

**WOODS CROSS CITY COUNCIL MEETING  
JUNE 21, 2016**

The minutes of the Woods Cross City Council meeting held June 21, 2016 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Ryan Westergard, Mayor Protem

**COUNCIL MEMBERS PRESENT:**

Ryan Westergard, Mayor Protem  
Tamra Dayley  
Jessica Gertsch

Wally Larrabee  
James Sheldon

**COUNCIL MEMBERS EXCUSED:**

Rick Earnshaw, Mayor

**STAFF PRESENT:**

Gary Uresk, City Administrator  
Jessica Sims, City Recorder  
Scott Anderson, Public Works Director  
Greg Butler, Chief of Police

**VISITORS:**

Patt Huttzell  
Lois Schrader  
Steph Gonzales  
Dallin Winward  
Scott Cline  
Chris Hoffman

Gregg Dayley  
Don Schrader  
Mario Gonzales  
Hunter Stratton  
RaNae Cline  
Alan Malan

Julie Checketts  
Adam Osoro  
M. Darshett  
Laila Stratton  
Cathryn Duke  
Jennifer Malan

**INVOCATION:**

Wally Larrabee

**PLEDGE OF ALLEGIANCE:**

Ryan Westergard

**APPROVAL OF MINUTES**

The City Council reviewed the minutes of the City Council meeting held June 7, 2016. After their review, Council Member Larrabee made a motion to approve the minutes as written with Council Member Dayley seconding the motion and all voted for the motion through a roll call vote.

**REVIEW OF FINANCIAL REPORT**

The Mayor Protem gave the floor to the City Administrator who reviewed the financial report for May with the City Council.

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**APPROVAL OF CASH DISBURSEMENTS**

The City Administrator then went over the cash disbursements for the time period of May 27, 2016 through June 9, 2016. After the review, Council Member Dayley made a motion to ratify the cash disbursements as presented with Council Member Larrabee 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 City Council. This would be items that would take less than two or three minutes.

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

**RECOGNITION OF ADAM MALAN AS NEWLY APPOINTED PATROL SERGEANT**

The Mayor Protem then presented Mr. Adam Malan who had been newly promoted to the police department as patrol sergeant. The Chief of Police reviewed the testing process as well as informing the City Council of Officer Malan's experience he brings with him to the police department.

The Chief then invited Officer Malan and his wife forward to receive his new sergeant badge and to be sworn in by the City Recorder. The Mayor Protem and City Council congratulated him on his new appointment and said how much they appreciated his service to the community of Woods Cross.

**POLICE DEPARTMENT REPORT**

The Mayor Protem gave the floor to the Chief of Police, Greg Butler. He reported the following to the City Council:

Chief Butler noted he had prepared a response to a letter to the editor in the Davis County Clipper dated June 16, 2016 calling into question the quality of officers working for Woods Cross City and wanted to tell the citizens a little bit about the quality and experience the officers of Woods Cross City have,

Chief Butler noted:

- The average experience of the officers in our department is 14.3 years of service
- The average experience of our supervisory positions is 22.4 years of service
- Three FBI Command College graduates
- Three U of U Executive Leaderships certificated holders
- The department has one officer with a PHD in psychology
- The department has one officer with a Juris Doctorate
- The department has two officers with Masters Degrees

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- The department has three officers with Bachelor Degrees
- The department has three college professors (UVU, SLCC & Weber State)
- The department has two paramedics
- The department has two EMT's
- The department has five officers that were certified firefighters
- The department has two certified phlebotomists

He said that he believes we have one of the most experienced and educated and professional staffs in the state of Utah and he would put our officers up to any in the state. He said he just wanted to make sure the Council and the citizens knew of what a great police department Woods Cross City has.

