

**WOODS CROSS CITY COUNCIL MEETING  
OCTOBER 17, 2006**

The minutes of the Woods Cross City Council Meeting held October 17, 2006 at 6:30 P.M. in the Woods Cross City Hall, 1555 South 800 West, Woods Cross, Utah.

**CONDCUTING:**

Mayor Kent Parry

**COUNCIL MEMBERS PRESENT:**

Mayor Kent Parry  
Tamra Dayley  
Jennifer Decker

Rick Earnshaw  
Jon Hadlow  
Donald D. Moore

**STAFF PRESENT:**

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

**VISITORS:**

Dan McConkie  
Robert Hogge  
Don Schrader  
LeGrande Blackley  
Janet Malek  
Leo Beecher

Robert Smith  
Al Jewell  
Tiffany Frandsen  
John Thomas  
Keith Cisney  
Gary Jones

Tom Smith  
Lois Schrader  
Pat Blackley  
Joe Walker  
David C. Hill  
Jason Burningham

**INVOCATION:**

Kent Parry

**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 City Council reviewed the minutes of the City Council Meeting held August 19, 2006. After the review, Council Member Hadlow motioned that the minutes be approved as corrected with Council Member Earnshaw seconding the motion and all voted for the motion.

The Council then reviewed the minutes of the City Council Meeting held October 3, 2006. After the review, Council Member Hadlow motioned approval of the minutes as corrected with Council Member Dayley seconding the motion and all voted for the motion.

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**APPROVAL OF FINANCIAL REPORT**

The floor was given to the City Recorder who reviewed with the City Council the City's financial report for the period ending September 30, 2006. The Council reviewed the City's cash position, sales and use tax report, the transient room tax report, report of the impact fees collected for South Davis Metro Fire Agency and an executive summary of the City's fund comparing revenues and expenditures to the budget.

After the Council's review, Council Member Decker made a motion to approve the City's financial report as presented with Council Member Earnshaw seconding the motion and all voted for the motion.

**APPROVAL OF CASH DISBURSEMENTS**

The City Recorder continued with the floor and reviewed the cash disbursements listing for October 3<sup>rd</sup> with the City Council. After the Council's review, Council Member Hadlow made a motion to approve the cash disbursements as presented with Council Member Decker seconding the motion and all voted for the motion through a roll call vote.

The City Recorder then continued with the floor and reviewed the cash disbursements listing for October 17<sup>th</sup> with the City Council. After the Council's review, Council Member Earnshaw motioned that the Council approves the cash disbursements listing as presented with Council Member Moore 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 that were brief in nature. This would be items that would take less than two or three minutes.

The floor was given to Ms. Janet Malek, who explained to the City Council geo caching which, is a game played using a geotracking device for finding caches that are hidden. Coordinates are given to the participants and using the coordinates they locate the geo cache. She suggested to the Council that they provide a geo cache at the Veteran's Memorial to be built at Woods Cross City Hall and the coordinates given. It would encourage others to come and see the Memorial by tracking the coordinates.

The Council said they had no opposition to this being done.

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**HOLLY OIL NONCONFORMING USE OPERATION OF LOADING RACK  
PUBLIC HEARING**

The floor was given to the Community Development Director who explained the following to the Council:

“Holly Energy Partners operates the loading dock on the corner of 500 South and 800 West. The loading facility has existed at this location for a very long period of time. The present zoning of the property is C-2 General Commercial, which does not permit petroleum related uses such as the loading dock facility. As such, the Holly loading dock facility is a “grandfathered” or nonconforming use. Nonconforming uses are allowed to continue use of such property or structure, however, are not generally permitted to be enlarged, extended, nonconforming uses. Section 12-22-101 states:

- A. This Chapter shall apply to the existing use of a building, structure or land lawfully established at the time passage of the Zoning Ordinance or any amendments thereto which does not conform to the present regulations of the zone in which it is located. Because Woods Cross is a community which has developed over a long period of time, the regulations of this Chapter are to allow continued use of such property or structure, while at the same time protecting existing conforming development at furthering orderly development and improvement of the community.
- B. Uses of nonconforming buildings, structures or land that are compatible with existing development should be allowed to continue. Improvement for better integration into surrounds should be sought as much as possible.
- C. Uses of nonconforming buildings, structures or land which create a nuisance, or detract from or are a hazard to the community or a neighborhood, should be eliminated or brought into compliance with the present provisions of this title”.

