

WOODS CROSS CITY COUNCIL MEETING
DECEMBER 19, 2023

The minutes of the Woods Cross City Council meeting held December 19, 2023, in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

COUNCIL MEMBERS PRESENT:

Ryan Westergard, Mayor	Wally Larrabee
Julie Checketts	Gary Sharp
Jessica Kelemen	Matt Terry

STAFF PRESENT:

Bryce Haderlie, City Administrator	Annette Hanson
Jessica Sims, Assistant City Administrator	Johnny Filler, Public Works
Sam Christiansen, Public Works Director	Mark Bell, City Attorney

STAFF EXCUSED:

Scott Buchanan, Chief of Police

PUBLIC ATTENDANCE:

LeGrande Blackley
Chase Freebarin
Don Schrader

INVOCATION:

Gary Sharp
Wally Larrabee

CONSIDERATION TO APPROVE MINUTES

The Mayor called for the review of the minutes for the work sessions held 11/20/23 and 12/13/23.

Following the review of the minutes by the City Council, Council Member Terry made a motion 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.

RATIFY CASH DISBURSEMENTS

The Mayor then called to ratify the cash disbursements for the time period of 12/05/23-12/14/23.

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

PUBLIC COMMENT

The Mayor then opened the meeting for public comments, there were no public comments, and the Mayor closed the public comment period.

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**CONSIDERATION TO ADOPT ORDINANCE 610 AMENDING TEXT TO TITLE 12, CHAPTER 8,
ENTITLED SFRT SINGLE FAMILY TRANSITION ZONE**

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

"Approximately a month and a half ago, the City Council reviewed a recommendation from the Planning Commission regarding a request by CW Urban to amend the SFRT Zone. These amendments principally dealt with lot size, lot width, and yard setback. The City Council chose to remand the proposed amendment to the Planning Commission asking them to further consider the side corner yard setback for patio homes. During the City Council discussion, it was determined that the side corner setback should be somewhere between 12 and 15 feet.

"The Planning Commission and staff have conducted several meetings to examine and consider the amendments to the zone. Specifically, the Commission has recommended as a minimum, a 12-foot side yard corner setback. As you know, in the SFRT chapter, the setbacks can be decreased under certain findings. Specifically, the side corner setback is 20 feet; however, the Planning Commission has recommended that the minimum amount that can be considered for adjustment be 12 feet.

"Given to the Council are two documents. The first document is the proposed adoption ordinance which includes an exhibit which is the final, clean copy of the proposed chapter including the revised figures. The second is a pdf redline dated 12/13/23. This document contains Planning Commission and staff working redlines. It should be noted that the figures found in the redline documents are the existing and not updated proposed figures found in the adoption ordinance exhibit.

"The Planning Commission has recommended the clean copy found in the adoption ordinance for your consideration.

"As a reminder, this amendment was initiated as an ordinance amendment application by CW Urban Company with a desire to build a patio home project previously shown in concept to the City Council and Planning Commission. By law, anyone can request consideration of an amendment to either our zoning ordinance text or the zoning map. The process involves a review and recommendation from the Planning Commission to the City Council. The City Council, as a legislative act, can approve the recommendation, approve with additional modifications, or deny the request.

"Land use decisions fall into one of two categories, one being administrative and the other legislative. Administrative land use decisions, should an applicant comply with the requirements of the regulations, be granted approval by the decision-making body. An example of an administrative land use decision would be the review of a conditional use permit application. Under the law, it is expected in most every case that if an applicant demonstrates they meet the requirements of the ordinance, a conditional use be granted. On the other hand, legislative land use decisions allow the decision-making body broad discretion in whether to approve or deny. Examples of legislative land use decisions would be annexations, rezones, general plan adoptions including ordinance adoption and ordinance text amendments."

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Following the information given by the Community Development Director, Council Member Sharp asked if the square footage amendment being considered was 4000 square or the 4500 square feet that the Planning Commission had agreed upon. Mr. Stephens said the minimum considered could be 4500 square feet. The City Attorney noted that if there was an 8-foot distance between homes it yielded 4420 minimum square foot lots so 4500 square feet was agreed upon. The Mayor noted the Planning Commission was comfortable with 4000 square feet but CW Urban's concept plan showed the 4500 square feet.