He then continued with his police reports for April and May as follows:

**DISPATCHED CALLS**

**APRIL**

<u>2016</u>	2015	Yearly
Jan-850	Jan-1169	2016-
Feb-911	Feb-1030	2015-12,819
March-1021	March-1065	2014-9495
April-1073	April-1010	2013-8979
	May-1070	2012-7347
Running total-3855	June-1131	2011-6918
	July-1180	2010-7167
	August-1167	
	September-1104	
	October-1072	
	November-905	
	December-916	

**ASSISTS OUTSIDE AGENCY**

<u>2016</u>
Jan-161
Feb-183
March-194
April-211
Running Total: 749

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**ACTIVITY REPORT**

- Officer Corby's field training continues
- Train Pedestrian Accident
- Boy Scout Tour
- Young Women's Church Group Tour
- Officer DuPape graduated SLCPD SWAT School
- Employee Health Screening
- Great "Utah" Shake Out
- Staff Attended Victims of Crime Conference
- Hosted NCPAA Conference
- Drug Take and "Free" Shred Day

**DRUG TAKE BACK & SHRED DAY**

- Filled the truck with 10,500 pounds of documents to be shredded
- Had 125 pounds of drugs

**HOSTED NCPAA CONFERENCE**

**USE OF FORCE**

- None for the month of April

**SWAT TEAM ACTIVITY**

- 16 Hours of training
- Assisted SLCPD on a barricaded subject who shot at police

**WOODS CROSS SCHOOL ACTIVITIES**

- 2 Thefts
- 3 accidents
- Assisted BPD on case
- Escorted band to CA

**K-9 ACTIVITY**

- 11 deployments
- 7 Sniffs Bountiful PD
- 1 Sniff DCSO
- 1 track for WBPD
- 1 Sniff WXPB
- 4 deployments led to drug recovery

**LPR HIGHLIGHTS**

Traffic Stops—34

Citations—18

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Insurance—4

Revoked Registrations—2

**DETECTIVE DIVISION**

- 35 Active Cases
- 13 in felony screening
- 14 new CNR's

**POLICE DEPARTMENT REPORT FOR MAY**

**DISPATCHED CALLS**

May—1131

Running Total-4986

**ASSISTS OUTSIDE OF AGENCY**

May—236

Running Total—985

**ACTIVITY REPORT**

- Schultz hospitalized Saturday, May 21<sup>st</sup>
- Two Scout Tours
- Developing & Implementing an Outward Mindset
- Hill Airmen Against Sexual Assault Fundraiser
- Attended Governors Summit Training
- Workplace Violence Training
- Two Young Kids Came to PD
- Zero Fatalities Training (Coming Back November)
- Taught Class for Safe Harbor employees
- Taught Class for Job Corps

**SILVER EAGLE THANK YOU**

**START BY BELIEVING CAMPAIGN**

**DONATION TO UPD**

- Excess Funds From Spots Care were donated to UPD

**POLICE BOOTH FOR MEMORIAL DAY CELEBRATION**

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**CIRCLE THE WAGON**

The Chief of Police explained this program and how they would be implementing it into the Woods Cross police department

**USE OF FORCE**

- None for the month of May

**SWAT TEAM ACTIVITY**

- 16 Hours of training

**WOODS CROSS SCHOOL ACTIVITIES**

- 2 thefts
- DARE graduation at both elementary schools
- 1 accident
- Keys to Success

**K-9 ACTIVITY**

- 5 Sniffs
- 2 Bountiful PD
- 2 WXPB
- 1 UPD
- No drugs found-dogs will hit on areas where drugs were

**WOODS CROSS SCHOOL ACTIVITIES**

- 2 thefts
- DARE graduation at both elementary schools
- 1 accident
- Keys to Success

**LPR HIGHLIGHTS**

- No activity with LPR Accident claim has been settled and vehicle was in shop being repaired

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DETECTIVE DIVISION

- 30 active cases
- 22 cases in screenings
- Drug cases are way up
  
- Search Warrant 900 South 1000 West (FL.)

The Mayor Protem thanked the Chief of Police for the great job they do for the city.

