

**WOODS CROSS CITY COUNCIL MEETING
MAY 18, 2021**

The minutes of the Woods Cross City Council Meeting held at the Woods Cross City Shop building located at 2287 South 1200 West, Woods Cross, Utah.

CONDUCTING:

Rick Earnshaw

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor
Julie Checketts

Tamy Dayley
Ryan Westergard

COUNCIL MEMBERS EXCUSED:

Wally Larrabee

Matt Terry

STAFF PRESENT:

Gary Uresk, City Administrator
Jessica Sims, Assistant City Administrator
Tim Stephens, Community Development Director

Annette Hanson, City Recorder
Chad Soffe, Police Chief

VISITORS:

LeGrande Blackley
Rachael Bodell
Becky Ginos

Chris Cozens
Lolo Tenifa

Jason Burningham
Katelyn Mickelson

INVOCATION:

Wally Larrabee

PLEDGE OF ALLEGIANCE:

Rick Earnshaw

The Mayor welcomed those in attendance and said it was nice to have this meeting in person.

CONSIDERATION TO APPROVE MINUTES

The Mayor called for the review of the minutes of the May 4, 2021 City Council Meeting.

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

The Council then reviewed the minutes of the joint budget meeting that was held May 11, 2021. Following the review by the City Council, Council Member Dayley seconded the motion, to approve the minutes as written with Council Member Westergard 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.

RATIFICATION OF CASH DISBURSEMENTS

The Mayor gave the floor to the City Administrator who went over the cash disbursements with the Council for the time period of April 24-May 7, 2021. 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 Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

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ZONING ORDINANCE UPDATE

The Mayor gave the floor to Mr. Tim Stephens, the Community Development Director. He noted that the Zoning Ordinance rewrite was almost complete. He said he was proposing the Planning Commission hold a public hearing on June 22nd and take any public input at that time and make any final changes before they make a recommendation to the City Council. Mr. Stephens said the City Council could then possibly have a public hearing on July 20, 2021 to make any further changes they would like before the project was completed.

OPEN SESSION (BRIEF ITEMS)

The Mayor then opened the meeting to the public for brief items.

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

COMMUNITY PROMISE

The Mayor gave the floor to Ms. Rachael Bodell who reported on the activities of the Community of Promise Committee.

Book Club- Five ladies came to the first in person meeting. They've been fully vaccinated. The book for June will be "If I Were You." The next meeting will be the annual potluck, on Jun 24th at Ruth Payne's home. The Book Club is requesting \$500 for their allotted budget this year to purchase new books, treats, and to go toward their potluck dinners.

Farmers Market- Dates are set for August 9 and September 13. A children's market is being considered for July, but this may wait to have this until next year.

CERT- Classes will be starting in September but have not received dates yet.

Summer Rec- Registration has been going great. They are almost sold out. Lots of excitement for this year in getting back to a more normal schedule.

Senior- They will be resuming in July, and their first meeting will be July 8 at the City Shops."

The next meeting will be June 10, 2021.

The Mayor did say he was sad to announce Ms. Bodell had sent him an email saying she would be resigning from her position on the Community of Promise Committee. The Mayor and Council thanked Ms. Bodell for all of her hard work and said they would miss her and the great job she had done. Ms. Bodell said she would miss serving in this capacity as she had enjoyed working with the Mayor and Council and others within the city of Woods Cross.

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

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March—796	March—801	2018—11,600
April—821	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—2995	Total-10,473	

ACTIVITY REPORT

Feb-Mar-Apr traffic citations

	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>
Total Citations	136	127	121
Total Violations	215	206	181

325 New Cases opened in April.

USE OF FORCE REVIEWS

- 4/06/21 – Evading, Vehicle Pursuit, terminated pursuit.
- 4/09/21 – Domestic Assault, Taser Point, subject complied.
- 4/11/21 – Evading, Vehicle Pursuit, terminated pursuit.
- 4/24/21 – Felony Stop, K9 Deployed, no bite.

DEPARTMENT ACTIVITY

- -N.O.V.A Graduation (Officer Burton)
- -Domestic Violence Training
- -Dispatch Appreciation Week
- -Honor Guard Training
- -New Vehicles are ready
- -WXPD Motors Training

WOODS CROSS HIGH SCHOOL

Administration Assist: 13	Medical: 2
Citizen Assist: 6	Vehicle Accident: 1
Hit and Run: 1	Lockout: 3
Assist Other PD: 3	NOVA Lessons Taught: 4
Assault: 1 (Charges referred to Juvenile Court)	

K-9 ACTIVITY

Ranger

- 4/3/21 – Assist UHP rollover, driver fled. Track led to suspect who was arrested.
- 4/9/21 – Assist DCSO on a 10-80 driver fled on foot. Suspect tracked to another stolen vehicle; stolen items found.
- 4/22/21 – Assist Layton PD in locating sexual assault evidence.
- 4/27/21 - Assist Farmington PD on 10-80 driver fled on foot. Suspect located and arrested a quarter mile away.

