

**WOODS CROSS CITY COUNCIL MEETING  
OCTOBER 2, 2007**

The minutes of the Woods Cross City Council Meeting held October 2, 2007 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Mayor Kent Parry

**COUNCIL MEMBERS PRESENT:**

Kent Parry, Mayor  
Tamra Dayley

Rick Earnshaw  
Jon Hadlow  
Donald D. Moore, Jr.

**COUNCIL MEMBERS EXCUSED:**

Jennifer Decker

**STAFF PRESENT:**

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

**VISITORS:**

Phil Roth	Jeremy Roth	Gage Rossman
Michelle Roth	Eryka Roth	Emma J. Dugal
Mark Hyde	Gary Jones	Al Jewell
Jill Evans	Vicki Hinckley	Don Schrader
Lois Schrader	Leendert Van Hulsten	Melinda Williams
Pat Blackley	LeGrande Blackley	Robert O. Montgomery
Bobby Montgomery	Christian Hunwick	Debbie Hunwick
Lexi Hunwick	Melissa Bishop	Alie Parry
Cory Battochio	Cassie Hiatt	Garry Preston
Jann Preston	Shyanne Preston	Terri Burnett
Brent Burnett	Patrick Burnett	Kim Martin
Emily Martin	Suzanne Tate	Mattison Tate
Alicia Crum	Sandy Crum	Charles Payne
Monique Turner	Dave England	Mackenzie Hadlow
Kim Ball	McKinzie Ball	Kathy Bishop
Aubrianna Bishop	Corey Nelson	Jay Hadlow
Nick Hadlow	Clint Ensign	Troy Bowman
Angie Oswald	Athena Dayley	Collette McKee
Connor McKee	Morgan Stewart	Holly Stewart
Roni Karnes	Melanie Anderson	Cary Martin
Doug Richardson	Edmund Richardson	Steve Miner
Brenda Miner	Chloe Miner	Hannah Atkin
Stephanie Hadlow	Lauren Hadlow	Christine Hadlow

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Michael Hill  
Chris Jackson  
Jamie Preston

Paula Hill  
Cristine Jackson  
David E. Stice

Keyara Hill  
David C. Hill  
Ruth Hatch

**INVOCATION:**

Melissa Bishop

**PLEDGE OF ALLEGIANCE:**

Alie Parry

**SWEARING IN OF THE YOUTH CITY COUNCIL FOR THE YEAR 2007-2008**

The Mayor gave the floor to the City Recorder, who in turn administered the Oath of Office to the new Youth City Council for the year 2007-2008. The Swearing in Ceremony was conducted in two sessions.

The first session was the swearing in of the Youth City Council leadership, of which there were 13 members, and then following that, the City Recorder administered the Oath of Office to the remaining Youth City Council members.

The City Council and Mayor then extended their congratulations to each member of the Youth City Council and encouraged them in the coming year to have a successful year in supporting the City governmental operations.

**SWEARING IN OF NEW POLICE OFFICER—OFFICER ADAM OSORO**

The City Recorder continued with the floor and then administered the Oath of Office to a newly hired police officer, Officer Adam Osoro. After the Oath of Office, time was given to his wife to pin his uniform badge on his shirt and then congratulations were extended by the Mayor and City Council.

**APPROVAL OF MINUTES**

The Council reviewed the minutes of the City Council Meeting held September 18, 2007. After the review, Council Member Moore motioned the minutes be approved as written with Council Member Earnshaw seconding the motion and all voted for the motion.

**APPROVAL OF CASH DISBURSEMENTS**

The floor was given to the City Recorder who reviewed the cash disbursements for tonight's meeting with the City Council. After the Council's review, Council Member Earnshaw made a motion to approve the cash disbursements listing as presented with Council Member Dayley seconding the motion and all voted for the motion through a roll call vote.

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**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 Mr. David England, a City resident living at 1510 South 1100 West. He spoke to the City Council concerning changing the City Ordinance which would allow more than one family to live in a singlefamily dwelling. He reviewed with the City Council the current City Ordinance does allow two families in one dwelling, but there can be no separate cooking facilities or separate entrances to the home allowing the second family to have access and cooking privileges.

