

**WOODS CROSS CITY COUNCIL MEETING**  
**JUNE 1, 2004**

The minutes of the Woods Cross City Council Meeting held June 1, 2004 at 6:30 P.M. in the Woods Cross City Hall, 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Mayor Jerry Larrabee

**COUNCIL MEMBERS PRESENT:**

Mayor Jerry Larrabee  
Rick Earnshaw  
Jon Hadlow

Don Moore, Jr.\*  
Lisa S. Schloemer  
Thad Van Ry\*

\*Entered the meeting as noted below in these minutes

**STAFF PRESENT:**

Alan Low, City Recorder  
Gary Uresk, City Administrator  
Tim Stephens, Community Development Director

**VISITORS:**

Melinda Williams  
Tyler Uresk  
Lois Uresk  
Michaela Uresk  
Charles Payne  
Wayne Hinckley  
Lezli Benson  
David Dewey  
Suzanne Bryson  
Judy Kjar  
Ron Hale

Al Jewell  
Carissa Uresk  
Ashley Uresk  
Jacqueline Uresk  
Andrew Bishop  
Vicki Hinckley  
Calvin Brubaker  
Scott Wood  
Stephanie Geisler  
Tamy Dayley

**INVOCATION:**

Rick Earnshaw

**PLEDGE OF ALLEGIANCE:**

Jon Hadlow

The Mayor welcomed those in attendance and stated that this is a regularly scheduled meeting, that notice of time, place and agenda of the meeting was sent to local newspapers and provided to each of the City Council Members prior to the meeting.

**APPROVAL OF MINUTES**

The Council reviewed the minutes of the City Council Meeting held May 18, 2004. Council Member Hadlow motioned for the approval of the minutes as written with Council Member Earnshaw seconding the motion and all voted for the motion.

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**APPROVAL OF CASH DISBURSEMENTS**

The floor was given to the City Recorder who reviewed the cash disbursements listing for tonight's meeting with the City Council. After the Council's review, Council Member Earnshaw made a motion to approve the cash disbursements as presented with Council Member Schloemer 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 were brief in nature. This would be items that would take less than three minutes.

The floor was given to Council Member Earnshaw who expressed appreciation to the parks personnel for the excellent job that they did in preparing Hogan Park for the Memorial Day celebration.

Next the Mayor gave the floor to Council Member Schloemer who noted that they have completed the Welcome Baby course for several recent mothers in Woods Cross City and that they would be presenting certificates of graduation from the program to these new mothers. She noted that this would be done at a future City Council Meeting.

The floor was given back to Council Member Earnshaw who noted that they had over 300 runners who participated in the 5K Fun Run in connection with the Memorial Day celebration. He expressed appreciation to Mr. and Mrs. Charles Payne who oversaw the race and helped to make it a success.

The floor was then given to Mr. Charles L. Payne who in turn thanked the Youth City Council for their assistance in helping to produce the 5K Fun Run.

There were no other items for the brief open session.

**SOUTH DAVIS SEWER DISTRICT REPORT**

The Mayor gave the floor to Mr. Charles L. Payne, the city's representative on the South Davis Sewer District Board. Mr. Payne reported the following to the Council:

1. He reported that the district has a mutual aid agreement between the sewer districts in Davis County so if any of the districts need manpower, equipment and other resources during emergencies they can borrow from each other.

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2. The district had a line backup above Bountiful Boulevard and during the clean-up people removed sheet rock and carpet that they were told was not necessary to remove and it ran into a large expense. The owners said that they would go to the news media if they were not reimbursed for all costs so it would be wise to watch who does the clean-up for this kind of emergency in the future.
3. The district and the other POTW's are investigating long term areas for disposal of all biosolids.
4. In February a snow plow or UTA bus broke a manhole into two pieces and a women going to work damaged her car. The district was not notified for several months and it is thought that Bountiful must have replaced the manhole. The board felt there was cause to aid in the repair costs for the damage done to the car.
5. The State Engineers office completed the compliance report on both plants last month. Everything seems to be in good shape.
6. The district used its biosolid spreader on the Smith property and the owners of other farm properties will take this material if it is spread for them
7. Billing for the district will change, the distribution of accounts as follows:

Davis County	301
Chevron	1
Centerville	4476
North Salt Lake	2819
WX	2574
West Bountiful	1541
Bountiful (old)	2663
Bountiful (new)	9309
Total	23,684

The Council thanked Mr. Payne for his report.

