

**WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 5, 2019**

The minutes of the Woods Cross City Council meeting held February 5, 2019 beginning 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
Julie Checketts
Tamra Dayley

Wally Larrabee
Matt Terry
Ryan Westergard

STAFF PRESENT:

Gary Uresk, City Administrator
Jessica Sims, Assistant City Administrator
Tim Stephens, Community Development Director
Chad Soffe, Chief of Police
Annette Hanson, City Recorder
Michelle Rowley, Court
Scott Anderson, Public Works Director (attended by phone)

VISITORS:

LeGrande Blackley
Don Schrader
April Filler
Mackenzi Robinson

Wally St. Jeor
Lois Schrader
Steve Garn
Michele Wood

Johnny Filler
Greg Seegmiller
Kelly Rasmussen
Jim Polonic

INVOCATION:

Matt Terry

PLEDGE OF ALLEGIANCE:

Tamra Dayley

CONSIDERATION TO APPROVE MINUTES

The City Council reviewed the minutes of the City Council meetings held January 15, and January 28, 2019. Following the review by the City Council, Council Member Larrabee made a motion to approve the minutes as written with Council Member Checketts seconding the motion and all voted for the motion through a roll call vote.

REVIEW OF THE FINANCIAL

The Mayor gave the floor to the City Administrator who went over the financial report for the month of January.

APPROVAL OF CASH DISBURSEMENTS

The City Administrator reviewed the cash disbursements for the time period of 1/19/2019-2/2019.

Council Member Terry made a motion to approve the cash disbursements as presented with Council Member Checketts seconding the motion and all voted for the motion through a roll call vote.

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OPEN SESSION (BRIEF ITEMS)

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council that were brief in nature. This would items that would take less than two or three minutes.

There were no items from the public present and the Mayor closed the brief open session.

YOUTH CITY COUNCIL REPORT

The Mayor gave the floor to the Youth City Council Mayor, Mckenzi Robinson. She reported the following to the City Council:

She said that last month the YCC appreciated those who had come to their Saturday conference. She said they really appreciated those who had cooked breakfast and she hoped the Council enjoyed themselves as much as the Youth City Council had.

She reported that at their latest work meeting the YCC had started filling Easter eggs; they will be using their next 3 work meetings to prepare for this Easter activity scheduled for April.

She also shared with the Council that the YCC would like to have an appreciation dinner for the Mayor and Council members and their spouses or guest. The Council decided they would hold the dinner on February 15, at 6:00 p.m.

Youth Mayor Robinson said that next month there will not be a service activity because members will be attending a Utah State Youth Conference on March 7-9 or March 14-16, with 12 youth representing Woods Cross at each session of the conference.

RECOGNITION OF JOHNNY FILLER FOR 5 YEARS OF SERVICE

The Mayor recognized Mr. Johnny Filler for 5 years of service. The Mayor noted Johnny had actually been with the city for 7 years. He called Mr. Filler and is wife forward and presented Mr. Filler with a plaque and a gift for his service to the city.

The Mayor and Council and those present congratulated Mr. Filler on his years of service to the city and said they look forward to working with him in the future.

CONSIDERATION TO APPROVE THE PURCHASE OF FOUR POLICE VEHICLES

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

“Chief Soffe and I were notified by Bob Hugo from Bancorp, that Ford under-built their Explorers and would not have them available this year for lease. Chief Soffe would prefer to purchase the vehicles rather than lease them. He and I have worked through the budget to find the funds to purchase four vehicles. This can be done by using the \$40,000 we had budgeted for the lease, reducing the scope of the remodel for the Police Department and utilizing \$80,000 from excess sales tax collections.

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“The Chief is confident we can do the remodeling that was planned with the reduced amount of \$144,000 if we do not increase the footprint of the building, which would be costly. The Chief and I feel that purchasing is better than leasing since it gives us better control and we are not locked into a lease that we will have to pay if we have a downturn in the economy.

“Given to the Council is the bid comparison the Chief has received from Performance Ford and Murdock Chevrolet. Since Performance Ford will be locating a truck facility in the City, I am not sure we need to differentiate between a local dealer, and I recommend we go with the Ford bid since it is the lowest bid.”

| | Vehicle | Equipment | Total | 4 Vehicles |
|-------------------|----------|-----------|----------|------------|
| Murdock Chevrolet | \$35,100 | \$10,000 | \$45,100 | \$180,400 |
| Performance Ford | \$33,800 | \$10,000 | \$43,800 | \$175,200 |

The Council discussed the vehicles and the benefits of both the Fords and the Chevrolet trucks.

