

**WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009**

The minutes of the Woods Cross City Council Meeting held February 3, 2009, 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	Jill Evans
Tamra Dayley	David C. Hill
Rick Earnshaw	Jon Hadlow

STAFF PRESENT:

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

VISITORS:

Antone Clark	Meridian Garcia	Duane Hale
Al Jewell	Lois Schrader	Don Schrader
Charles Payne	Leendert Van Hulten	Melinda Williams
Warren Pettey	Jann Preston	Jennifer Palmer
Ed Mcdonald	David Scott	Clayt Taylor
Kent Carpenter	Ryan Jenkins	Matt Wright
Steve Rogers	Ross Jorgensen	Dave Nilson
Brad Mackay	Tina Gehring	Joel Wright
Jerry Stevenson		

INVOCATION:

PLEDGE OF ALLEGIANCE

Kent Parry
Jill Evans

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 Council reviewed the minutes of the City Council Meeting held January 20, 2009. After the review, Council Member Earnshaw motioned the minutes be approved as corrected with Council Member Hill seconding the motion and all voted for the motion through a roll call vote.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 2**

APPROVAL OF CASH DISBURSEMENTS

The floor was given to the City Recorder who reviewed the Cash Disbursement listing for tonight's meeting with the City Council. After the Council's review, Council Member Hadlow made a motion to approve the Cash Disbursement listing as presented with Council Member Evans 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 city resident Duane Hale living at 1481 West 1425 South. Mr. Hale explained to the City Council that he had been keeping chickens in his backyard and had been informed by the City's Code Enforcement Officer that it was against the ordinances of Woods Cross City to keep barnyard animals in a residential area. Mr. Hale explained to the City Council he would be willing to eliminate the rooster which makes quite a bit of noise, but he felt like the hens, which lay eggs for use by his family, were not a nuisance. He also indicated he had a duck or two and that he would be willing to eliminate these as well.

The City Council discussed the matter and felt like it should be reviewed by the Planning Commission before coming before the City Council, so they referred Mr. Hale to the next Planning Commission Meeting for discussion there.

The floor was then given to Council Member Evans who explained she had received from Ms. Donna McCormick, a City resident who works on a committee for clean air for Utah, a petition sponsored by the Utah Mothers for Clean Air. She would like to have City resident's support this by signing the petition. Council Member Evans asked permission to circulate the petition to those present at the meeting and the Mayor said this would be fine.

There were no other items for the brief open session.

**RECOGNITION OF OFFICER RUSSELL BARTON AS THE WOODS CROSS
POLICE OFFICER OF THE YEAR AS RECOGNIZED BY THE ELKS CLUB**

The Mayor gave the floor to the City's Chief of Police who brought forward Officer Russell Barton and presented him to the City Council and then read a letter of recognition that was presented at a recent meeting of the Elks Lodge in Bountiful recognizing Officer Barton as the Woods Cross Police Officer of the Year.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 3**

The Police Chief pointed out the strengths and attributes of Officer Barton and the abilities that he brings to his position as a police officer to the community of Woods Cross.

Following the presentation, a plaque, which had been given to Officer Barton by the Elks Lodge, was shown to the City Council.

The City Council then gave Officer Barton a round of applause and offered their congratulations.

**RECOGNITION OF LEGRANDE BLACKLEY AS THE WOODS CROSS
CITIZEN OF THE YEAR AS RECOGNIZED BY THE ELKS LODGE**

The Mayor then noted for the City Council that at the annual Elks Lodge recognition dinner for Citizens of the Year that Mr. LeGrande Blackley, a City resident, had been honored with the recognition of Woods Cross Citizen of the Year.

Mr. Blackley came forward and accepted the congratulations of the Staff and the Woods Cross City Council.