Council Member Checketts asked where the right-of-way on 1100 West cut through. The Public Works Director said it was the back of sidewalk. Council Member Checketts said she was concerned that 1100 West could become a more widely used road in the future with more growth coming to the area. There was discussion on what the easement was on 1100 West, and it was noted there is a pipeline easement in the area that was also a consideration. Council Member Checketts said she was wondering if there is an exception for easements when it is by a major roadway which may also be impacted in the future. She said she wondered if there needed to be language added to the amendment that said, "with the exception of major roadways the setback can be adjusted by the Planning Commission." The Public Works Director noted that anything on or along a UDOT right-of-way would need to be approved by UDOT. He said 1100 West is currently a minor collector road, but even if it got to be classified as a collector road, there is a correct right-of-way for the traffic load. Council Member Checketts said she felt like it needed to be looked at now in case this road would carry more of a traffic load because of possible growth in the community. The Public Works Director said they could look at the development code and review what might be added in case of more future growth.

Mr. Stephens said that they could add something that said, "any roads that are designated as collector streets in the general plan, there would not be a reduction considered in the side corner setback". Council Member Checketts said she would like to add that in case of any future issues with traffic on a main road. Mr. Stephens said it could be added that the 20-foot setback would need to be followed.

The City Attorney asked if this was the only area that is zoned with the SFRT zone, and it was noted it was for now, but things could be changed in the future if there is property annexed into the city or areas of the city are rezoned in the city.

There was a discussion about detached two car garages and how they would be considered as an accessory building and how this was like building a shed which had certain criteria required for those types of buildings.

Mr. Chase Freebarin addressed the Council and said the type of language the Council had been discussing exists in almost every city and that should be considered. He said he did not feel like there needed to be clarification if that language is already in city code. Mr. Stephens pulled up the code and read it and it was determined that future conditions may need to be considered for a collector road if the road were ever to be widened. Council Member Checketts said she would still like to add the 20-foot setback requirement to the code if they are adjacent to a major road.

The City Administrator said when a hard number like that is added, there is usually a traffic study or other requirements that are reviewed to help make the case of why the changes would be necessary.

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There was some discussion that this type of decision should be based on science and on a case-by-case basis and the general plan can be looked at so those types of decisions can be made. Mr. Freebarin said there are too many scenarios that can be taken into consideration for future development so a hard number may not be the best approach.

Council Member Sharp said his recommendation was to move forward with this item since it had been looked at for the past six months and then look at this other matter that is being discussed at a later time.

Mr. Freebarin said he had come to the city in good faith and wanted to build a successful project that is safe and that is a good project. He said there was a profit motive for building a project but that is nothing to be ashamed of because it is how the economy works. He said that they felt like they were coming to the Council with a reasonable request and had done all their studies through engineering and everything else that had been asked of them and were now hoping to be able to move forward with their project. He said after six months of working on complying with what had been asked of them for this project, they hoped to move forward. He said they respected the City Council's opinion and the process which they went through and wants Woods Cross code to be successful for future projects as well.

Council Member Terry said he did not personally like that the pickleball court had been taken away from the current plan, but he did not object to the changes being proposed to the code. It was noted that the public space had been taken away but had been added to the backyards of the project for personal space.

There were no further questions and Council Member Sharp made a motion to adopt ordinance 610 amending text to Title 12 chapter 8 entitled SFRT Single Family Transition Zone. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

**CONSIDERATION TO ADOPT RESOLUTION 2023-835 ENTERING INTO AN INTERLOCAL
COOPERATION TRANSPORTATION AGREEMENT 3RD QTR PROJECT REIMBURSEMENT—1100
WEST ROADWAY RECONSTRUCTION 2100 S TO 2600 S PROJECT**

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

"Davis County has announced the acceptance of the City's application for Davis County 3rd Quarter Funding (Prop 1) for the 1100 West Roadway Reconstruction: 2100 S to 2600 S Project in the amount of \$1,400,000. This is in addition to the \$2,000,000 awarded by Wasatch Front Regional Council (WFRC) using Surface Transportation Program (STP) Federal Funding.