Following the discussion by the City Council, they decided the Chevrolet trucks would be the better value in long term performance and future resale. Council Member Terry then made a motion to approve the purchase of four Chevrolet police vehicles from Murdock Chevrolet with Council Member Checketts seconding the motion and all voted for the motion through a roll call vote.

REVIEW OF PUBLIC WORKS FACILITY CONSTRUCTION COST AND TIMELINE

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

“As has been previously discussed we have overrun the project costs on the Public Works facility building. It is considerably higher than was previously discussed. Once we got the final billing from Ascent and added in the overruns in design and the building permits the amount is close to \$465,000. The Council was given a sheet showing the total project costs and the comparison between the original budget and the actual cost. The original budget was set at \$7,556,281 with the actual final cost being \$8,220,252; a difference of \$465,971. The increase is broken down into Ascent’s billing (\$372,124) design costs (\$104,778) building permit costs (\$56,524) and miscellaneous costs (\$67,455).

“The biggest portion of this increase is Ascent’s construction costs. I have listed on the spreadsheet their breakdown of cost overruns. They are comprised of the following: Change orders of \$187,148. Winter conditions cost of \$58,839 that was added onto the project because the outside portion of the construction went through the winter months. General conditions, the costs that accrued each month for the construction being on the construction site and maintaining their presence there, increased by \$307,503. A contingency was built into the project of \$176,366. The change orders were close to the contingency amount and if that was all that we were facing, this project would not be so far over budget. The area where the major increase was, is in the general conditions and the need to pay for additional costs for winter construction.

“Given to the Council is a timeline presented by Ascent to show the proposed project schedule of 219 days versus the actual schedule which was 450 days. This accounts for the additional special conditions costs plus the winter conditions since the outside work was anticipated to be done before the

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winter but actually took place during the winter. Also, you can see from the schedule a number of parts of the building took much longer than anticipated, for instance, the wood framing, the steel stud framing, the vp structure, exterior finishes, the rough mechanical and plumbing, and the cabinets took considerably longer than was anticipated."

The Council was given memo from Ascent outlining the major reasons for the delay in construction. Representatives from JUB, Think Architecture, and Ascent Construction were invited to attend the meeting to discuss the timeline as well as the increase in costs and will be available to answer any questions that you may have regarding the increase timeline and the increased costs.

"Regarding budgeting for this increase, as shown in the budget adjustments, I have actually reduced the line item for the public works building although it went over budget. This is because I anticipated less being paid in the previous fiscal year. Given to the Council is a fund balance analysis to show where the General Fund balance will look at the end of this year compared to the previous year so you can see how this cost overrun will affect the General Fund budget. I am not at this time recommending additional transfers from the utilities funds to cover this increase. As I do further analysis through the year, we may make some adjustments in the amounts paid from the utility funds if we feel the General Fund is being unduly overburdened by the increase."

Scott Anderson, the Public Works Director, then joined the meeting by telephone. Also in attendance to discuss the above concerns: Mr. Jim Poloncic from Think Architecture, Mr. Kelly Rasmussen, Project Manager from Ascent Construction, Mr. Steve Garn Site Manager from Ascent, and Mr. Greg Seegmiller from JUB Engineering.

The Council expressed their displeasure with the overruns and said they felt that many of those things that happened during construction were not the city's responsibility, especially going over the deadline by 230 days. The Council said they had hired these experts to oversee this building project and to see it was done in a timely manner and within budget. The Council expressed that they are willing to pay for the portion they are responsible for in the delays, but they did not feel it is the city's responsibility to pay for the total of the overruns.

The Council heard reports from the architect, the contractor and the engineer involved with the construction of the public works building. The Council asked questions and wanted explanations for the overruns /extended time frame it took to build the facility. The Public Works Director also gave a brief overview of what had happened throughout the building process from his perspective. He reported that things had not gone as smoothly as he had hoped and he was especially frustrated with the lack of progress that occurred during the last 90 days of construction.

The Council asked that the City Administrator and different parties to get together in order to take a closer look at this situation and to come up with more a more acceptable solution in regard to the financial responsibility of the overruns. The City Administrator said he would arrange the discussion and report back to the Council at a future City Council meeting.

The Public Works Director left the meeting by phone at this time.

