiful to discuss this area.

The City Administrator said while he had had some informal discussions with West Bountiful about this area and that West Bountiful might be considering higher density in this area, he felt like further discussions needed to happen with them. He recommended moving forward with the rezone as the Planning Commission has recommended but leave open the possibility of having further discussions with West Bountiful so that if they make changes their zoning, and if the Council is comfortable with those changes, changes to the Woods Cross zoning to match their zone could be considered at that time. He said they are doing a market study with West Bountiful, and it can be adjusted to include this area. He recommended additional with West Bountiful before changing the zone to include a housing type zone.

There were no further comments, and the Mayor turned the matter back to staff so they can move forward with the process. Mr. Stephens said to make sure to contact either he or the City Administrator to let them know if there was anything the Council would like to have changed or modified.

Council Member Terry said he wanted to thank the Planning Commission for all their hard work on this rezone. He said some of the same concerns had come up with the Planning Commission and wanted to let the Council know that all concerns had been addressed from the last public hearing. Mr. Stephens said that many of the concerns came up about the non-conformity which had been addressed and Mr. Gramoll's concerns were also addressed tonight. He said the one other concern was that storage unit owner wanted to expand. Mr. Stephens said the owner could expand to the east if he wished to do so. It was further noted non-conforming uses can be looked at on a case-by-case basis by the City Council according to city ordinance, and changes made as needed.

The Mayor thanked the Planning Commission their hard work and their efforts on a very big task.

SOUTH DAVIS SEWER DISTRICT REPORT

The Mayor gave the floor to Council Member Westergard to report on the activities of the South Davis Sewer District. He noted there had been a few meetings since he had spoken last to the

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Council. He said there had been several more notices of violations at the north plant. He said part of that is because of the Wasatch Resource Recovery project which is the food waste project, and they are not certain what keeps happening. He said occasionally the system gets out of whack, causing discharge that in turn produces odor problems. He said they are actively pursuing putting something at both plants to address and eliminate this issue. He said they have received notice of violation from the Division of Water Quality and have gone back and forth on negotiating a settlement agreement and have come up with an agreement. He indicated that the amount of the penalty will go into a fund that will pay for projects within the boundaries of the district. He said the amount of the settlement agreement is less than what the Water Division had originally said it would be and had been approved.

He said the other item discussed is the ongoing concern of odor at the South plant. While odor is inherent with a sewer plant, there is an expectation that it should be minimized so they are working on that problem. He said they have hung an odor abatement system on the fence around the perimeter of the North plant; this seems to be helping and they will continue to monitor this issue.

He said they are continuing to rehabilitate both plants as they are old and need to be upgraded.

He shared that they have been selling their first natural gas from the food waste project. He said hopefully that will continue and expand enough for revenue to catch up with the expenses. The sewer district is pursuing other prospects to get new feed stock for this project. He also said another challenge they are facing is finding enough people to work on the food waste project.

PLANNING COMMISSION REPORT

The Mayor gave the floor to Council Member Terry who reported on the Planning Commission meeting held February 23, 2021. Please see the minutes of that meeting for the details of his report.

MAYOR'S REPORT

The Mayor said he attended the county health meeting. He said there are 23 active COVID cases in Woods Cross. Authorities are hoping to reach herd immunity with COVID with about 82.6% of people in the county either being vaccinated or having had COVID. That goal now seems achievable. He said he had received his first shot and appreciated everyone's efforts to slow down the pandemic. He said they discussed at their Davis County Council of Governments (COG) meeting that there is a hope that events will be cleared for July or August, but the numbers will provide the direction. He encouraged everyone still needed to be flexible. He said he felt like things are looking up.

CITY ADMINISTRATOR'S REPORT

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

1. "Reminder for the Strategic Planning Session on the 6th from 9:00 A.M. to Noon. If you have not submitted your goals, please do so as soon as possible.
2. Action Item Report.

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ADJOURNMENT

There being further business before the City Council, Council Member Terry made a motion to adjourn the meeting at 8:58 P.M. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

Rick Earnshaw, Mayor

Annette Hanson, City Recorder

Approved by City Council March 16, 2021