**YOUTH CITY COUNCIL REPORT**

\*Council Member Moore entered the meeting at this point.

Mayor Larrabee called on the Youth City Council co-mayor Andrew Bishop to report to the Council on the activities of the Youth City Council. The items reported are as follows:

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1. The Youth City Council attended the Elks Youth Week Awards Program. Andrew Bishop was awarded the 2004 Youth Citizen of the Year Award for Woods Cross City.
2. The Youth City Council helped with the games at the Woods Cross Elementary Family Fun Night on May 13, 2004.
3. On May 20, 2004 the Youth Council was recognized for promoting literacy with the Head Start classes at Washington and Woods Cross Elementary schools over the last 12 months. They received a plaque for their service.
4. The Woods Cross Youth City Council Leadership Scholarships were awarded by Mayor Larrabee to Emily Burnett and Angie Eaton at Woods Cross High schools Scholarship Night on May 26, 2004. These two Youth Council members have given many hours of service to the community over the last few years.
5. A few of the Youth City Council members have agreed to help Washington Elementary with their carnival. The Bountiful Youth Council originally signed up to help but backed out. About seven members have offered to help.
6. Applications are now available for the 2004-2005 Woods Cross Youth City Council. The youth can pick them up from the City offices. They will also be sent to the 9<sup>th</sup> graders in the city after a list is obtained from the surrounding schools. Applications are due on July 23, 2004. The new Youth City Council will start the end of August.
7. Leadership Council applications are also available and will be mailed to the existing Youth Council members next week. Interviewing will occur in August.
8. An application has been turned in for the West Bountiful Parade for Saturday, July 3. The Youth Council is still in the application process for the Centerville and Handcart Days parades. The City Council members are invited to ride along. The theme for this year is "We Have a "Ball" serving our community". The first work meeting to decorate the float will be Saturday, June 12, 2004 at the city shops.
9. The Youth Council expressed their enjoyment in helping to serve the community at the Memorial Days celebration. The fish pond fund raiser was a big hit with the kids again this year. The Youth Council raised \$195.00 and will receive a refund on the pancake mix of about \$70.00.

After the report by Youth City Council co-mayor Andrew Bishop the Council thanked him and the Youth City Council for their hours of service to the community and especially for their help during the Memorial Day celebration.

**PUBLIC HEARING TO CONSIDER TO VACATE LOT #3 OF RCW SKYPARK**

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

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“Calvin Brubaker received a site plan approval some months ago from the Planning Commission to construct a large aircraft hangar on lot #3 of the RCW Skypark Subdivision in the Skypark Industrial Park. Mr. Brubaker desires to convert the hangar space into separate hangar condominiums for sale. Many of the large hangar structures at Skypark have been converted by condominium plats to permit the individual sale of hangar space within a structure.

It is necessary for Mr. Brubaker to request that the lot the existing hangar is on be vacated to permit the recordation of the Volante Condominium Plat. The Planning Commission has reviewed this matter and has recommended to the City Council that Lot #3 of the RCW Skypark Subdivision be vacated to permit the approval and recordation of the Volante Executive Hangars Plat. Furthermore, the Planning Commission would recommend that the City Council approve the Volante Executive Hangars Plat to permit the building to be divided into 4 separate hangars.

State law requires a public hearing before the City Council to vacate a plat if any objections are filed with the City 10 days prior to the hearing. The law also requires all property owners within 300 feet in the subdivision be mailed notices of the potential hearing in addition to newspaper publication of the same. If no objections are received, the City Council need not hold the public hearing. As of today I have not received any comments, questions, or objections due to the mailed or published notices. As such, the City Council is not required to hold the hearing prior to considering the plat vacation.”

After the review by the Community Development Director, the Mayor gave the floor to Mr. Calvin Brubaker and asked him if he had anything to the review.

