

**WOODS CROSS CITY COUNCIL MEETING
AUGUST 3, 2021**

The minutes of the Woods Cross City Council meeting held in the Woods Cross Public Works building located at 2287 South 1200 West, Woods Cross, Utah.

CONDUCTING:

Rick Earnshaw

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor

Julie Checketts-joined remotely

Tamra Dayley

Wally Larrabee

Matt Terry

Ryan Westergard

STAFF PRESENT:

Gary Uresk, City Administrator

Sam Christiansen, Public Works Director

Tim Stephens, Community Development Director

LaCee Bartholomew, Community Service Coordinator

Annette Hanson, City Recorder

Chad Soffe, Police Chief

Jessica Sims, Assistant City Administrator

PUBLIC ATTENDANCE:

LeGrande Blackley

Don Schrader

Gary Sharp

Casey Call

Alan Spilker

Lanese Hendrickson

Lolo Tenifa

Marly Ferrin

Ken Stuart

INVOCATION:

Tamra Dayley

PLEDGE OF ALLEGIANCE:

Wally Larrabee

APPROVAL OF MINUTES

The Mayor called for the review of the minutes for the City Council meeting held July 10, 2021.

Following the review of the minutes by the City Council, Council Member Larrabee made a motion to approve the minutes as written with Council Member Terry 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 7/17/21-7/30/21.

Council Member Terry made a motion to approve the cash disbursements as presented with Council Member Larrabee seconding the motion and all voted in favor of the motion through a roll call vote.

OPEN SESSION (BRIEF ITEMS)

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

YOUTH CITY COUNCIL REPORT

The Mayor gave the floor to the Youth City Mayor, Rachel Dart. She reported the Youth Council helped with the Meet the Candidate night and will help with the Night Out Against Crime and will also be helping with the Day of Service in September. The Mayor thanked Mayor Dart for all of her hard work as the Youth City Council Mayor.

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PUBLIC WORKS REPORT

The Mayor gave the floor to the Public Works Director, Mr. Sam Christiansen who reported:

WATER/STORM WATER

- After hours callouts July—10
- Water Leaks repaired July—3
- Blue Stakes tickets June—131
- Storm Water Inspections/Plan reviews June—18
- Street Light Base installed at 1500 S and 1450 W
- Routine Flow Test at treatment plant

STREETS

- 1500 S Railroad Crossing
- Striping and Crosswalk painting August 16-20
- Street Sweeping August 2-6

PARKS

- Prepare for Day of Service on September 11th
- Sanitizing boweries and bathrooms
- Mills Park Merry Go Round ordered
- Hogan Park bathroom repair
- Restroom Damage at Mills (partitions ordered in June, installation in 2 weeks)
- All City properties watering to follow Weber Basin Restrictions
 - 2 times a week
 - 20 minutes popup sprays and 40 minutes rotors each time
 - Moisture management product application on sport fields

PUBLIC WORKS ADMINISTRATIVE

In the Works

- Development Review Committee
- Elements work orders and Asset set up
- ARPA Funding Project planning
- Davis County Pre-Disaster Mitigation Plan
- Fleet Replacement Program Update
- Prep for Google Fiber Installation
- Davis County 3rd quarter Grants Application for 1100 W roadway from north city boundary to 1200 S

PROJECTS

- 1100 w 3RD quarter funded road widening from 1733 S to 1750 S
- Parking and Pickleball options at Mills Park
- Flashing Crossing Signs at Odyssey—Ordered six weeks out
- Hogan Park remodel—in design

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- Mills Park Trail Overlay and 1500 S Trail Crossing Project starts August 9th
- Streets/Water projects—Overlays on Sorrento, 1500 S, 750 S, and 850 S—Pre-Construction meeting scheduled—Concrete added to project
- 800 W rebuild/overlay—Weber Basin Line—Culinary water lateral line change overs

The Public Works Director noted that Woods Cross City’s water system held up well under the major storm that had come through over the weekend. He said there was a lot of water that came down quickly and the system did well handling it all.

There was also some discussion on replacing rock in some of the park strips of church parking lots in the city. The Public Works Director said they are waiting on permission from the church to be able to do that and they are waiting on the approval of the color of the rock.