He noted statics for the City Council that stated one out of three households have a need for more than one family to live in a home, allowing extended family members or elderly parents to live with another family member for care reasons. He noted it is predicted by the year 2020, that one out of two households would require this to be allowed. He noted he was aware of six families in his area of living that are allowing extended family members to live in the home which would be against the law.

He said he felt the law was incorrect and we should allow families to bring elderly parents or children who need a place to live back in their homes and allow them to have, if possible, access to the home as well as separate cooking facilities, so they can feel some independence as they live under one roof. He sited the example of his elderly mother, who had recently passed away, and the need for her to have care in his home, but as he took care of her it did not allow her to have freedom to fix food the way she liked to, but required that at every meal she had to participate with his family and it took away her independence.

He said there are occasions that children, who perhaps are married and lose jobs, need a place to live temporarily while they arrange for work and he felt that Woods Cross City should allow its families within its boundaries to be able to extend their homes to these family members. This would allow them to have a separate place within the home to cook or a separate entrance if possible.

The City Council concurred that there are occasions when this needs to be done, especially as families care for elderly parents or children that need temporary help. They discussed the pros and cons, noting why this is not allowed, because there is a tendency, when there is no further need for family members to live in these facilities, to make them rentals which are discouraged in single family neighborhoods. However, the City Council directed the City Staff to review what other Cities are doing and to review the problem and bring it back to the City Council as an agenda item.

Mr. England thanked the City Council for their consideration in looking into this problem.

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The floor was then given to Ms. Jamie Preston, living at 2949 South 1450 West, who said she represented a mothers group that support curbside recycling. She said she and other mothers in her group were supportive of the recycling program even if it did cost some additional fees. She asked to what point the recycling program has progressed.

The floor was given to Council Member Earnshaw who said that it is in the bidding process and it will come before the Council in a future meeting.

She encouraged the City Council to give every consideration to adopting the curbside recycling program in Woods Cross City.

There were no other items for the brief open session.

**REPORT FROM THE COMMUNITY OF PROMISE COMMITTEE**

The floor was given to Mr. Leendert Van Hulten, who is the Chairman of the City's Community of Promise Committee. He reported on the following for the Committee:

1. On October 4<sup>th</sup> there will be the Welcome Baby Program meeting at 7:00 P.M. for a class on infant massage.
2. October 9<sup>th</sup>, there will be a gardening lecture at 7:00 P.M. by Bruce Bennett, the grounds keeper for the Bountiful Temple, who will discuss "Designing with Bulbs".
3. October 17<sup>th</sup>, there will be an Emergency Preparedness meeting at 7:00 P.M. The Red Cross will have a discussion pet preparedness.
4. October 11<sup>th</sup>, will be the Senior Lunch Bunch at noon. Mike Nielsen, the City's Prosecutor, will entertain at the lunch.
5. October 18<sup>th</sup>, the Book Club will discuss the book "For the Roses".
6. October 24<sup>th</sup>, the Community of Promise will meeting at 7:00 P.M.

After he concluded his report, the City Council expressed appreciation to him and his committee members for the excellent service they provide for the citizens of Woods Cross City.

**REPORT FROM THE SOUTH DAVIS SEWER DISTRICT**

The floor was given to Mr. Charles L. Payne, the City's representative on the South Davis Sewer District Board. He reported on the following activities on the sewer district:

1. The District has been contacted by the Denver EPA regarding the superfund site. One on the old Hatch property and another west of Holly Oil. The District was told this may require the treating of 500,000 gallons per day for the next 30 years.
2. The District signed the agreement for the Utah-Warn, Water/Wastewater Agency Response Network. The District does have a lot of equipment that could be used in an emergency.

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3. The October meeting is changed to October 11<sup>th</sup> and will be at 12:00 P.M. This will cover engineering and personal committee meetings and the 2008 budget.
4. The Utah Association of Special Districts annual convention will be held in Provo on November 1<sup>st</sup> and 2<sup>nd</sup>. This convention gives a chance to meet and talk with other board members from all over the state.
5. Sand filters are in operation at the south plant and the water quality looks good. At the north plant we are trying to secure the homes within the flood dykes, but it is going slow.

