

**WOODS CROSS CITY COUNCIL MEETING  
JUNE 19, 2018**

The minutes of the Woods Cross City Council meeting held June 19, 2018 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:** Rick Earnshaw, Mayor

**COUNCIL MEMBERS PRESENT:**  
Rick Earnshaw, Mayor Tamra Dayley  
Julie Checketts Ryan Westergard

**COUNCIL MEMBERS EXCUSED:**  
Matt Terry  
Wally Larrabee

**STAFF MEMBERS PRESENT:**  
Gary Uresk, City Administrator  
Tim Stephens, Community Development Director  
Greg Butler, Police Chief  
Scott Anderson, Public Works Director  
Jessica Sims, City Recorder/Finance Director

**VISITORS:**  
LeGrande Blackley  
Lois Schrader  
Don Schrader  
Patt Huttzell  
Kelli Castleberry  
RaNae Cline  
Scott Cline

**INVOCATION:** Rick Earnshaw

**PLEDGE OF ALLEGIANCE:** Gary Uresk

**APPROVAL OF MINUTES**

The City Council reviewed the minutes of the meeting held June 5, 2018. Following their review, Council Member Dayley made a motion to approve the minutes as written with Council Member Checketts seconding the motion with all voting for the motion through a roll call vote.

**REVIEW OF FINANCIAL REPORT**

The Mayor gave the floor to the City Administrator who went over the financial report for the month of May with the City Council. He went over the city funds including the city's cash

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position, water impact fee, garbage fund, road fund, RAP tax, sales tax, transient room tax, energy tax, net court fines, and other general funds.

**APPROVAL OF CASH DISBURSEMENTS**

The City Administrator then went over the cash disbursements for the time period of 5/26/18-6/8/18. Following the review of the cash disbursements, Council Member Westergard made a motion to ratify the cash disbursements as previously approved with Council Member Checketts seconding the motion and all voted for the motion through a roll call vote.

**OPEN SESSION (BRIEF ITEMS)**

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

Mr. Don Schrader addressed the Council and said he had some concerns about the General Plan update meetings. He said that the four contractors that were present at the last meeting don't live in our city and they want to put high rise developments in Woods Cross. He said they don't live in the city and don't care what goes in here. He said he felt like they are just concerned about making money. He said everyone he has talked to about this did not want these types of high rises in the city. He asked the Council to consider this as they continue to look at the General Plan updates.

The Community Development Director said some of the contractors that have been attending the meetings had developed within the city in the past and he was hoping to get a few suggestions or insights they might have as the city continues to look at updating the general plan. He also said one of the large property owner's in the city invited one of the contractors to the last meeting.

The Mayor said they had been including many different viewpoints and these meetings and are trying to look at possibilities of how the big picture might turn out. He said the city wants to make sure ordinances are in place and that our citizens are being looked after. He said there are many different meetings being held to get as much input as possible. He said he appreciated Mr. Schrader's concern.

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

**COMMUNITY OF PROMISE REPORT**

The Mayor noted there was no one here to report on the Community of Promise meeting so there would be no report.

**POLICE DEPARTMENT REPORT**

The Mayor gave the floor to Police Chief Butler who reported the following to the City Council:

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<u>2018</u>	<u>2017</u>	<u>Yearly</u>
Jan—904	Jan—1152	2017—11,411
Feb—990	Feb—821	2016—12,393
March—991	March—1020	2015—12,819
April-- 887	April—901	2014—9495
May--	May—1065	2013—8979
June--	June—1069	2012—7347
July--	July—1294	2011—6918
Aug--	Aug—1225	2010—7167
Sept--	Sept—989	
Oct--	Oct—1000	
Nov--	Nov—988	
Dec	Dec—875	
Running Total—4795	Total—11,411	

**ASSISTS OUTSIDE AGENCY**

2018  
Jan—134  
Feb—128  
March—134  
April—156  
May—186  
June—  
July—  
Aug—  
Sept—  
Oct—  
Nov—  
Dec—

**ACTIVITY REPORT**

- DARE Days Boondocks
- Singleton Graduated Motor School
- Police Week
- National Night Out Against Crime—Aug 6<sup>th</sup>
- Next COP TALK—Tuesday, July 17<sup>th</sup> @ 5:00 P.M.

