

**WOODS CROSS CITY COUNCIL MEETING**  
**APRIL 3, 2007**

The minutes of the Woods Cross City Council Meeting held April 3, 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  
Jennifer Decker

Rick Earnshaw  
Jon Hadlow  
Donald D. Moore, Jr.

**STAFF PRESENT:**

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

**VISTORS:**

Melinda Williams  
Ryan Westergard  
Cathy McKitrick  
Vicki Hinckley  
Don Schrader  
Ruth Payne  
Wendy Smart  
David Stice

David Hill  
Pat Blackley  
Craig Webb  
Al Jewell  
John Pitt  
Mark H. Maughan  
Scott Anderson  
Clint Ensign

Anne Blankenship  
LeGrande Blackley  
Joshua Jackson  
Lois Schrader  
Charles Payne  
Tom Stuart  
Mark Peterson

**INVOCATION:**

Jon Hadlow

**PLEDGE OF ALLEGIANCE:**

Rick Earnshaw

**APPROVAL OF MINUTES**

The Council reviewed the minutes of the City Council meeting held March 20, 2007. After the review, Council Member Hadlow motioned the minutes be approved as written with Council Member Decker 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 listing for tonight's meeting with the City Council. After the Council's review, Council Member Earnshaw made a motion to approve the cash disbursements 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 they would like to bring before the Council. This would be items that would take less than two or three minutes.

There were no items to be presented.

**REPORT FROM THE COMMUNITY OF PROMISE**

The floor was given to Ms. Ruth Payne who reported the following with the City Council:

1. At the Community of Promise Council Meeting Ms. Judy Hammond was presented with an appreciation plaque for her service to the City from 2001-2006 as the City's Beautification Chair. A new committee chair is in the process of being selected to continue her work because she is moving.
2. On April 4 there will be a gardening lecture by Joy Bossi at 7:00 P.M. at City Hall. There will be instruction on "Joy in the Garden" and "Square Foot" gardening.
3. On April 12 the Senior Lunch Bunch will be meeting at noon for a spring luncheon. The lunch will be furnished and the participants will be bringing a White Elephant gift. There will also be a fun Easter contest under the direction of Carolyn Low.
4. April 18 there will be an emergency preparedness meeting at the City Hall at 7:00 P.M. Questar Gas will be presenting natural gas safety and how they will respond to major emergencies in the City. Mr. Bob Williams is in charge of this activity.
5. We are applying for another mini-grant from the Community of Promise County Council and have talked to Winegars to see if they would be willing to help with the summer reading program.

**REPORT FROM THE SOUTH DAVIS SEWER DISTRICT**

The floor was then given to Mr. Charles L. Payne, the City's representative on the South Davis Sewer District Board of Directors. Mr. Payne reported on the following to the Council:

1. There have been two pump station bids. One from MC Green for \$94,520.00 and one from Fleming for \$90,000.00.
2. We are in the process of looking at the lines that go under the Legacy Parkway through a small TV camera because Centerville City had a problem when a sound wall was constructed and a column went through a piece of pipe. A copy of the tapes will be given to UDOT.
3. Some of the employees at the south plant built and operated four smaller plants to test sand filters in case a secondary source of water is needed in the future.
4. The north plant property acquisition inside the dikes is progressing. UDOT gave a Quit Claim Deed for 2.1 acres. Two home owners have agreed to sell their property and there are only a few who have not agreed to do so.

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5. Twice a year 9000 customers are billed for service. There have been two complaints about no envelope for return payment. The cost would be more than \$5000.00 a year if we were to do so and the cost would have to be passed on. Dicks Market and Zions Bank both have drop boxes for sewer bill payment.