APPEAL OF DECISION TO DENY ISSUING A BUILDING PERMIT PURSUANT TO SECTION 11-01-080 OF THE WOODS CROSS CITY CODE

The Mayor gave the floor to the Community Development Director who noted:

“Tom Stuart Construction and others have had the Portofino Subdivision recorded recently. In addition, they have two building permits ready to issue for FlexPak and Bryson Bus Sales for construction within the subdivision.

“Our subdivision ordinance presently requires, at a minimum, that subdivision improvements be installed to satisfy fire suppression and access (minimum of street road base) prior to the issuance of a building permit. Presently, Tom Stuart Construction has not initiated construction of the subdivision improvements, however, the property in question is adjacent to the end of 1180 South Street. The South Davis Metro Fire Marshal, Casey Vorwaller, has given fire district approval and recommendation that the contractor could begin construction on buildings within the subdivision for the installation of footings, foundation, and horizontal concrete work only. Any vertical construction requires that the minimum improvements noted above be installed. Tom Stuart Construction has requested that permits for FlexPak and Bryson Bus Sales be issued. However, the land use ordinance states that permits shall not be issued until fire suppression and street road base are installed within the subdivision.

“Based on the fire marshal’s recommendation and approval, the staff does not have an issue with issuing these permits on the condition that the contractor can only proceed to complete the flatwork without any vertical construction until said minimum improvements are installed. However, the ordinance does not give the staff the authority to issue said permits in this circumstance. We have denied the contractor’s request to issue the permits. The subdivision ordinance does permit those decisions of the engineer, city planner, or planning commission may be appealed to the City Council and a waiver to the requirements considered.

“Based on the fire marshal’s approval and recommendation, the staff would recommend that the City Council grant a waiver to Portifino (Tom Stuart Construction) and instruct the staff to issue the above mentioned building permits with the condition that the contractor can only proceed to complete flat work until such time as the required improvements are installed.”

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Tom Stuart Construction is formally requesting a variance or appeal as allowed in sections 11-01-120 or 11-01-130 of Woods Cross City code. The compliance section (11-01-080) specifically references a “building permit.” A building permit denotes the entire permit—footings, foundation, walls, structural steel, roofing and is tied to occupancy. With this in mind, Tom Stuart is asking for one of the following:

- “Woods Cross City issue a footing and foundation permit. This is not a building permit as it does not allow occupancy. This would allow us to form and pour the footings while we simultaneously work on the water and surface requirements called for in 11-01-080 to obtain a building permit. This would allow the City Building Official to inspect the footings before they are poured. Under this scenario, we would be able to keep our schedule, commitments, and obligations to our proposed tenants.

OR;

- “Allow TSC to continue to move forward with our site development permit and pour the footings and foundation with an inspection by a third-party special inspector approved by Woods Cross City. Special Inspectors are allowed under a variety of circumstances—the City does not have the expertise, the City does not have the manpower, the City does not want to incur the expense, etc. We have completed entire projects using special inspections. Likewise, this would allow us to form and pour the footings while we simultaneously work on the water and surface requirements called for in 11-01-080 to obtain a building permit. The special inspection reports could be provided to the City Inspector for review at the time the permit issued. We would be able to meet our commitments and obligations to our proposed tenants.

OR;

- “Allow the Building Permit to be issued as a variance under section 11-01-120. This is the preference.”

Following the information, Council Member Westergard made a motion to grant a waiver to allow for the issuance of a building permit pursuant to section 11-01-080 of the Woods Cross City Code with the condition that Flexpak and Bryson Bus pour the footings and foundation flatwork for their projects with no vertical construction until minimal improvements are installed per the city ordinance and fire marshal. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

**PRESENTATION ON THE ADVANCED BIOLOGICAL NUTRIENT RECOVERY PROCESS
BY THE SOUTH DAVIS SEWER DISTRICT**

The Mayor introduced Ms. Lanese Hendrickson who is an engineer for the South Davis Sewer District, who was present to give a presentation on the Advanced Biological Nutrient Recovery (ABNR) Project. She noted the American Rescue Plan Act (ARPA) was recently put into law providing state and local funding for projects in areas to support public health expenditures, address negative economic impacts related to the pandemic, replace lost public sector revenue, provide premium pay for essential workers, and invest in water, sewer, and broadband infrastructure. A matching grant program is also available this year. This grant program is helping with the nutrient recovery project. She said counties and municipalities can direct funds to the district to help additional funding for this project.