After the explanation by the Community Development Director the floor was given to Mr. Robert Hogge of Holly Energy Partners who presented the following statement to the City Council:

“This is to inform the City of Woods Cross of Holly Energy Partners’ (HEP) loading dock. There are currently two containment areas for additive storage at the HEP facility located at 753 West 500 South. The additives being stored in one containment area are the gasoline additives as well as a diesel additive. The second containment area contains red dye for non-taxed diesel use. In an effort to improve safety as well as simplify operations it has been proposed to consolidate these two areas into one containment area. This entails expanding the existing containment area as well as reinforcing the current

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footings and either of the two existing containment areas. The tanks going into the containment area will include a 3,000 gallon tank as well as a 10,000 gallon tank.”

The Mayor then opened the public hearing on this matter.

The floor was given to Mr. David Hill of the Planning Commission. He stated that the Planning Commission wanted some appearance improvements to the loading dock area by constructing a solid wall, at least on the south side, to hide the loading dock from the residential area there along with the planting of trees to help block the view. He noted that Holly Energy Partners has not volunteered to do anything even though the City is being asked to allow them to modify their facility.

The floor was given to Council Member Dayley who expressed her opinion that she thought allowing Holly Energy Partners to modify the existing facility is expanding the use which is not permitted under the ordinances of the City.

The Community Development Director explained that the City Council could allow them to modify the loading dock area if it bettered the property as a whole for the community.

The floor was then given to Mr. Leo Beecher of the Planning Commission. He said that he felt like the modifications to the facility would make it a safer place for the workers as well as the surrounding community, but he expressed concerns for security problems for this area and encouraged the City Council to require a solid fence be constructed around the perimeter of the loading facility.

The floor was given to Council Member Decker who expressed her thoughts that the matter should be tabled until a definite plan for the facility as far as securing the area, the solid fence that is to be constructed, and trees to be planted could be presented to the City Council.

Council Member Dayley also expressed that she would like to be assured that it is not increasing the capacity or the efficiency of the loading area which would be an expansion of the facility.

The floor was then given to Council Member Decker who motioned that the matter be tabled and sent back to the Planning Commission and that a site plan be prepared and brought back to the City Council. Council Member Moore seconded the motion and all voted for the motion except Council Member Dayley who voted opposed.

**PRESENTATION OF THE PROPOSED DAVIS COUNTY PROPERTY TAX  
INCREASE FOR STORM WATER CONTROL**

The floor was given to Mr. Robert Smith, the Davis County Public Works Director, who in turn made a presentation to the City Council concerning the need for betterment of the

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Davis County flood control streams and canals throughout the County. He used a slide presentation to show problem areas in the County. He noted that the Davis County Commission is proposing a property tax increase to the citizens of Davis County to fund these improvements for the flood control.

The Council asked the question as to how much the property tax would be increased. He answered that on \$170,000 home the increase would be about \$15 annually.

The Council asked if there were any flood channels that directly come through the City of Woods Cross. The answer was, there are not, there are flood channels on both the north and the south boundaries of the City.

The Mayor thanked them for their presentation and they in turn expressed appreciation to the Mayor and City Council for their time.

**UPDATE ON LEGACY PARKWAY BY THE UTAH DEPARTMENT OF TRANSPORTATION**

The floor was then given to Mr. John Thomas, Project Engineer on the construction of Legacy Parkway. Through the use of a PowerPoint presentation he updated the Mayor and the City Council on the construction schedule for the Legacy Parkway.

