

**WOODS CROSS CITY COUNCIL  
OCTOBER 21, 2008**

The minutes of the Woods Cross City Council Meeting held October 21, 2008 at 6:30 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  
David C. Hill

Jill Evans  
Jon Hadlow

**COUNCIL MEMBER EXCUSED:**

Rick Earnshaw

**STAFF PRESENT:**

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

**VISITORS:**

DeeAnn Judd  
Pat Blackley  
Kelle Adams  
Ron Blug  
Merlin Kingston  
Gary Sharp  
Styles Weiler

Marilyn Ashby  
LeGrande Blackley  
Rick Hymas  
Allen Buckingham  
Jerry Kingston  
Todd Weiler

Jean Sanders  
Al Jewell  
Gregg Dayley  
Ammon Slack  
Melinda Williams  
London Weiler

**INVOCATION:**

Kent Parry

**PLEDGE OF ALLEGIANCE:**

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 City Council reviewed the minutes of the City Council Meeting held October 7, 2008. After the review, Council Member Hill motioned the minutes be approved as written with Council Member Evans seconding the motion and all voted for the motion through a roll call vote.

**APPROVAL OF FINANCIAL REPORT**

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The floor was given to the City Recorder who reviewed with the City Council, the City's Financial Report for the period ending September 30, 2008. The Council reviewed the City's cash position, sales and use tax report, the transient room tax report, report of the impact fees collected for South Davis Metro Fire Agency and an executive summary of the City's funds comparing revenues and expenditures to the budget.

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

**APPROVAL OF CASH DISBURSEMENTS**

The City Recorder reviewed the Cash Disbursements listing for tonight's meeting with the City Council. After the Council's review, Council Member Hadlow made a motion to approve the Cash Disbursements as presented with Council Member Dayley seconding the motion and all voted for the motion through a roll call vote.

**OPEN SESSION (BRIEF ITEMS)**

The Mayor then opened the meeting to items from those present that they would like to bring before the City Council. This would be items that would take less than two or three minutes.

There were no items for this open session.

**CONSIDERATION TO APPROVE SKYPARK INDUSTRIAL PARK PHASE 4 FINAL PLAT**

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

"The proposed subdivision split is located within the Skypark Industrial Park at 2193 South 1640 West. Given to the Council is a plat which splits the existing lot 84 into two separate lots. Actually, several years ago lot 82 was originally two lots. A previous property owner combined the two lots into a larger lot now known as lot 84. The present owner of the property would like to re-subdivide lot 84 creating the original two-lot configuration.

"The present property owner desires to sell the proposed lot 1 to the adjacent property owner to the north. The adjacent property owner plans to construct an aircraft hangar development on lot 1 and the adjacent lot. The Planning Commission recommends to the City Council the Skypark Industrial Park Phase 4 Final Plat be approved."

Following the information given by the Community Development Director the floor was given to Council Member Hill who motioned the City Council grant approval to Skypark Industrial Park

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Phase 4 Final Plat as presented. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT**

The floor was given to Council Member Evans who represents the City on the Board of Directors of the Davis Mosquito Abatement District. She reported to the Council the following concerning the District's activities:

1. She said the members of the Board had attended training for the Board of Directors in Park City and found the training to be very helpful in administering the affairs of the District.
2. She then advised the City Staff the Mosquito Abatement personnel are concerned about standing water along Legacy Parkway and their inability to get to that water to spray it for mosquitoes because of the fencing and gates along Legacy Parkway. The Staff said they would try to arrange for keys to be given from the Utah Department of Transportation to the Davis Mosquito Abatement personal that would allow them to gain access along the trails paralleling Legacy Parkway to do their spraying.

**DISCUSSION ON SCHEDULING USE OF THE ATHLETIC FIELDS AT THE PARKS OWNED BY WOODS CROSS CITY**

The Mayor discussed with the City Council concern about the use of the play area within the parks by the State Youth Soccer Association who feel they have priority use of the property at any time during their season of play. The Mayor asked the Council if they thought it would be well to schedule the parks for use by these organizations.

Council Member Evans was given the floor and she encouraged there be scheduling of the park playing fields by these organizations and also consideration be given to charging for their use by those organizations outside Woods Cross City. She suggested all the organizations be brought together and the matter be discussed.

It was noted the Davis County schools schedule their school facilities to be used by these organizations during the year.

The floor was given to Council Member Dayley who said she also thought there should be a schedule developed for the use of the facilities but open time should be left for spontaneous use as well.

The Mayor suggested local Woods Cross groups be allowed to schedule the park facilities for three months out, and outside organizations would have to schedule a month at a time.

The Staff said they would look into the matter and report back to the City Council.

