

**WOODS CROSS CITY COUNCIL MEETING  
SEPTEMBER 6, 2022**

The minutes of the Woods Cross City Council meeting held September 6, 2022, at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**COUNCIL MEMBERS PRESENT:**

Ryan Westergard, Mayor  
Julie Checketts

Wally Larrabee  
Gary Sharp  
Matt Terry

**COUNCIL MEMBERS EXCUSED:**

Jessica Kelemen

**STAFF PRESENT:**

Bryce Haderlie, City Administrator  
LaCee Bartholomew, Community Services Coordinator  
Sam Christensen, Public Works Director  
Jessica Sims, Assistant City Administrator  
Tim Stephens, Community Development Director

Annette Hanson, City Recorder  
Johnny Filler, Public Works  
Adam Osoro, Assistant Police Chief  
Travis Timothy, Police Department

**PUBLIC ATTENDANCE:**

LeGrande Blackley  
Erin Simmons  
Addie Clark  
Johnny Filler  
Trulee Goble  
Thatcher Goble  
Sean Morris  
Ashley Westergard  
Ava Judd  
Spencer Rogers  
Lily Corob  
Molly Kelsey  
Davin Dyreng  
Boyd Dart  
Mary Sue Smith  
Chaylee Adams  
Micah Gillespie  
Kobi Vanderlinden  
Ben Simpson

Dixie Weeks  
Abbie Simmons  
Kristen Clark  
Amanda Chester  
Spencer Goble  
Ledger Goble  
Caleb Morris  
DeAnn Westergard  
Hannah Nielson  
William Ahluwalia  
Devin Holbrook  
Josie Boddley  
Jaxon Dyreng  
Danielle Hammer  
Conner Sith  
Eric Dart  
Leslie Keeler  
David Taylor  
Jill Jeppsen

Chase Lewis  
Ella Wiggins  
April Filler  
Audra Chester  
Skyler Goble  
Nathan Chester  
Julie Thomas  
Katelyn Westergard  
Kellie Bevan  
Adeline Raynor  
Lindsay Kelsey  
JaNan Dyreng  
Allison Dart  
Abby Hammer  
Garrett Smith  
Kera Keeler  
Hannah Vanderlinden  
Emmalee Peters  
Amy Jeppsen

**ONLINE ATTENDEES:**

Marcia Gridley  
Danny Smith

Don Schrader  
Marly Ferrin

Jim Simmons  
Annika Wiggins

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

Ryan Westergard  
Girl Scout Troop 280

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**SWEARING-IN OF YOUTH CITY COUNCIL AND YOUTH OFFICERS**

The Mayor welcomed those in attendance for the Youth City Council. He said he was excited there were so many that wanted to participate in the Youth City Council. He said he had enjoyed working with the youth in the city and he was looking forward to continuing to work with them and said the service they do is very important to the city. He thanked the youth for participating as well as thanking the parents for their support. He said there were many activities that would not be able to take place without the help of the Youth City Council.

The City Recorder then administered the Oath of Office to the Youth Council Officers and Members of the Youth City Council. The Youth Council Officers and members are as follows:

Ashley Westergard—Mayor	Ava Judd—Assistant Mayor
Amanda Chester—Service Coordinator	William Ahluwalia—Ambassador
Davin Dyreng—Communication Liaison	Chaylee Adams—Treasurer
Emmalee Peters—Photographer/Social Media	Rachel Sims—Service Recorder
Kellie Bevan—Photographer/Social Media	Oliver Judd—Music Master

Abby Hammer	Adeline Raynor	Amy Jeppsen
Ashlyn Checketts	Audrey Strong	Ben Simpson
Caleb Dahle	Connor Smith	Devin Holbrook
Emerson Pettey	Emily Nelson	Emma Lavender
Eric Dart	Garrett Smith	Hannah Nielson
Hannah Vanderlinden	Jaxon Dyreng	Josie Boddley
Julianna Grover	Kera Keeler	Leslie Keeler
Lily Corob	Lily Mann	Micah Gillespie
Molly Kelsey	Regan Pace	Spencer Rogers
Susannah Rasmussen	Syler Goble	Will Lane

The Mayor and Council congratulated the Youth City Council on their new leadership positions and participation as members of the Woods Cross City Youth City Council.

**GIRLS SCOUT TROOP 280—IDEAS FOR SILVER AWARD AND MILLS PARK**

The Mayor recognized Girl Scout Troop 280 and said he was excited they were presenting their ideas to the City Council for a Silver Award and Mills Park in conjunction with the Day of Service that is coming up this Saturday. He welcomed the representatives of the Girl Scout Troop and asked them to come forward and share their ideas for the Silver Award and Mills Park.

Girl Scouts Adelynn Clark, Ella Wiggins, and Abbie Simmons addressed the City Council and gave a presentation on their ideas on helping Woods Cross City become healthier both mentally and physically by adding athletic courses to the park, making it easier and more fun for people to exercise. They showed a rendering of a children's obstacle course and stencils they would use. They also said they would add a course for adults to exercise without going to the gym. They said these courses would be a nice alternative for everyone in the community to enjoy and help keep people involved in a happier and healthier lifestyle.

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They also presented the idea of having a Mindfulness Moment area that would display Yoga poses to help visitors clear their minds. They suggested places and showed pictures of the park of where they think would be good areas to locate these three courses. The girls said they were able to get some donations from Valley Paint to help with this project.

Council Member Checketts said she loved this idea and thought these courses are a fun idea and would mix up walking. She suggested that perhaps some of the new property the city had recently acquired could be utilized for an extension of some of these types of courses.

The Mayor asked the Girl Scouts to explain the Silver Award. The Girl Scouts said it was the second highest award you could earn in Girl Scouts. You can attempt to earn the award individually or in groups of up to four participants. Applicants for the award must have at least 50 hours of participation on a project that benefits the community. They girls shared that earning this award looks good on a resume and helps get scholarships in the future, plus it is fun. The exercise course projects are part of their effort to earn this award.

The Mayor and City Council thanked the Girl Scouts for their presentation and the great job they did and thanked them for the service they are doing for the community.

