

**WOODS CROSS CITY COUNCIL MEETING  
SEPTEMBER 7, 2004**

The minutes of the Woods Cross City Council Meeting held September 7, 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

Donald D. Moore, Jr.  
Lisa Schloemer  
Thad Van Ry

**STAFF PRESENT:**

Gary Uresk, City Administrator  
Tim Stephens, Community Development Director  
Bonnie Craig, Secretary

**EXCUSED:**

Alan Low, City Recorder

**VISTORS:**

Pat Blackley  
Melinda Williams  
Karen Duncan  
Al Jewell  
Kaylin Mortensen  
Wayne Hinckley  
David Dewey  
Judy Kjar

LeGrande Blackley  
Lynette Miller  
Richard Duncan  
Heather Mortensen  
Vicki Hinckley  
Jan Gillette  
Linda Fox

**INVOCATION:**

Thad Van Ry

**PLEDGE OF ALLEGIANCE:**

Gary Uresk

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 August 17, 2004. After review and discussion of the minutes Council Member Van Ry made a motion to approve the minutes as corrected with Council Member Moore seconding the motion and all voted for the motion.

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**APPROVAL OF CASH DISBURSEMENTS**

The floor was given to the City Administrator who reviewed the cash disbursements listing for tonight's meeting with the City Council. After the Council's review, Council Member Moore made a motion to approve the cash disbursements as presented with Council Member Earnshaw 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 two or three minutes.

The floor was given to Council Member Van Ry who asked if the Davis County Police Chiefs were moving forward with an ordinance on pocket bikes.

The City Administrator replied by saying that he would ask Layton City for a copy of their recently passed ordinance on pocket bikes and would have something for the Council to review on this item at the next City Council meeting.

The Mayor was given the floor and handed out a copy of the following e-mail to the City Council:

"Mayor Larrabee,

As a citizen I am currently interested in what is required to legally obtain a permit to close a public street in the case of an activity or party? I am familiar with the other cities policies in regards to closing streets for such activities. Sandy City for example requires the residents of the public street to all sign a written agreement for a street closure permit.

Recently the cul-de-sac on which we live was closed for a party; I was not asked if it would be ok to not have access to my residence via the public street. I was also inconvenienced by having to park around the block when I arrived home. It would seem right to me that limiting access to my residence would require at least the majority of the cul-de-sacs' consent. In speaking with our neighbors I know that they too were upset about the lack of consideration. As an employee for a large water district in Salt Lake County I know the need to close streets and limit access to residences in emergency situations with little or no notice. A party in my opinion is not a situation in which an emergency closure would be appropriate. I feel if Woods Cross has such an ordinance I would appreciate knowing the specifics of all procedures involved in obtaining a permit. If there is no such ordinance or procedure perhaps one should be established. Thank you for your information and help in this matter.

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Sincerely, Drew Ovard”

The Council discussed the fact that they should review this e-mail and take into consideration whether a policy needed to be drafted concerning the blocking of streets for neighborhood parties or celebrations.

The Mayor then gave the floor to Ms. Lynette Miller and Ms. Jan Gillette. They noted that they were friends of Ethan Peterson who is a young boy in Woods Cross who has been diagnosed with cancer with two bone marrow transplants needing to be done in the near future. They expressed their concern and their desire to help this family with the financial needs by doing some fund raisers in the community. They were asking the Council at tonight’s meeting if they would consider letting a car wash fund raiser be held at the City Hall.

Ms. Miller and Ms. Gillette noted that they would need to hook up to water and would also like to announce the carwash on the reader board located in front of the City Hall.

Council Member Earnshaw asked Ms. Miller and Ms. Gillette what day this would be held. They noted it would take place on September 18<sup>th</sup> which is a Saturday.

The Council discussed what types of activities had been advertised on the reader board and it was been noted that there had been city sponsored activities as well as some community activities advertised. The Council felt that this would be a good cause and that Ms. Gillette and Ms. Miller were welcome to prepare something brief for advertisement on the reader board and were also welcome to use the City Hall for their carwash fund raiser taking into consideration that they needed to leave room for police access behind the City Hall.