**REPORT FROM THE YOUTH CITY COUNCIL**

The floor was given to the newly sworn in Youth City Council Mayor, Josh Jackson, who reported the following on the Youth City Council activities:

1. The Swearing in Ceremony was held at tonight's City Council Meeting. There are 13 Leadership Council members and 36 Youth Committee Members on the Youth Council this year.
2. October Service Activity will be October 22, from 3:30 to 5:30 P.M. We will be dressing up in Halloween costumes and going "Trick or Treating" for canned food for the Bountiful Community Food Pantry.
3. The South Davis Recreation Center has asked us to help with the Halloween Activity on October 30 from 4:00 until 8:00 P.M. We will be helping to set-up and provide different Halloween activities around the center.
4. The next meeting will be November 5, at 4:00 P.M.

Following the conclusion of Mayor Jackson's report, the City Council and Mayor expressed appreciation to the Youth City Council for all they do to promote activities in the area of Woods Cross City.

**REPORT ON BOUNTIFUL/DAVIS ARTS CENTER**

The Mayor gave the floor to Ms. Emma Dugal, who is the Director of the Bountiful/Davis Arts Center located in Bountiful. She presented to the Council a plaque expressing appreciation of the Bountiful Arts Center for the support both in manpower and financially to the Bountiful/Davis Arts Center. She expressed appreciation to the community for their support of the arts center activities and especially for this past summer with the Summerfest Program that was presented free of charge to the public. She noted it was a great success with many attending.

The Mayor accepted the plaque on behalf of the City and thanked Ms. Dugal for her presentation.

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**PUBLIC HEARING TO CONSIDER REZONING FROM I-1 LIGHT INDUSTRIAL TO I-2 HEAVY INDUSTRIAL 7.6 ACRES LOCATED AT 1000 WEST 2600 WEST REQUESTED BY SINCLAIR OIL INCORPORATED**

The Mayor gave the floor to the Community Development Director who reviewed the following with the City Council concerning the rezoning request by Sinclair Oil Incorporated:

“As you know, Sinclair Oil has requested a rezone from I-1 Light Industrial to I-2 Heavy Industrial to permit construction of a fuel storage and loading facility at 1000 West and 2600 South. Earlier this summer, the Planning Commission reviewed the rezone request and held a public hearing. At the conclusion of that hearing, the issue was tabled to provide the City time to obtain outside expertise to review the rezone request. In addition, the Planning Commission and others have visited the adjacent Pioneer Oil facility.

“The City has obtained the services of Kleinfelder to review the Sinclair rezone request and conceptual property development plans. Given to the Council is a summary of the recommendations for Sinclair Oil beginning on page #2. If Sinclair is successful in having the property rezoned, they will submit a conditional use and site plan request for Planning Commission review.

“The Planning Commission has recommended to the City Council the subject property be rezoned from I-1 Light Industrial to I-2 Heavy Industrial with the following conditions:

1. “Sinclair Oil submits to the City their Notice of Intent (NOI) to the State Division of Air Quality as part of the conditional use permit.
2. “Sinclair Oil shall also submit a copy of the Spill Prevention Control and Counter Measures Plan for the proposed facility.
3. “A copy of the Kleinfelder report to the City Administrator dated August 22, 2007, herein be incorporated by reference.”

Following the presentation by the Community Development Director, the floor was given to Council Member Dayley who asked if the City has the ability to enforce the proposed conditions as outlined by Kleinfelder in their summary of recommendations.

The Community Development Director responded by saying the control would come through the conditional use permit and this permit can be revoked by the City.

The floor was then given to Mr. Clint Ensign, who is the Senior Vice President of Sinclair Oil Incorporated. He said he felt the Community Development Director had outlined the information adequately and he was there simply to answer questions if needed.

The Mayor then opened the public hearing on this rezoning matter.

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The floor was given to Ms. Ruth Hatch, a City resident. She asked if the tanks would be under ground or above ground. Secondly, how close to the water wells of Woods Cross City would they be located and she expressed concern as to whether the spill could contaminate the ground water of the wells.

The floor was given to Mr. Ensign who said the tanks would be located above ground with a floating ceiling and the bottom of the tanks would be concave concrete floors that would capture any leakage before it went into the ground.