Mr. Brubaker indicated that the summary given by the Community Development Director covered all of the important points that needed to come before the City Council.

The floor was then given to Council Member Earnshaw who asked Mr. Brubaker how many tenants he had already signed up for the condominium hangar. Mr. Brubaker replied that he had sold two of the airport hangar condominiums.

Following the discussion the floor was given to Council Member Earnshaw who made a motion to adopt vacation order #469 authorizing the Mayor to enter an order vacating lot #3 of the RCW Skypark lots subdivision and that the same be recorded with the Davis County Records office. Council Member Moore seconded the motion and all voted for the motion.

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**CONSIDERATION TO APPROVE THE VOLANTE EXECUTIVE HANGAR PLAT**

The Mayor then called on Mr. Brubaker to see if he had any additional comments to make before the City Council voted on approving the Volante Executive Hangar Plat which he is proposing. Mr. Brubaker said that he did not have any additional comments. The Mayor then gave the floor to Council Member Moore who motioned that the Council approve the Plat for the Volante Executive Hangars, a Utah condominium project. Council Member Hadlow seconded the motion and all voted for the motion.

**PUBLIC HEARING TO REVIEW THE PROPOSED FISCAL YEAR 2005 BUDGET AND ADOPTION OF RESOLUTION 2004-364 ADOPTING THE BUDGET**

The Mayor gave the floor to the city's Budget Officer who is the City Administrator who reviewed with the City Council and the public present the proposed fiscal year 2005 budget. He gave out to the Council and the public present a summary of the revenues and expenditures with accompanying charts to show the fiscal year 2005 budget and how the funding would be spent and what revenues would be collected.

He noted that the only major changes from the tentative budget adopted by the City Council in May was to increase the revenues for \$18,000 for the telecommunications tax and to increase by \$15,000 the expenditures for the after school program. He also noted that \$70,000 increase in expenditures in the Class C road fund to do a project that is recommended by the Public Works Director.

Following the presentation by the city's Budget Officer, the Mayor then opened the Public Hearing on the budget.

The floor was given to Mr. Charles L. Payne who asked if the new recreation center which is proposed for South Davis County which Woods Cross City is planning on being a member of that district, will it cost the city any money.

The city's Budget Officer noted that as the proposed district now stands, it should not cost a direct expenditure from the city funds to the new recreation district that it will be its own taxing entity and it will derive its revenue from that source.

The floor was given to Ms. Vicki Hinckley who is the advisor to the Youth City Council and she asked if there was funding the fiscal 2005 budget for the Youth Council to attend the Utah State University Youth City Council conference next summer.

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The City Budget Officer noted that the Youth City Council had attended this activity in the past and a like funding had been put into the new budget for that activity.

There were no other comments from the public present and the Mayor closed the public hearing.

The floor was then given to Council Member Earnshaw who motioned that the Council adopt the fiscal year 2005 budget by approving resolution #2004-363. Council Member Moore seconded the motion and all voted for the motion.

**DISCUSSION ON CITIZENS REQUEST TO INSTALL CURB, GUTTER AND SIDEWALK ON THE WEST SIDE OF 1100 WEST FROM THE ENTRANCE OF ARGYLE ACRES TO 1500 SOUTH**

The Mayor gave the time to the City Administrator who reviewed the following with the City Council:

“Given to the Council as Exhibit I is the cost estimate to widen the street with curb, gutter and sidewalk, which comes to a total of \$40,165. This is broken down into \$23,520 for the street portion and \$16,645 for the sidewalk, curb and gutter.

One option the Council has would be to widen the street only and not put in the curb, gutter and sidewalk. This would not require the homeowners to pay any of the costs since we only require that they participate with the cost of the curb, gutter and sidewalk. Although this does not create the best safety situation, it does widen the street and give the children an opportunity to walk on a hard surface, away from the main traffic travel area. One issue with this option is that there are cars parked on the street in front of some of the properties that would block children walking on the street forcing them to walk out into the traveled area of the street.

