

**WOODS CROSS CITY COUNCIL MEETING
MAY 19, 2009**

The minutes of the Woods Cross City Council Meeting held May 19, 2009 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 1220 West, Woods Cross, Utah.

CONDUCTING: Mayor Kent Parry

COUNCIL MEMBERS PRESENT:

Kent Parry, Mayor	Jon Hadlow
Tamra Dayley	David C. Hill
Rick Earnshaw	Jill Evans

STAFF PRESENT:

Alan Low, City Recorder
Gary Uresk, City Administrator
Paul Howard Police Chief
Tim Stephens, Community Development Director

VISITORS:

Devin Allen	Jim Rampton	Maria Villasenor
Russ Schrader	Leo Beecher	Al Jewell
Byron C. Munsee	Bill Smith	Matt Johnson
Cody Evans	Greg Simonsen	D.L. Weeks
Melinda Williams	Pat Blackley	LeGrande Blackley
Jon Pilgreen	Steve Moss	Wendy Green

INVOCATION: Kent Parry

PLEDGE OF ALLEGIANCE: Tamra Dayley

The Mayor welcomed those in attendance and stated this is a regularly scheduled meeting that notice of time, place and agenda 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 May 5, 2009. After the review, Council Member Hadlow motioned the minutes be approved as written with Council Member Hill seconding the motion and all voted for the motion through a roll call vote.

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 April 30, 2009. The Council reviewed the City's cash position, sales and use tax report, the transient room tax report, report of the impact fees

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collected for the South Davis Metro Fire Agency and executive summary of the City's funds comparing revenues and expenditures to the budget.

After the Council's review, Council Member Earnshaw made a motion to approve the City's Financial Report as presented with Council Member Evans seconding the motion and all voted for the motion through a roll call vote.

APPROVAL OF CASH DISBURSEMENTS

The City Recorder continued with the floor and reviewed with the City Council the Cash Disbursements Listing for tonight's meeting. After the review, Council Member Hadlow motioned approval of the Cash Disbursements 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 would take less than two or three minutes.

There were no items for the brief open session.

A PUBLIC HEARING TO CONSIDER REZONING FROM R-1-8 RESIDENTIAL TO S-1 SPECIAL USE PROPERTY BY SUMMERSIDE COMMUNITIES LOCATED AT 2309 SOUTH 800 WEST

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

“As you are aware, there has been a longtime proposal to develop senior housing on the property north and adjacent to the Hampton Inn which is zoned S-1 Special Use. The developers of the Summerside senior housing facility are in the process of purchasing the Munsee home which is north and adjacent to the proposed living center and is presently zoned R-1-8 Single Family Residential. By purchasing the Munsee home the developers will be able to improve access to their project in addition to providing additional parking. Should this rezone be approved, the Summerside developers will submit a revised site plan to the Planning Commission to extend parking and access across the Munsee property. The attached maps illustrate the location of the Munsee property which is proposed to be rezoned from R-1-8 Single Family Residential to S-1 Special Use.

“The Special Use Zone was established for areas with characteristics unique from any other areas in the City. These areas are unique because of their proximity to the prime access, high visibility, special development problems or strong relationship to existing sensitive lands. To define land use in these areas within the existing structure commercial, industrial, residential, and recreational could prove to limiting future development properties furthermore, the S-1 zone was

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established to ensure safe and pleasing development and ensure the close interaction of activities. Of course some uses are excluded or allowed only upon conditional use review.

“Within the S-1 Zone, public needs, safety, circulation, compatibility with existing uses, services and tax base, are critical in the review process and these are weighed in a rezone decision. In addition, consideration must be give to nuisances, such as noise, odor, or lighting on existing or surrounding uses. It was intended that the creation of the S-1 Special Uses Zone would curb irrational and sporadic land use and increase the control of the Planning Commission in using the land for the most appropriate uses as development pressures increase.