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Legend

4/19/21 – Open Door, Home Search. Owner oversight.
4/24/21 – Assist NSL, Vehicle Search, no indication.
4/24/21 – Traffic Stop, Felony Warrant Arrest
4/25/21 – Assist Bountiful, 10-47 vehicle sniff, no indication.

Loki

4/14 – 4/16 K9 Patrol Class
4/21 – N.O.V.A. Event Odyssey Elementary

DETECTIVE DIVISION

7 Persons Crimes / Sexual Assault / Active C.A.N.R. cases (child abuse neglect report)
28 Active Theft / Property / Fraud / Assault / Death cases for the month of June

SEX OFFENDER ENFORCEMENT

2 - Sex Offender Registries
0 – Home Compliance Checks conducted.

ORDINANCE ENFORCEMENT

3 – New cases were received and opened from the public.
2 – Cases resolved / closed successfully.
1 - Ongoing case from previous month.

US MARSHALS ACTIVITY

VFAST

During the month of April, working throughout Davis and Weber County, our North Task Force Team located and apprehended 13 violent fugitives.

South Team arrested 30+ in gang sweep in Salt Lake County.

LPR ACTIVITY

Expired Registration Citations: 9
Revoked Registration: 3
Insurance Violations: 4
Driver's License Citations: 5
Impounds: 1
Stolen Vehicles: 1
Stolen Plates: 0
Cancelled Plates: 0

CRIME SPOTLIGHT

On April 16, 2021, officers were dispatched to the T-Mobile near the Smith's store on a business alarm. When officers arrived, they discovered the glass to the business had been shattered and saw a male running through the parking lot. The male was apprehended and taken into custody. He was interviewed and told investigators he was homeless and came to Utah two days earlier via a Greyhound bus. He admitted to breaking the glass door with a rock and entered the business to steal

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items to take back to Salt Lake City to sell. The individual was arrested and charged with burglary, theft, and criminal mischief.

Council Member Checketts asked who had taken over the Detective position that had been recently vacated. Chief Soffe said they were in the process of hiring an officer and were thinking about making it a patrol position as well to possibly help with code enforcement.

The Mayor also said the Mayor of Bountiful wanted to thank the Woods Cross Officers who had helped with response to two fires in Bountiful over the past week. The Mayor said the Bountiful's Mayor was very appreciative of the help.

Council Member Checketts said the Youth Council had some signs for sale to help show support for the Woods Cross Police Department and were available for anyone who would like to purchase one. He said the information was on the city's website and Facebook page.

CONSIDERATION TO APPROVE PORTOFINO SUBDIVISION FINAL PLAT

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

“Portofino is a proposed light industrial business park to be located north of 1500 South and the Maverick truck stop and east of Redwood Road and the AAA Summit storage facility. The proposed subdivision consists of four lots having primary access from Redwood Road via 1180 South Street. However, during staff review, the fire marshal noted that the subdivision would require a secondary access. The applicants attempted to negotiate a roadway extension from their proposed plat to 1500 South through the adjacent Maverick property. However, Maverik was not interested in cooperating on this matter. The applicants have spent several months proposing different options for private street access through lot 4 to connect with the proposed public streets within the subdivision. Finally, after several months of private street proposal concepts and staff review, the applicants arrived at a private street design which will satisfy the city's requirements and those of the South Davis Metro Fire Agency. Since the road will be privately owned and maintained, it will require recordation of a private street maintenance agreement which the applicants have prepared and has been approved by the City Attorney, Todd Godfrey.

“The Planning Commission has reviewed and approved conditional use permits and site plans for Flexpak on proposed lot number 2 and Bryson Bus Sales and Service on lot number 1, contingent on the plat being approved and recorded. Lots 3 and 4 consist of the remaining property within the proposed subdivision boundaries. You will note these two lots are irregular shape. The developer prepared concept options for the Planning Commission which demonstrated that lots 3 and 4 can be reasonably developed.

“Also, there is an existing property gap description between the east boundary of the proposed subdivision and adjacent properties including those within Argyle Acres. The applicant has prepared and has reviewed by the City Attorney, boundary line agreements with the adjoining owners to resolve the description gap between the subject properties.