**REPORT FROM THE YOUTH CITY COUNCIL**

The Mayor gave the floor to Mr. Josh Jackman, representing the Youth City Council. He reported the following:

1. We had an enjoyable time at the YCC leadership conference at USU in March. We learned many things that we will be implementing into our program.
2. The Easter "Egg-stravaganza" is this Saturday, April 7<sup>th</sup> starting at 10:00 A.M. at Woods Cross Elementary. All children are invited.
3. The seniors on the Youth Council have been given applications for the Woods Cross Youth Council Leadership/Service Scholarship and are due April 20<sup>th</sup>.
4. The next meeting will be on Monday, April 9<sup>th</sup>.

Following the report from Mr. Jackman to the Council, the Mayor and Council expressed appreciation to the Youth City Council for all of the efforts that they put forward and their service to the citizens of Woods Cross.

**RECOGNITION OF SERGEANT BRAD BENSON OF THE CITY'S POLICE DEPARTMENT FOR OUTSTANDING PERFORMANCE IN SOLVING A 27 YEAR OLD HOMICIDE**

The Mayor gave the floor to the City's Chief of Police who recognized Sergeant Brad Benson from the City's Police Department with the following introduction:

"Sergeant Brad Benson initiated an investigation into a "cold case" involving an unsolved homicide that occurred 27 years ago. Working on the case full-time for approximately three months he was able to affect an arrest in the case.

"During this time he was able to contact and interview numerous persons who were associated with the case in 1980, a difficult task itself, as well as develop new leads and witnesses. He adjusted his schedule to work weekends and stayed late to accommodate the schedule of persons he needed to interview. He did an excellent job of documenting his work.

"He obtained a \$5,000 grant to cover the majority, if not all, of the cost of analyzing the DNA which was the key piece of evidence linking the suspect to the homicide.

"Although the suspect refused to make a statement at the time of arrest, we are very confident that the arrest will result in a conviction due to the excellent work of Sergeant Benson.

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“I have received numerous positive comments from many sources about his excellent work in solving this case.

“Sergeant Benson is an excellent investigator, is very thorough in his work and documentation, and tenacious in following up on leads.”

Following the introduction by the Chief of Police the City Council then extended a hand of congratulations and thank you to Sergeant Benson for his fine work on behalf of the citizens of Woods Cross City.

**RECOGNITION OF OFFICER TOM SMART AS THE POLICE OFFICER OF THE MONTH FOR RECEIVING A “HIGH FIVE” AWARD FOR HIS INVOLVMENT WITH THE WOODS CROSS ELEMENTARY SCHOOL**

The Police Chief continued with the floor and introduced to the Council Officer Tom Smart and made the following recognition of him to the Council:

“Officer Smart was nominated as a community hero by Woods Cross Elementary School for his work at the school and received the High Five Award from KSL. The following is from the KSL web page:

“(KSL News) It takes a lot to surprise a police officer. But that’s exactly what our Coco Warner did with today’s High 5.

“Officer Tom Smart teaches a drug and alcohol prevention and anti-violence class every Friday at Woods Cross Elementary. He was nominated for a High 5 by sixth grade teacher Mr. George Danielson, who helped us surprise him.

“We’d like to recognize you for your exceptional way you have spent your time and your skills in teaching our drug and alcohol awareness and our violence prevention classes here at Woods Cross,” Danielson said. “I speak for all of us here, I believe, when I say your efforts have made a big difference in the lives of the kids. Honestly, in the long run, I believe you save lives.”

“Officer Smart said teaching the classes is a great positive thing in his job.”

Following the recognition by the Police Chief of Officer Smart, the City Council then extended a hand of appreciation and congratulations for the excellent work he does for the citizens of Woods Cross.

**REPORT FROM THE DAVIS CHAMBER OF COMMERCE**

The Mayor gave the floor to Mr. John Pitt who is the president of the Davis Chamber of Commerce. Mr. Pitt then discussed with the City Council the following update concerning the Chamber and the activities that they are undertaking in Davis County.

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He gave to the Council a handout that covered the following points:

- The purpose of the Chamber
- What we offer to our members
- The benefits of membership in the Chamber
- The Chamber is enterprising, educating and entertaining
- Then he covered points under each of these headings

In conclusion he reviewed with the Council the Chamber committees as well as the Chambers Board of Directors. He invited any of the City Council that would like to participate in the committees to let him know.