**CONSIDERATION TO APPROVE FUNDING FOR RAD WOMEN OF UTAH PROGRAM**

The Mayor Protem then gave the floor to Council Member Gertsch and Council Member Sheldon. Council Member Sheldon noted he and Council Member Gertsch had been working on getting the RAD Program going within Woods Cross City. The City Administrator noted the following for the City Council:

“Given to the Council is an outline of the costs Michele Wood and Julie Checketts are requesting to implement the RAD Women of Utah program in Woods Cross. It is my understanding that they have a 501 (c) (3), non-profit status. They are asking for between \$10,000 and \$14,000 depending on whether we want to buy simulation equipment packages. I recommend we only purchase one simulation equipment package and that we split the funding of the \$10,000 into \$5,500 in the fiscal year 2016 budget to cover the national conference and then \$4,500 in the fiscal year 2017 to cover the simulation package and the other classroom equipment and supplies in next year’s budget. If that is acceptable for the Council, I will have a budget adjustment for this year’s budget and when we approve the budget in August we will include the \$4,500 for the equipment.”

The Council called Ms. Julie Checketts forward who gave a brief overview of the program and the benefits that it would give to the women of Woods Cross City. Ms. Checketts also answered questions the Council had regarding the program.

The Council thanked Ms. Checketts for her diligence and she thanked the Council for their support and said this will be a very beneficial program to the city’s residents.

After the review, Council Member Dayley made a motion to approve the funding for the RAD Women of Utah Program. Council Member Gertsch seconded the motion and all voted for the motion through a roll call vote.

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**PUBLIC HEARING—CONSIDERATION TO AMEND THE FY 2016 BUDGET FOR ALL FUNDS**

The Mayor Protem gave the floor to the City Administrator who went over the following information with the City Council:

“In the Legislative Department there is an increase of \$5,500 under “Miscellaneous Services” to fund the RAD Women program.

“In the Non-departmental Department, “City Engineer” is increased by \$45,000. This is to cover the cost of the review of the Woods Crossing commercial development plans. Our engineers put a significant amount of time into reviewing the plans for the project.

“In the Attorney Department, the “General Legal” line item has been increased by \$15,000 to cover the cost of our attorney to review the Woods Crossing commercial development plan and development agreement.

“Under City Hall Department, the line item for “Equipment Greater than \$500” has been increased by \$7,000 for the new recording system for the council room. This will be paid 100% by a grant from the judicial council. We have not yet received the grant revenues so I have not budgeted them.

“In the Police Department, there is an increase of \$18,000 under “Special Department Supplies.” This is to cover the dog cage and other supplies. The dog cage, as you may recall, was paid for by a donation from Silver Eagle Refining. Also, “Equipment Greater Than \$500” has been increased by \$62,000 for the purchase of the two police cars. The majority of the police cars will be funded out of the \$100,000 we had allocated for the shop design. The design cost was considerably less than budgeted and I am removing \$40,000 to cover the cost of the police vehicles.

“In the Building Inspections Department, I have decreased “Inspections” by \$50,000 since we have not issued that many building permits, and I made a corresponding decrease in the building permit revenue.

“In the Parks Department, I have “Salaries and Wages” and “Part-time Salaries and Wages” to compensate for the lawn mowing contract which is shown under “Professional and Technical” which is increased by \$40,000 which is about one half of the cost, the other half will be budgeted in next year’s budget.

“In Revenues, I have decreased “Court Fines” by \$20,000 since we will not reach the budgeted amount.

“The total increase in the General Fund budget is \$26,500.

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“In the RAP tax fund, I have pulled out the park improvements and put them under each special project. Clover Dell Playground, Farm Meadows Playground, and Pickelball Courts. I increased the fund balance appropriation to \$150,000 to cover all of the projects. It was determined that we wanted to complete these projects this year and use the fund balance to pay for them.

“In the Garbage Fund “Purchase of Equipment over \$500” increased by \$6,500 for the purchase of additional garbage cans.

“In the Storm Drain Impact Fee Fund, I broke out the Legacy Park Storm Drain as a separate line item and pulled that money from the Storm Drain Improvements.”

Following the review by the City Administrator, the Mayor Protem opened a public hearing to consider amending the FY 2016 Budget for all funds.

There were no public comments regarding this item and the Mayor Protem closed the public hearing.

