

**WOODS CROSS CITY COUNCIL MEETING
MARCH 16, 2021**

The minutes of the Woods Cross City Council Meeting held by Zoom conferencing March 16, 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
Tim Stephens, Community Development Director
Sam Christiansen, Public Works Director

Chad Soffe, Police Chief
Annette Hanson, City Recorder

VISITORS:

Mark Vlastic
Don Schrader
Rachael Bodell
Brian Bean

Jim Gramoll
Dan
Marly Ferrin

Brandi Evans
Becky Ginos
LeGrande Blackley

INVOCATION:

Ryan Westergard

PLEDGE OF ALLEGIANCE:

Wally Larrabee

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 March 2, 2021 City Council meeting.

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

FINANCIAL REPORT

The Mayor gave the floor to the City Administrator who went over the financial report with the City Council.

APPROVAL OF CASH DISBURSEMENTS

The Mayor gave the floor to the City Recorder who went over the cash disbursements for the time period of 2/27/21-3/12/21 with the City Council. Following the review of the cash disbursements by the City Council, Council Member Westergard made a motion to approve the cash disbursements as presented. Council Member Terry 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 anyone who would like to bring items before the City Council. There were no items for the open session and the Mayor closed the open session.

**CONSIDERATION TO ADOPT RESOLUTION 2021-726 DECLARING MAY 2021
NEUROFIBROMATOSIS AWARENESS MONTH IN WOODS CROSS CITY**

The Mayor gave the floor to Council Member Checketts and she introduced Brandi Evans and Rylie Evans and said she hoped by calling attention to this cause it would help the Neurofibromatosis Foundation to raise funds for this disease. It was noted that May 2021 would be declared as Neurofibromatosis (NF) month in Woods Cross City. The Children's Tumor Foundation observes May as World Neurofibromatosis Awareness month to educate the public about this rare genetic disease. It was noted there are over 2 million people around the world who suffer from NF and it is still relatively unknown to the public. It was noted that NF affects all populations equally, regardless of race, ethnicity, or gender. NF causes tumors to grow on nerves throughout the body and can also affect development of the brain, cardiovascular system, bones, and skin along with other complications including blindness, deafness, bone abnormalities, disfigurement, learning disabilities, disabling pain and cancer. The Children's Tumor Foundation is working to speed drug research and find ways to advance care for the NF community and is celebrating 40 years of their efforts and advancements in research for this disease. There is much to be done to raise awareness and promote early diagnosis of NF to ensure proper management, treatment and prevent complications and to support research. The Mayor said he and the Council are proud to support the efforts of this cause.

Ms. Evans thanked the Mayor and the Council for supporting this cause and said she was grateful that they were willing to help forward this cause. She said was especially important this year to recognize the struggles the kids have had with virtual school and how hard it has been this past year. She said there is exceptional support from our community and city leaders, and she is thankful for the support of this cause and bringing recognition to it.

Council Member Checketts then made a motion to adopt resolution 2021-726 declaring May 2021 Neurofibromatosis Awareness month in Woods Cross City with Council Member Dayley seconding the motion and all voted in favor of the motion through a roll call vote.

COMMUNITY OF PROMISE REPORT

The Mayor gave the floor to Ms. Rachael Bodell who reported on the activities of the Community of Promise. She noted the following for the City Council:

Arts in the Park—They are hoping to hold a concert/movie in conjunction with Night Out Against Crime in August and possibly holding activities in September as well.

Book Club—They will be meeting in April at the city shops building.

Summer Literacy—There will be two sessions in June and two in July. The June sessions will be held at Mills Park on June 18th and June 25th with the July sessions being held at Hogan Park on

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July 9th and July 16th. They are planning on holding these activities in person, but they will hold them virtually if they are unable to do it in person.

Youth City Council—YYC is planning an Easter Parade on March 27th. The Easter Bunny will be riding through the city and will be following the same route as Santa Clause when he visited the city. YCC will be throwing out candy. YCC is also hoping to host a “Someone Special Appreciation Dinner” in April. If they are unable to do so they will try a curbside dinner pick-up.