There were no other items for the brief open session.

**SOUTH DAVIS SEWER DISTRICT REPORT**

The floor was given to Mr. Charles L. Payne who represents the city on the South Davis Sewer District Board of Directors. He noted that there had been discussion between the sewer district and Ivory homes in regards to the line that is being proposed for the area west of Redwood Road where Ivory is proposing to build.

Mr. Payne also noted that there may be another contractor looking at the Valentine property who has been having discussions with the sewer district as well. The Kingston’s have also been looking into getting water for 100 acres of property that they own.

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Mr. Payne noted that all of the plants are operating well at this time and that they were doing some landscaping work at the south plant because they have been having problems with gophers.

The Council thanked Mr. Payne for his report.

**YOUTH CITY COUNCIL REPORT**

The floor was given to Ms. Vicki Hinckley who is the advisor for the Youth City Council. She noted that on the agenda it was noted that Emily Burnett and Andrew Bishop would be reporting on the activities of the Youth City Council. Ms. Hinckley said that the Youth City Council had recently had a new youth Mayor appointed and that she would be reporting at tonight's meeting. Ms. Hinckley then introduced Ms. Heather Mortensen as the new Youth Mayor for the Woods Cross Youth City Council.

The Mayor then gave the floor to the new Youth Mayor, Ms. Mortensen, who reported the following to the City Council:

1. "We held our first meeting of the 2004-2005 Woods Cross Youth City Council on Monday, August 30, 2004. Right now there are approximately 60 youth council members-30 returning Youth City Council members and 30 new youth. At this meeting we had a get-to-know-you game and were given information about the youth city council. The new members were given a notebook with youth council information, release agreement forms, etc. Those youth who had applied for leadership council were asked to stay for interviews with City Council Members.
2. City Council Member Lisa Schloemer and City Council Member Don Moore interviewed each Leadership Council candidate then worked with Ms. Hinckley and Ms. Jann Preston Gillette, who is an assistant Youth City Council advisor, to make the appointments.
3. We would like to have our Swearing In Ceremony on October 5, 2004 at City Council Meeting.
4. We will be purchasing sweatshirts/T-shirts for each youth council member. The cost to the youth council member for both shirts is \$15.
5. The Leadership Council will be having a planning meeting on Saturday at 9:00 A.M. to plan the meetings and activities for the year.
6. We have been asked by WX Elementary to provide childcare on Thursday, September 9<sup>th</sup> and September 23<sup>rd</sup> for their parenting meetings. We had 8 youth sign-up for each night of service.

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7. WX Elementary After School Program has asked the youth council members to volunteer for the program. Many youth were interested in doing this service. Jennifer Moore, program director, will come to our next meeting to talk with the youth about volunteering and what their responsibilities will be.
8. Our next youth council meeting will be on Monday, September 13<sup>th</sup> at 4:00 P.M.”

The City Council congratulated Ms. Mortensen on her new appointment and thanked her for her willingness and that of the entire Youth City Council to serve our community.

**YOUTH CITY COUNCIL APPOINTMENTS**

The floor was given to Council Member Schloemer who reviewed with the City Council the other recent leadership appointments to the Youth City Council’s Leadership Board. She gave the following of those who would be serving in leadership positions for the Youth City Council year 2004-2005:

Youth Mayor	Heather Mortensen
City Administrator & Mayor Pro-tem	Jeni Lee Nelson
City Recorder	Julia Stewart
City Treasurer	Megan Hinckley
Council Member #1	Chris Landon
Council Member #2	Tyler Helsten
Council Member #3	Jake Preston
Council Member #4	Andrew Hill
Council Member #5	Kyle Holbrook
Historian/Photographer	Natalie Parry
Assistant	Breanne Wood

Council Member Schloemer noted that she and Council Member Moore had been given the privilege to interview these youth. She noted that she was very impressed with the ideas that they had for the upcoming year and how happy the youth were to be able to serve our community.