**CONSIDERATION TO APPROVE MINUTES**

The Mayor called for the review of the minutes for the City Council meeting held 8/16/22.

Following the review by the City Council, Council Member Sharp made a motion to 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 called for the ratification of the cash disbursements for the time period of 8/13/22-8/24/22.

Following the review of the cash disbursements, Council Member Larrabee made a motion to ratify the cash disbursements for the time period of 8/13/22-8/24/22. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

**PUBLIC COMMENT**

The Mayor opened the meeting to items from the public that would take less than two or three minutes. Mr. Jay Warren addressed the Council and said he has had a recurring problem with the Code Enforcement Officer for the city concerning the weeds on his property. He said he has lots of bushes and roses and wildflowers and other plants in his yard. He said he is having a hard time getting a clear definition of what the city is asking him to do to clean up his yard. He said he had driven around the city and noticed there were other homes and properties that were in violation of city code, and he did not know why he was being singled out.

The Mayor thanked Mr. Warren for his comments and said the city has been working with the Code Enforcement Officer and the Chief of Police in dealing with other areas of the city that are having issues as well. Properties with that need to be cleaned up would also go through the same process. Mr. Warren asked if the Code Enforcement Officer was educated in what the difference is between certain types of weeds and certain types of

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plants because if not, he should not be writing citations. Mr. Warren also said he was frustrated that a police officer is the Code Enforcement Officer because he felt like a police officer does not have the proper training to look at plants and decide if they are weeds or just plants. He expressed the Code Enforcement Officer should have a degree in plants if they are writing citations about weeds. He said he felt that if there are questions, police officers are much more difficult to get ahold of than a city staff member would be.

The Mayor thanked Mr. Warren for his comments and said the city would continue to look at the ordinances as well as addressing those who are in violation around the city and apply the same action to others as what is being asked of Mr. Warren. The Mayor said duties of a Code Enforcement Officer is to look at violations and work on getting violations taken care of. The city made the decision to move Code Enforcement to the Police Department a few years ago. He said the police officers are a part of the city staff and work as city employees. The Mayor said thanked Mr. Warren for his time and said that staff would investigate his concerns.

Ms. Dixie Weeks addressed the City Council and said a police officer driven through her complex and was going very fast in pursuit. She wondered what the policy was for police officers going fast through a mobile home park where the streets are only about 30 feet wide, cars are often parked on both sides of the street and there could be children or elderly people nearby. Ms. Weeks said she was concerned about someone getting hurt when there is a pursuit. She said she thought it would be a good idea to speak with the officers about being careful about speeding in the mobile home park. Staff said they would address this matter

The Assistant Police Chief said he was not sure what had happened, and he would have to check the police logs, but he was not aware of a chase that had occurred. He said as far as Woods Cross police policy, it leaves it up to the officer as far as prudence and responsibility. He said one of the limitations in the policy is regarding school zones and the officers will not exceed speed limits in a school zone area. He said other than that, the decision is left up to the officer when in pursuit.

Mr. David Lewis then addressed the Council and said he had a brief comment about his property taxes going up along with the recreation district and the mosquito abatement district costs going up. He said he realizes that inflation is hitting everywhere, and he supports increases if they are needful. He also said he was supportive of the city looking into other ways to help save money with the rising costs of things.

There were no other comments, and the Mayor closed the public comment portion of the meeting.

**YOUTH CITY COUNCIL REPORT**

The Mayor gave the floor to Youth Mayor Ashley Westergard who reported on the activities of the Youth City Council. She was happy to report that this year the YCC will have 47 members. She noted they were involved in helping with the Night Out Against Crime Event. She also shared that the YCC had held a leadership training for the new Youth City Council leadership. She said their theme for this year is "Be the Change".

She reported they will be helping with upcoming events such as the Day of Service and a youth conference coming up. She noted they will be implementing a new structure this year with what was learned from their conference in March. She said they are very excited to start their new year.

The Mayor thanked Youth Mayor Westergard for her report and affirmed that he and the Council were looking forward to their traditional role of helping to serve breakfast at the YCC conference.

**COMMUNITY CONNECTIONS REPORT**

The Mayor gave the floor the Community Services Coordinator who reported on the community activities:

She noted they delivered 1500 popsicles to the neighborhood schools and the kids really enjoyed that.

She said there are over 20 projects planned on public and private properties for the Day of Service. There will be a Grab and Go breakfast for volunteers and Salmon Electric is providing. She said there were several other sponsors, including Thomas & Sons, Valley Paint, Flex Pak, Farr Better Ice Cream, and the LDS Church. She said they are very grateful for all the support for the Day of Service.

She said the YCC is being given a grant that will help fund many opportunities for this year, including free conferences in the winter and the spring.

The Mayor thanked the Community Services Coordinator for all her work, especially with the Day of Service.

**PUBLIC WORKS REPORT**

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

**WATER/STORM WATER**

- After Hours Callouts July—8
- Water Leaks July—2
- Blue Stake Tickets July—179
- Storm Water Inspections/Plan reviews July—10
- Waterline Inspections—8
- Storm Flooding Response and Repair
- Division of Drinking Water Sanitary Survey
- Backflow Assembly Testing Letters
- Lead Water Services Inventory
  - State Requirement
- Water Sampling
- 2 New Google Permits—Staff is reviewing

**STREETS**

- Paint Street Markings Working Graveyards Shifts the week of August 15<sup>th</sup>-19<sup>th</sup>
- Fleet Repairs
- Road Patches
- Tree Trimming in Morningside along 925 W
- Remove Concrete and Prep for Contractor Replacement
- Bond Inspections
- Street Light Inspections and Repairs Sent to RMP and Our Electrician
- Garbage Cans