Another option would be to create a Special Improvement District, to facilitate installing the curb, gutter and sidewalk. I have sent letters to the property owners, on the west side of 1100 West from 1500 South to the Argyle Acres Subdivision. There are a total of 8 property owners that would be affected by this project. As to this date, five have replied to the survey. Two have been in favor of putting in the curb, gutter and sidewalk, three have been opposed. I have given to you copies of their responses for your review. I hope to get the response from the remaining property owners as soon as possible.

In order to put in place a special improvement district we need over 51% of the property owners to participate. One problem with a project of this small size would be that there

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are significant administrative costs in putting together a special improvement district that would significantly increase the cost of the project. I was hoping that we would get 100% of the property owners in favor of putting in the curb, gutter and sidewalk, and we could do the project without having to create the district; however, the two negative responses make it clear this will not happen.

Another option would be to ask the residents of Argyle Acres to participate in putting in the improvements. It was mentioned in the last meeting when the petition was presented, that the property owners in Argyle Acres would consider participating in the cost of the curb, gutter and sidewalk. This can be explored by the Council, but I see some difficulties in this, since \$16,000 is a considerable sum and I'm not certain that you can get that type of funding from the residents in Argyle Acres, for this project. Perhaps they can come up with part of it to defray the costs, but considering the comments that were made on the questionnaire, I'm not sure this would be enough to entice the property owners to proceed with the project.

The other option that the Council has is to partially fund or fully fund the curb, gutter and sidewalk. This of course breaks from the current practice of the City and would set a precedence that could be costly to the City as well as unfair to those residents who have already paid to put in their curb, gutter and sidewalk.

In making this decision I believe we need to be concerned about the safety of the children walking on the street, however, we were not negligent in approving the subdivision without that section of sidewalk being installed as was suggested in the previous meeting. I discussed this issue with the City Attorney and he made it clear that the City cannot anticipate all off-site impacts of a development and the City was not negligent in approving the subdivision without continuous sidewalks to the elementary school. Having said that, I do think we have a responsibility to address the safety issue as best we can.

I believe a solution can be reached, but it may take some time. Since we are at the end of the school year, we do have some time, but should work toward having a solution in place at the start of the school year in September."

Following the review by the City Administrator, the floor was given to Council Member Schloemer who noted that the children who would be using the sidewalk are year around students at Woods Cross Elementary school so there is not the summer months to make a decision concerning the sidewalks and the need for it would continue during the summer months since school will not recess.



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The floor was given to Council Member Earnshaw who asked the question of the City Engineer as to what area is going to be done for the amount of \$40,165. The City Engineer through the use of a map reviewed the answer with the City Council.

Council Member Earnshaw also noted there are no storm drainage costs in the estimate as well as no engineering costs and this was confirmed by the City Administrator.

The floor was given to the City Administrator who said that the special improvement district cost was no bonding expected since the city would fund it, the cost to each participant would be between \$2,000 and \$4,000.

The City Administrator noted that he would make a personal contact with each of the eight property owners and discuss the matter with them in person to see if he could not encourage them to participate in the special improvement district.

The floor was given to city resident Mr. Scott Wood who asked who owns the curb, gutter and sidewalk after it is put in. The answer was that the city owns it but that it must be maintained by the property owner.

Following the discussion the Council gave direction to the city staff to contact each city resident in the area that would be affected by the curb, gutter and sidewalk as far as improvements to their property and discuss the matter with them and see if a positive response could not be gained.

The citizens present concerning this matter expressed appreciation to the City Council for their conscientious review of this matter and for the efforts being put forward to see that the curb, gutter and sidewalk is put in place for the safety of their children.

**DISCUSSION ON EMERGENCY PERPAREDNESS BINDER PREPARED BY**  
**THE PERSONNEL OF THE COMMUNITY OF PROMISE PROGRAM FOR**  
**WOODS CROSS CITY**

The Mayor gave the floor to Ms. Judy Kjar who is the chairperson for the Community of Promise program sponsored by Woods Cross City. She in turn relinquished the floor to Ms. Tamy Dayley who reviewed with the City Council the proposal by the Community of Promise committee to establish an emergency preparedness binder and have it distributed to each home in Woods Cross City. Ms. Dayley gave out sample binders to each member of the City Council and reviewed with them the content.