The Council said they would like to make sure the Easter Parade was advertised so families could be out on the route to see the Easter Bunny visiting the city.

Seniors—Are being urged to get fully vaccinated in hopes that they can meet in person in May.

Summer Rec—The sessions will be running as one week sessions Monday-Thursday. They will hold 3 sessions in June and 3 sessions in July. The classes will be limited to only 15 participants and will require masks and social distancing. They will not be holding music classes or mom and tot classes. There will also be a cooking class held in August.

The Mayor did say he had spoken with the seniors to see how the vaccinations were going for them. He said the senior leaders would be talking to them to see if they needed help making appointments or transportation to help them get vaccinated so they might be able to meet in person again soon.

POLICE REPORT

The Mayor gave the floor to Police Chief Soffe who reported on the activities of the police department as follows:

<u>2021</u>	<u>2020</u>	<u>YEARLY</u>
Jan---704	Jan--1029	2020—10,473
Feb— 674	Feb—979	2019—11,368
March—	March—801	2018—11,600
April—	April—560	2017—11,411
May—	May—825	2016—12,393
June—	June—776	2015—12,819
July—	July—1144	2014—9495
Aug—	Aug—822	2013—8979
Sept—	Sept—804	2012—7347
Oct—	Oct—896	2011—6918
Nov—	Nov—985	
Dec—	Dec—852	
Running Total—1378	Total-10,473	

ACTIVITY REPORT Dec-Jan-Feb traffic citations

	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>
Total Citations	179	141	136
Total Violations	279	230	215

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220 New Cases opened in February.

USE OF FORCE REVIEWS

2/05/21—Benchmark fight—Taser Point
2/07/21—Officer Involved Shooting, Vehicle Theft
2/18/21—Agency Assist felony stop—gunpoint
2/24/21—Assist NSL/Domestic/Stolen Vehicle—gunpoint

SWAT Team Activity

- Regular NTOA Training

DEPARTMENT ACTIVITY

Pepper Spray/Taser Training/Non-lethal bean bag training
Intoxilyzer/Radar Training (hosted)
Attorney General’s Office Autism Training on the VirTra platform

WOODS CROSS HIGH SCHOOL ACTIVITY

Administration Assist:	12
Citizen/Student Assist:	4
Lockouts:	3
Juvenile Problem:	3
Conflict Resolution:	2
Property Damage Accident:	2
Assist to Other PD:	1
Medical:	2
Drug Offense:	1 (Case sent to Davis Metro Narcotics)
Nova Lessons at Odyssey Elementary:	3 classes for 6 th Graders

K-9 ACTIVITY

Ranger

No February Deployments

Legend

No February Deployments

Loki

Loki has successfully completed patrol dog school.

No Deployments this month

DETECTIVE DIVISION

15—Persons Crimes/Sexual Assault/Active C.A.N.R. cases (child abuse neglect report)

4 — Active Theft/Property/Fraud/Assault/Death cases for the month of February

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SEX OFFENDER ENFORCEMENT

3—Sex Offender Registries
0—Home Compliance Checks conducted

ORDINANCE ENFORCEMENT

5—New Cases were received and opened from the public.
3—Cases resolved/closed successfully.
4—Ongoing cases from previous month

US MARSHALS ACTIVITY

VFAST

V.F.A.S.T. Located and arrested 4 fugitives in the Davis and Weber areas.

LPR ACTIVITY

LPR is currently being updated with a new laptop and software.

CHIEF COMMUNITY INVOLVEMENT

- Asked to serve on the Utah Commission on Criminal and Juvenile Justice.
- Final year as the Utah Chiefs of Police Sgt. @ Arms Executive Board.
- Key Leader in the South Davis Communities that Care Coalition.
- Police Officer Standards and Training POST Council Member.
- International Association of Chiefs of Police Patrol and Tactical Committee.
- Testified on 7 bills this past legislative session, representing Woods Cross & UCOPA.
- Running for the President of UCOPA next week at the annual conference.
- Assistant Chief Osoro is working on accreditation process for WXPDP.