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**PARKS**

- Grass growth has slowed down due to heat and water restrictions. We have enough water left in our allotment to make it until Weber turns off the water. **Weber Basin has announced that water will be left on until September 26<sup>th</sup>.** After Labor Day, limited to 1 day a week.
- Athletic Fields have been overseeded and fertilized. Play is restricted to allow for the seed to take hold. Weed spraying will start once temperatures go down.
- Mowing Contractor is installing bark tree rings while the grass is not growing due to heat and drought stress. Spot mowing will occur as needed for growth.
- Towne Center Park Swing Set install is complete. Sprinkler repair and back fill is done and has been seeded. If seed does not take hold, sod will be placed in September.
- Morning Side Playground replaced.
- Lower Mills and Towne Center replacements in September. (Contractor Delays)
- Water Trees
- Prep for Day of Service

**800 WEST CONSTRUCTION**

- A second pre-construction meeting was held with the City, Langdon Group (Public Involvement), Engineers, Kilgore, Davis School Woods Cross Elementary representatives, and Bountiful Irrigation.
- Safe Routes to school and bus routes are the highest concerns for the group and have been prioritized to minimally impact the children as much as we can.
- School access will always be available from 770 S and from the back of the school off 675 S
- Bowen Construction has completed concrete 10 days early.
- As the construction shifts, the Langdon Group will provide maps and information to Woods Cross Elementary Principal and LaCee to get out to the residents, parents, and the public.
- Road work by Kilgore will start the 9<sup>th</sup> of September and is to finish by November 1<sup>st</sup>.
- Begin lowering manholes and valves on the 9<sup>th</sup> to prep for the milling on the 10-11 (Saturday & Sunday)
- They will only close one side of the road, still allowing for 2-way traffic at all times and the 1100 S intersection open on school days.
- Resident access will be maintained as much as possible. The longest they will ever go without access is 10-12 hours. They will be well informed by the Langdon Group and Kilgore.
- Road Closures will happen on the road and asphalt work. Council previously authorized this for whenever school is not in session. This is a major rebuild with excavating down up to 24 inches and rebuilding the structure that the asphalt will be on for the most durability, and life of the asphalt.

**PUBLIC WORKS/ADMINISTRATIVE**

**Projects**

- 1970 S is open to traffic
  - Punch list created and working out the final details with 3XL
- Google
  - 2 new permits submitted Staff is reviewing them
- West Legacy Trail
  - Bind Weeds coming up in the middle of asphalt, working with the county to find solutions

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- Streets/Water Projects
  - Redwood Road Techite (last of the Techite in the city) Scheduled to start the first week of September.
  - 800 W Street Rebuild 770 S to 1500 S has started
  - 800 W and 1500 S Traffic Light funded, in the engineering phase
  - Crack Seal Services started
  - Street preservations started
- Day of Service September 10
- Emergency Preparedness Fair at the Megaplex in Centerville on September 17<sup>th</sup>

**IN THE WORKS**

- Development Review Committee
- Subsidence assistance application inspections in Farm Meadows
- Possible additional mill and overlays in the spring
- Fleet Replacement Program being presented tonight
- Grant applications—BRLIC and Congressman Stewarts Earmarks
- 1100 W 500 S—1100 S Widening Project. Design and ROW
  - Affected residents and businesses are and continue to be contacted by the Langdon Group for construction easements and Right-of-Way cleanup
  - Waterline portion of the project, bid opening September 16<sup>th</sup>
- 1100 W 3<sup>rd</sup> quarter funded road widening from 1733 S to 1750 S in design, bid out October
- Elements work orders in use, prep for building permitting
- East Mills parking lots rebuild (not increasing) in design
- Parking and Pickleball options at Mills (funding)
- 1200 S (Farm Meadows) Road Subsidence repairs designed and waiting on funding
- Looking at lowering manholes and valves in Farm Meadows to reduce the severe bumps—waiting on estimate
- Truck Weight Restrictions Code update—Waiting on Legal Review

Council Member Checketts said there was graffiti on the Bamberger Bridge. The Public Works Director said he would work on getting that taken care of. She also said there were two trailers being parked on 580 West and that needed to be addressed by Code Enforcement. It was noted the Chief was looking into this matter. Council Member Checketts also wondered how the benches were coming for Mills Park and the Public Works Director said he was watching the budget to see if those benches can be funded this year.

**CITY ADMINISTRATOR REPORT/ACTION ITEM REPORT**

1. Budget Submitted—I am happy to report that the FY23 budget was submitted on time to the State. I will prepare a Council/Staff version with some other additional pages that will help us code payments etc. and find out how many want paper copies and who wants a PDF version.
2. South Davis Fire District Update—During the Administrative Committee Meeting on September 1, Chief Stone updated us on the need for a Station Alert System update. We discussed various ways to fund the \$335,000 cost and recommended that the cities pay some and the rest comes out of a capital reserve fund left over from the construction of a fire station. The capital fund is also being built up for a training facility, but the Chief felt that \$100,000 contribution should be fine.

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3. Offer to Purchase Part of A-1 Drain—I received a call from a citizen stating they and about 8 of their neighbors would like to purchase land in the A-1 drain to make a deeper back yard. It's unusual for a city to sell off valuable park space and our suspicion is that the Bureau of Reclamation would have stipulations against this. Unless you indicate that you are interested in exploring this further, we will respectfully let the citizens know that the linear parkway is not for sale.
4. Animal Control Update—Cities met with Davis County Animal Care staff to discuss standardizing the maximum number of animals/dogs allowed on each residential lot throughout the county. The challenge to this is that some cities currently allow 2 and some allow 3. The officers are getting incredible pushback from citizens with too many animals/dogs allowed on each residential lot throughout the county.
5. Updated Subsidence Information—I prepared a memo that LaCee put on our website explaining to citizens what we are trying to do to help with the subsidence issue. We are continuing to push for a grant to update our study which should then help us get FEMA and/or Bureau of Reclamation grants in the future.
6. Woods Cabin—West Bountiful kindly called to say that the Woods Family Cabin is in such a state of disrepair that they are going to take it down and dispose of it. Duane said that the wood is so rotted and decayed that when it was evaluated by restoration/preservation professionals, it was deemed unfit to salvage. West Bountiful offered to deliver it to us and I respectfully declined stating that one cabin is probably enough.
7. Union Pacific Crossing Arms—I took a call from a frustrated citizen over the RR arms blocking traffic when there is no train. I communicated with Chief Soffe who informed me that Union Pacific has been firm on the rights that they have and their 30-minute response time handle crossing arm issues. I'm not sure if you want us to spend time tackling this issue but I wanted you to be aware. The lady suggested posting Union Pacific's phone number for arm repairs near the crossings. We will need to explore if this is possible.
8. Front Runner Track Addition—Staff will be meeting with UTA reps on September 12<sup>th</sup> to learn more of their plans to lay an extra set of tracks through West Bountiful and Woods Cross. More to come.
9. 2022 Road Bond—The Mayor and Annette will sign bond documents on Friday; September 9<sup>th</sup> and we will receive funds on September 13<sup>th</sup>. Thanks for all your help and support with this effort.
10. Out of the Office—I will be taking vacation from Tuesday September 13<sup>th</sup> through Sunday the 17<sup>th</sup> and again on Friday September 23<sup>rd</sup> for a Joint Highway Committee meeting. I will be available by phone if you need me.
11. Employee Appreciation Lunch—Don't forget to join us for the taco lunch on September 7<sup>th</sup> in Hogan Park for an employee appreciation lunch.