“It should be noted that the proposed 1650 West Street is also a planned north/south collector street in our General Plan. 1650 West Street on the proposed plat is stubbed both at its north and south boundary lines. It is envisioned that this street will, in the future, function as a north/south collector

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connection to 1500 South and eventually with 500 South Street. This is the reason the street is platted at a 66 foot right-of-way width instead of the usual local street right-of-way width of 56 feet.

“The Planning Commission has reviewed the proposed plat and the issues discussed and has recommended the Portofino Subdivision plat be approved with the condition that the boundary line agreements and street maintenance agreement be recorded with the plat.”

Following the information given by Mr. Stephens, Council Member Checketts asked if this private road was big enough to accommodate the Blue Bird school buses. Mr. Stephens said it was large enough and that it had to meet the minimum standards for the fire district so there will be no parking permitted on that street, which would also allow for the buses. He said it will only be a road to access that subdivision. He also said there is an access management plan with UDOT, and this road would be permitted through this plan.

Council Member Dayley said there had been some issues in the past with these types of private roads. Mr. Stephens said with the street maintenance agreement this road should be taken care of. Council Member Dayley asked if the no parking could be enforced. Mr. Stephens said yes, the no parking can be enforced because it is not permitted by the fire marshal. Council Member Dayley asked if Woods Cross Police can issue tickets if the no parking is violated. Mr. Stephens said he thought they would be able to assist the fire marshal with that, but he said he could look into the matter further with the City Attorney. Council Member Dayley recommended this be done to mitigate any parking issues that may come up.

There were no further questions and Council Member Dayley made a motion to approve the Portofino Subdivision Final Plat with the Planning Commission’s recommendations as well as the requirement that the maintenance agreement include “no parking” enforcement on the private road. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE SHAMROCK PHASE 7 FINAL PLAT

Mr. Stephens continued with the floor and went over the following with the City Council:

“Development Associates has submitted the final two phases of the Shamrock Village Subdivision for approval. Homes are in such demand that they have asked us to consider approval of the last two phases. Given to the Council is subdivision plats for phases 7 and 8. The Phase 8 plat also includes the final storm water detention basin that outlets under the Legacy Parkway to the wetlands of the Nature Conservancy. Furthermore, lot drainage facilities have been added to both phases as was done in phases 4 and 6. Due to the grading, there will be a private drain line and inlet boxes installed at the rear of the lots that eventually drain to the storm water system. These lines will be privately owned and maintained by the Shamrock Village Homeowners Association. It will be important that this issue be clearly defined in the final addendums to the CC& R’s for phases 7 and 8. Also, we will need to confirm that this is clearly delineated for phases 4 and 6.

“As mentioned above, a storm water detention basin will be located behind lots in the northwest corner of phase 8. This area will be accessible by a walkway connecting the subdivision to the Legacy Parkway Trail. The basin will be landscaped in addition to being owned and maintained by the HOA. At the time of this staff report, DAI is in the process of obtaining a confirmation letter from the Nature Conservancy to document, for our files, that the storm water and pipe design will be accepted in the wetlands west of the Legacy Parkway.

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“The Planning Commission has reviewed the proposed plats and associated issues and has recommended approval of phases 7 and 8 with the conditions as outlined.”

Council Member Checketts said she would like to make sure that each lot has drainage to be consistent with phases 4 and 6.

There were no further questions and Council Member Checketts made a motion to approve Shamrock Phase 7 Final Plat with the conditions as listed by the Planning Commission as well as the condition requiring that all lots have a drainage cleanout box. Council Member Dayley seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE SHAMROCK PHASE 8 FINAL PLAT

Following the above discussion, Council Member Checketts then made a motion to approve Shamrock Phase 8 Final Plat with the conditions as outlined by the Planning Commission and the addition of a condition that all lots have a drainage cleanout. Council Member Westergard seconded the motion, and all voted in favor of the motion through a roll call vote.

Council Member Dayley noted this subdivision needed to use a water truck when using the sweeper trucks to clean the streets after construction as there is a lot of dust in the area that is stirred up when sweeping the streets.

Council Member Checketts asked to have the speed of the trucks working in this area to be addressed as they seem to be traveling too fast for the residential neighborhood and near the school.

Mr. Stephens said he would make sure the developer was aware of these concerns.

CONSIDERATION TO APPROVE GARBAGE COLLECTION AGREEMENT WITH WASTE MANAGEMENT

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

“Given to the Council is the proposed Waste Management Contract. It reflects the reduction in recycling from \$4.53 to \$4.03 as agreed upon. It also has the CPI rate adjustment using the index we agreed upon.

“I have set the term of the contract for 3 years rather than the 5 as we have done in the past.”