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PUBLIC HEARING: CONSIDERATION TO AMEND THE FY 2019 BUDGET FOR ALL CITY FUNDS

The City Administrator continued with the floor and discussed the mid-year adjustments and recommended amendments to be considered for the FY 2019 budget for all city funds as follows:

“In the Administration Department - Professional and Technical has been increased by \$10,000 to cover the additional legal services for the personnel matters that we have needed to address this year.

“In the Data department, I have increased computer support by \$5,000 to cover the increase due to the change in our IT support. I have also increased the equipment greater than \$500 by \$15,000 to cover the cost of the equipment needed when we change IT providers. These costs are being paid out of the energy use tax revenues, which are projected to be higher than budgeted.

“Police Department equipment greater than \$500 has been increased by \$136,000 to cover the purchase of the four police vehicles. The amount for Improvements in the City Hall budget has been decreased by \$56,000, and sales tax revenue has been increased by \$80,000 to cover the purchase of the vehicles.

“Building Inspections revenues have been increased by \$30,000 due to increased building in the City. This is offset by an increase of \$30,000 in building permit revenue.

“The Public Works Building is reduced by \$865,000. This is offset by a decrease of \$865,000 fund balance budgeted. Back in June when the budget was adopted I wasn't sure of the expenses that would accrue in FY 2018 so I over budgeted to ensure the expenses would be covered. This adjustment brings the cost back to the actual amount spent.

“In the Parks department, I have increased building grounds, maintenance, and repair by \$5,000 to cover the costs of the removal of the trees in Mills Park.

“In the Shops department, I have added a line item titled “Allocation to construction of other funds” and in the debt service fund I have created another account called “Allocation to bond payment from other funds.” This is to show the payments from the utilities as an allocation of costs rather than a transfer. The construction costs allocated to the other funds summed to \$1,061,000 and the allocation for the bond payments from other funds is \$200,000. This decreases the transfer from other funds from \$1,611,000 to \$350,000. The \$350,000 is being moved from the Capital Improvement Fund which is a transfer from a Capital Fund to the General Fund.

“The next line items are allocations in the Public Works Department to pay for equipment and furniture in the shops. Scott met with his employees and they have determined they can eliminate \$18,000 in equipment costs in the Street Fund and \$21,000 in the Parks Fund which will pay for the equipment and furniture in the Public Works building as well as the \$30,000 for the landscaping. The additional \$20,000 needed will come out of an increase in the Sales Tax Revenues line item.

“In the Class C Fund, I created a line item titled “Allocation to Public Works Facility construction” and moved the funds budgeted under transfer to other funds to this account.

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“In the RAP Tax Fund, I created a new account titled “Allocation to Public Works Facility construction” and moved the funds budgeted under transfer to other funds to this account.

“In the Water Department, I have created a line item titled “Allocation to Public Works Facility Bond Payment” to cover the amount budgeted to help pay for the bond payment, and moved the funds budgeted under transfer to other funds. I’ve also decreased the Improvements line item by \$98,000 and moved that amount to equipment less than \$500 to cover the costs of installing the new water meters.

“In the Garbage Fund, I have increased the garbage collection fees revenue line by \$22,000 to reflect the increase in rates to cover the recycling costs. I increased the garbage pickup expenses from Waste Management by \$22,000 reflecting their rate increase. I have also created a new account called “Allocation to Public Works Facility Bond Payment” and moved the funds budgeted in the transfer to Other Funds to that account.

“In the Storm Water Enterprise Fund, I have created two accounts, “Allocation to Public Works Facility Construction” and “Allocation to Public Works Facility Bond Payment” and moved the money budgeted under transfer to Other Funds to these two accounts.

“In the Storm Water Impact Fee Fund, I have increased the other state revenues by \$32,000 to reflect the UDOT payment for the Redwood Road 2425 South Siphon project. I have also increase building impact fees from \$50,000 to \$90,000. I have removed money budgeted under Storm Drain Improvements and allocated to each of the individual projects. To cover the shortage I am budgeting \$132,000 from fund balance.

Following the review by the City Administrator, the Mayor opened the public hearing.

There were no public comments and the Mayor closed the public hearing at 8:08 P.M.

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

Following the above discussion, Council Member Dayley made a motion to adopt resolution 2019-667, a resolution amending the fiscal year 2019 budget for all city funds as presented. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO AWARD BID FOR IT SERVICES

The City Administrator went over the following information with the City Council:

“As was discussed in the last meeting, there were some additional questions regarding the bids from ETS and Computech. Given to the Council is a copy of the responses of both ETS and Computech to the questions we had concerning their bids.