The City Administrator answered the closest water well would be about one half mile away.

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

The floor was then given to Council Member Earnshaw who motioned the City Council approve the zone change as requested by Sinclair Oil for the property located at 1000 West 2600 South, approximately 7.6 acres, from I-1 Light Industrial to I-2 Heavy Industrial and that the three conditions as stated above by the Planning Commission be part of this approval motion. Council Member Hadlow seconded the motion and all voted for the motion except Council Member Dayley, who voted opposed. The motion carried by a vote of 3 to 1.

**CONSIDERATION TO ENTER INTO AN AGREEMENT WITH PACKETFRONT TO PROVIDE A FEASIBILITY STUDY OF WOODS CROSS CITY DEVELOPING AN OPEN COMMUNICATIONS INFRASTRUCTURE NETWORK**

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

“I have contacted Mr. Matt Jolley, at Packetfront, about providing a feasibility study on installing a fiber network in the City. Mr. Jolley has submitted a special services proposal for our consideration which has been given to the Council. The study will examine the economic feasibility of installing a communications fiber network, to help in our decision of whether or not to become a member of UTOPIA. The study will take a number of months and will cost \$15,000.

“One thing the Council needs to take into consideration is we currently do not have the \$15,000 for the study budgeted in the current budget. Most likely our budget will be fairly tight this year because of the Menlove move. I am working on how to come up with the funding, however, the Council needs to be aware that the Police Chief has also requested the hiring of an additional Police Officer. The Council will need to balance these competing interests.

“In talking with Mr. David Shaw of UTOPIA during last Council meeting, it appears it will be a number of years before UTOPIA would build anything in Woods Cross. It may be to our benefit to hold off doing the feasibility study until we get a better handle on our budget situation. Also,

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the Mayor and I will be meeting with Comcast Friday. Qwest is very concerned that we are looking at UTOPIA and we would like an opportunity to see what they are willing to offer to us proper to us making a commitment to move toward UTOPIA.

“I recommend holding off authorizing the Feasibility Study until at least after the first of the year, until we have a better idea what the impact of the Menlove move will be upon our budget.”

Following the review by the City Administrator, he continued to explain to the Council that Packetfront has a relationship with UTOPIA and the City may want to look at others to do the feasibility study for the City in a more independent way.

It was suggested the City Staff contact UTOPIA and find out when they would schedule Woods Cross City to have the infrastructure placed in the City as the Council contemplates whether or not to join.

The floor was given to Mr. Eric Isom representing Qwest who said he would be glad to meet with the City Council in a work session and discuss these matters in more detail since the time was limited at tonight’s meeting.

The Council determined to hold a work session at 8:00 P.M. on October 16, to discuss the infrastructure question with UTOPIA, QWEST and Comcast.

The floor was given to Council Member Dayley who motioned this item on the agenda, the feasibility study for placing infrastructure within Woods Cross City to develop an open communications network, be tabled for a future City Council Meeting. Council Member Hadlow seconded the motion and all voted for the motion.

**CONSIDERATION TO ADOPT AN ORDINANCE AMENDING SECTION 13-06-110 OF THE WOODS CROSS CITY CODE REGARDING THE DISCHARGING OF FIREARMS**

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

“Given to the Council is a revised ordinance on the use of firearms within the City. Please note we have added a number of bows to the definition. We have also placed an exception for using long bows for target shooting, if it is in a place approved by the Chief of Police. We have also provided an exception for air soft guns using 6mm plastic bb’s and paint balls allowing them to be used if they are not used in a reckless manner. The Police Chief has also added some language for use of firearms in ceremonies and fire arms demonstrations. I fell this adequately addresses the Council’s concerns that were raised in the last meeting and recommend adoption as drafted.”



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Following the outline by the City Administrator, the floor was given to Council Member Hadlow who suggested to the City Council that the use of paint ball guns be moved from iii to ii making their use illegal since he felt the paint ball guns could be a hazard to the City residents. The Council concurred.

The floor was then given to Council Member Hadlow who motioned the Council adopt Ordinance 512 amending City Ordinance 13-06-110 of the Woods Cross City Code regarding the discharge of firearms with the movement of paint ball guns from iii to ii as recommended by the Council. Council Member Moore seconded the motion and all voted for the motion.