**CONSIDERATION TO ADOPT A RESOLUTION AMENDING FY 2016 BUDGET FOR ALL FUNDS**

Following the above information Council Member Dayley made a motion to adopt Resolution 2016-615, a resolution amending FY 2016 budget for all funds. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF WOODS CROSS CITY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$3,900,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, SERIES 2016; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS; AND RELATED MATTERS**

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

“Given to the Council is the parameters resolution that outlines that we are going to issue not to exceed 3.9 million dollars in water revenue bonds which is the amount of the bonds that we will be retiring. As I mentioned in the previous meeting, there is a small savings to the City above the refinancing costs and I feel it is beneficial to refinance the bonds.”

Following the information given to the City Council, Council Member Dayley made a motion to adopt Resolution 2016-616, a resolution for the Woods Cross City Council to authorize the issuance and sale of not more than \$3,900,000 aggregate principal amount of water revenue refunding bonds, series 2016; fixing the maximum aggregate principal amount of the bonds. Council Member Gertsch seconded the motion and all voted for the motion through a roll call vote.

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**CONSIDERATION TO APPROVE THE PURCHASE OF A NEW TRACTOR FOR THE  
PUBLIC WORKS DEPARTMENT**

The Mayor Protem gave the floor to the Public Works Director who reviewed the following with the City Council regarding the purchase of a new tractor:

“We had budgeted \$60,000 for a mower replacement in our parks this year. With the mowing contract this year we do not need this replacement. For a number of years in the Capital Improvement Plan we have listed a tractor replacement, the present tractor is nearly 30 years old. We have discussed how a new tractor would be beneficial and used within the parks dept. for the need of maintenance, such as aeration & fertilizing along with snow removal from some parking lots and paths.”

I have received bids on the following: Tractor, front plow, front broom & broadcast spreader.

**Valley Kubota**

60 HP Tractor (In Stock)	\$35,885.00
Equipment options	\$3,160.96
72” Front Broom	\$4,003.90
84” Front Blade	\$2,138.14
1100lb Capacity Spreader	\$2,058.58
<b>Total</b>	<b>\$45,108.44</b>

**BEC Equipment**

54 HP Tractor	\$34,805.86
Equipment Options	\$3,160.56
72” Front Broom	\$3,903.90
84” Front Blade	\$2,138.14
1100lb Capacity Spreader	\$2,058.58
<b>Total</b>	<b>\$46,067.04</b>

**State Equipment (JD)**

52 HP Tractor	\$35,154.17
Equipment options	\$6,746.20
Front Broom	\$11,199.83
Front Blade	\$2,435.92
Broadcast Spreader	\$599.92
<b>Total</b>	<b>\$56,135.60</b>

“I would recommend the purchase of the 60 HP Tractor and described accessories from Valley Kubota for the total cost of \$45,108.44.”

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After the information given by the Public Works Director, Council Member Dayley made a motion to approve the purchase of a new tractor for the public works department from Valley Kubota as outlined above. Council Member Gertsch seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO APPROVE THE SEAL COAT BID FOR CITY STREETS**

The Public Works Director also reviewed this item with the City Council as follows:

“I am proposing the approval to use a high density mineral bond seal coat product name, HAS from Holbrook Asphalt as a seal coat for the roads and areas in the City.

“This product is being used in the 2<sup>nd</sup> year of a 3<sup>rd</sup> year contract with West Bountiful. The supplier has given Woods Cross City the same cost as \$0.168 per square foot as the work being done in West Bountiful. We intend to do 177,111 square feet for a total of \$32,575.65. The seal coat is necessary to seal in the oils of the asphalt to keep it pliable so it will last longer.

“I would recommend approval of this project.”

After the information given by the Public Works Director, Council Member Dayley made a motion to approve the seal coat bid for city streets for \$32,575.65. Council Member Larrabee seconded the motion and all voted for the motion through a roll call vote.

**SAFETY ACCOUNTABILITY REPORT**

The City Administrator noted the following for the City Council:

“Given to the Council is the Executive Accountability Report for May. There were no incidents during the month of May and the departments are moving ahead with their safety meetings, training and department audits.”