CRIME SPOTLIGHT—Burglary/Vehicle Thefts

On February 7, 2021 officers were patrolling Manheim Auto Auction, due to seven vehicle thefts in recent months. One Officer encountered a suspicious vehicle. The vehicle fled from the area and led officers on a chase through SLC crashing into a fence in WVC. Two individuals were arrested. Further investigation revealed the vehicle they were driving was stolen in Salt Lake City and stolen firearm and multiple tools were recovered. Detectives identified the owners of the tools and discovered they were victims of a business burglary. The apprehension of the suspects helped officers identify them as suspects in multiple other crimes in Salt Lake City including the theft of a stolen trailer that contained 220 pounds of marijuana.

Following the presentation given by the Chief, Council Member Larrabee asked what the difference was between the old DARE program and the new NOVA program for the elementary age school kids. The Chief said the DARE program talked about drugs and alcohol and the NOVA program talks about drugs, alcohol, being safe online and covers a variety of topics not just drugs and alcohol. He said parents are very happy with the new program. He said this program is a more well-rounded program and covers a variety of topics.

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Council Member Terry asked if in the case of an officer involved shooting if there would be mandatory administrative leave as in a situation like the one that had taken place. The Chief said yes, the officer was placed on administrative leave and they generally wait to hear a determination from the county attorney to bring the officer back to work. He said in the case of the Woods Cross Officer, they are waiting for ballistic tests on the shots that were fired and matching them to the video that was collected from Manheim before they make that determination and send it to the attorneys. He said they are waiting for the county attorney to do their investigation before the he as the Chief does an internal investigation. He said it will be a few more weeks before they may bring the officer back. He said it can take awhile for the investigations to be completed and an officer on administrative leave is allowed to return to duty.

CONSIDERATION TO APPROVE ORDINANCE 2021-600 ADOPTING NEW COMMERCIAL, RESIDENTIAL AND TRANSITIONAL ZONING DISTRICT IN THE “NORTHWEST QUADRANT” OF THE CITY, INCLUDING RESCINDING THE EXISTING ORDINANCE GOVERNING THE AREA INCLUDING THE FOLLOWING:

- a. The 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 (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 the areas in the “Northwest Quadrant” of the City and rescinding the current zoning map.**

The Mayor gave the floor to the Community Development Director, Mr. Tim Stephens. Mr. Stephens noted the following for the City Council:

“We have been through a long process of ordinance development for the northwest quadrant zoning. Both the Planning Commission and City Council have reviewed the proposed chapters and zoning map and have held hearings and received some public comment. At the conclusion of the hearings, there were no further modifications requested to the map or proposed northwest quadrant zoning chapters. As such, I would recommend that the City Council approve the ordinance adopting the proposed zoning map, proposed zoning chapters for the northwest quadrant and the rescission of the Legacy Gateway Zoning.”

The Mayor asked if everyone had been able to look over the changes from the last meeting and if anyone had any further questions or discussion.

There was no further discussion and Council Member Terry made a motion to approve ordinance 2021-600 adopting a new commercial, residential, and transitional zoning district in the “Northwest Quadrant” of the city, including rescinding the existing ordinance governing the area as noted above. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

**CONSIDERATION TO ADOPT RESOLUTION 2021-727 APPROVING AN
INTERLOCAL COOPERATION AGREEMENT REGARDING EQUIPPING MEMBERS
OF THE DAVIS COUNTY PUBLIC ORDER UNIT**

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

“As previously discussed, the County has created a Public Order Unit and is asking that one officer from each city be assigned to the Unit. This agreement addresses the equipping of each of those assigned officers. The County will purchase the equipment for each of the officers and the City will reimburse the County by October 31, 2021. The Chief has indicated the cost is anticipated to be \$3,650 so I have limited the amount the County can invoice us to \$4,000.”

The Chief said this unit will include 34 officers, at least one officer from each city in the county. He said the Unit would only be called on if it was necessary.