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After her review and discussion with the Council concerning the content of the book, she went over the cost to produce the manual for each city resident. She noted the bid that had been received from Kinko's copy service to produce the book.

The floor was then given to Ms. Judy Kjar who said that at the Memorial Day celebration the Community of Promise sponsored a booth where the sample book was displayed and had some city residents sign up to purchase one of the books at a suggested donation of \$5.00.

Ms. Dayley then noted that the cost to produce the book if at least 1000 books are prepared would be \$3.23 per book. If they are prepared with less quantity than 1000 then the cost per book would be \$3.70 per book.

The floor was given to Council Member Schloemer who asked the Community of Promise personnel if a reference page could be added to the emergency preparedness manual showing the sources of the information that was quoted in the book.

It was noted that throughout the book, those sources that were known, had been cited and that it would probably be difficult to have one page dedicated to the information since the compilation of the book has come from many different sources.

\*Council Member Van Ry entered the meeting at this point.

Ms. Dayley then asked the City Council if they would be willing to fund the upfront costs of producing the book and then the book would be distributed to the city residents and a donation requested to defray the costs of printing the manual

The City Council complimented the Community of Promise personnel on the preparation of the book and thought it was an excellent resource to the citizens of Woods Cross and gave direction for them to make the few changes that needed to be made to the book and then go forward with the printing.

**APPROVAL OF ORDINANCE #470 IMPLEMENTING A  
TELECOMMUNICATIONS TAX**

The floor was given to the City Administrator who noted to the City Council that an ordinance has now been prepared for the implementation of the telecommunications tax set at 2% that had been discussed in previous City Council meetings.

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The Council reviewed the ordinance and after finding it to be in order, the floor was given to Council Member Earnshaw who motioned that the City Council adopt ordinance #470 establishing a tax on the gross receipts of telecommunication service providers setting a rate for such tax at 2% and establishing the effective date of July 1, 2004. Council Member Moore seconded the motion and all voted for the motion except Council Member Van Ry who voted opposed. Council Member Van Ry explained that his reason for voting opposed is that he would like to have seen the rate be 1% instead of 2%.

**APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE UTAH STATE  
TAX COMMISSION FOR THE COLLECTION OF THE  
TELECOMMUNICATION TAX**

Under the direction of the City Administrator the Council then reviewed the Interlocal Agreement between the Utah State Tax Commission and Woods Cross City for the imposed municipal telecommunications tax.

After their review, the floor was given to Council Member Moore who motioned that the Council approve and authorize the Mayor and the City Recorder to sign the Interlocal Agreement between the Utah State Tax Commission and Woods Cross City for the collection of the municipal telecommunications tax. Council Member Hadlow seconded the motion and all voted for the motion except Council Member Van Ry who voted opposed.

**APPROVAL OF ORDINANCE #471 CREATING A STORM WATER UTILITY  
TO PROVIDE FOR THE EFFECTIVE MAINTENANCE, OPERATION AND  
REGULATION OF STORM DRAINAGE IN THE CITY**

The City Administrator continued with the floor and reviewed with the Council ordinance #471 which establishes a storm water utility to provide for an effective maintenance, operation and regulation of storm water drainage within the city boundaries.

After the Council's review of the ordinance, the floor was given to Council Member Van Ry who motioned that the Council adopt ordinance #471 establishing a storm water utility. Council Member Earnshaw seconded the motion and all voted for the motion.

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**APPROVAL OF RESOLUTION 2004-364 AMENDING THE CONSOLIDATED  
FEE SCHEDULE SETTING THE STORM WATER UTILITY SERVICE FEE**

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

“Given to the Council is a resolution adding the Storm Water Utility Fees to the Consolidated Fee Schedule Water Utility.

The resolution reflects the \$1.50 charge with the 75% reduction for retention on non residential properties. There was some discussion about lowering the fee to \$1.00 and changing the reduction to 50%. Staff feels that the \$1.50 fee will enable us to get the projects done quicker and start accumulating money for replacement.

I recommend the resolution be approved as drafted.”

After the review of the Council, the floor was given to Council Member Moore who suggested the Council set the rate at \$1.00 and then raising the fee to \$1.50 if needed. He noted that this would only put off the improvements by two years.