There was discussion on the possibility of the sale of property of the A-1 Drain but it was determined that the property is federally owned so that would probably not be possible. It was also discussed that there were a lot of dogs that use the area and leave messes that have become a problem. It was also noted there was a place where bags were available to utilize for the dog messes, but not everyone is utilizing these. Council suggested that the dog community should be made aware that there needs to be something done to take care of that problem and avoid revocation of access to that property. It was suggested that there could be a flyer made that could help remind dog owners to clean up after themselves.

The City Administrator noted there would be funds coming in for the Road Bond fund and it will be in one specific account that would cover certain projects and that would be monitored closely.



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Council Member Checketts said she would like to talk about the Union Pacific Crossing Arms being stuck down and said it is becoming a constant problem. She said it is happening more and more often. She said West Bountiful and North Salt Lake don't seem to have problems and wondered why the crossing arms are having such issues on 1500 South. The City Administrator said he would investigate that matter.

There was also some discussion on the Woods Cabin and Council Member Checketts said she would reach out to one of the Woods family members to make sure they are aware that West Bountiful would be removing the cabin so the family could contact them with any questions or concerns.

Council Member Sharp asked if there was information on the subsidence on the city website. It was noted there were updates on the subsidence on a separate page. Council Member Sharp said he has people asking him about the history of the subsidence. It was noted that website has links to reports that go through the history and dates of the subsidence. Council Member Sharp said he would steer people to that information.

The City Administrator said they are in the process of working on getting more grant money to help with those who are still experiencing major subsident issues and he is hoping to secure more grant funding in the future as this is growing within the city. There was discussion on what FEMA grants might be available and how the city may be able to go about acquiring some of those funds to help with. The City Administrator said he would work on getting more information and keep working on the matter. The Public Works Director said he is planning on getting ahold of another city who had recently received a grant from FEMA to see if they could share information that might help the city in applying for these types of grants.

**Action Item Report**

Date	Item	Assigned to	Status
10/5/21	Include mow strip provisions in zoning ordinance	Tim Stephens	Ordinance updated to allow citizens to access money.
1/19/21	Have attorney provide legal remedies for drug houses	Bryce Haderlie	Will continue to review in the next couple of weeks
3/12/21	Work with UDOT to widen Redwood Road	Sam Christiansen	Sam has emailed UDOT regarding the striping this spring but has not had a response.
7/6/21	Review zoning ordinance requirements for home occupancy.	Tim Stephens	Will review ordinances to see if changes can be made.
4/5/22	Junk Home Code Enforcement Review	Chief Soffe	Review code enforcement activities around the city

**CONSIDERATION OF APPEAL REQUESTING AN EXEMPTION FROM PLANTING STREET TREES REQUIRED IN SECTION 11-12-1060 OF THE LAND DEVELOPMENT CODE LOCATED AT 1412 SOUTH 1400 WEST**

The Mayor gave the floor to the Community Development Director who explained the following:

“Many years ago, the Planning Commission and City Council amended our subdivision ordinance also known as our Land Development Code, to include the requirement for the installation of street trees by the developers of a new subdivision. The inclusion of this green infrastructure in our residential rights-of-way not only provides visual relief and improvement to the streetscape, but also affords a less open feel to drives and is considered to

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provide traffic calming. In addition, street trees provide shade over hard surfaces such as concrete and asphalt, lessening the effects of urban heat islands and deliver many other benefits.

“Over the last two decades, new subdivisions in the city have had street trees installed by developers. Many of these trees have begun to mature and there are numerous examples of the visual improvement and value they add to our neighborhoods.

“As you are aware, the Valley Meadows subdivision on the north side of 1500 South is nearly completed. Many of the lots have new homes and homeowners. The developer of the subdivision is completing and finalizing the last few items that include the street tree plantings. A homeowner at 1412 South 1400 West, by the name of Marcia Gridley, has told the developer of the public works department that she does not want to have trees placed in the park strip in front of her home. Early on, with the requirement for street trees, we instituted a notification/acknowledgement sheet that all new homeowners in new subdivisions would read and sign at the time they signed up for utilities. It appears that Ms. Gridley signed hers but also wrote a note that she would not permit any trees in her park strip. She has now installed landscaping in her yard, however, did not put any irrigation in her park strip to drip the trees. She has placed rock in the park strip right-of-way. She has now made an appeal to the City Council asking for an exemption from the park strip tree planting requirements. She makes the case that this would be added cost and water usage and would ask that the developer not be required to install the street trees in front of her house. This would probably on average amount to two trees in front of her home. The city has made a commitment to add beauty and value to our new neighborhoods by requiring the installation of park strip trees within all new residential developments. In fact, at that time we modified the street cross section to provide for a much wider, (6.5-foot park strip) to better accommodate the trees. Staff is not in support of granting an exemption due to these facts and would rather not create a precedent that might lead to the elimination of more street tree plantings in the future.”