"With JUB's Opinion of Probable Costs, including potential inflationary project is \$3,800,000. The total Funding Cost Sharing for the project is:

- WFRC STP funding: \$2,000,000
- Prop 1: \$1,400,000
- City Road Bond Budgeted \$736,132
- Total: \$4,136,132

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"We anticipate we will not to dip into the Road B&C funds with an existing buffer in the budget. Once bid out, we will have actual costs to share with the Council.

"The project is currently in design phase and staff is working on the environmental report and stakeholder stage. Staff is working to have this project bid out and construction started in 2024, when plans are approved by UDOT."

The City Administrator noted that as they go through the projects that are being closed out currently on 1100 West, the city may need to use some of the B&C money because of the way the bidding process works and not knowing exactly what the amounts for the bids would be, so he did not want to have there be any surprises as the 1100 W projects being done are finished up.

There were no further questions and Council Member Terry made a motion to adopt resolution 2023-835, a resolution entering into an Interlocal Cooperation Transportation Agreement 3rd Quarter project reimbursements for the 1100 West roadway reconstruction 2100 S to 2600 S Project. Council Member Kelemen seconded the motion, and all voted for the motion through a roll call vote.

QUESTIONS/DIRECTION TO CITY ADMINISTRATOR OR STAFF

There were no questions or directions for the City Administration or staff.

The City Administrator asked what direction the City Council wanted to go with the garbage hauler if there were to be increases in costs from them to the city. He said he could move forward with an RFP or go forward with renewing the contract with the current hauler for three more years. The Public Works Director noted the city could consider owning the recycling cans after three years and there could be an agreement to own the cans, so if they decide to change garbage haulers there would not need to be a huge switch of the cans. He said there is a little more flexibility when owning cans. The Council discussed the pros and cons of owning the recycling cans.

The City Administrator did say there would need to be an increase in fees for garbage because the dumpster program had eaten into some of the garbage fund. He said he is aware there are some issues with the service from the current hauler so he would like to have the Council give directions to where they would like to go from here.

Council Member Terry said he would like to stay with the company they have now and try to get them to improve the service and costs as best as possible. He said he did not know if it would be a good idea to buy the cans right now because they may not be in very good shape in three years.

There was discussion on what the life of a garbage can is and the benefits or problems there are with the garbage cans. It was noted that the life of a can is about 7-10 years. There was discussion on how much a garbage can costs and what the quality of the cans are right now. There was also discussion on problems may be with the with the current hauler that need to be addressed before the city enters into and extension agreement for garbage services. Some of the issues with the current service included missed service and how missed service is reported, as well as the possibility of reducing fees where feasible.

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The Council asked the City Administrator to negotiate with the hauler and see what they can offer in reducing costs and offering better service.

COUNCIL REPORTS

Council Member Terry said the Mosquito Abatement District is stockpiling funds in the capital improvement fund so they can have as much money as possible, so if in the future other cities move in a different direction, they have the funds they need to operate.

The Mayor said there was a lively discussion in the Sewer District Truth in Taxation meeting. He said in the end, the attendees were in favor of the changes being proposed.

The Mayor said the Recreation District had been discussing many things and had made the decision to shut down the ice rink for 60 days for figuring skating activities to make sure that things are safe at the ice rink. He said open skating is still an option for people to enjoy.

CLOSED SESSION

At 7:40 P.M. Council Member Kelemen made a motion to move into closed session pursuant to UCA § 52-4-205 with adjournment to immediately follow the closed session. Council Member Larrabee seconded the motion and Council Members Terry, Sharp, Checketts, Kelemen, and Larrabee all voted in favor of the motion through a roll call vote.

ADJOURNMENT

There being no further business before the City Council, Council Member Kelemen made a motion at 8:36 P.M. to adjourn the City Council meeting. Council Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

Ryan Westergard, Mayor

Annette Hanson, City Recorder

Approved by City Council January 16, 2024