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She explained the nutrient recovery process and resultant benefits, such as the reuse of water and for the sale of algae to help offset costs for the district. She explained costs as well as the investment benefits that will benefit the district and the residents. She said the district has invested a great deal of time and energy in the project over the past 5 Years. She said they are seeking ARPA funds and applying for grant money as well. While the amount they are requesting from Woods Cross City is \$42,000, any will benefit this project, particularly considering the matching grant on the table.

Council Member Larrabee asked if there were other entities having success with this project. Ms. Hendrickson said in Wisconsin there are two similar projects, and they are monitoring them closely, but they seem to be successful.

Council Member Terry asked if the district is now confident in the North Plant because of the previous problems with trying to get this project up at the South Plant. Ms. Hendrickson said yes, the North Plant has had testing done and the algae project is working. She said the South Plant had an unidentifiable toxin in its system that would not allow this process to work for now, but the North Plant does not have the same problem and is functioning well.

Council Member Larrabee asked how much this project is dependent on the algae sales. Ms. Hendrickson said they did not have all the answers on that right not, but the algae market continues to grow. She said they would look at this over the process of time.

The Mayor expressed the importance of water coming back to the community in reuse. Ms. Hendrickson said the district has put some infrastructure in for reuse of some of the water

Council Member Terry asked about the hardness and PH level of the reused water. Ms. Hendrickson said they have certain levels that they are required to maintain within the discharged water. Additional treatment plans are in force to contain and maintain levels if needed. The City Council asked Ms. Hendrickson to go back and get more information for them regarding the hardness of the water and what the PH of the water might be. She said she would do so and get that information back to the City Administrator.

Council Member Westergard said the algae market is very strong right now and they are touching the tip of the iceberg with the algae market and its possibilities. Council Member Dayley said she would like to review costs associated with this project. Council Member Westergard said the algae project would not be shut down if the algae market slows, but costs may be passed along to residents. Ms. Hendrickson said there are requirements for the use of nutrients for the sewer district and this process is beneficial because there is a way to recoup some of the costs with the sale of the algae.

The City Administrator suggested putting an item on a future agenda to discuss the ARPA funds and the best way to utilize them. The Public Works Director said he is putting together a list of allowable uses. The City Administrator said he would try to get this list out to the Council for their review by the end of the week if possible.

There were no further questions and the Mayor thanked Ms. Hendrickson for her presentation.

SHAMROCK VILLAGE PHASES 3 & 4 BOND RELEASE

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

“On December 1, 2020, the City Council postponed the final acceptance of phases 3 and 4 due to the slurry seal raveling. DAI developers have repaired the slurry seal in Phases 3 & 4 as of July 29, 2021.

“The amount of bond money that is still to be retained is:

Shamrock Village Phase 3		
Slurry Seal 7,600 SY @\$1.50	\$11,400	
Shamrock Village Phase 4		
Slurry Seal 7,600 SY @ \$1.50	\$11,400	

“We recommend that the Council release the remaining bond amounts and authorize the final acceptance of Shamrock Village Estates Phases 3 and 4.

Following the information given, Council Member Westergard made a motion to release the remaining bond amounts and authorize the final acceptance of Shamrock Village Estates Phases 3 and 4. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO ADOPT RESOLUTION 2021-741 APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY FOR 3RD QUARTER FUNDING FOR THE 1100 WEST WIDENING PROJECT

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

“We applied for Davis County 3rd Quarter Funding for the widening of 1100 West between 1750 South and 2150 South. This application included the railroad crossing on 1100 West. After making the application we had more detailed meetings with the railroad, and they required as part of the project that we install new crossing arms and replace the panels in 1100 West. These requirements came to about \$1.5 million dollars which was well beyond what we had budgeted for the project. We have notified the County that we are reducing the project to terminate at 1970 South and does not include the railroad crossing. Given to the Council is the contract with the revised scope. The total cost of the project is \$339,191 of which \$271,353 will be paid through the 3rd quarter funding.”

Council Member Dayley asked if it would be extended on both sides. The Public Works Director said it would just be on the east side of the road in the city’s right-of-way. He also said he is working with two property owners that this may impact.