“The Planning Commission has reviewed this matter and held a public hearing and has recommended to the City Council the subject property be rezoned from R-1-8 Single Family Residential to S-1 Special Use.”

Following the outline by the Community Development Director, the Mayor then opened the public hearing for comments on the rezoning.

There were no public comments and the Mayor closed the public hearing.

The floor was then given to Council Member Hill who motioned the City Council adopt Ordinance #526, an ordinance amending the existing zoning map and zoning ordinance of Woods Cross City, Utah by changing from Residential Zone R-1-8 to Special Use Zone S-1, the real property located at 2309 South 800 West. Council Member Earnshaw seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ACCEPT THE BID FOR WELL HOUSE AND PUMP #5
LOCATED AT APPROXIMATELY 1750 SOUTH 1200 WEST**

The following are the bids that were received:

<u>ENGINEERING ESTIMATE</u>	\$275,000.00
<u>HILLS CONSTRUCTION</u>	\$315,400.00
<u>CLEAR CONSTRUCTION LLC</u>	\$338,810.00
<u>VANCON INC.</u>	\$366,100.00
<u>SAUNDERS CONSTRUCTION</u>	\$373,210.00
<u>COUNTERPOINT CONSTRUCTION</u>	\$379,437.00
<u>ASSOCIATED BRIGHAM CONTRACTORS</u>	\$394,729.00

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The City Administrator then reviewed the following with the Council:

“Given to the Council is a memorandum from the City Engineer recommending Hills Construction Inc. of Salt Lake City be awarded the bid at \$315,400.00. This bid is \$40,000 above the Engineers estimate mainly because there were additional footing requirements due to poor soil conditions that were not originally planned for.

“When opening the bids one of the contractors raised the issue of proof of experience for the helical piers installer being submitted with the bid.

“The City Engineer addressed this as follows:

“In our bid opening on May 14, 2009, for the above mentioned project, there was a concern raised by one contractor about the bid submission from Hills Construction. The Structural Notes on sheet S-002, note 4, under Helical Piers, says that the pier installer needs to have 5 years experience and states that proof of experience shall be submitted with the bid. Hills did not include such a note with his bid.

“We recommend that this formality be waived for the following reasons:

- “Even though this note is in the drawings, it was not in the “Instructions to Bidder” of the specifications. All other items in the Instructions to Bidders were properly submitted and in a timely manner.
- “The typical interpretation of the contract documents is that the specifications govern over the drawings.
- “The intent of the note has been met. The subcontractor has adequate experience (see C-200).”
- “The Specification reserves for the Owner the right to waive all informalities (Article 19, EJCDC C-200).”

“Since the request to submit the qualifications of the helical piers installer was only a note in the drawing and not in the instructions to the bidder, this requirement can be waived. The necessary information has been submitted by Hills Construction which meets the intent of the note on the drawings.

“I recommend we award the bid to Hills Construction Inc. for \$315,400.00.”

Following the recommendation by the City Engineer and the information presented by the City Administrator, the floor was given to Council Member Hill. He said for the record he would like to note he has no relationship with the low bidder, Hills Construction.

The floor was then given to Council Member Earnshaw who motioned the City Council award the bid on well house and pump #5 to the low bidder, Hills Construction. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

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DISCUSSION ON THE SILVER EAGLE JANUARY FIRE INCIDENT

The Mayor then said the Council would now discuss the Silver Eagle January fire incident and had invited Mr. Dave McSwain, owner of Silver Eagle Refinery, to come and meet before the Council. Mr. McSwain had declined and in his place had sent his attorney, Mr. Greg Simonsen, to represent him.

Mr. Simonsen explained to the City Council that it would be inappropriate for Mr. McSwain to discuss the incident with the City Council since there is ongoing litigation and investigation of the incident at this time.

He said Mr. McSwain from Silver Eagle would be willing to discuss the future refinery safety issues and other matters such as zoning around the refinery with the City Council at a future meeting.