He then concluded his report with what is needed from Woods Cross City to help support the Chamber.

This concluded his report and he thanked the Council for their time.

**CONSIDERATION TO APPROVE THE PURCHASE OF A THERMAL IMAGER FOR THE POLICE DEPARTMENT**

The floor was given to the Chief of Police who reviewed the following with the Council:

“The police department has a need for thermal imaging tool for tactical, surveillance and crime scene assessment applications using heat sensing technology.

“I recommend that we purchase a Bullard Tacsight Thermal Imager from LN Curtis & Sons at a cost of \$12,273.50.

“The funds will be reimbursed to the City from our 2007 Homeland Security Grant of \$12,500.00.”

Following the outline by the Chief of Police the Council expressed support of the purchase of the item and the floor was given to Council Member Hadlow who motioned that the Council approve the purchase of a thermal imager for \$12,273.50 from LN Curtis & Sons at that the budget for this item would be the reimbursement from the 2007 Homeland Security Grant. Council Member Earnshaw seconded the motion and all voted for the motion.

**CONSIDERATION TO AWARD FISCAL YEAR 2007 CRACK SEAL BID**

The Mayor gave the floor to the Public Works Director who reviewed the following bids with the City Council for the crack sealing and maintenance of the roads for Fiscal Year 2007.

“Bids were received for the FY 2007 crack sealing maintenance work on the roadways for this year.

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“The bids are:

Hot Asphalt	\$6,950.00	with additional work at \$1,125.00 a ton
Kilgor Paving	\$7,142.20	with additional work at \$1,950.00 a ton
Anderson Pavement Main	\$8,825.00	with additional work at \$1,350.00 a ton
Superior Asphalt	\$8,780.00	with additional work at \$1,625.00 a ton

“I would recommend awarding the bid to Hot Asphalt for the 2007 work as per bid.”

The Public Works Director also noted that Hot Asphalt had done work for the City the past 3 years with a great deal of satisfaction to the City.

The floor was then given to Council Member Earnshaw who motioned that the Council award the bids for crack seal work on the City streets for the Fiscal Year 2007 to Hot Asphalt, the low bidder. The motion was seconded by Council Member Decker and all voted for the motion.

**CONSIDERATION TO AWARD FISCAL YEAR 2007 CONCRETE WORK BID**

The Public Works Director continued with the floor and reviewed the following bids with the City Council for Fiscal Year 2007 concrete work:

“Bids have been received for concrete work for the FY 2007. They are from:

JMR Construction  
MC Green

“This bid was based on unit prices with no quantity defined. JMR has lower costs on sidewalk work than MC Green and I believe more sidewalk work would be done than curb & gutter work.

“I would recommend awarding the bid to JMR Construction.”

Following the review by the Public Works Director the floor was given to Council Member Hadlow who motioned that the Council awards the bid for Fiscal Year 2007 for concrete work in the City to the low bidder, JMR Construction. Council Member Dayley seconded the motion and all voted for the motion.

**CONSIDERATION TO GRANT FINAL ACCEPTANCE TO CLOVER DELL  
SUBDIVISION PHASES 4 & 5**

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The Public Works Director continued with the floor and reviewed with the City Council concerning the final acceptance of the Clover Dell Subdivision Phases 4 & 5 as follows:

“We have reviewed the following developments for final acceptance of improvement.

Clover Dell Phase 4

Clover Dell Phase 5

“We have found all improvements satisfactory to the development standard. We would recommend acceptance of these developments and authorize the release of funds being held in the bond.”

The Public Works Director also noted that the concrete damage that had been done in the subdivision had been replaced satisfactorily.

The floor was given to Council Member Moore who motioned that the Council approve the final acceptance and the release of bonding for Clover Dell Subdivision Phases 4 & 5. Council Member Earnshaw seconded the motion and all voted for the motion.