**REPORT FROM THE WOODS CROSS COMMUNITY OF PROMISE
COMMITTEE**

The floor was given to Mr. Leendert Van Hulten who is the chairman of the Woods Cross Community of Promise Committee. He reported on the activities of the Community of Promise as follows:

1. On February 12th the Seniors Lunch Bunch will be meeting at noon. The guest speaker will be Dr. Mark Hyde from the Huntsman Cancer Institute and he will be addressing the topic of skin cancer. There will also be a Valentine luncheon.
2. On February 19th the Book Club will be meeting at 7:00 and discussing the book "Dewey the Small Town Library Cat Who Touched the World" by Vicki Myron.
3. On February 26th will be the next Community of Promise meeting at 7:00 PM.

REPORT FROM THE SOUTH DAVIS SEWER DISTRICT

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

1. On January 14th there was a break-in at the shop that is being rented. There was \$1,433.00 worth of items stolen but all were covered by insurance.
2. On November 18th a Compliance Evaluation Inspection Report for discharge permits was completed. There were no deficiencies and no response required.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 4**

3. The State of Utah has approved the 2009 budget for the district as presented.
4. There was a resolution adopted for an Interlocal Cooperative Agreement which will fund research to preserve and protect the Jordan River and Farmington Bay off the Great Salt Lake.
5. The lots where the old shops were located have been cleaned out and there was a lot of bad fill material removed. There was also some good fill left that can be used.
6. I was asked to attend a meeting with North Salt Lake and other utility companies in viewing the slide area located in North Salt Lake.
7. There will be a budget committee meeting on February 24th.

Following his report, the Council expressed appreciation to Mr. Payne for his service to the community.

REPORT FROM THE WOODS CROSS CITY YOUTH CITY COUNCIL

The floor was given to Mayor Jennifer Palmer, the Youth City Council Mayor. She reported to the City Council on the activities of the Youth City Council as follows:

1. The annual youth conference was held in January. Speakers included Officer James Sheldon, Planning Commissioner Brent Page, and City Council Member Dave Hill. There was also an auction held with City Council Member Rick Earnshaw acting as auctioneer. The Mayor was also in attendance and awarded Service Awards to some of the Youth Council members.
2. The Youth Council has registered and is preparing to attend the Utah State University Youth Leadership Conference in March.
3. The next Youth Council Meeting will be held on Monday, March 2nd at 4:00 PM.

Following Mayor Palmer's report, the Mayor and City Council expressed appreciation to the Youth City Council for all they do in volunteer service for the citizens of Woods Cross City.

CONSIDERATION TO APPROVE ROBINVALE ESTATES FINAL PLAT LOCATED AT 453 WEST 1500 SOUTH

The Mayor gave the floor to the Community Development Director who went over the following with the City Council:

"The Westminster Apartment complex has new ownership which has renamed the complex Green Leaf. The new ownership has begun making improvements to the property. They have filed a site plan application to add a small building for an office and recreation room adjacent to the pool area. However, during our initial review, we discovered the proposed building would straddle a lot line. For some reason, back in the early 1970's when this project was built, the property was subdivided into 10 lots, one lot

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 5**

for each building. As per the Zoning Ordinance and The International Building Code, the building cannot straddle the property line.

“The owners have proposed to amend the 10-lot Robinvale Estates Subdivision plat by consolidating all 10 lots into one lot, thus eliminating all the internal lot boundaries. The City Engineer has completed several reviews of the plat. He has noted previously that some of the existing easements may need to be rewritten prior to recordation due to the fact that many of them refer to lots that will not exist after the recordation of this plat.

“The Planning Commission has reviewed this matter and forwarded to the City Council their recommendation to approve the Robinvale Estates Amended Subdivision Plat with the condition the City Engineer issues be resolved prior to recordation.”