**OPEN SESSION**

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

Ms. Stephanie Gonzales, a city resident, came before the City Council. She said that her house was still having problems because of the subsidence issues. She said she would like to ask if there was anything else that could be done since the drilling does not seem to be finding anything. She wanted to know what the next step would be to address this issue. She did say that she understands it is a personal problem and not a city problem but has appreciated the help the city has tried to give the residents.

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The City Administrator said there have been several holes drilled and they are starting to rule out what is or is not causing the problem. He said they think the subsidence problem could be because the water table has dropped and is causing soil consolidation which could be causing the houses to be shifting as those soils consolidate. He also said he would like to drill some deeper holes and also drill in different spots. He said he wished he could see something very obvious going on but he thought there are several things happening at once that can be contributing to the problem. He did say they did not know why it is happening at this particular time as the subdivision has been there for around years. He also said because of many contributing factors, it may be hard to determine the exact cause of the subsidence.

Ms. ReNae Cline then addressed the Council saying she had companies come and look at her home including realtors and investors but no one will invest in their home because it has dropped 8 ½ inches on one side and 4 ½ inches on the other side. She feels like she may be moving towards condemning her home. She said she feels like she may have to lose her home and just move. She said she is also working on trying to solve a problem as well. She said she has paid her own people to come in and drill and said she is at a loss of what to do. She continued by saying she has had Questar Gas come out twice and put in new elbows on some of her gas lines. She noted the property in the area would need to be not be able to be rebuilt on in the future until a cause could be determined

Ms. Cline also told the Council she had other people calling her from other cities wondering what has been going on. She said she feels bad there is a problem because she loves Woods Cross and has lived her for 17 years and she does not want to move but she might not have any other choice.

It was noted other people in the area have chosen to move. There has been mention of a spring in someone's yard and if it could be a contributing factor. It was noted there was no information concerning that question.

The Mayor Protem said the city is trying to help with what is going on and unfortunately have not been able to find anything conclusive. The cost to drill again is fairly expensive and it is not clear if it will reveal anything. He said they hope that we can continue work on it. He expressed his sadness and said he and the Council feel for her and those who are experiencing this problem and want to do all we can to try and get to the bottom of the problem.

Mr. Cline said maybe having a third party engineer to come in and get an opinion on whether drilling again would help. He said they are really in a bad spot. He said he feels the need to expedite the process and try and get some experts to come in and evaluate the situation before drilling again.

The Mayor Protem said Terracon had been drilling and taking out the samples and doing analysis on them and reporting back to the city. They are geotechnical engineers and are continuing to evaluate and examine the soils where they can.

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Mr. Cline asked how they are deciding on the locations and determining where to bore the holes.

The City Administrator said they had consulted with Terracon and they had suggested the locations. The drillings have been on city property so far as the city has not wanted to cause more problems. The City does have to take legal matters into consideration as well.

There are 8 homes having some issues with the subsidence at the moment that need to be taken into consideration.

Ms. Cline asked why Terracon did not come and bore by their home as their home seems to have the most serious problem at the present time. The Mayor Protem said he did not know why but Terracon chose the areas they felt might give them the best information. The City Administrator said he did not know why they did not choose to bore by the Cline's home but they are looking at boring there now since this home is the one that is having the biggest issue of sinking at the present time.

Ms. Gonzales asked what the process was of trying to get the funding to bore a new hole. It was noted it could be done on July 1 according to the city's budget.

The Council asked what else could be done to help the people having this issues. They asked what resources could be found to help them to find this issue and said the residents have done their due diligence and that the City is helping as much as possible. It was noted they have contacted as many people and experts as they could and been geologists and engineers have been working on the issues.

The City Administrator said he had been in contact with the state and they said they could become involved when there is something found that could be mitigated. He also noted the city has asked a surveyor to come out and survey and monitor the area to also see what the changes are so they can have a record and keep track of the changes.

It was asked what would happen if there is nothing conclusive found. The City Administrator said the elected officials can become involved as much as they feel comfortable but then there is public versus private in becoming involved.