Council Member Checketts expressed reserves about approval, saying had done some research regarding garbage service in surrounding cities and it seems the city’s regular black garbage cans cost is higher than other cities.

The City Administrator said it was important to consider that the fee Waste Management is charging is all-inclusive for the black can, incorporating the fee for garbage and recycling.

There was some discussion on the separate fees for the garbage cans, what other cities are charging their residents, and the quality and longevity of the garbage cans currently being used.

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Following the discussion, Council Member Westergard made a motion to approve the garbage collection agreement with Waste Management. Council Member Dayley seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO ADOPT RESOLUTION 2021-735 APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY FOR PROP ONE FUNDS FOR THE WEST LEGACY TRAIL UPDATE PROJECT

The City Administrator continued with the floor and noted the following for the City Council:

“Given to the Council is the Interlocal Agreement with Davis County for the funding for the West Legacy Trail upgrade project. This is Prop 1 funding that we applied for last June. The County has awarded us \$224,230 for the project which is to pave the trail west of the Legacy Parkway between the 2425 South pedestrian bridge and the 500 South Interchange.

“The total amount of the project is anticipated to be around \$320,000. The County requires a 70/30 match. Our cost, estimated to be around \$76,000, will be paid with RAP Tax funds.”

Following the information given, Council Member Westergard made a motion to adopt resolution 2021-735 approving an interlocal cooperation agreement with Davis County for Prop One Funds for the west Legacy Trail update project. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION OF ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$2,800,000 AGGREGATE PRINCIPAL AMOUNT OF SALES REVENUE BONDS, SERIES 2021 AND RELATED MATTERS

The City Administrator continued with the floor and explained the following to the City Council:

“We will need funds to pay the contractor for the construction of 1960 South Street when we begin construction in August and funds to reimburse ourselves for the property we purchased for the street in March. Typically to pay the costs for an Assessment Area we would issue a Special Assessment Bond, however with the filing of the lawsuit by the Alumatek lot owners we would not be able to issue that bond until the lawsuit is resolved. Since it may take some time to resolve the lawsuit, we have discussed it with the Bond Counsel, and it was recommended we issue a sales tax bond to cover the expenses of the project. This bond will then be paid through the collection of the property assessments.

“The advantages of the sales tax bond are the litigation will not stop us from issuing them, the interest cost will be less, and we will not need to set up the \$209,000 bond reserve fund.

“The disadvantages of using the sales tax bond are that we are using up some of our capacity for future uses and there may be a concern that we are using this capacity of this project which benefits private property owners. In addressing these concerns, we will still have ample capacity which is well above the amount needed for a public safety building and building out fiber if we chose to go that route. Mr. Burningham will have some numbers for the meeting. Since we are one of the major property owners assessed for the project, I believe there is a good justification for using a sales tax bond for constructing this street.

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“The parameters of the bond are:

- a. No more than \$2,800,000
- b. Maturity no more than 22 years
- c. Interest rate not greater than 5% per annum

“By issuing this bond we will be able to move forward with the project as we work to resolve the legal issue with the Alumatek owners.”

Mr. Jason Burningham joined the meeting go over the details regarding the issuance of the bonds that were being proposed and offered to answer questions.

Following the information given by Mr. Burningham, the Mayor thanked Mr. Burningham for his help and hard work on this project.

Council Member Checketts then made a motion to adopt resolution 7021-736 authorizing the issuance and sale of not more than \$2,800,000 aggregate principal amount of sales revenue bonds, series 2021 and related matters. Council Member Westergard seconded the motion, and all voted in favor of the motion through a roll call vote.

UPDATE ON 800 WEST 1500 SOUTH TRAFFIC LIGHT PROJECT

The City Administrator continued with the floor and noted the following for the City Council:

“We are moving forward with the 1500 South 800 West Traffic Light. We are required under Federal Funding to show in the minutes that the governing body has been updated regarding the project.

“The status of the project is as follows:

- UDOT has released the project to the ePM Electronic Project Management System so that work can be performed on the UDOT side.
- We have requested that Wasatch Front Regional Council move the project up on the priority list.
- JUB is in the final stages of the Environmental Work.
- A traffic count has been scheduled to allow school traffic to be included in the Warrant Study that will be completed this fall.
- UDOT has discussed with the City and JUB the engineering contract to be let to JUB.

Next Steps:

- Completion of the Environmental Report. Concurrence letters have been signed and CatX to be submitted in the next few weeks to UDOT.
- Obtain authorization from UDOT to fully proceed with the project design.
- Construction anticipated to begin in the summer of 2022.