Following the review by the Community Development Director, the Mayor gave the floor to Council Member Earnshaw, who motioned the City Council approve the Robinvale Estates final plat as presented by the Community Development Director. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE MOUNTAIN VIEW TOWN HOMES FINAL PLAT LOCATED AT APPROXIMATELY 1400 SOUTH 1950 WEST

The Community Development Director continued with the floor and outlined the following for the City Council:

“Given to the City Council are the final plat drawings indicating the development of 12 townhome units, in addition to an LDS Church site, as part of Ivory’s Mountain View Estates. It should be noted that the LDS Church has submitted a site plan and application for development of a chapel.

“The church lot storm drainage will be discharged to the south into the existing storm detention basin along the west side of Mountain View Estates. As such, it will be necessary for Ivory to record a 20-foot storm drain easement at this location, due to the fact it is outside the boundaries of the subdivision.

“You will note on the plat, the A-1 Drain runs north and south along the east edge of the first phase. All the townhome units will face directly on the A-1 Drain. The A-1 Drain is typically piped with a storm drain, filled in and developed with a linear parkway. This has been done through the other phases of Mountain View and elsewhere in the City. Typically the City initially pays for and installs the storm piping and is reimbursed through the collection of storm water impact fees when the homes are built. However, at this time the City does not have sufficient storm drain funds to pipe this section of the A-1 Drain. We have discussed with Ivory that they pay for the piping to be reimbursed by the City as storm water impact fees are collected during the building permit process. However, as with most builders and developers, Ivory’s resources are thin also. At the

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 6**

present time, the staff and Ivory are exploring the possibility of the City funding some of the project with Ivory being reimbursed with storm water impact fees to complete this project. If we can resolve this and pipe the drain at this time, Ivory has proposed constructing a chain link fence between the proposed units in the A-Drian until the second phase of townhomes comes on line. There are a few drawbacks to this approach. If Ivory does not have the ability to move on to the second phase in the near future, the townhome residents in the first phase may have to live adjacent to the open drain way with associated weeds and critters until such time as the drain could be piped and/or the second phase of townhomes construction is initiated.

“The Planning Commission has reviewed this matter and recommended to the City Council that the Mountain View Towns Phase 1 Final Plat be approved with the following conditions:

1. “Ivory shall submit to the City an approval letter from Rocky Mountain Power involving the power corridor along the west side of the plat.
2. “Ivory shall submit a recorded copy of a 20-foot storm drain easement for the church lot.
3. “Ivory shall continue to work with the City staff to resolve the issue of piping the A-1 Drain along the edge of the first phase of the project.”

Following the outline by the Community of Development Director, the City Council discussed the third condition as given by the Planning Commission that is the piping of the A-1 Drain.

The City Council discussed this matter, feeling that it is important that the A-1 Drain pipe be covered prior to the project being completed.

The floor was then given to Council Member Earnshaw who motioned the City Council approve the Mountain View Town Homes Final Plat as recommended by the Planning Commission with their conditions of:

1. Ivory shall submit to the City an approval letter from Rocky Mountain Power involving the power corridor along the west side of the plat.
2. Ivory shall submit a recorded copy of a 20-foot storm drain easement for the church lot.
3. Ivory shall continue to work with the City Staff to resolve the issue of piping the A-1 drain before occupancy and if an agreement cannot be reached for the piping of the A-1 Drain then the matter should come back to the City Council before being given final signature.

Council Member Hill seconded the motion and all voted for the motion through a roll call vote with Council Member Hadlow voting opposed. The motion carried with a vote of 4 to 1.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 7**

**CONSIDERATION TO DECLARE AS SURPLUS PROPERTY A WOODS
CROSS POLICE DEPARTMENT RADAR UNIT AND A 2002 CROWN
VICTORIA AUTOMOBILE**

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

“Given to the Council are memos from the Chief of Police. The first one recommends a 1991 radar unit be declared as surplus property and donated to any police department that would be in need of it. The second memorandum is a request to declare a 2002 Crown Victoria police vehicle with 81,000 miles as surplus property and set a minimum bid of \$2,500 on this vehicle.