**USE OF FORCE REVIEWS**

- Less Lethal Bean Bags
- Gun Point (Morgan Co.)
- ACT Resisting Arrest (DV)
- ACT Resisting Arrest (DV)

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**SWAT TEAM ACTIVITY**

- 2 deployments
- Barricades
- 16 Hours NTOA training

**WOODS CROSS SCHOOL ACTIVITIES**

- DARE Graduations
- WXHS Graduation
- Disorderly Conduct Arrest
- Criminal Mischief
- Fight
- 10-50 X 2
- Keys X 2

**K-9 ACTIVITY**

Legend: 2 drug finds

Ranger:

- Assist to Sunset on 10-80 Crash
- CART assist to Centerville PD
- Assist to Roy on Pursuit
- Assist UHP in Morgan
- Assist to Morgan

**DETECTIVE DIVISION**

Theft of Firearm/Felony Theft/Possession of Controlled Substance

The Mayor asked the Chief how many kids came and did the “fish with the cop” activity and the Chief said it was the best turnout so far. It was noted there were approximately 150 people that came to the event.

**PRESENTATION OF THE FINDINGS REPORT OF THE STRUCTURAL DISTRESS  
AT THE FARM MEADOWS SUBDIVISION**

The Mayor gave the floor to the City Administrator who explained to the City Council there had been many people who had been working on this report for more than a year. He noted the following were at the meeting: Greg Seegmiller from JUB Engineering, Rick Chesnut from Terracon Engineering, David Simon a Geologist, Scott Anderson the City’s Public Works Director and himself as the City Administrator had all contributed to this report. He went on to say:

“Given to the Council is the report that has been compiled presenting our findings and recommendations regarding the soil subsidence at Farm Meadows Subdivision. Because of the size of the report, I am only including the report without the attachments. I will send you a link

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to the Google document including all the handouts. Those who helped put together the report will answer any questions you may have.”

Mr. Seegmiller gave his report on the findings of the subsidence and went through the executive summary that was given to the Council.

He noted that the lowering of ground water in this area are causing deteriorating pockets of organics and they are decaying. There are several factors that may also have attributed to the subsidence problem which may include, regional drought, loss of recharge areas due to urban development or municipal pumping of the deeper ground water aquifer, which has caused the soil to become unstable.

He said based on the findings of this investigation the Project Team recommends:

1. Entities who own, operate and maintain the various underground utilities (e.g. water, power, gas, etc.), inspect their respective utilities on a regular basis to ensure safe service.
2. Underpinning of foundations and leveling of structures as the primary mitigation for the observed residential distress at the Farm Meadows Subdivision.
3. Any mitigation or underpinning for any part of a structure should be done on the entire structure.
4. The sandy gravel layer document at a depth of about 70 feet in exploratory boring FM-05, could be used as the structural bearing layer for under-pinning a structure at that location. However, due to the inherent variable nature of subsurface conditions within the Farm Meadows subdivision, the depth of a suitable bearing layer should be determined by a qualified geotechnical engineer requiring remediation. Lot-specific subsurface data will also be required for development of remediation options. Subsurface information in this report should only be relied upon for information regarding general subsurface conditions throughout the subdivision and should not be used for lot-specific design purposes.
5. A lot-specific geotechnical study should be performed by a qualified geotechnical engineering firm prior to remediation to determine, at a minimum, depth of foundation bearing strata and soil bearing capacities.

There was some discussion on the homes that had already done some underpinning and how it had helped the homes. There was also discussion on how far down the digging had to be done to be able to help these homes be secured and stabilized.

There was also a question if this problem could be reversed and it was said no, this could not be reversed. Mr. Seegmiller said as far as the ground water table is concerned, the Public Works Director is sending staff out every Monday to check and monitor many wells in the area to see what the water table is doing. He said they have seen some of those trends are going down right now.

The Council asked if there was any way to prevent this problem. The City Administrator said they have met with the water purveyors in the area and have started a discussion on this but said

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there needs to be more discussion in the future to see where our water resources are going and how the water resources can directly affect the creation of other such problems in the future. The Mayor said it is important to get all water users involved no matter how large or small the water user is. He said it is very important to get everyone on the same page so they can come up with a plan in the future to be able to use the water resources in the area for everyone's benefit.