He noted that after his presentation that contracts had been sent out for bids on September 23<sup>rd</sup> and that the bid openings would be on November 9<sup>th</sup>, 11<sup>th</sup>, and 14<sup>th</sup> and that after the bids were awarded the construction will begin in earnest on the project.

He noted that completion of Legacy Parkway is scheduled for the fall of 2008.

The Mayor thanked him for his update to the City Council.

**CONSIDERATION TO APPROVE A CONTRACT WITH LEWIS, YOUNG, ROBINSON AND BURNINGHAM TO PROVIDE AN IMPACT FEE ANALYSIS FOR PARKS, STORM WATER AND CULINARY WATER SYSTEMS**

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

“Given to the City Council is a proposal from Lewis, Young, Robertson & Burningham to provide an impact fee analysis for our park, storm water, and culinary water systems. Both the storm water and culinary water systems need to be updated since the last time they were done was in 2003. We are also updating our park master plan and need to update the impact fee analysis for the parks as part of that project.

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“Mr. Jason Burningham is available at the meeting to answer any questions you may have concerning the analysis. Mr. Burningham has had considerable experience doing Impact Fee Analysis and I am very comfortable with the work that he has done in the past. The cost of the analysis will be \$20,625. We will need to have Mr. Burningham break the cost down into each of the areas so that it can be allocated to the Park, Storm Water & Culinary Water Impact Fee Fund. Since the fee analysis is an allowable expense under the Impact Fee law the cost of this project will be paid out of the impact fees collected in each of these funds.

“I recommend approval of the contract as presented.”

After the review by the City Administrator, the floor was given to Council Member Moore who motioned that the Council approve a contract with Lewis, Young, Robertson and Burningham to provide impact analysis for the City’s parks, storm water, and culinary water systems. Council Member Decker seconded the motion and all voted for the motion.

**CONSIDERATION TO APPROVE THE WESTSIDE INDUSTRIAL PARK  
PHASE III FINAL PLAT**

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

“As you are well aware, more than a decade ago the City purchased 50 acres west of Redwood Road for the purpose of relocating the South Bountiful Auto Salvage Yard. As a result, the City has since owned the property on the north side of 2425 South from the salvage yard to Redwood Road. Presently, there are several individuals interested in purchasing portions of the subject property. As such, the City now desires to subdivide the property to accommodate sale of individual parcels or lots.

It is my understanding that several different companies have approached the City and expressed interest in locating either commercial or light industrial uses on the subject property. Given to the Council is the final plat detailing the creation of 6 lots of commercial or light industrial development. The Planning Commission has reviewed the final plat and has recommended to the City Council approval of the Westside Industrial Park No. 3 Final Plat.”

Following the outline by the Community Development Director, the floor was given to Council Member Earnshaw who motioned that the Council approve the Westside Industrial Park Phase III as presented. Council Member Moore seconded the motion and all voted for the motion.

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**CONSIDERATION TO ADOPT AN ORDINANCE OUTLINING THE  
PROCEDURES FOR ELETRONIC PARTICIPATION IN CITY COUNCIL  
MEETINGS**

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

“Given to the City Council is the proposed ordinance that sets the procedures for electronic participation in City Council meetings. This ordinance has been drafted and approved by the City Attorney.

“I recommend adoption as presented.”

The Mayor then gave the floor to Council Member Decker who motioned that the Council approve Ordinance 499 an ordinance enacting section 2-01-030 (d) of the Woods Cross Municipal Code establishing procedures governing electronic meetings of the City Council of Woods Cross City. Council Member Earnshaw seconded the motion and all voted for the motion.

**OPEN SESSION**

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

There were no items brought forward to the Council at this time.