“The discrepancy in the Office 365 bid is Computech includes a backup as part of the pricing where ETS has included it as a separate item.”

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The City Administrator noted he had contacted references who use both companies and said both companies are comparable with services.

The Mayor said he had met with the IT companies and determined there is a difference of cost due to the backup service that is offered. He also said the companies have either 4 hours or 5 hours of onsite tech support. He also talked about the internet service that each company would offer.

Following the updated information, the Council continued a discussion on the comparison of services and costs. The City Council decided they would like to go with ETS as it was the lower bid.

Council Member Larrabee made a motion to award the bid for IT services to ETS for the amount of \$50,628. Council Member Checketts seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT A RESOLUTION ADOPTING THE 2019 UPDATE TO THE WOODS CROSS CITY GENERAL PLAN

The Mayor gave the floor to the Community Development Director who noted there had been a joint work meeting between the City Council and Planning Commission to further discuss the General Plan. He reminded the Council of the few changes they had discussed that would be made to the General Plan at that meeting.

Following the review and recommended changes by the City Council, Council Member Westergard made a motion to adopt resolution 2019-668, a resolution adopting the 2019 update to the Woods Cross City General Plan with the changes as discussed. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE MODIFYING THE TIMING OF SUBDIVISION PHASE APPROVALS

The Community Development Director continued with the floor and noted that the Planning Commission had discussed amending the land development ordinance to modify the timing of subdivision phase approvals. He said there had been several developers who had approached the city claiming difficulty in completing and starting subdivision phases in a timely manner and requesting to have some of the restrictions relaxed in order to be able to move forward from one phase to the next in a more expeditious manner. Mr. Stephens said the proposed modifications permit developers to have one extra open phase in a developing subdivision, allowing them to be able to move ahead a little quicker with building. Mr. Stephens reported that the Planning Commission had discussed and approved this modification on the timing of subdivision phase approvals.

The Mayor opened the public hearing for public comments.

There were no public comments and the Mayor closed the public hearing.

CONSIDERATION TO ADOPT AN ORDINANCE AMENDING THE LAND DEVELOPMENTS ORDINANCE MODIFYING THE TIMING OF SUBDIVISION PHASE APPROVALS

Following the above discussion, Council Member Westergard made a motion to adopt ordinance #589 amending the Land Development Ordinance and modifying the timing of subdivision phase approvals. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY ANIMAL CONTROL SERVICES

The City Administrator noted this item was an extension of the agreement for animal control services which Woods Cross City already has in place. He noted the following for the Council:

“Given to the Council is a letter from Rhett Nicks, the Director of Davis County Animal Care and Control, along with the proposed resolution and amendment to the Interlocal Agreement. The bottom line is the amount assessed to Woods Cross City this year is \$29,056.42, which is essentially the same as last year. We budgeted \$30,000 this year for animal control and will budget that amount again next year.

“Also, for the Council’s information, the City Managers in the County met with Rhett and Commissioner Elliot about a week ago to discuss animal control. The County is looking at paying for animal control services through the County general fund rather than through assessments to the cities. The County would require the cities agree to reduce their tax rate by the corresponding amount of their assessment. This would be a much better approach to funding animal control.”

Following the information given, Council Member Dayley made a motion to adopt resolution 2019-669, approving an interlocal cooperation agreement with Davis County Animal Control Services. Council Member Terry seconded the motion, and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT A RESOLUTION UPDATING THE MILEAGE REIMBURSEMENT SECTION OF THE PERSONNEL POLICY AND PROCEDURES MANUAL

The City Administrator noted the following for the City Council:

“It has been some time since we have updated our mileage reimbursement amounts for employees who use their private vehicles. These are taken from the federal reimbursement rates used by the IRS.

“We have three classifications. One is the reimbursement if there is no city owned vehicle available. This will increase from 50.5 cents per mile to 58 cents per mile. The second category is that if the city owned vehicle is made available and the employee chooses to use his/her private vehicle, that will increase from 35.5 cents per mile to 41 cents per mile. The last category is if the employee has a city owned vehicle but chooses to use his/her private vehicle. That will increase from 13 cents per mile to 20 per mile.

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“In the future we need to update this on an annual basis to keep us in line with the allowed IRS deduction amount.”