Further information was given as follows:

“Resident, Marcia Gridley has requested by email to be exempted from the requirement to have street trees planted in her park strip in front of her home located at 1412 South 1400 West. The developer in the area which Ms. Gridley lives is planning to place street trees in September.”

It was noted that in Ms. Gridley’s email she had submitted this request for exemption of having trees planted in her parking strip. She said she had submitted her form for Woods Cross utilities and added a written concern that she would prefer not to have to maintain such trees, but she did not know that she needed to submit a formal request. She said since that time she has completed her yard landscaping which did not include any water sprinkling pipes to sustain parking strip landscape. She also said she had already placed rock chips in her parking strip. She said there would surely be added cost and as well as long-term water use to reverse what had already been placed in the park strip. She said she was asking for an authorized exemption, though she unknowingly “jumped the gun” with putting in her landscaping.

It was noted that Ms. Gridley was contacted by the city by email and was provided with the sections of city code that outline the purpose and enforcement of the Street Tree Program. He noted that Ms. Gridley had been informed that while Woods Cross City does not have a formal exemption application, she was welcome to submit a letter explaining the purpose of her appeal and why she is seeking an exemption. He noted she had emailed her request and wanted to address the matter with the City Council at this meeting.

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Following the information given, the Mayor invited Ms. Gridley who was online to address the Council.

Ms. Gridley said she did not realize street trees were a requirement and had placed rock in that area of the parking strip. She said there are no sprinklers or pipe in that area. She said she thought she was taking water saving measures and conservancy to the park strip area and hoped the Council would take that into consideration. She said she had taken a picture to show the Council her rock.

The Public Works Director said the rock work is very well done but that when residents sign up for new services, they are given a paper requiring a signature that informs them of the street tree requirements. Ms. Gridley said when she had come in to sign up for new service, she expressed her concerns for putting in street trees and was told to make a note on her paperwork asking for relief from planting street trees.

The Public Works Director said that as street trees are required by city code, the only body that can give relief would be the City Council.

Council Member Checketts said that in older areas of the city there are no street trees at all or there are older trees that are overgrown and that have damaged sidewalks with roots. She said many street trees have died or been pulled out. She said she felt there are mixed messages given to residents that they should pull out their park strips and replace them with rock to conserve water but then turn around and expect them to have street trees in their park strips that would require watering. She said many people are taking out grass from their park strips and she thinks there is a double standard. She said trees look better in the yards than in the park strip.

The Community Development Director said the Flip the Strip program was intended to take out grass and turf which are big consumers of water. He said there is nothing that they can't put in rock in the strip, but they can put in a drip system that would be suitable for trees that would be in the strip. He said the drip system does not take much water. He said trees help combat urban heat islands and other negative effects associated with concrete and asphalt.

Council Member Checketts asked if new residents are forced to have street trees shouldn't the older neighborhoods also be required to have street trees as well. The Community Development Director said this program was never intended to have street trees in the older neighborhoods, it was for newer neighborhoods and there had been landscape specialists who had been consulted to get a list of trees which would be best for the park strips and street improvements. He said at the time this program was adopted it was felt the value the trees would provide would offset the negative aspects of putting in the trees.

The Mayor said he felt like it has been shown that in the case of storms the trees help to slow the flow of water going into the storm drain all at once. He also said the intention of the Flip the Strip program was never to get rid of all plants but to put in lower water consuming plants and trees along with the rock.

Council Member Sharp said if they were to make an exception, he felt like the ordinance would need to be changed. He said he was not sure he was ready to make an ordinance change at this time.

Council Member Terry said that as part of the Flip the Strip program it is required to put in shrubs and trees in the park strip. He said if the Council was going to be more lenient, he would still like to see something that

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would be beautifying to the park strip and that would look nice, all of which would also probably require putting in some sort of water. He said that as mature trees take very little water. He would still like trees put in.

Council Member Larrabee said he felt like trees are beneficial and he likes having the trees.

The Mayor said that while there are some trees in the older neighborhoods that are large and have lifted sidewalks, those types of trees are no longer allowed. He said he feels like trees add to the feel of the neighborhoods. He also said he does not want to make an exception and then have a standard set to keep allowing exceptions in the future. He said he understands the expense the resident will have to put in her landscape, but he did not want to set a precedent for the future.

Following the discussion above, Council Member Larrabee made a motion to deny the appeal for the request of an exemption from planting street trees at 1412 South 1400 West, with Council Member Sharp seconding the motion. Council Members Larrabee, Sharp and Terry voted in favor of the motion Council Member Checketts voted against the motion. The motion passed with the vote of 3-1.

The Mayor and Council encouraged Ms. Gridley to get in contact with the developer of her subdivision and speak with him about the schedule for placing the street trees in her neighborhood to coordinate with him.

**CONSIDERATION TO APPROVE MULTI-YEAR CRACK SEAL CONTRACT**

The Mayor then gave the floor to the Public Works Director who went over the following with the City Council:

“As part of the City’s Pavement Management Plan, City staff has put together a contract that will lock pricing per ton applied, with yearly updates according to oil prices, for 3 years. This allows the City to have crack sealing performed throughout the City as the budget dictates rather than bidding out by sections of town. This will also allow for the crack seal to be applied right before any asphalt sealcoat applications to receive the most benefit for the seal coat application. The best way to protect our roads is to prevent water from getting under the asphalt layer. Crack seal is one method in protecting the City’s asphalt roads.

“In addition to routine crack seal throughout the City, we have noticed subsidence in the roadways and concrete. The contractor will fill cracks that have started to appear in the Farm Meadow neighborhood to preserve the asphalt surface as long as we can. Once the water gets into the cracks, it will cause the roads to deteriorate faster. By sealing the cracks this fall and yearly in the neighborhood, we can preserve the road longer until funding is available to find a way to repair the roads and concrete from subsidence that is most effective. City staff is also looking at other ways to help with the asphalt subsidence.”