Council Member Moore was given the floor and noted that he also was impressed with the maturity level of the youth and their concern over setting a good example for others in the community.

The floor was then given to Council Member Schloemer who reviewed the application and interviewing process. She noted that after the interviews were completed that she and Council Member Moore met with the Youth City Council advisors to select the leadership council.

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Both Council Member Moore and Council Member Schloemer expressed their interest in seeing the future success of the Youth City Council.

**REVIEW OF FINAL DRAFT OF FAMILY & EMERGENCY HANDBOOK**

The floor was given to Ms. Judy Kjar who is a member of the Community Council. She noted that they have been working on a Family & Emergency Handbook for the citizens of Woods Cross City and it was now ready for printing. Ms. Kjar presented a final draft of the handbook as well as a cost breakdown of what the printing costs would be for the first printing of the handbook to the City Council for their review.

She noted that it would be more cost effective to print 1,000 books which would be at a cost of \$3,230 opposed to printing 500 books at the cost of \$3,700. Ms. Kjar noted that they have already pre-sold some of the handbooks and felt that they would be able to sell 500 hundred of the books quite quickly at \$5 a book. She noted that they would then take the money that was raised by selling the first 500 to help defray the costs of the printing of the book, and the subsequent printings.

Mr. David Dewey, also a member of the community council, has also been helping to get the emergency handbook ready for printing. He noted that printing more books is more economical and as revenue started coming in by the sale of the books they would use that revenue to print more books in the future. He also noted that he felt that no more revenue would be needed after the initial 1,000 books had been printed.

Mr. Dewey also noted that there would be a surplus of \$1.75 per book between the price break in the copying cost and the selling price of the book. He noted that the surplus money could be used to reprint the books and also to use for updating information later.

The Council asked Ms. Kjar and Mr. Dewey who would be printing the books. They noted that Kinko's copy center would be printing the books for the community council.

The floor was given to the City Administrator who noted that there would be money in the Community of Promise budget to print the emergency handbook. He noted that a separate line item could be created in the budget to reflect the cost of the handbooks and could be reviewed after the first of the year when the budget is reviewed. He also noted that if the Community of Promise budget were to run low of funds, funds could be transferred from the General Fund to cover costs until funds could be regained from the sale of the books.

The City Council thanked them for their time and effort and said that they were pleased with the end product and felt that this would be good information and be beneficial to the citizens of the city.

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Commissioner Moore made a motion to authorize the expenditure of \$3,230.00 for the printing of the Family Emergency Handbook and the authorization to take money from the Community of Promise budget for the printing costs and if there is a need at a later time, funds could be shifted from the General Fund to cover this cost until funds could be regained to cover the printing costs. Council Member Hadlow seconded the motion and all voted for the motion.

**PUBLIC HEARING 7:00 P.M. REZONE REQUEST FROM A-1 AGRICULTURE  
TO R-1-8 SINGLE FAMILY RESIDENTIAL**

The floor was given to the Community Development Director who reviewed the following with the City Council:

“Richard Duncan and Kevin Thacker own two narrow strips of property on 1500 South at approximately 1450 West. They propose to combine both properties to develop a small, 13 to 14 lot residential subdivision. They are in the process of working with the Staff to prepare a preliminary plat for the Planning Commission’s review. Due to the property’s depth and narrowness, it has been very difficult for them to prepare a plat design which meets the City’s standards for street width, lot depth, and configuration, in addition to building setback. However, it appears they are getting very close to a preliminary plat which will meet the minimum development standards.

Presently, the properties are zoned A-1 Agriculture. The applicant’s request that the properties be rezoned R-1-8 Single Family to accommodate the proposed residential subdivision. The majority of the surrounding properties are presently zoned R-1-8 Residential. In addition, this area and the subject properties are designated for residential, single family development in the general plan. As such, the Planning Commission has recommended to the City Council that the properties in question be rezoned from A-1 Agriculture to R-1-8 Single Family Residential.”