Following the information given, Council Member Dayley made a motion to adopt resolution 2019-670, a resolution updating the mileage reimbursement section of the personnel policy and procedures manual. Council Member Westergard seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE THE PURCHASE OF A DUMP TRAILER FOR THE STREETS DEPARTMENT

The City Administrator explained the following for the Council as requested by the Public Works Director:

“We have recently surplused a number of items that were no longer in use with the City or would require costly repair to make useable. This surplus equipment generated \$6,063.75. One of the pieces of equipment we surplused was a 1985 dump truck which had been retired from snow plowing but was used for water leaks specifically in the winter when other trucks were set up for plowing.

“I would like to propose a purchase of a dump trailer with the money we received from the surplus equipment. This trailer would be used in the winter for water leaks and in the summer for any type of debris hauling. It would have a large capacity space with easier loading capability than our trucks.

“The general specification of this trailer is:

- 7’x14’ bed with a 14,000 lb. rating
- 24” sides with expandable stake pockets
- Ramps & tie-down for equipment loading and hauling
- Multi-purpose gate
- Tarp kit

“I have received prices form the following companies:

| | |
|-----------------------|--|
| Wasatch Trailer Sales | PJ Trailer \$8,675.00 |
| Big Tex Trailers | Trailer World Big Tex Trailer \$8,860.00 |
| Christensen Auto | Walton Trailer \$8,613.00 |
| Young Trailer Groups | Load Trail Trailer \$8,739.00 |

“I would recommend the purchase of the Big Tex trailer from Big Tex Trailers for \$8,860. This unit is equipped with a hydraulic hitch jack where no other trailers are equipped with that feature. With the monies generated from surplus property and using money from the street dept. line 740 equipment, we could cover the cost of this proposed equipment purchase.”

The City Council reviewed the information and the bids from the Public Works Director.

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Following their review, Council Member Westergard made a motion to approve the purchase from Big Tex Trailers a dump trailer for \$8,860 for the streets department. Council Member Terry seconded the motion, and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT A RESOLUTION PROVIDING FOR THE WAIVER OF UTILITY FEES FOR FULLY DISABLED VETERANS

The City Administrator explained to the Council the city would like to provide a waiver for those who live within the city that are fully disabled veterans. He noted there has been policy for those veterans who are serving but not those who fully disabled.

Council Member Westergard made a motion to adopt resolution 2019-671, a resolution providing for the waiver of the utility fees for fully disabled veterans. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

OPEN SESSION

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

There was nothing from the public present.

Council Members Checketts and Larrabee noted they would not be at the next City Council meeting as they would each be traveling.

The Mayor mentioned it was going to be the 150th Anniversary of the Transcontinental Railroad and wanted to know if the Council would like to celebrate it since it has impacted our city. The Council felt like this would be a good idea and Council Member Checketts said she would come up with some ideas for this celebration.

PLANNING COMMISSION REPORT

Please see the minutes of the Planning Commission report for the meeting held January 22, 2019 for the details of that meeting.

SOUTH DAVIS SEWER DISTRICT REPORT

Council Member Westergard reported on the activities of the South Davis Sewer District. He noted that they have updated him on the north and south plants. He also reminded Council that there would be an open house the next week at the south plant. He said it will be an interesting tour of the waste to energy project and encouraged anyone interested to attend.

MAYOR'S REPORT

The Mayor reported that he and the City Administrator had met with the Smith family who own property in the northwest quadrant area of the city and they are showing interest in annexing their property into the city and developing their property. The Mayor said they also spoke with West

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Bountiful to make sure the two cities can merge their properties in that area so they can collaboratively develop the area to assure a nice transition.

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CITY ADMINISTRATOR’S REPORT

The City Administrator noted the following for the City Council:

1. Strategic Planning Session

“The Strategic Planning Session scheduled for Saturday, February 9th at 8:00 A.M. We will have breakfast available at 7:30 A.M.

“This year the Strategic Planning Session format will be a bit different, since we recently held a joint meeting with the Planning Commission, we have decided not to have the Planning Commission join us. We will spend a little more time doing some team building exercises instead. Also, if you could email me your top three or four priorities in the City by Wednesday evening and I can forward them on to Brian Muir who will facilitate the discussion.”

ADJOURNMENT

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the meeting at 9:36 p.m. Council Member Terry seconded the motion, and all voted for the motion through a roll call vote.

Rick Earnshaw, Mayor

Annette Hanson, City Recorder