Following the information given, Council Member Larrabee made a motion to adopt resolution 2021-741 approving an Interlocal Cooperation Agreement with Davis County for 3rd Quarter Funding for the 1100 West widening project. Council Member Westergard seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO ADOPT RESOLUTION 2021-742 APPROVING A SUBRECIPIENT AGREEMENT WITH DAVIS COUNTY FOR THE CONDUCT OF A COMMUNITY DEVELOPMENT PROJECT

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

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“We applied for and received funding from Davis County through the CDBG program to pier one home this year. They have granted us \$85,000 for this year. The home selected to be assisted with this funding is the home of Karen Kriegbaum located at 912 West 1935 South. Karen’s home is one of the few that were identified outside of the Farm Meadows Subdivision and included in the redevelopment area. We are in the process of bidding out the project.”

Following the information given, Council Member Westergard made a motion to adopt resolution 2021-742 approving a subrecipient agreement with Davis County for the conduct of a Community Development Project. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPOINT HEARING OFFICERS TO HEAR EMPLOYEE APPEALS PER SECTION 3-09-080(a)

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

“A City employee has appealed his termination. Our personnel regulations and City Code required an appeal to be heard by a hearing officer. Currently we do not have an appointed hearing officer. Our code requires the hearing officer to be appointed by the Mayor, with the advice and consent of the City Council. The code allows the Mayor to appoint more than one hearing officer to ensure that we can handle the appeal timely since with one officer we may have a timing issue. We will have at least two hearing officers that have had experience in hearing employee appeals to submit for approval at the meeting.”

The City Administrator said he had reached out to the city’s attorney for recommendations for a hearing officer and he had recommended Mr. Richard Catton who has worked in the West Valley city attorney’s offices and is well respected. The City Administrator said there could be some other candidates that may be possible for consideration as well if the Council would like.

Council Member Terry said he felt like this would be a good choice and the city could try him on this case and see how it goes and if they choose to go a different direction in the future, they can also have the option to do that.

Council Member Terry then made a motion to appoint Mr. Richard Catton as hearing officer to hear employee appeals. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

UPDATE ON HOGAN PARK REDESIGN PROJECT

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

“Given to the Council is an exhibit providing financing scenarios for funding the Hogan Park Redesign.

“As was discussed in the July 6th meeting, we can put the improvements in piecemeal as we go or finance the entire project with a bond and get it done in one major project. Because this type of project can be very disruptive to those utilizing the park, staff recommends we bond for the project and get it completed as quickly as possible, providing minimal disruption to those using the park.

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“I have contacted Jason Burningham and discussed financing the \$3.8 million dollars for the project. He recommended we utilize an excise tax bond, which would keep our sales tax bonding capacity in place for future projects in the city. An excise tax bond would utilize our energy use and telecommunication taxes to provide the bonding capacity. We would utilize our RAP tax revenues to pay off the bonds, be we cannot use RAP tax revenues to secure the bond since they need to be reauthorized every 10 years through a public vote. We last authorized the RAP Tax in December 2015, so we only have 4 years until it needs to be reauthorized.

Exhibit 1 presents three scenarios:

1. Bonding for the entire \$3.8 Million Dollars
2. Utilizing \$500,000 of the RAP Tax Fund Balance (After Mills Park Project)
3. Utilizing \$1.3 Million Dollars of ARPA Funds and the \$500,00 Fund Balance

“I have shown the annual repayment amount of a 10-year and 20-year bond. My analysis shows that a 10-year bond for the two larger bond issues either exceeds or is close to the RAP Tax collections and I would not recommend them. All the 20-year bonds and the 10-year bond for the \$2 Million Dollar issue would be workable.

“I have also shown that the RAP Tax will need to be reauthorized in December 2025 for the 10-year bond and again in December 2035 for the 20-year bond.”

RAP TAX Annual Revenue	\$380,000		
Hogan Park Redesign Cost	\$3,800,000		
RAP Tax Fund Balance (5/1/22)	\$1,500,00		
Mills Park (Parking & Pickleball)	\$1,000,000		
ARPA Funds	\$1,300,00		
Scenario	Bonded Amount	10 yr	20yr
Without ARPA Funds	\$3,800,00	\$425,000	\$240,000
With Fund Balance Only	\$3,300,00	\$370,000	\$205,000
With ARPA Funds & Fund Balance	\$2,000,000	\$225,000	\$125,00
RAP TAX Reauthorization	1-Dec-15	10 year	
	1-Dec-25	10 year	4 years
	1-Dec-35	10 Year	14 years

The Public Works Director said they are still working on the design of the park and when they get to a 30% design, he will bring something back to the City Council for their review.