“I recommend these two pieces of property be declared surplus property and disposed of as the Police Chief has recommended.”

Following the recommendation by the City Administrator, the floor was given to Council Member Hadlow who motioned the City Council declare as surplus property for the City, a 2002 Crown Victoria automobile and a radar unit used by the police department. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO AMEND WOODS CROSS COMMERCIAL PARK
DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF LAND
LOCATED AT APPROXIMATELY 1250 WEST 2250 SOUTH**

The City Administrator reviewed the following with the Council:

“Mr. Jerry Stevenson, a developer in the City, is in the final negotiations with the Legacy Preparatory Charter School and they have proposed three items they would like to amend in the Development Agreement the City has with Mr. Stevenson.

“Given to the Council is an e-mail from their attorney, outlining the three things they would like to have addressed. The City Attorney, has reviewed these items.

1. Increases the permissible height to 36 feet from 25 feet.
2. Specifies that Legacy Preparatory Charter School would only be responsible to the City for the improvements necessary for their lots.
3. Specifies that Legacy Preparatory Charter School would be a third party beneficiary on the bond the seller has with the City, and could access the bond to complete the road in the event it was not completed by June 20, 2009.

“Item one, in regards to the height adjustment, we are not too concerned about, but are reviewing the impacts it would have upon the adjacent neighborhood. Item two will need

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 8**

to be further reviewed to make sure it doesn't create any problem for us. Item three however, is problematic and we are not at all comfortable about having a third party member to our bond agreement.

"The City Attorney has provided the Council with the document, "Allocation of Liability for Development Agreement", which addresses item three above for your review and approval."

Following the explanation by the City Administrator, the floor was given to the Community Development Director as well as the architect for the Legacy Preparatory Charter School who explained to the City Council the need to have the height adjustment from the ordinance prescribed height of 25 feet to a height of, in some cases, 38 feet and in another case, 30 feet so the buildings could be adequately used for the schooling of the children.

Also explained to the City Council was the need to have improvements in place for the school by July 31, 2009 in order for the school to open in September 2009.

Following the discussion, the floor was given to Council Member Hill who motioned the City Council approve the amendment to the Commercial Park Development Agreement entitled Allocation of Liability for Development Agreement and that lots #3 and #5 be allowed to have buildings on them of 38 feet in height and that lot #4 be allowed to have a building of 30 feet in height and that if the Legacy Preparatory Charter School does not build on lots #3 and #4 that the heights on the buildings will revert back to the City Ordinance height of 25 feet. In addition, the infrastructure be completed by July 31, 2009 and if it is not the City will use the bonding that is put in place to complete the infrastructure improvements. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT RESOLUTION 2009-467 A RESOLUTION ELECTING TO PAY THE REQUIRED EMPLOYEE PORTIONS OF THE PUBLIC EMPLOYEES AND PUBLIC SAFETY RETIREMENT PROGRAM

The Mayor called on the City Administrator to go over the following with the City Council concerning this item on the agenda:

"For years the City has paid the employee portion of the contributory retirement for the employees. All of the City employees, with the exception of two are on the non-contributory system which requires the City to pay all of the retirement. This resolution is required because of IRS rules, which require a document from the State Retirement Office indicating we have elected to pay the employee portion. This resolution will have no effect on the current practice which we have done for years. It is only required for the state to forward to the IRS for their records.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 9**

“I recommend adoption as drafted.”

Following the recommendation by the City Administrator the floor was given to Council Member Earnshaw who motioned the City Council adopt Resolution 2009-467, a resolution electing for Woods Cross City to “pick up” or pay the required employee portion of the public employees and public safety retirement systems. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

DISCUSSION ON THE RAP TAX

The Mayor reminded the City Council the recently passed RAP Tax for Woods Cross City would possibly bring in to the City about \$2 million over an 8 year period and the City Council would be holding a meeting in the near future to discuss plans for the use of those revenues. He said in the meantime, he would like the City Council to be giving consideration to partnering with North Salt Lake City on a combined North Salt Lake/Woods Cross city park to be located on the borders of the two communities just off 2600 South near the South Bountiful Auto Salvage Yard. He said the two cities have had preliminary talks and have discussed the two cities combining for the effort. The cost to the City would be perhaps \$20,000 a year for 8 years.