After the review by the Community Development Director, the City Council discussed some of the problems that these narrow pieces of property may encounter. There was discussion of lot size and what the preliminary plat may look like.

The floor was given to Mr. Richard Duncan, one of the property owners. The Mayor asked Mr. Duncan if he had approached the property owner to the east to see if he would be willing to sell his property to make the subdivision easier to plan. Mr. Duncan said that he had approached the property owner, Mr. Liston, and he was not interested in selling his property at this time.

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Mr. Duncan noted that he had been working with Balling Engineering on a preliminary plat plan and they were facing some challenges, but that the lots that were farther back on the property were larger and would accommodate houses easier.

The floor was given to Council Member Van Ry who asked why the street going into the proposed subdivision needed to line up with the other street going into Argyle Acres.

The Community Development Director noted that the development code required that they line up or that they are offset by 150' and that they were also trying to preserve the existing white brick home that is located on the property.

The Mayor called for public input on this item. There was no public input and the Mayor closed the public hearing.

Council Member Earnshaw made a motion to approve ordinance 476 amending the existing zoning and rezone the property from A-1 Agriculture to R-1-8 Single Family Residential as proposed by the applicant. Commissioner Schloemer seconded the motion and all voted for the motion.

**CONSIDERATION TO APPROVE A RESOLUTION 2004-370 ADOPTING THE WASATCH FRONT REGIONAL COUNCIL NATURAL HAZARD PRE-DISASTER MITIGATION PLAN**

The floor was given to the City Administrator who reviewed the following with the City Council:

“Given to the Council is a copy of the Wasatch Front Regional Council’s Natural Hazard Pre-Disaster Mitigation Plan which we are required to adopt under the Federal Disaster Mitigation and Cost Reduction Act of 2000. This plan needs to be adopted by the City before we would become eligible for any Federal Disaster Funds in the event of a disaster within the City. I recommend approval of the resolution as drafted.”

Council Member Earnshaw made a motion to approve and adopt resolution 2004-370 adopting the Wasatch Front Regional Council Natural Hazard Pre-Disaster Mitigation Plan. Council Member Van Ry seconded the motion and all voted for the motion.

**APPROVAL OF FALL CLEAN-UP SCHEDULE**

The City Administrator continued with the floor and discussed the following with the Council:

“Given to the Council is a memorandum from the Public Works Director regarding dates and information on the fall clean-up. He is recommending the clean-up be held from



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October 9<sup>th</sup> through the 21<sup>st</sup>, with requirements for the clean-up along the lines of previous clean-ups. Unless there are any concerns with the proposed date, the Public Works Director will plan on proceeding with the clean-up as proposed.”

After the review of the fall clean-up schedule Council Member Moore made a motion to approve the fall clean-up schedule as outlined with Council Member Earnshaw seconding the motion and all voted for the motion.

**CONSIDERATION TO APPROVE BID FOR ASPHALT PROJECT ON 900 SOUTH**

The floor was given to the City Administrator who reviewed the following with the City Council:

“Given to the Council is a memorandum from the Public Works Director concerning a small asphalt job that he would like to do on 900 South. The roadway is uneven and he would like to put in a leveling course of asphalt to even up the road and make it less hazardous to any drivers that may get near the shoulder of the road. The Public Works Director is recommending we award the bid to Morgan Paving for the amount of \$9,736.00.”

The City Administrator continued with the floor and discussed the bids as follows:

“The Public Works Director has received bids back from 2 small projects that are being looked at:

**Schedule A:** A shoulder repair from an asphalt drop off on 900 South about 500 West.

**Schedule B:** Reshape, re-compact and place 3” of asphalt on 4800 square feet Of roadway damaged from a water leak.

The Public Works Director notified 5 asphalt companies of this bid. 3 responded with bids. One responded that he would not be able to schedule the work in the allotted time and the 5<sup>th</sup> did not respond at all.