Following the information given, Council Member Westergard made a motion to adopt resolution 2021-727 approving an Interlocal Cooperation Agreement regarding equipping members of the Davis County Public Order Unit. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

PRESENTATION OF HOGAN PARK DEVELOPMENT PLANS

The Mayor gave the floor to the Public Works Director and he noted the following:

“JUB Engineering has provided us with concept plans and estimated costs for the Hogan Park remodel. City Personnel and JUB personnel have worked together to put a concept plan together that meets most of the requests and needs of the Council, Recreation and Parks personnel. Some of the things you will notice are:

- New Pavilions
- New Bathroom with an outside kitchen and storage
- A Plaza/Performance Platform area for Memorial Day Events, Food trucks, etc.
- An Amphitheatre with open space for residents to use.
- Walking Path with benches and shade structures
- New All Access Playground area

“We have taken the time to ensure the park is well thought out, and the layout flows in a pleasing manner. LaCee Bartholomew is already using these documents for a grant application, as she needs to meet a deadline for the application. This concept is a great starting point towards an updated park for a gathering place for the residents and families of Woods Cross.”

The Public Works Director went over the changes proposed for Hogan Park with the City Council. The Council asked questions and expressed a few concerns. The Council expressed thanks to the Public Works Director and those who have worked on the plans and asked the Public Works Director to continue to work on the project.

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OPEN SESSION

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

Council Member Checketts thanked the Public Works Director for repairing a concrete area she had asked about.

Council Member Larrabee asked if anyone was going to the League Conference in person in St. George. Several of the Council Members said they were going in person. It was also mentioned that if a person could show proof of vaccination, they would not have to have a COVID test for the conference. The City Administrator said he would help with arrangements if anyone would like him to do so.

SAFETY REPORT

The Mayor gave the floor to the Assistant City Administrator who noted the following for the City Council regarding the Safety Report.

She noted there was one incident involving a police car which was damaged in the police pursuit that had been mentioned previously during the police report.

WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT REPORT

The Mayor gave the floor to Council Member Larrabee and he said the district had hired a public forum company to develop nine short, 90 second videos to answer questions residents may have about the Waste District and its services. One of the videos is a tour of the mixed waste processing facility. He said the videos are available on the website and they are very informative.

The Mayor asked staff if the videos could be put onto the city's website, and it was noted it could be done.

MOSQUITO ABATEMENT REPORT

The Mayor gave the floor to Council Member Terry and he reported that the Abatement District is working finding people to help with the spraying this as well as assembling their summer crew. The District has also invested in a large drone to spray where an airplane may not be able to go.

PLANNING COMMISSION REPORT

Council Member Terry continued with the floor to report on the Planning Commission meeting held March 9, 2021. Please see the minutes of that meeting for the details of that report.

SOUTH DAVIS RECREATION CENTER REPORT

The Mayor reported on the activities of the South Davis Recreation District. He noted they continue to work on the master plan for the district. Plans major repairs and possibly putting in another 50-meter pool east of the outdoor pool. He said with plans to build a second facility they are planning to hold a 40 million dollar bond this fall. The Recreation Center is talking with the

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county as well to see how they might be able to do some projects together. He said the county is going to revamp the fairgrounds in Farmington with more ball fields and another building with the option to change out the flooring for different events that might take place there. He said they would like to draw more activities to the county and to bring in more business for the county. He said the Recreation District would be holding several public hearings to receive public input. He indicated the public could find information and the future plan on the district's website.

SOUTH DAVIS METRO FIRE DISTRICT REPORT

The Mayor continued with the floor and he said they had a short meeting where they approved the budget and expenditures. He said they talked about COVID money coming in and possibly asking the cities for more help like they had received in the past with COVID funds.

MAYOR'S REPORT

The Mayor said he had nothing further to report.