Council Member Larrabee said with the fluidity of the ARPA Funds that the Council may look at it again in the next weeks to see what the parameters are for utilizing that money at that point.

There was some discussion on the widening of Redwood Road as well as discussion on working on connecting to the city’s trail system. These were suggested options that may be considered also for some of the ARPA funds that would be available to the city.

Council Member Checketts said she felt like redoing Hogan Park would be very beneficial to the community since many of the community events are held here and it should continue to be a priority.

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OPEN SESSION

The Mayor opened the meeting to items from those present to bring before the City Council.

There were no items from the public present and the Mayor gave the floor to Council Member Larrabee who asked if he could be excused from the next City Council meeting.

Council Member Checketts said she had an elderly resident reach out to her and ask about a federal government grant program. Council Member Checketts asked if anyone knew what that was. The City Administrator said there is a lot of federal money that is available, but he did not know specifically which one she was referring to. Council Member Checketts said she would try and get some more further detailed information. The Mayor also said he would call and speak to the resident.

SOUTH DAVIS SEWER DISTRICT REPORT

The Mayor gave the floor to Council Member Westergard who reported on the activities of the South Davis Sewer District. He said there were meetings held and things are going well. He said they were updated on projects that the district is doing. He said they have had to replace a chemical that was no longer being made but it does not work as well but is cheaper. He said the odor control system is working well so there are fewer complaints about smells. He also said they have a better way of getting rid of bio solids. He said they have a new process to remove plastic residue from them so there are farmer's that are taking that waste now saving the district money because they do not have to truck the bio solids to the north.

PLANNING COMMISSION REPORT

The Mayor gave the floor to Council Member Terry who reported on the activities of the Planning Commission meeting held July 27, 2021. Please see the minutes of that meeting for the details.

MAYOR'S REPORT

The Mayor gave the floor to Community Service Coordinator, Ms. LaCee Bartholomew to report on the plans for Night Out Against Crime. She noted there would be a movie, a band, three food trucks, bounce houses, ice cream and they are planning food for about 500 people. She also said there would be a vaccination clinic available for residents. She said there would be a clown making balloon animals and a painting activity for kids. She said there would also be a K-9 Demo. She noted there would be community responders at the activity as well.

The Mayor thanked Ms. Bartholomew and those who had worked with her on this event, for all of their hard work. He said there had been a lot of work and time put into this activity and he was hoping there would be a good turn out especially since this was the first major activity for the city since COVID.

CITY ADMINISTRATOR'S REPORT

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

He noted a developer had purchased the Smith property and the developer said he has ties with the Kingston family, so they were hoping to see some movement in this part of the community.

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Action Item Report:

Date	Item	Assigned to	Status
1-Sept-20	Follow up on Veterans Park Donation	Jessica	Completed
1-Sept-20	Welcome packet include emergency info	Gary	Working w Sam & Cindee
6-Oct-20	Review Street Lights in Argyle Acres	Sam	Scheduled with RMP
19-Jan-21	Have attorney provide legal remedies for drug houses	Gary	Will continue to review
12-Mar-21	Work with UDOT to widen Redwood Road	Gary	Sam working with UDOT
6-July-21	Evaluate Construction of garage at 1559 S 580 W	Tim	Inspector will Red Tag
6-July-21	Review Zoning Ordinance requirements for Home Occp.	Tim	Will continue to review
12-July-21	Contact Garbage Hauler about early pickup at church	Dan	Hauler agreed to comply
20-July-21	Have abandoned car at Mills Park removed	Dan	Will be removed this week

The Assistant City Administrator noted she would like direction about speaking with Shon Feller about new city logo. It was noted he would be invited to the next City Council meeting to discuss it with the City Council.

ADJOURNMENT

There being no further business before the City Council, Council Member Larrabee made a motion to adjourn the meeting at 8:10 P.M. Council Member Terry 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 8/17/21