**CONSIDERATION TO GRANT CONDITIONAL ACCEPTANCE TO HIDDEN PARK SUBDIVISION AT 1450 WEST 1500 SOUTH**

Continuing with the floor the Public Works Director advised the Council that the Staff has reviewed the development of Hidden Park Subdivision and its improvements and would recommend conditional acceptance of these improvements authorizing a release of the bond down to 10% with the exception of the street trees, the bonding would be held at 100%, and the slurry seal be held at 100%.

The floor was then given to Council Member Decker who motioned that the City Council authorize the conditional acceptance of the improvements in the Hidden Park Subdivision located at 1450 West 1500 South and that the bond be released down to 10% with the exception that street trees be held at 100% bonding and slurry seal be held at 100% bonding. Council Member Earnshaw seconded the motion and all voted for the motion.

**CONSIDERATION TO GRANT CONDITIONAL ACCEPTANCE TO VALENTINE ESTATES SUBDIVISION PHASE 1 LOCATED AT 2060 SOUTH REDWOOD ROAD**

The Public Works also recommended to the City Council that the Valentine Estates Phase 1 Subdivision have conditional acceptance of its improvements authorizing a release of bond down to 10% with the exception that parcel A would be held at 100% bonding and landscaping would be held at 100% bonding.

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Following the recommendation by the Public Works Director the floor was given to Council Member Moore who motioned that the Council give conditional acceptance of the improvements of Valentine Estates Subdivision Phase 1 and the release of bond down to 10% with the exception of parcel A be held at 100% bonding and landscaping would be held at 100% bonding. Council Member Moore seconded the motion and all voted for the motion.

**CONSIDERATION TO AMEND GENERAL PLAN TO ALLOW THE DEVELOPMENT OF A PETROLEUM STORAGE AND LOADING FACILITY LOCATED AT APPROXIMATELY 1000 WEST 2600 SOUTH BY SINCLAIR OIL**

The floor was given to the City Administrator who reviewed with the public that was present, as well as representatives from Sinclair Oil, the discussion that the City Council had had in its work session prior to tonight's City Council meeting. Please see the minutes of that work session for the details of that outline by the City Administrator.

The floor was then given to Mr. Clint Ensign, representing Sinclair Oil. He gave a brief overview of what the project is designed to be and the development that would be done in the area of 1000 West 2600 South. He also added that Sinclair Oil would be glad to put \$50,000 into a landscape beautification fund for the City to use at its discretion.

Following the outline and review by Mr. Ensign, question and answers and discussion ensued with the City Council and Sinclair Oil. The advantages and disadvantages were discussed. Please see the minutes of the work meeting for these advantages and disadvantages.

The floor was given to Mr. Charles L. Payne, a City resident, who spoke in favor of Sinclair Oil stating that they were a responsible company within the boundaries of Woods Cross City.

After the discussion, the floor was given to Council Member Earnshaw who motioned that the Council give direction to the City Staff to prepare a draft resolution amending the City's General Plan to allow the construction of the petroleum storage tanks and loading dock as requested by Sinclair Oil and thus amending the City's General Plan. Council Member Hadlow seconded the motion and Council Members Earnshaw, Hadlow and Moore voted for the motion and Council Members Decker and Dayley voted opposed. The motion carried by a vote of three to two.

**DISCUSSION OF THE CITY'S STRATEGIC PLAN**

The floor was given to the City Administrator who provided the City Council with a timeline outline of the City's strategic plan and assigned responsibilities for each item within their strategic plan to members of the Staff and members of the City Council. He asked if the City Council would review the timeline as presented and pick from it the ten items that each City Council Member would give priority to and forward them to him at their earliest convenience. He would then summarize from each member, their priority list of ten items and the City Council would discuss them at a future City Council meeting.