The Council expressed their concern in moving forward and that could be more problems in the future. The City Administrator said they needed to get back together with the other municipalities and entities using water and have discussions with them and come up with how a solution can be reached.

The City Administrator then noted the city is going to come up with funds to help try to stabilize the neighborhood in the short term as well as the long term in regards to these issues.

There was also concern expressed that there could be problems with new development coming in. Mr. Seegmiller said that all new development is required to provide a geotechnical survey so if there is clay type soil found, the developers have to put in stabilizing materials as the development goes in so there are not problems in the future with these new developments.

The Mayor thanked all of those who had worked so hard and for the many hours of work that had gone into this matter. The City Administrator also thanked all of those who had been involved and for all of the good work that has been done.

**7:00 P.M. PUBLIC HEARING—PROPOSED AMENDMENTS TO THE FY 2018  
BUDGET FOR ALL CITY FUNDS**

The Mayor asked the City Administrator to continue with the floor and he noted the following:

“Given to the Council are the proposed budget adjustment sheets for each of the funds.

“For the General Fund the main adjustments are addressed below:

“In the Administration Department the technical and the professional line item has been increased by \$8,000 to cover the cost of Ann Swenson providing her services for the grievance review. This is offset by an increase in the cable TV franchise tax. In the Data Department an increase of \$8,000 in the equipment line item to cover equipment upgrades.

“In Non-department, the engineer line item has been increased by \$22,000, to cover the review costs of the Shamrock Village Subdivision and the Smoot Townhomes. This increase is offset by the planning and zoning fees that have been collected on these projects. Also in Non-department, the liability insurance line item was increased by \$7,000 due to an under allocation of the liability insurance to the General Fund.

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“Under the Attorney, the general services line item has been increased by \$45,000. This increase is to cover Mark Bell’s time in reviewing the grievance, the water leak and the Smoot development.

“In the Police Department, equipment greater than \$500 has been increased by \$40,400. This will allow the department to purchase hand held radios and laptops this fiscal year.

“In the Parks Department, the equipment greater than \$500 has been increased by \$23,000 to allow the purchase of a Kobota RTV for use in the parks. This is paid for out of the public works surplus equipment and vehicles that were recently sold.

“The total increase in the General Fund is \$126,600.

“In the other funds, the YCC activities and handcart line items were increased by \$2,000 and \$800 respectively. Fund Balance was used to cover the increases in these line items. The YCC currently has a \$7,000 fund balance. We need to monitor the use of the fund balance and if necessary we will need to increase the transfer from the General Fund to the YCC to keep from fully depleting the fund balance.

“In the Water Fund, there is a reallocation of the budgeted amount for improvements to the 1500 South PRV and Redwood Road waterline project.

“In the Storm Drain Impact Fee Fund, there is an allocation from Improvements to the Legacy Preserve Outfall Project.”

Following the information given above, the Mayor then opened the public hearing.

There were no public comments and the Mayor called for a motion to close the public hearing. Council Member Westergard made the motion to close the public hearing with Council Member Dayley seconding the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT A RESOLUTION AMENDING THE FY 2018 BUDGET FOR ALL CITY FUNDS**

Council Member Dayley then made a motion to adopt resolution 2018-651, a resolution amending the FY 2018 budget for all city funds. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT A RESOLUTION SETTING THE 2018 PROPERTY TAX RATE AT .000935**

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

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“Given to the Council is a copy of the proposed resolution which sets the tax rate at .000935 generating revenue of \$786,572.”

There was a discussion on how the city would be paying for a bill that had been passed that helps with the homeless issue. It was noted our city will be helping to fund a portion of new homeless shelters for about \$20,000 from RDA funds to cover the city’s required portion.

Council Member Westergard then made a motion to adopt resolution 2018-652 setting the 2018 property tax rate at .000935. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT A RESOLUTION ADOPTING THE FY 2019 BUDGET FOR ALL CITY FUNDS**

The City Administrator then noted the following for the City Council:

“Given to the Council are the sheets showing the changes from the tentative budget. The first sheet shows the General Fund which has increased \$113,000. The major changes to the tentative budget are the hiring of an Assistant City Manager, Police Department compressed pay scale, reduction in workman’s compensation premiums, increase IT support costs, tuition reimbursement. Tier 2 retirement adjustment, and the removal of the police handheld radios and laptops which will be purchased in the FY 2018 budget.