The following is a comparison of the bids received:

<b>Schedule A:</b>	Morgan Paving \$4,360.00	Hot Asphalt \$10,000.00	Staker* \$5,300.00
<b>Schedule B:</b>	\$5,376.00	\$7,920.00	\$5,040.00

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Combined Total	\$9,736.00	\$17,920.00	\$9,545.00
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\*Staker Paving bid is rejected. Did not receive prior to submittal in time allotted.

I would recommend awarding the project to Morgan Paving.”

The floor was given to Council Member Van Ry who asked if it was required to get three bids. The City Administrator responded by saying that three bids were not necessary, but that the Public Works Director looked at as many bids as were reasonable.

Council Member Van Ry voiced his concern on seeing the late bid recorded on the bid sheet and suggested that if the bid was not accepted that it be left off the bid sheet.

Council Member Schloemer made a motion to accept the bid from Morgan Paving to do the repair on 900 South and the roadway repair damaged by a water leak as directed by the Public Works Director. Council Member Moore seconded the motion and everyone voted for the motion except Council Member Van Ry who voted opposed.

**CONSIDERATION TO APPROVE RESOLUTION 2004-471 ADOPTING AN  
INTERLOCAL COOPERATION AGREEMENT CREATING THE NEW SOUTH  
DAVIS METRO FIRE AGENCY**

The floor was given to the Mayor who discussed the following with the Council:

“Given to the Council is the resolution and Interlocal Agreement, which is pretty much the same as was previously discussed, although the language has been changed somewhat due to discussion with each of the City Attorneys. Please review the agreement to see if there are any concerns or issues you may have with the agreement. We can discuss any questions or concerns you may have Tuesday night. Since this agreement will become effective October 1<sup>st</sup>, most of the other Cities will be adopting the agreement on the 21<sup>st</sup> and 28<sup>th</sup> of this month. There is a chance that the agreement could change between now and the final adoption of those cities at that time, meaning we would have to come back and readopt the agreement if there are any changes made. There has been considerable discussion on this agreement and it has been reviewed by our City Attorney and we feel comfortable with it as it is currently presented.”

The Mayor did point out that six attorney’s had been working on this agreement on three different occasions to adjust and perfect it.

Council Member Van Ry made a motion to adopt resolution 2004-371 approving and authorizing an interlocal cooperation agreement among Bountiful City, Centerville City, Davis County, North Salt Lake City, West Bountiful City and Woods Cross City providing for cooperative action and establishing an interlocal entity to provide fire and

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emergency medical services for said cities and a portion of the unincorporated area of Davis County, Utah. Council Member Moore seconded the motion and all voted for the motion.

**CONSIDERATION TO APPROVE RESOLUTION 2004-372 APPOINTING  
WOODS CROSS CITY'S MEMBER OF THE SOUTH DAVIS METRO FIRE  
DISTRICT BOARD**

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

“With the adoption of the Interlocal Agreement, Woods Cross City needs to appoint a member to the agency board. Since the Mayor has been the representative on the South Davis Fire District Board, he would like to continue as the representative on the South Davis Metro Fire Agency Board.”

Council Member Hadlow made a motion to approve resolution 2004-372 to appoint the Woods Cross City Mayor to the South Davis Metro Fire District Board. Council Member Earnshaw seconded the motion and all voted for the motion.

**CONSIDERATION TO ADOPT A RESOLUTION 2007-373 AMENDING THE  
CONSOLIDATED FEE SCHEDULE FOR PLANNING, ZONING AND  
BUILDING FEES**

The City Administrator continued with the floor and reviewed the following with the Council:

“Given to the Council is a copy of the proposed Consolidated Fee Schedule. In Section 1 (Building Fees) I have changed it to reflect charges in the 1997 Uniform Administrative Code, which increases building fees \$200.00 to \$300.00 per typical home constructed in Woods Cross. These fees have not been updated in ten years.

Another change I am proposing is in Section 3 regarding development review fees. Again, we have not updated these for a number of years and we need to cover our costs of developmental reviews. I recommend approval of the fee schedule as presented.”