The Public Works Director said they had held an opening bid on August 24<sup>th</sup> for the project and they had 6 bids that came in as follows:

<b>CONTRACTOR</b>	<b>BID AMOUNT PER TON APPLIED</b>
<b>M&amp;M ASPHALT</b>	\$2,985
<b>KILGORE</b>	\$3,960
<b>HOT ASPHALT</b>	<b>\$2,000</b>
<b>ASPHALT PRESERVATION</b>	\$3,394
<b>ADVANCED PAVING</b>	\$3,500
<b>C&amp;B ASPHALT</b>	\$3,800

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The Public Works Director recommended the Council award the 2022 Crack Seal Services to Hot Asphalt for \$2,000 per ton applied and enter into a 3-year contract for the future years listed in the contract.

Following the information given by the Public Works Director, Council Member Sharp said he noticed that Hot Asphalt was \$1000 less than the next bidder and wondered if that was a concern. The Public Works Director said this company has been doing this crack seal for the city for 10 years, they are a local company which also helps keep costs lower and they do a great job.

Following the information given Council Member Terry made a motion to approve Hot Asphalt 3-year crack seal contract. Council Member Checketts seconded the motion and all voted in favor through a roll call vote.

**CONSIDERATION TO APPROVE SLURRY SEAL CONTRACT FOR SELECT ROADS**

The Public Works Director continued with the floor and noted the following for the City Council:

“In an effort to start the preservation and extending the life of the existing and new asphalt roads the City has paved along with other roads that are due for treatments, we are proposing 4 types of preservation treatments this fall and next spring. City staff has received bids for 3 types of preservation treatments. The bid openings that occurred on August 24<sup>th</sup> are:

- Crack Seal Services for a period of 3 years (bid award on a separate memo)
- Slurry Seal of select roads
- Ute-light Chip Seal of 2425 South west of Redwood road. (No bids received)
  - Will rebid late winter for spring

“Slurry seal is a great option for the City’s Pavement Management plan for areas that do not meet the requirements for HA5 or have higher traffic numbers (1500 S, 800 W, 1100 W). This bid award includes traffic control and repainting the existing road markings with traffic control and resident notification. Slurry seal does not require 24 hours to cure like HA5 but does have a period of cure time that is usually 4-8 hours depending on the air temperature.

“Currently we have \$472,000 budgeted for street maintenance with the HA5 application cost of \$99,140.72 and the cost of slurry from M&M Asphalt, we still have \$308,775.28 for crack sealing and future spring overlay or preservation projects.

“Given to the Council is a map showing the areas that will receive the slurry seal treatments. We will modify the map a little and not do the Public Works shop yard this fall and pick up the new asphalt in the front of the High School. We want to do more research into what works best within the yard behind the shop. M&M has done slurry treatments for the City in the past and we have had great experiences with them.

“We recommend that the City Council awards the 2022 Street Preservation Project—Slurry Seal Application to M&M Asphalt Services for the amount of \$44,084.00 and start work as soon as they can.”

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Following the information given, Council Member Sharp made a motion to approve the Slurry Seal Contract for select roads with M & M Asphalt Services for \$44,084.00 and start work as soon as possible. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

**CONSIDERATION TO APPROVE DISCUSSION AND POSSIBLE LEASE OF PW VEHICLES**

The Public Works Director continued with the floor and noted the following for the City Council and introduced Mr. Chase Lewis with Enterprise Fleet leasing to the Council:

“As part of setting up and implementing a Public Works Fleet Replacement Program, City staff have researched and found 2 options for implementing this plan.

**Option 1**-Lease/Purchase with Enterprise and/or Zions Financing - make payments that build equity in the vehicle. Equity Lease the 3/4 ton and below in size through Enterprise.

**Pros**

- o With each vehicle swap out, the equity rolls into the next lease, lowering the yearly costs.
- o Purchase/Lease with Enterprise, they will manage ordering trucks, replacements, and upfits. Equity leasing vehicles from Enterprise frees up time for staff for other duties.
- o Due to Enterprise's buying power the City can get better pricing than State Contract Pricing.
- o Trucks are specifically built for City use.
- o Can use vehicles once the City takes delivery. Financing does not start until truck is upfitted.
- o Equity Lease term lengths are adjustable. This allows for swap out of high demand trucks and retaining the lower demand trucks based on market conditions. This option makes more sense for low miles fleets like Public Works.
- o Ogden and Tooele School Districts currently use this model with great success.

**Cons**

- o The first rotation is more expensive than the other option.

**Option 2** - Traditional Lease Option - utilizing Zions and/or Unified make lease payment and return vehicle at end of term.

**Pros**

- o Lease costs are less expensive
- o There are guaranteed buy back amounts
- o The Police department is using this model currently

**Cons**

- o This option will rely heavily on City staff to set up vehicles for ordering and arrange upfits.
- o It relies on the dealer, or Unified/Zions picking models of trucks that have high resale, resulting in trucks that are higher-end trucks.
- o The traditional lease term starts when the vehicle arrives, and the city will make payment(s) while some of the trucks are being upfitted.
- o Lease term lengths are usually 2 years, capitalizing on high demand. This means more fleet changeouts. This option makes more sense for higher mileage fleets.
- o Dealer/Unified takes a larger share of the equity, and it relies on the initial cost savings from State Bid Pricing as the potential equity.

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**Zions Capital Purchase Lease** – Utilized in Both Options. Traditional Purchase Financing that will end with the City owning vehicle.

- o Heavy upfit trucks (1- and 2-Ton dump trucks and service trucks) Most expensive and traditional leases do not pencil out. (Life span 10 years)
- o Reuse utility beds, truck boxes, plow equipment, and dump bodies for those trucks between purchases/leases until their useful life is done.
- o Still purchase the larger Heavy plow trucks (Bobtails), but at a more frequent pace to meet the 20-year life cycle. (Industry standard is 15 years, but we can stretch it to 20)
- o Other equipment (Loader, Backhoe, excavator, mowers....) will be purchased and replaced at 10-15-year increments, based on use and values.