**CONSIDERATION TO ADOPT A RESOLUTION PROCLAIMING OCTOBER 6-12 AS PHYSICIAN'S ASSISTANT WEEK IN WOODS CROSS CITY**

Continuing with the floor the City Administrator advised the Council of the following:

“Mr. Mark Hyde, a Physician's Assistant living in Woods Cross, has requested the Council adopt a resolution proclaiming October 6<sup>th</sup> -12<sup>th</sup> as Physician's Assistant's Week. Given to the Council is a copy of the proposed resolution.”

Following the outline by the City Administrator the floor was given to Mr. Mark Hyde, who is a resident living at 1532 West 1300 South in Woods Cross. He recommended to the City Council and encouraged them to adopt the resolution as outlined by the City Administrator.

In addition, it was discussed that perhaps he could have a booth at the Memorial Day Celebration in 2008 and encourages the citizens of Woods Cross in his area of expertise.

The floor was then given to Council Member Earnshaw who motioned the Council adopt Resolution 2007-435, a resolution proclaiming the week of October 6-12 as Physician's Assistant Week in Woods Cross City. Council Member Moore seconded the motion and all voted for the motion.

**CONSIDERATION TO GRANT CONDITIONAL ACCEPTANCE OF THE LEGACY ESTATES SUBDIVISION**

The City Administrator reviewed the following with the Council:

“The Public Works Director and City Engineer have both inspected Legacy Estates and the Public Works Director is recommending conditional acceptance of the Subdivision and the release of the bond with the exception of the bond held for street trees, slurry seal, sidewalk, and landscaping. I recommend granting conditional acceptance of Legacy Estates Subdivision and release of the bond with the above exceptions.”

The floor was given to Council Member Moore who motioned the City Council follows Staff's recommendation and give conditional acceptance to the Legacy Estates Subdivision with the

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exception with holding the bond for the street trees, slurry seal, sidewalk, and landscaping. 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 Council.

The floor was given to Ms. Adrian Jacobs, a City resident living at 1425 West 1900 South. She spoke to the Council in favor of the recycling proposal for the City and outlined for the Council her experience of living in Loveland, Colorado where recycling was an ongoing activity of that city.

The floor was then given to Mr. Troy Bowman, who spoke in favor of UTOPIA and said that he felt that it was a superior value with faster internet speed for the citizens of the City.

There were no other items for the open session.

**WASTACH INTEGRATED WASTE REPORT**

The floor was given to Council Member Earnshaw, who represents the Council on the board of directors of the Wasatch Integrated Waste District. He reported that the board meeting for the district had been cancelled and he had nothing to report to the Council.

**MAYOR'S REPORT**

The Mayor advised the City Council that the ground breaking for the South Davis Metro Fire Agency's new fire station #82 located on Eaglewood Drive just above Orchard Drive had been held this past week. Also, there had been a work session held for the board of directors of the South Davis Metro Fire Agency by the Fire Chief to better inform the board on the activities of the Fire Agency.

Next, the Mayor reported to the Council on the South Davis Transit Study and said there is a possibility in the future of installation in the South Davis area of a street car system.

This concluded his report.

**PLANNING COMMISSION REPORT**

The floor was given to Council Member Dayley who reported on the Planning Commission meeting held September 25, 2007. Please see the minutes of that meeting for the details of her report.

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**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported the following to the Council:

**1. "500 South Access**

"There are some issues surfacing concerning access on 500 South between the freeway interchange and Union Pacific track. UDOT would like to limit access as much as possible while UTA is concerned about access to their station. We have had a number of meetings trying to resolve these issues but there are some very difficult issues involved which are not easy to resolve. At last meeting, UDOT asked UTA to come back with some proposals. We are trying to get our legislators together to get their assistance in getting the necessary funding to solve the problem. I will keep you updated on what progress is being made."

**ADJOURNMENT**

At 8:25 P.M. the Council concluded the City Council meeting with a motion by Council Member Earnshaw to adjourn. Council Member Dayley seconded the motion and all voted for the motion.

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Kent Parry, Mayor

Alan T. Low, Recorder