**DISCUSSION ON CHANGES IN THE PUBLIC MEETING LAW**



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The Mayor had provided to the Staff and the City Council a summary of eleven key changes to the Open and Public Meeting Act with State wide impact from the 2007 Utah Legislative Session. He then reviewed with the Staff and Council the eleven changes giving emphasis to the following:

1. The authorization that creates a Utah Public Notice website to assist the public to find and search and subscribe to posted public notices of any public body in the state.
2. The name of any person who is recognized by the presiding member of the public body that provides testimony or comments must be in the minutes and the substances in brief of the public's testimony or comments.
3. Clarifies that at the discretion of the presiding member of the public body, topic raised by the public may be discussed at the meeting even if the topics have not been placed on the agenda. If no final action is taken on the topic raised at the meeting.
4. Requires meeting recording be labeled with the date, time and place of the meeting.

The Mayor noted that all of the changes in the Open and Public Meetings Act will take place April 30, 2007.

The Mayor concluded his training of the Council and Staff.

**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 Mr. Ryan Westergard, a city resident. He noted two items for the Council's consideration.

1. That the street light across from his home at approximately 2175 South 1550 West was burned out and asked if the City could look into having the light replaced since it is the only light within his neighborhood.
2. He expressed his concern to the City Council in voting to approve an amendment to the General Plan allowing Sinclair Oil to establish two jet fuel storage tanks and loading dock within the City limits of Woods Cross and noted that this development is not in keeping with the General Plan of the City or the direction which the people in the area would like to have Woods Cross move in developing the properties within Woods Cross.

The floor was then given to Council Member Dayley who expressed concern about the City Council minutes not containing addresses of locations that are discussed in the minutes, as well as, the statistics that were outlined by Mr. Larrabee at the last City Council meeting concerning the South Davis Recreation Center were not included in the minutes.

**MAYOR'S REPORT**

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The Mayor reported the following to the City Council:

1. He said that he had received a request from Ogden Pioneer Days to nominate an outstanding cowboy for Davis County and that if there was anyone within the City limits of Woods Cross that the City would like to nominate there was a form that should be filled out and returned to them.

Council Member Moore suggested the nomination of Mr. Hatch Howard, a City resident, and Council Member Moore said he would complete the application for Mr. Howard and send it back to them.

2. The Mayor said that he had discussed with South Davis Recreation Center having a Woods Cross City Day at the recreation center annually. He noted how successful the event had been two weeks ago and that he would like to see this event repeated annually. The recreation center manager liked the idea and details would be worked out.

**PLANNING COMMISSION REPORT**

The floor was given to Council Member Decker who reviewed the Planning Commission meeting held March 27, 2007. Please see the minutes of that meeting for the details of her report.

**CITY ADMINISTRATOR'S REPORT**

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

**1. "League of Cities & Towns April Conference"**

"I have the Mayor, Jon, Don and Tamy registered for the conference. I will have all the information on hotels and the travel and per diem checks to you on or before April 6<sup>th</sup> because I will be leaving Sunday to go down to my conference.

**2. "Woods Cross Night at the Recreation Center"**

"The Woods Cross Day on the 24<sup>th</sup> was very successful. We had over 500 people there between noon and 4:00 and then a good crowd there from 9:00 until midnight. Some of those attending suggested the City should do this on an annual basis. I would like the Council's input on if you would like to do this or not.

**3. "Arbor Day Celebration"**

"Just a reminder of the Arbor Day Celebration on May 1<sup>st</sup> at 1:30 P.M. at the City Hall. If the Council can make it, it would be good to have you there."

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**CLOSED SESSION-PURCHASE OF PROPERTY**

At 8:20 P.M. Council Member Earnshaw motioned that the Council go into closed session to discuss the purchase of property. Council Member Dayley seconded the motion and all voted for the motion.

**ADJOURNMENT**

There being no further business before the City Council, at 8:35 P.M. Council Member Decker motioned that the Council adjourns the City Council Meeting with Council Member Earnshaw seconding the motion and all voted for the motion.

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Kent Parry, Mayor

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Alan T. Low, Recorder