“The second sheet shows the changes due to the Public Works Facility construction continuing into FY 2019. I anticipate about 1.5 million dollars of the bond will not be spent during FY 2018 and will need to be included in the FY 2019 budget, as well as the \$1,411,000 transferred from the other funds which was previously approved by the Council. This sheet shows the transfers from the Class C, RAP Tax, Capital Improvement Fund, and the Storm Drain Funds in the amount of \$1,411,000.

“The last sheet shows the changes in the Water and Solid Waste Fund. In the Water Fund, there is a reduction of \$4,000 in workman’s compensation premiums. This is off-set by an increase in the backhoe lease from \$8,300 to \$12,300. Regarding the Solid Waste Fund, Waste Management is requesting an increase in recycling fees due to changed market conditions. I am recommending a \$.50 increase in our fees to cover a portion of that cost which will increase our pickup fees from \$564,000. On the expenditure side, I am increasing curbside recycling collection fees from \$508,540 to \$548,000. Since we will have an expenditure increase of \$40,000 versus a revenue increase of \$20,000 we will incur an additional \$20,000 loss in the fund. We will need to review this around the first of the year to determine what course of action we would like to take.”

Following the information given to the Council, Council Member Westergard made a motion to adopt resolution 2018-653, a resolution adopting the FY 2019 Budget for all city funds. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.



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**DISCUSSION ON PARKING OF LARGE TRUCKS ON SUBDIVISION STREETS AND ON RESIDENTIAL LOTS**

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

“A number of months ago, Tyler Parkin, living in the Valentine Estates Subdivision, made a request to the Council to look at amending our ordinance to allow him to park his utility truck, which he drives from Kaysville, on his lot. The Council at the time asked the Community Development Director and City Administrator to look at the possibility of defining utility trucks as first responders and carving out a special niche in our ordinance for them. We have reviewed this with the City Attorney and have some concerns for adjusting our ordinances which could create some issues within our neighborhoods. We also have a concern with defining utility trucks as first responders since first responders are typically viewed as police and fire, and we don’t want to go down the path of defining other vehicles as first responders. We would recommend against making any changes to these ordinances at this time.”

The Council had some discussion if larger trucks in our city should parked at homes. It was noted that WX City does not have their employees take home their large vehicles and park them at home. There was discussion on how long it might take Mr. Parkin to go to the city shops at his work in Kaysville and pick up his truck and respond to an emergency. There was discussion that if he were to drive a smaller pickup truck from his home, he might be able to travel faster to get to his truck in Kaysville to respond to the emergency, than if he were to travel in his larger more cumbersome truck directly to the emergency.

It was the opinion of the Council that it seems that the ordinance as it is written now has worked for the city and they did not feel like a change was warranted at this time.

Ms. Kelli Jo Castleberry living at 1029 West 1400 South, said there are areas in Farm Meadows congested with recreational vehicles and campers and it is creating a blind turn. She said people are good about not parking on the streets during the winter but it becomes a new issue during other times of the year. She said it is a safety problem.

Council Member Westergard said city ordinance only allows recreational vehicles to be parked on the street for loading and unloading, so the police can be contacted about this if there is overnight parking of these types of vehicles.

**SAFETY ACCOUNTABILITY REPORT**

The City Administrator reported on this item as follows:

“There were no incidents during the month of May.”

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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.

Ms. Kelli Jo Castleberry living at 1029 West 1400 South said some of the street lamps in Farm Meadows are covered with tree branches so the light is not shining effectively. Staff said they would look into the matter.

Ms. ReNae Cline living at 942 West 1500 South asked if she could request to have the sewer district come and do inspections again in her house in Farm Meadows. She said she is concerned because of her subsidence issue. She said she would like to make sure things are still safe to be in her home. She said she has had some pretty large shifts near her home recently. She asked if someone could come and look and make sure things are still safe. Staff said they would come get someone to come out and take a look for her.