The Council did have a few questions about the resolution. After questions were answered and discussed, Council Member Earnshaw made a motion to approve resolution 2004-373 amending the fee schedule as outlined. Council Member Schloemer seconded the motion and all voted for the motion.

**DISCUSSION ON DAVIS COUNTY RECREATION BOARD**

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The floor was given to Council Member Earnshaw who expressed his concern over the appointment of the 3 at large members on the Davis County Recreation Board. He said that it was his understanding at the public hearings held regarding the recreation center that the city's would have a say on who was appointed to these positions. He did not feel that this was the case in the appointment of the at large positions. He also noted that he was concerned that those people who will be using the recreation center the most, such as the swimming and ice skating community, do not have a voice in the final plans of this project.

Council Member Earnshaw also said that he was concerned that the project will move forward as is drawn on the conceptual plan and that other ideas from the communities who are paying the taxes on the project will not have a say on how this project will proceed and their opinions will not be considered.

Council Member Van Ry asked if a price break for residents was still a consideration. The City Administrator noted that the board is definitely moving towards that and will continue to pursue a plan for a price break for the local residents.

The Mayor expressed his plan of getting groups of citizens from Woods Cross City together to discuss what they would like to see at the recreation center. He also noted that he would take back these concerns and suggestions to the recreation board meeting that would be held in the next few days.

**OPEN SESSION**

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

The floor was given to Council Member Earnshaw who asked if anyone is allowed to build a permanent structure on a utility easement. Council Member Van Ry said that it was his understanding that you could build a permanent structure on a utility easement with the permission of that utility, but it is understood that if the utility comes in to fix anything, the structure must come down if it is in the way.

There were no other items for the brief session.

**BUS RAPID TRANSIT STUDY UPDATE**

The Mayor was given the floor and there was a brief review and discussion on the Bus Rapid Transit study.

**WASATCH ENERGY BOARD**

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The Mayor, who represents the city on the Wasatch Energy Board of Directors, directed the Council's attention to the copy of the Director's Update and Report to the Board for their review. The City Council did review this item and the Mayor followed up by answering some brief questions. The Mayor also noted that one of the roofs on a boiler room had fallen in and had to be repaired.

**PLANNING COMMISSION REPORT**

The Mayor continued with the floor and reported on the Planning Commission meeting held August 24<sup>th</sup>, 2004. Please see the minutes of that meeting for the details of his report.

**CITY ADMINISTRATOR'S REPORT**

The floor was given to the City Administrator who reviewed the following with the Commission:

1. "Just a reminder of the League Conference which is September 15-17.
2. The Mayor, City Administrator, and Council Member Moore will be absent from the meeting on September 21<sup>st</sup>. The Council may want to discuss whether to cancel that meeting or to go ahead and have a meeting on that date." It was discussed and decided that the City Council Meeting scheduled for September 21<sup>st</sup> would be cancelled unless something urgent comes up.
3. "We need to make a decision on the 1100 West sidewalk project."

The City Administrator and City Council discussed how to proceed with the sidewalk project on 1100 West. It was pointed out that in previous City Council meetings, the decision had been made to move ahead with the project with those neighbors who are willing to participate, and pave to the curb line then stripe a bike lane, on those properties of people who do not wish to participate at this time. Staff said that they would work with the City Engineer in getting this project going.

**CLOSED SESSION-PERSONNEL MATTERS AND DISCUSSION OF REAL PROPERTY**

At 8:35 P.M. Council Member Moore made a motion to go into closed session to discuss personnel and real property matters. Council Member Earnshaw seconded the motion and all voted for the motion.

**OPEN SESSION**

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At 9:50 P.M. Council Member Van Ry made a motion to come out of closed session into open session. Council Member Earnshaw seconded the motion and all voted for the motion.

**ADJOURNMENT**

There being no further business before the City Council, Council Member Schloemer made a motion that the meeting be adjourned with Council Member Moore seconding the motion and all voted for the motion. Time of adjournment was 9:50 P.M.

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Jerry E. Larrabee, Mayor

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Alan T. Low, City Recorder