In addition, he said Silver Eagle would be open to having a citizen advisory committee to meet with the refinery personnel from time to time and discuss issues and it was the desire of Silver Eagle not to have an adverse relationship with the City and they would like to be a good citizen.

The floor was then given to Council Member Earnshaw who advised the Council he had met personally with Mr. McSwain this afternoon and had found Mr. McSwain was very willing to work with the City on future matters as far as safety procedures concerning the refinery.

The Mayor said there needs to be future plans made for better coordination and effort by our City public safety officials as well as the refinery officials for future incidents.

The floor was given to Council Member Hadlow who said he was concerned that it had taken so long for the Silver Eagle to come before the Council and to discuss the matter.

Mr. Simonsen said in the future there would be a stronger communication between the two organizations.

The floor was given to Council Member Evans who asked how long the investigation of the fire would take. Mr. Simonsen said he was not sure but he would assume it would take several months.

The City Council set the time of 5:30 P.M. on June 2, 2009 as a work session to meet with Mr. McSwain and representatives of Silver Eagle refinery and discuss safety issues and future plans for the refinery.

The floor was then given to the Chief of Police for the City and he went over a draft emergency plan that had been prepared by him and the Public Works Director based on the experience from the Silver Eagle Refinery incident in January.

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The City Council was very impressed with the work the Chief of Police and the Public Works Director had done in preparing the draft plan and asked it be brought to the work meeting on June 2 to be discussed with Silver Eagle Refinery.

MEMORIAL DAY CELEBRATION UPDATE

The Mayor gave the floor to Council Member Earnshaw who heads up the Memorial Day Celebration and he advised the Council all plans are in place for this year's celebration to be held on May 25, starting with the Fun Run at 7:00 A.M., the speeches and men's choir will be at 8:00 A.M. with breakfast for the citizens being served at 8:00 A.M.

He said there would be entertainment during the breakfast. Equipment from the South Davis Metro Fire Agency as well as a helicopter from Life Flight will be present for view by the citizens.

The Council thanked Council Member Earnshaw for his work in leading and helping to prepare for the celebration.

OPEN SESSION

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

The floor was given to Ms. Dixie Weeks, a City resident. She asked if the Silver Eagle Refinery work session on June 2 would be open to the public and the Mayor advised her it would be an open public meeting. She expressed concern about Silver Eagle and the manner in which they have handled the incident and meeting with the City. She felt there could have been a better effort on the part of Silver Eagle to assess what happened at the refinery with the City Council.

She expressed appreciation to the City Council and the Mayor for their concern in protecting the citizens of Woods Cross and noted in her opinion, this is their number one responsibility. She also expressed a compliment to the Police Department for their excellent response in responding to the needs of the citizens of the City.

The floor was then given to Council Member Hadlow who expressed concern about how the parks are being maintained throughout the City. He said in the past the parks had looked much better than they had this year. The Staff was asked to look into the problem.

Continuing with the floor, Council Member Hadlow then asked what was being done concerning the Benchmark Hospital and the incidents there in the past. The Staff responded the State of Utah Health Department is looking into the matter and they will report back to the City Council in the near future.

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The floor was then given to Council Member Evans who expressed concern about the Weber Basin pump house located on 1100 West and the debris and refuse that is gathering around it. The Staff said they would contact Weber Basin to see what could be done to clean it up.

REPORT FROM THE WASATCH INTEGRATED WASTE DISTRICT

The floor was given to Council Member Earnshaw who represents the City Council on the Board of Directors on the Wasatch Integrated Waste District. He reported on the activities of the waste district. He said recently there had been a study done using Fruit Heights City as a test area for recycling green waste and it was found to be very successful. He said in the future this program could be expanded to the other communities that participate in the Wasatch Integrated Waste District.

He said in addition to that, Dan Jones and Company was conducting a survey in behalf of the district on recycling in all of the locations who participate in the Wasatch Integrated Waste District service area and it may become a district-wide program.