**MOSQUITO ABATEMENT DISTRICT REPORT**

The floor was given to Council Member Moore, the City’s representative on the Davis Mosquito Abatement District. He reported that the Mosquito Abatement District is asking for a property tax rate increase which would amount to about \$2.56 for the average valued home. This increase funding would be used to help prevent the spread of the West Nile Virus through mosquitoes. This concluded his report.

**REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY**

The floor was given to Council Member Moore to report on the activities of the South Davis Metro Fire Agency. He noted that he was out of town for the last board meeting and had nothing to report.

**REPORT FROM THE WASATCH INTEGRATED WASTE DISTRICT**

The floor was given to Council Member Earnshaw, the City’s representative on the Wasatch Integrated Waste District, to report on the district’s activities. He noted that this

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evening some of the members of the City Council, in conjunction with the management of the Wasatch Integrated Waste District, had toured a garbage transfer station located in Salt Lake City.

He noted that the Wasatch Integrated Waste District is looking for about ten acres in South Davis County to locate a transfer station similar to the one that was reviewed by the Council today.

He also noted that attending the field trip was the Mayor of Centerville along with one of Centerville's Council Members.

Council Member Earnshaw continued with the floor and noted that the Wasatch Integrated Waste District manager had recently returned from a solid waste conference held in the southeast part of the United States and had reported to the board on the conference and how successful it was.

This concluded his report.

**MAYOR'S REPORT**

1. The Mayor reported that Mr. Brent Page, a city resident, had agreed to serve on the Davis County School's Boundary Committee, representing the Woods Cross area.
2. He reviewed with the Council the recently held meeting with the Environmental Protection Agency on the clean up of the plume, the contamination caused by the Bountiful Cleaners to the ground water in the Bountiful/Woods Cross area.
3. He noted that in the near future the Mayor and the Police Chief will attend the Woods Cross Elementary School and be part of a sponsored event entitled "Lunch with the Mayor" and it will give the Police Chief and the Mayor an opportunity to visit with the children of the school and encourage them in their citizenship.

This concluded his report.

**PLANNING COMMISSION REPORT**

The floor was given to Council Member Hadlow who reported on the Planning Commission Meeting held September 26, 2006. 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 reported the following to the City Council:



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**1. Bag the Candy Night**

We are at a point where we need to order the candy for Santa Around Town. In the past we have planned for 800 bags which have far exceeded the number of children that have come to meet Santa. We need to know if the Council wants to reduce the number of bags this year. We recommend we set Santa Around Town for the 9<sup>th</sup> of December and have Bag the Candy Night on the 6<sup>th</sup> of December.

**2. Letter to EPA on 1500 South Plume**

Given to the Council is a letter from the Mayor to Dianne Nielsen, Director of the Department of Environmental Quality, requesting she obtain Governor Huntsman's support in having the 1500 South area placed on the National Priorities List. If you are OK with the letter we will forward it to DEQ for their action. We are also planning a meeting with Bountiful City to see if we can get their support for the action.

**3. Proterra Proposal**

Chuck Akerlow has proposed to put in the commercial office buildings as originally planned in the Town Center site, however, he is asking the RDA to work with him in helping to buy down the rent in the first year after it is constructed to help ensure the building is leased up so he can make his loan payments. This is a typical approach with the RDAs, particularly in areas where there is not a strong demand for commercial development. I believe that this is a reasonable request and would get us to where we need to be in getting the property developed as we desired. I'll have further information to present to the Council Tuesday night and will place it on the Agenda for the November 7<sup>th</sup> meeting for further discussion.

**4. Council Retreat**

The City Council retreat is scheduled for November 17<sup>th</sup> & 18<sup>th</sup>.

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**ADJOURNMENT**

At 8:40 P.M. the Council concluded the City Council Meeting with a motion by Council Member Earnshaw, to adjourn the meeting. Council Member Decker seconded the motion and all voted for the motion.

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Kent Parry, Mayor

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Alan T. Low, City Recorder