**Summary**

“As you all know, costs of vehicles/equipment have risen with the cost of inflation over the years and thus causing strain on the finances of everyone's budget. This rise in costs has greatly impacted the cost of trucks and equipment the City relies on to repair and clear 36 miles of roads, maintain 52 miles of Waterline, 36 miles of Storm Drain, and 75 acres of landscaping. Without the hard work of Public Works employees, roads would fall into disrepair, we would not have a reliable source of water for drinking and fighting fires, and the community would not be able to enjoy our parks

“Over the past few months, City personnel has been looking for alternative ways to catch up and set up a fleet replacement placement program. Recently, the police have successfully switched their fleet to a lease program to reduce operating costs and keep our officers in safe, reliable vehicles. Many ideas have been passed around, and the lease idea consistently came up as the Public Works Fleet plan best option to maintain a safe, reliable fleet.

**Recommendation**

“City Staff recommends that the City enter into a lease/purchase arrangement with Enterprise Fleet Management for light duty trucks and purchase, through Enterprise, financing through Zions Financial the 1-ton and larger equipment through a 5-year capital lease/purchase program.

“Because delivery dates will likely not be until the second half of 2023 (August). We ask that the City Council authorize Bryce Haderlie and Sam Christiansen to order FY23 and FY24 vehicles immediately.”

The Council discussed this program and the pros and cons of the program and said they would be in favor of using this program as it would be financially beneficial.

Following the discussion, Council Member Checketts made a motion to authorize the ordering of the public works vehicles as discussed with Council Member Larrabee seconding the motion and all voted in favor of the motion through a roll call vote.

Chase Lewis from Enterprise thanked the Mayor and the Council for their time and in giving them a chance to help with supplying the Public Works Department with reliable vehicles.

**CONSIDERATION TO APPROVE ORDINANCE 605, UPDATE TO CITY CODE 9:13 FLOOD DAMAGE PREVENTION**

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

“This is a FEMA drafted ordinance on flood damage prevention that has been adapted to our code format and will completely replace the current code section. FEMA says it must be adopted no later than September 15 for the City to continue eligibility with the National Flood Insurance Program (NFIP).”

Following the information given by the City Administrator, Council Member Larrabee made a motion to approve Ordinance 606, updating the City Code 9:13 Flood Damage Prevention. Council Member Sharp seconded the motion, and all voted in favor of the motion through a roll call vote.

**REVIEW AND CONSIDERATION OF THE CLIFTON TOWNHOME DEVELOPMENT LOCATED AT 2600 SOUTH REDWOOD ROAD AS PER AN INTERLOCAL AGREEMENT BETWEEN WOODS CROSS CITY AND NORTH SALT LAKE**

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

A few months ago, I received a notice from North Salt Lake of a potential development and rezone of properties within North Salt Lake involving the two west corners, and the southeast corner of 2600 South and Redwood Road. As I perused this notice, I realized that the northwest corner was at one time within Woods Cross City and had been part of a larger city boundary adjustment between the two communities two decades ago. Years ago, as the Foxboro Development in North Salt Lake grew and expanded northward, the developer purchased a large quantity of property just across the city boundary within Woods Cross. The developer of Foxboro approached the city proposing high density housing for this area. The city staff and planning commission spent several months working with the developer to try to come up with a plan satisfactory to Woods Cross. However, in the end, it was determined by the staff, planning commission, and city council that perhaps the proposed Foxboro phase would be better served, for multitude of reasons if it remained fully within North Salt Lake, as such, the two cities began discussions and negotiations to adjust our city boundaries in this vicinity to accommodate the idea of placing this proposed phase of Foxboro in North Salt Lake with the rest of the Foxboro development. In the end, there was an agreement penned and recorded along with the boundary adjustment map that placed the subject territory within North Salt Lake. This territory also included a parcel that would become the northwest corner of Redwood Road and 2600 South. Within the agreement, North Salt Lake agreed to several items including the construction of a tall wall between our existing light industrial and the residential component of the proposed Foxboro development. Also, the development required a minimum 30-foot setback from the city boundary to any residential structures. The proposal also involved the development of a large new park at the west end. In initial negotiations, the city was concerned that the future corner parcel had future sales tax value and would probably become commercial or mostly commercial, and Woods Cross City may be giving up future sales tax base.

There were discussions held that part or all of that corner be developed commercially, and North Salt Lake would split the sales tax with Woods Cross. However, in the end the agreement was signed that the proposed park at the end of 2600 South, by Legacy Parkway, would be considered not only for North Salt Lake but also for the use of Woods Cross Residents. As such, Woods Cross committed any future sales tax that would have gone to Woods Cross to North Salt Lake for future care and maintenance of this park and open space. However, the



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agreement also included a requirement that when the corner parcel was developed, North Salt Lake would permit the Woods Cross City Council to review and comment on any potential development.

“Given to the Council you will find plans for the Clifton Townhome Development. This includes future commercial space being reserved on the north and south corners on the west side of Redwood Road. When I contacted North Salt Lake City, their staff had no knowledge of the old agreement. At that time, they were considering rezoning and development that would have permitted this property to be fully developed residentially. However, after contacting North Salt Lake City and making them aware of the agreement their planning commission and council had the developer adjust the site plan. In the end, their planning commission and city council had the developer modify the plan to provide approximately a 1.8-acre future commercial area along Redwood Road on this parcel. As per the agreement, North Salt Lake has provided a copy of the proposed plans for the council’s review and comment. It appears from my review and involvement in this matter, that the inclusion of future commercial development at the northwest corner of 2600 South and Redwood Road is in spirit of the agreement and, as such, I would recommend the City Council give its approval to North Salt Lake City.”

Following the information given Council Member Sharp made a motion that a notice is recorded consistent with the notice that was recorded on all of the lots that were developed by Woodside homes as per the Interlocal Agreement, Woods Cross City Council agrees with this development plan with the condition as per the agreement, proper notices be recorded on each one of the subject properties in Woods Cross making the new owners aware that adjacent in Woods Cross City there are possibly uses that may not be totally compatible with the residential area that may produce negative effects.

Council Member Checketts said she had a few concerns about this matter. She said one concern is that this is a shared park which she thought would be news to city residents. She asked if the commercial sales tax goes to North Salt Lake would there be a discount for Woods Cross residents renting the pavilion at that park. The Community Development Director said he did not know the specifics. He said the agreement describes the park as a regional park for the benefit of the citizens of Woods Cross and North Salt Lake. She also asked what the timeline might be for the commercial space to go in. The Community Development Director said there was not a specific timeline, but it would be market driven. He said the parcel would be reserved for a future commercial development when the market supports it.