The neighbors said they did appreciate all that the City is doing to help find out what is causing this problem and that they are grateful for the level of involvement they are helping with at this time.

It was noted the staff would continue to work on this issue and continue try to find ways to help these residence and to keep them as safe under these difficult circumstances. The Council expressed their condolences on what was happening and said they want to help in any ways possible.

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Council Member Gertsch said she got an email about the disc golf holes being moved. She wondered if the holes could be closed until they could be moved. The City Administrator said they could remove the baskets until they can be moved if the Council feels this would be a good course of action.

The City Administrator said they are planning on moving two baskets and two tees. It was noted they are planning on moving #9 and #14 baskets and modifying #8 and #15 tee boxes. The City Council directed staff to remove the baskets until these changes can be made. They said by closing these holes it could be used as a baseline to see if these changes will alleviate the problems that the neighbors are having.

The Mayor Protem noted they had gotten information about wildfire lands. The City Administrator said Woods Cross City does not have as much wildfire lands as other cities in the area but the city reviews this matter. It was noted there were areas on the west side of the Legacy Highway that might be included in wildfire lands, but it is usually wetter where they are located. He said we have never had an issue as long as he has work here with wildfires but are monitored. He did note that Woods Cross City is a member of the fire district so we would be continuing to get information and can be involved at the level in necessary for our city.

There were no further items for the open sessions and the Mayor Protem closed the open session.

**WASATCH INTEGRATED WASTE REPORT**

The floor was given to Council Member Larrabee who reported on the activities of the Wasatch Integrated Waste District. He said on June 1<sup>st</sup> there would be a board meeting and a hearing on the budget. He said they had approved a 23 million dollar adopted budget. He also said they are looking at amending green waste rates to \$20 a ton. He noted they approved, as a board, to become part of Bayview landfill in Utah County which will extend the life of the landfill and the buy in amount was 1.5 million dollars. He noted the mixed waste processing facility is exceeding expectations and they will be adding a second shift to increase capacity. On July 20 they will have their annual maintenance shut down and it will be approximately 5 weeks for some areas. Also during the last wind storm the plastic covering was torn and it cost \$30,000 to repair.

**PLANNING COMMISSION REPORT**

Council Member Sheldon reported on the Planning Commission meeting held June 14, 2016. Please see the minutes of that meeting for the details of his report.

**SOUTH DAVIS METRO FIRE AGENCY REPORT**

The Mayor Protem noted that since the Mayor was not at tonight's meeting there would be no report on the South Davis Metro Fire Agency. The City Administrator did say that the fire agency had approved their tentative budget.

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**SOUTH DAVIS RECREATION DISTRICT REPORT**

There was also no report on this agenda item since the Mayor was not in attendance to give the report.

**MAYOR'S REPORT**

There was no Mayor's report since the Mayor was not in attendance.

**CITY ADMINISTRATOR'S REPORT**

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

- 1. Farm Meadows Subsidence Study:** "At the last meeting I suggested we do another bore between the railroad tracks and Farm Meadows Subdivision. We asked Terracon for a price on doing a 100-foot bore and the price has come back at \$6,700. I feel that is a fairly steep price and did not want to proceed further without discussing this with the Council. If the decision is to move ahead with that bore, I would suggest we wait until after July 1, to do it so we can have that cost in the next fiscal year's budget. I have had further discussions with Mark Bell regarding boring next to the foundations of the home. Both of us still see legal implications in doing such and have not yet been able to find a way to give us the comfort level to go on to private property to do the borings. We will have further discussions and I will update the Council on any additional thoughts that we might have.
- 2. Summer Picnic:** "We would like to schedule the Summer Picnic for September 9<sup>th</sup>.
- 3. January Dinner:** "I would like to suggest the date of January 20<sup>th</sup> for that dinner."

The Council accepted both of these dates for the above mentioned events.

**ADJOURNMENT**

There being no further business before the City Council, Council Member Sheldon made a motion to adjourn the meeting at 9:00 P.M. with Council Member Gertsch seconding the motion and all voted for the motion through a roll call vote.

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Ryan Westergard, Mayor Protem

Jessica Sims, City Recorder