CITY ADMINISTRATOR'S REPORT

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

- 1. UTOPIA Agreement.** "I have reviewed the proposed agreement with UIA to provide fiber to our City. I have two major concerns with the agreement. First, under their agreement we are guaranteeing the bonds for the installation of the system in the City and our residents will be paying for it through their fees, and at the end of the day the City will not own the system. I am very uncomfortable about our residents and businesses paying for a system which in the end we do not own. Furthermore, UIA in the contract requires we are responsible for the bond payments even if they provide poor or no service at all. I do not want the City to be in a situation where we are paying for a system, we are not happy with. Secondly, under the agreement UIA keeps all the revenues and the City keeps nothing. During our strategic planning session, we discussed the importance of capturing additional revenues. A fiber system is one opportunity to enhance our revenues. I have become of the opinion that if the City is going to risk its revenues to guarantee the bonds to build out the system, the City should also stand to reap some benefits. There are some other options out there that are more financially beneficial to the City. We are in the process of trying to negotiate a better deal with UIA, but I am not overly optimistic that they will budge much. I have also met with STRATA another provider that is willing to enter into an agreement where the City bonds for the improvements, they install them and contract to operate and maintain for a set period of time. We would agree to pay them a set amount per connection and the City would retain the rest. There are other providers out there that we plan on visiting with as well. I would like an opportunity to spend more time examining the options and coming back to the Council with some options to discuss further."

Council Member Larrabee said that at many of the League Conferences there are fiber optic vendors that are represented at the conference and maybe the Council could talk with them and see what they have to offer. The City Administrator said he thought that would be

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an excellent idea if the Council could get some further information from other vendors that offer the same type of service at their League Conference.

Council Member Checketts asked if the city bonds are something that has to be voted on. The City Administrator said the Council has the option. He said this bond would be guaranteed by the city's franchise revenues but he said the city does not have enough franchise revenues so the sales tax would have to supplement those funds. He said this would not require a general obligation bond so the Council could do it without a vote. He said regardless of what approach is taken the residents should be educated to let them know what their options would be.

Council Member Terry said he felt like it is important to move forward and get something done but it is also important to have all the information that is needed to make a good decision so he said he thought the staff should take all the time that is needed to research the choices.

The City Administrator said there are two models to be considered. He said there is a utility model or the subscriber model. He said there would need to be consideration made for each of these two models as a decision is made.

Council Member Dayley said there needs to be something done but there are several options that can be considered.

The City Administrator said there are several good companies out there to choose from, but the city needs to choose a company that knows what they are doing so the service is going to be a good option for the city and its residents. He said he hoped in a few months a decision can be made.

Council Member Westergard said he is also supportive of getting something done fairly quickly but to take time and explore the options. He said he felt like most of the residents in the city would be in favor of fiber optics being put into the city.

2. 1960 South Assessment Area, Board of Equalization

"As was discussed in our last meeting we need to create a Board of Equalization and set dates for that board to meet. It will be on the agenda for the April 6th Council Meeting since we need a few weeks to make sure the assessment list is as accurate as possible. We will need 3 members of the Council to serve on the Board and they will need to meet 3 consecutive days for at least 1 hour each day. Because of advertising requirements, the meetings will be in the mid to end of May time frame.

The City Administrator said he would leave it up to the Mayor on who to appoint to the board. The Mayor asked Council Member Checketts, Council Member Dayley and Council Member Westergard if they would serve on the Board. It was noted it would be at least a one hour commitment for three consecutive days, but it could be scheduled as to when to hold the meetings so hopefully it would not be too time consuming.

Council Member Dayley said she would be available to serve on the Board. The City Administrator said the City Attorney recommended having the Mayor at the Board

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meetings as a non-voting member of the board. It was noted minutes would need to be taken as well. It was recommended these meetings be held in person and arrangements would need to be made to do so.

3. Strategic Planning Goals

“As soon as I get the finalized goals from Jeff, we will put together a timeline of tasks to accomplish those items we prioritized. This should be ready for the April 6th Meeting.”

4. Garbage Fund

The City Administrator said the garbage fund will need to be looked at this year. He said he recommends the fund balance be increased to get the fund balance up because it has dipped. He said there could be a onetime transfer made to the garbage fund from the general fund to help increase the garbage fund and decrease the raising of rates to the residents. The Mayor said he would like to look at that as they discuss the budget in the future.

The City Administrator said he would look at what the increase might be to the residents. Council Member Larrabee said he would like to try to stay away from an increase in rates to the residents if that is possible. The City Administrator said he would do further analysis and bring it back to a future meeting.

5. Action Item List

ADJOURNMENT

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the meeting at 8:23 P.M. with Council Member Larrabee seconding 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 4/6/2021