The floor was then given to Council Member Van Ry who noted for the Council that there had been a number of tax increases placed upon the citizens of Woods Cross and that there was potential for other increases to come to the citizens of Woods Cross in the form of a recreation district as well as the consolidation of the South Davis Fire District and the Bountiful Fire Department and with that thought in mind, he recommended to the Council that they hold the storm drainage fee to a workable amount which he suggested would be \$1.00.

The floor was then given to Council Member Earnshaw who noted that the Council had only voted in the telecommunications tax after consideration that the revenue would sponsor an after school program for the children of Woods Cross City. He noted that the recreation district is needed for all people in the South Davis County area. He felt like an additional \$.50 was not a high amount to request from the citizens. He noted that when you compare the rate that is proposed of \$1.50 to other cities throughout Utah that have a similar storm water utility service fee that the rate of \$1.50 is much lower.

Council Member Van Ry noted that the council could have found a way to fund the after-school program without implementing a new tax.

Following the discussion, the Mayor gave the floor to Council Member Earnshaw who motioned that the Council adopts resolution 2004-364 as proposed by the city staff setting the rate for the storm water utility service fee at a rate of \$1.50 with a 75%

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reduction for retention on non-residential properties. There was no second to the motion and the motion died for lack of a second.

The floor was then given to Council Member Van Ry who motioned that the Council adopts resolution 2004-364 amending it to the amount of \$1.00 for each city resident and a 50% reduction for retention on non-residential properties. Council Member Moore seconded the motion and all voted for the motion except Council Member Schloemer who voted opposed.

**MEMORIAL DAY CELEBRATION REVIEW**

The Mayor gave the floor to Council Member Earnshaw who serves as the chairman for the Memorial Day celebration. Council Member Earnshaw expressed appreciation to the City Council of all of their help in making this event a success. He noted that they had served around 1500 people at the breakfast that morning.

In turn, the Mayor and the Council thanked Council Member Earnshaw for his efforts in chairing the event and seeing that it was a success for the residents of Woods Cross City.

**WASATCH ENERGY SYSTEMS FISCAL YEAR 2005 TENTATIVE BUDGET REVIEW**

The Mayor, who serves on the Board of Directors for the Wasatch Energy District that handles the solid waste refuge from Woods Cross City, presented to the Council the tentative budget for the fiscal year 2005 for the Wasatch Energy District. He noted that the tentative budget had been presented at a tentative budget hearing on May 21, 2004 and that the budget would be reviewed again tomorrow, June 2, and adopted.

He noted for the Council that the budget shows a reduction for those who use the Wasatch Energy systems refuge burning facility and said that those who have a first can, the amount would be decreased by \$1.00 per can but if a resident had a second can, the rate would be increased \$1.00.

The Council also reviewed the new rate schedule that is part of the tentative budget for fiscal year 2005.

**PLANNING COMMISSION REPORT**

The Mayor gave the floor to Council Member Schloemer who reported on the Planning Commission meeting held May 25, 2004. Please see the minutes of that meeting for the details of her report.

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**CITY ADMINISTRATOR'S REPORT**

The Mayor gave the floor to the City Administrator who reviewed the following with the Council:

**1. Motorized Scooter and Decency Ordinance**

During the last Council meeting it was requested that we look at instituting a motorized scooter as well as a decency ordinance. I have been doing some work on that but because of the length of the agenda this evening, have not gotten all the information together and will put those items on the agenda for the next meeting.

**CLOSED SESSION FOR LITIGATION MATTERS**

At 9:25 P.M. Council Member Earnshaw motioned that the Council go into closed session to discuss litigation matters. Council Member Van Ry seconded the motion and all voted for the motion.

At 10:05 P.M. Council Member Earnshaw motioned that the Council go into open session with Council Member Moore seconding the motion and all voted for the motion.

**ADJOURNMENT**

There being no further business before the Council, Council Member Earnshaw motioned to adjourn the meeting with Council Member Hadlow seconding the motion and all voted for the motion. Time of adjournment was 10:05 P.M.

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Jerry E. Larrabee, Mayor

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Alan T. Low, City Recorder