Council Member Westergard who serves on the South Davis Sewer District Board said the sewer district does come out regularly and check things out because of the known problems. He suggested Ms. Cline call them and ask them to come out and do a check for her and Council Member Westergard said he would also mention it at his next meeting at the sewer district.

Ms. Checketts said the city was not made aware of the power was going to be turned off for a period of time a few weeks ago. Ms. Patt Huttzell said it was hard for her being on oxygen not knowing the power was going to be turned off. She said she really felt like this needs to be addressed. The Council said they also felt like it would be a good idea if residents are notified of a planned power outage prior to it happening

Council Member Checketts said she had feedback from a resident that told her they feel like the parking ordinances are not accurate in the city regarding multi-family dwellings like Hills at Renaissance and the Smoot development and need to be updated as soon as possible. She said the resident does not feel like 2 ½ parking spots is enough for a townhome with three bedrooms.

Mr. Stephens said they would be looking at these ordinances again as they rewrite the zoning ordinances.

Council Member Checketts also asked the question about the school zone solar panels and if they can be installed before the school year starts. The City Administrator said he would follow up with that.

The Mayor said there have been some complaints about employees of Auto Source parking on the street again. He also said semi-trucks are parking in the middle of the road in that area. It was noted this creates blind spots and safety problems. Staff said they would follow-up with this matter and asked the police department if they could step up enforcement in this area.

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Council Member Daley asked when the work on 1500 South would be done and it was noted it will be done in September.

**WASATCH INTEGRATED WASTE REPORT**

Council Member Larrabee was not at tonight's meeting so there was no report for this agenda item.

**MOSQUITO ABATEMENT REPORT**

Council Member Terry was not at tonight's meeting so there was no report for this agenda item.

**PLANNING COMMISSION REPORT**

There would be no report for this item as Council Member Terry is not at tonight's meeting to give this report. Please see the minutes of the Planning Commission Meeting for the details of this meeting.

**SOUTH DAVIS METRO FIRE AGENCY REPORT**

The Mayor reported on the South Davis Metro Fire Agency Meeting. He said they approved the taxation rate and budget. He also noted they had hired Godfrey and Bell as the new fire district attorney's as the current attorney is retiring.

**SOUTH DAVIS RECREATION DISTRICT REPORT**

The Mayor also reported on the South Davis Recreation District. He said they have appointed a new director and his name is Tif Miller and was the Parks and Recreation Director in Moab. He said they are very excited to have him as he has a lot of good experience to bring to this position. He said they also approved the taxation rate and budget for the recreation district.

**MAYOR'S REPORT**

The Mayor noted that Black Bear Diner is doing their ribbon cutting on June 25<sup>th</sup> from 11:00 A.M. to 1:00 P.M. and the public is invited for free Bearclaws and drinks.

He also said the movie and concert in the park that was recently held was a great success and they had about 200 people for the concert and about 100-150 people for the movie. He noted the next concert and movie will be July 9<sup>th</sup>. He invited everyone to come out and attend.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported the following:

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**1. Response to Water Leak**

“Public Works has been working in addressing issues regarding our response to the water leak on February 27<sup>th</sup>. They are working on call-out policies, scada changes, and training. One thing that has already been implemented is a change in call-out procedure. A memo has been given to the police department and dispatch, requesting calls be made down the list until a person is contacted, avoiding the issue of leaving a message that may not be answered.

**2. Water Leak**

“The insurance adjustor is still working on a couple of claims that have not been fully resolved. I will keep you updated on their status and we have to have them resolved within the next couple of weeks.”

**3. Summer Picnic**

“We need to schedule the Summer Picnic. We usually do it after Labor Day. Check your calendars and we will find a date that works.”

The date of September 7<sup>th</sup> at 6:00 P.M. was chosen for the summer picnic.

**4. July 3<sup>rd</sup> City Council Meeting**

“The first Tuesday in July falls on July 3<sup>rd</sup>. Do you want to hold council meeting that night or cancel it due to the proximity to the 4<sup>th</sup> of July holiday?”

The Council said they would like to cancel the July 3<sup>rd</sup> City Council meeting because of the holiday.

**ADJOURNMENT**

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the meeting at 8:41 P.M. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

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Rick Earnshaw, Mayor

Jessica Sims, City Recorder