Council Member Checketts suggested this money might be put towards widening Redwood Road from 2600 South and 500 South instead. The Council said they did not think the traffic impact was as great as was originally thought. The City Administrator said the city is already committed to the traffic light and the project must move forward. He said he would get a preliminary plan to the Council for review when he receives it from JUB.

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REVIEW OF STRATEGIC PLANNING SESSION GOALS

The City Administrator continued with the floor and noted the following:

“Given to the Council are the strategic planning goals that were formulated during our strategic planning session. I would like to review it and come up with a detailed implementation plan.

“I have the following as priorities from our discussion during the budget work session:

- Update Impact Fees
- Implement a Disproportionate Service Fee
- Annexation of the Smith Property
- Realignment of Job Duties—Full time public works administrative assistant and help for Community Development
- Security Cameras for City Hall and the Public Works Facility

“Let me know if there are other priorities you would like to focus on as well.”

OPEN SESSION

Council Member Checketts expressed the following concerns: The I-15 bridge on 1500 South had graffiti painted on the sound wall. She also said there was a tree/bush near the Bamberger Bridge that is growing into the street. She also said she received an email from a resident who had receive a letter from their HOA. She said some of the HOAs in the city are sending out notices to residents warning them of violations because their grass is not green enough, this despite the state being in a drought situation. She said she felt like the HOA needed to be notified that the city is following the Governor’s executive order and would encourage all city residents to do the same. Council Member Checketts said she encouraged the resident to send a letter to the management company to let them know his grass might not be as green this year because of the water restrictions that have been put into place because of the state’s drought situation.

The City Administrator said he would like to talk to the resident so he could address the issue with the HOA and make them aware of the state guidelines regarding the current drought situation.

The City Administrator said he would also like to address the graffiti issue that was brought up earlier. He said last time there was a graffiti problem in this same area it was a major issue. He said he had contacted UDOT, and they said it was the city’s problem. He noted UDOT had told him at that time that if the street with the graffiti above it goes right under the freeway it is the city’s problem. The City Administrator said the graffiti Council Member Checketts reported on the sound wall would be UDOT’s responsibility and he would get in contact with them to take care of it.

Council Member Checketts also said the Union Pacific railroad tracks on 1500 South need attention again. The City Administrator said the Public Works Director working with Union Pacific on this.

Council Member Checketts also noted there will be a special vendor fee at a reduced rate for children if they have a booth at the Farmer’s Market. The City Administrator said he would look at changing the consolidated fee schedule to reflect a reduced fee for children who would like to rent a booth for the Farmer’s Market.

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SAFETY REPORT

The Mayor gave the floor to the Assistant City Administrator who gave the safety report. She said there were no incidents for the month of April and the Chief's team had won the safety competition for the past quarter.

WASATCH INTEGRATED WASTE DISTRICT REPORT

The Mayor said Council Member Larrabee was out of town so there would be no report.

MOSQUITO ABATEMENT REPORT

The Mayor said Council Member Terry was out of town so there would be no report.

SOUTH DAVIS RECREATION CENTER REPORT

The Mayor noted the recreation center had taken quite a hit from last year because of COVID. He said revenue was down almost \$900,000 and memberships were also down. He said they had also talked about mask requirements and determined that staff at the recreation center are vaccinated, they would not have to wear masks; patrons are encouraged to wear masks when not working out.

SOUTH DAVIS METRO FIRE DISTRICT REPORT

The Mayor reported on the activities of the South Davis Metro Fire District, noting that the Davis County Sheriff's Office is getting out of the paramedic business in the next two years.

Also, there were two fires in Bountiful over the weekend that resulted in one death of a homeowner and injury of several fire fighters, who were recovering at home.

He also said the new fire truck for the North Salt Lake Fire station was delivered.

MAYOR'S REPORT

The Mayor did say that as far as COVID goes, people can still get COVID even if they have been vaccinated. He said there are still some businesses who are requiring masks. It was also noted the CDC had lifted the mask mandate so there may be fewer places requiring masks.

CITY ADMINISTRATOR'S REPORT

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

- 1. Fiber.** "We will be discussing in more detail the private fiber proposal the next couple of weeks. Our plan is to have something to you to review at the next meeting."
- 2. Action Item Report**

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The City Administrator also said there would be a change with the health insurance plan for city employees and they would be having opportunities for the employees to ask questions and get more detailed information in the next few weeks.

ADJOURNMENT

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the City Council meeting at 8:48 P.M. with Council Member Checketts seconding the motion and all vote in favor of through a roll call vote.

Ryan Westergard, Mayor Pro Tem

Annette Hanson, City Recorder