There was some discussion on whether it was really a matter to be concerned about if North Salt Lake puts in a commercial development. It was noted it probably did not matter if it would be homes because it did not impact Woods Cross City so North Salt Lake could decide what they would like to do but make sure that proper notice be recorded regarding commercial development on the corner for homes that would be located on the north side of the area. It was noted by the Community Development Director that the future sales tax from the commercial development was supposed to help with the maintenance and upkeep of the dog park and that is why it still may be beneficial to have the commercial development located on the corner of the property.

Following the discussion and information given, Council Member Sharp made a motion that the Woods Cross City Council is agreeable with what is being proposed by North Salt Lake with the Clifton Townhome Development located at 2600 South and Redwood Road per the Interlocal Agreement but would like to make sure it is recorded on all of the townhome plats that will border Woods Cross City stating there is light industrial located in the development and that the statement is recorded as the Interlocal Agreement dictates. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

**DISCUSSION OF SOLID WASTE BUDGET AND POSSIBLE RATE INCREASES**

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

“During this discussion we would like to:

1. Discuss a proposed rate increase to be brought forward in the future
2. Discuss bulk waste collection and how to proceed

“In June 2022 we were informed by Waste Management (see attached letter) that on July 1 we would receive a 10.1% (3.8% CPI and 6.3% extraordinary) increase of \$3,506.91 per month or \$42,100 per year. As the FY23 budget was adopted, we have a positive fund balance appropriation (revenue over expenses) of \$40,288.00.

“Rate Increase - Because the rate increase notice came after the tentative budget was adopted, it was not included in the budget so during a budget amendment process the \$42,100 will need to be added into the collection line items for garbage pickup expense, Spring & Fall Cleanup, Curbside Recycling Collection and Green Waste Collection.

“This will put the fund in a slightly negative balance overall but the \$52,566 fund balance in the Solid Waste fund will provide some cushion but not for long. We have also attached a garbage can count.

“For this reason, we feel the need to discuss a future rate increase, how much we are comfortable considering and if you want to do it in smaller increases or one large one. Our current rates are as follows:

<b>GARBAGE/RECYCLING/GREEN WASTE COLLECTION</b>	
New Can Fee (Assessed at building)	\$65.00
Monthly Service Charge (regardless of use)	
First can	\$12.25
First Recycling Can	\$6.15
Each additional garbage can	\$10.50 (6-month commitment)
Each additional recycling can	\$3.25 (6-month commitment)
Green Waste Charges	
Monthly Service Charge (per can)	\$6.50 (6-month commitment)
Each Additional Can	\$6.50 (6-month commitment)

“A 15% increase (approx. \$3.74 per month for 1 garbage, one green waste, and 1 recycling can) would help us build a buffer, and it could be implemented with 10% now and 5% in a few months to soften the impact. We appreciate your guidance as we work to prepare the resolution.

“Bulk Waste Collection – We currently hold a spring and fall cleanup event where citizens can bring bulk waste to the public works yard for disposal. We’ve asked Waste Management to give us an estimate for what it would

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cost to have them pick up citizens bulk waste curbside. While they are willing to do this, before doing so, they wanted us to be aware that Federal stormwater regulations strongly discourage placing items in the curb and gutter area which is why many cities have stopped doing this.

“Waste Management would also need more information to prepare a quote such as:

1. How often would the city want bulk pickup (at any time during the year, one or two set weeks per year, etc.)
2. What types of items could be disposed of? Hazardous materials present a host of other issues.
3. How does the City comply with stormwater regulations and how are violations dealt with?

“Overall, based on the information that we have been given; we still discourage pursuing this option but will do what the Council directs. The alternatives to curbside bulk waste pickup include:

1. Continue the bulk drop-off at public works (included in the approved budget).
2. Provide roll-off dumpsters to be placed at a home once a year for a nominal fee \$40-\$50. Several cities are doing this, but the rates would need to increase to cover the increased cost for this service.
3. Give citizens a dump pass for free to take items directly to the dump. This would also need to be budgeted into a rate increase.

Council Member Checketts said she would like to make sure this goes out to bid and the City Administrator said they would have to put it out to bid.

Council Member Terry said he would like to wait to make this increase at a future date since there had just been a tax increase and maybe wait until the new bids are taken to decide on the what the increase will need to be.

The City Administrator said he would do some more research into when the contract renews and what the budget has been in the past and then this item could be discussed further in the future after the information had been gathered.

Council Member Larrabee said he could get information on what other cities are being charged so the Council can see where Woods Cross City falls with garbage collection in comparison with other cities.

Following the discussion, the City Administrator said he would gather the information that was requested by the Council and report back as to what he found in a future meeting.

**QUESTIONS/DIRECTION TO STAFF**

Council Member Checketts asked about the Xeriscaping in the park strips on 800 West. The Public Works director said the neighbors were approached about putting in shrubs but after the rock had been placed in the park strips, but the residents were not interested in watering shrubs if they were to be put in.

There was discussion on the recreation district as well as recreation programs that are being run by the recreation district as well as individual cities and what the benefits and costs are for these types of programs.

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**COUNCIL REPORTS**

The Mayor said the Recreation District opted to not put the bond expansion on the ballot for this year because they do not have enough information to do that at this time. He said they are gathering more information to be able to be more prepared to present it to the public.

**CLOSED SESSION**

At 9:55 P.M. Council Member Sharp made a motion to move into closed session. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

**MOVE INTO OPEN SESSION**

At 10:20 P.M. Council Member Sharp made a motion to move into open session. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

**ADJOURNMENT**

There being no further business before the City Council, Council Member Terry made a motion to adjourn the meeting at 10:20 P.M. with Council Member Larrabee seconding the motion and all voted in favor of the motion through a roll call vote.

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Ryan Westergard, Mayor

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Annette Hanson, City Recorder

Approved by City Council 10/04/2022