This concluded his report.

REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY

The Mayor, who represents the City on the Board of Directors of the South Davis Metro Fire Agency, reported on the agencies activities as follows:

1. He reported at the last board meeting the Board of Directors had received the financial audit report for the year 2008 and all was in good condition in the financial records of the agency and the board approved the annual financial audit. In addition, the board reviewed the financial report for the four month period ending April 30, 2009 and found that revenues and expenses were meeting the anticipated budget.
2. He also noted the mobile command center vehicle had been received by the agency, that this \$400,000 command center is to be used by the public safety agencies of southern Davis County but will be maintained and housed by the South Davis Metro Fire Agency. He noted the Command Vehicle would be on display at the Memorial Day Celebration for the citizens of Woods Cross to see.

This concluded his report.

REPORT FROM THE SOUTH DAVIS RECREATION DISTRICT

The Mayor continued with the floor and reported as the City's representative on the Board of Directors on the South Davis Recreation District. He said for the month of April, 80% of the annual passes to the recreation district had been renewed and this exceeded the anticipation of the district at thinking that perhaps 70% would be renewed.

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He noted each month membership sales continue to increase.

The outdoor pool will be open this weekend for use during the summer.

He said the Board of Directors had discussed placing a baseball field where multiple baseball games could be played somewhere in the recreation district and this matter is being looked into.

Finally he noted Saturday, May 23 would be Woods Cross Day at the Recreation Center where any citizen from Woods Cross can use the facilities of the Recreation Center for free.

REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT

The floor was given to Council Member Evans who represents the Council on the Board of Directors on the Davis Mosquito Abatement District. She said she was unable to attend the last board meeting and she had nothing to report.

MAYOR'S REPORT

The Mayor reported to the City Council on the following:

He said this Saturday, May 23, there would be an open meeting held in Layton City with United States Senator Bob Bennett and up to three Council Members would be invited to attend the meeting to ask questions and hear a report from Senator Bennett.

Next he reported Work Force Services will provide part-time summer employees, at their expense, to help with the City upkeep and the Staff should look into this matter to help provide assistance with the parks and other areas of the City.

This concluded his report.

PLANNING COMMISSION REPORT

The floor was given to Council Member Hadlow who reported on the Planning Commission meeting held May 12, 2009. Please see the minutes of that meeting for the details of his report.

REPORT FROM THE CITY ADMINISTRATOR

The City Administrator reported the following to the City Council:

1. Purchase of Shop Property

“Mr. Jerry Stevenson has accepted the offer the City Council made for his property. I plan on closing on the property before the end of May.

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2. "There is an open house Thursday, the 21st on the 500 South Project from 4:00 to 7:00 P.M. where the URS and UDOT will be available to answer any questions on the project prior to construction. If any of the Council Members are interested in the information, you are welcome to attend.
3. "Just a reminder of the budget work session at 6:30 on May 20th. There is a conflict in regards to the use of the large conference room. UDOT has reserved the room for a meeting with the Westwood Home Mobile Home park residents. We will need to start our meeting in the Council chambers, however, if you would like to move into the conference room after they are done, we can do so."

CLOSED SESSION

At 8:35 P.M. Council Member Earnshaw motioned the City Council go into closed session to discuss the sale of real property. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

APPROVAL TO SELL PROPERTY LOCATED AT 725 WEST 500 SOUTH TO THE UTAH DEPARTMENT OF TRANSPORTATION

The floor was given to Council Member Hill who motioned the City Council approve the sale of 435 square feet of property located in front of the old Woods Cross Post Office at 725 West 500 South, to the Utah Department of Transportation for a value of \$11,000. Council Member Earnshaw seconded the motion and all voted for the motion through a roll call vote.

ADJOURNMENT

At 8:40 P.M. Council Member Earnshaw motioned to adjourn the City Council Meeting. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

Kent Parry, Mayor

Alan T. Low, City Recorder