The City Council encouraged the Mayor and the City Administrator to continue their talks with North Salt Lake for the construction of this park.

REPORT ON DAVIS COUNTY TRAVEL AND TOURISM

The floor was given to Council Member Dayley who had recently attended the annual meeting of the Davis County Tourism and Travel committee. It was noted that travel in Davis County for the year 2007, which was the most recent figure available, had increased at about 2% annually. She noted for the Council several areas of growth such as Lagoon’s visitation had increased by 18%, visits to Antelope Island had increased by 6% and that the conference center recently built in Davis County is also promoting tourism to the county.

The Mayor thanked her for her report.

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 from the public present and the Mayor gave the floor to Council Member Earnshaw. He asked the Staff if there had been any decisions made by the City Attorney concerning the opportunity to place a large Boy Scout statue on City property commemorating the 100th anniversary of the Boy Scouts of America.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 10**

The City Administrator was given the floor and he replied that he had met with the City Attorney and there were two issues the City Council should take into consideration in determining whether or not to locate the statue on City property.

1. Once allowing the Boy Scouts to place their statue on City property it would open the door to other organizations to place their statues on City property if the Council wanted to allow them. Perhaps some of the statues would not be agreeable to the citizens of Woods Cross, so the Council would want to be careful in allowing this policy to go through.
2. He said the City Attorney is concerned about opening up the City to litigation by those who may oppose the Boy Scouts of America. He noted there are certain elements of the society that do not agree with the policies of the Boy Scouts such as not allowing women to join the organization and not allowing homosexuals to join the organization as well.

The Council then discussed if an agreement could be put in place that would hold the City harmless or would required the statue to be removed, both of these were found to not be good solutions because of the problems involved.

The Mayor then polled the City Council to get their opinions on placing the Boy Scout monument on City property and it was determined that four of the Council Members had concerns for doing so and one of the Council Members supported doing so. The Mayor also said he would be concerned placing the monument on City property.

The Staff was advised to work with those who are preparing the monument to see if there isn't a private location to place the statue.

There were no other items for the open session.

MAYOR'S REPORT

The Mayor reported on the following to the City Council:

1. He said that he and the City Administrator had been working with Kearn River Pipeline who may be bringing a 36 inch natural gas pipeline through the area of Woods Cross in the next two or three years. They have five proposed locations where the pipe would be located and two of those locations traverse the area within the boundaries of Woods Cross City. He said as future plans go forward for the pipeline they will be holding open houses for the citizens to come in and express themselves. He said currently the year of installation would be 2011.

This concluded his report.

REPORT FROM THE PLANNING COMMISSION

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
FEBRUARY 3, 2009
PAGE 11**

The floor was given to Council Member Hill who attended the last Planning Commission Meeting held January 27, 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. Silver Eagle Update

“Last Friday, the Fire Agency had a debriefing amongst the Fire Agency and other participants discussing what went right and wrong with the incident. There were a number of issues that were discussed and overall it was a very good discussion.”

2. 500 South Project

“As you may be aware, this project has been put back on the funding list for the state and they will be moving ahead with this project. I will keep you updated as the progress moves forward.”

3. 440 West Project

“I indicated in the last meeting that I would be discussing the 440 West project tonight. However, some of the people I would like to bring in for the discussion are not available this week. I will have it on the agenda on the 17th.”

ADJOURNMENT

At 9:05 PM the City Council concluded the City Council Meeting with a motion by Council Member Evans to adjourn. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

Kent Parry, Mayor

Alan T. Low, Recorder