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**A PUBLIC HEARING FOR THE CONSIDERATION TO APPROVE A REZONE FROM A-1 AGRICULTURE AND I-1 LIGHT INDUSTRIAL TO LGC LEAGACY GATEWAY (CORE COMMERCIAL DISTRICT) LOCATED AT APPROXIMATELY 500 SOUTH REDWOOD ROAD**

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

“Over the last year the City has adopted a General Plan Update regarding future development of the Legacy Parkway interchange, Redwood Road & 500 South area. In addition, the City has also developed, adopted and made part of our Zoning Ordinance the Legacy Gateway Zone regulations. As such, the City has now initiated rezone of the core area of the Legacy Gateway area as defined in our General Plan. The attached map outlines a specific area and properties involved in this initial rezone. In the future we should entertain further rezones further east along 500 South as per our General Plan Update.

“We have posted notice, both in the paper and on the City website regarding this rezone, in addition to mailing notice to each property owner within the proposed rezone area. Last Tuesday, the Planning Commission held a public hearing regarding this matter and had several property owners participate in the public hearing. The majority owner in the area, the Kingstons, asked several questions of the Commission and Staff regarding the Legacy Gateway zoning. Several other business owners in the area complained to the Planning Commission that the proposed rezone would make it difficult for them to continue doing business in the area. Bob’s Tree Service and Wayne Pasco’s Auto Salvage Yard on 500 South were opposed to the rezone because it may affect their ability to expand. However, it was pointed out to both business owners that their property has been non-conforming or “Grandfathered” for the last 17 years and, as such, would limit their ability to expand their businesses. A representative of the auto auction also expressed opposition to the rezone due to the fact that the proposed zoning would make the auto auction a non-conforming use. However, most auto auction property within the City is now developed with the exception of a few acres which the auto auction intends to develop into further parking. It is our understanding they will be making an application to that end prior to any possible zoning change thus permitting the Planning Commission to review and approve it under the present industrial zone.

“Based on the opposition expressed during the public hearing, the Planning Commission wanted to further study the impact of non-conforming use status on existing businesses within the area. I did point out to them our present non-conforming use ordinance is unique among most communities in it does permit the Commission and City Council to consider possible expansion or enlargement of a non-conforming use. However, the Planning Commission still had concerns and, as such, recommended to the City Council the Council not approve the rezone without further studying:

1. “Grandfathered” uses in the area, specifically the inability of companies to expand or improve.

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2. Consideration given to the auto auction to be able to continue as a permitted wholesale operation in the zone.
3. Review our existing non-conforming use ordinance to determine if it adequately addresses non-conforming uses.”

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

“The Council has reviewed the information from the Community Development Director explaining the action of the Planning Commission regarding the rezone of the property around the Legacy interchange (see map). We have been working on this for some considerable time trying to establish this area as a gateway to the City by encouraging high-end commercial and employment centers in this area. The purpose behind this zoning change is to provide the framework around which this area will develop as designated in the General Plan. At the hearing before the Planning Commission last Tuesday there were a number of property owners who voiced concerns regarding the rezoning of this area.

“The owners of Bob’s Tree Service and Wayne Pasco Auto Salvage Yard, existing businesses on 500 South, both voiced their concerns about the rezone proposal. As the Community Development Director mentioned in his memo, both these businesses have been non-conforming since 1991. The rezone of this property to the new Gateway Zone will have minimal impact on them since they are both already non-conforming uses. One concern they voiced is their inability to make improvements to their businesses, which problem they currently have under the existing zone. Our zoning ordinance does allow changes to a non-conforming use under certain conditions. I have given to the Council Chapter 22 of the zoning ordinance for your review and have highlighted in yellow the pertinent portions of the chapter. If either of these businesses want to upgrade their facilities it may be possible depending on what they want to do and what they are willing to do to make their businesses better conform with the surrounding area.

“The other business affected is the Auto Auction. They are currently a permitted use in an I-1 Light Industrial Zone. This rezone will make them a non-conforming use in the new Gateway Zone. They requested the Planning Commission consider including Wholesale Auto Sales as a permitted use in the area. I believe this would not be appropriate for a couple of reasons. First, the Auto Auction has proposed adding a wrecked car section to their facility and this would obviously not fit within the zone we are trying to create. Second, I do not believe an auto wholesale car business fits into what we are trying to create in this area. I believe it is taking a step backwards to include this as a permitted use within this zone. We do not want to force them out of the area, but by the same token we do not want the use to expand to preclude the development of other uses that fit the plan for the area. I do not believe this zoning action will adversely effect them to continue doing what they are presently doing on the site, but I do believe if we include it as a permitted use within this zone it could have some ramifications in the future as to what we are trying to accomplish in this area.

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“The third actor in this rezone is the Kingston Family who own the majority of the vacant property in the area. It is the vacant property in this area that will be most affected by this zoning action. The Community Development Director and I met with them Thursday to discuss any concerns or questions they had with the proposed rezone. Generally we are in agreement in what we are trying to accomplish in the area. They agree that high-end development within this area would be beneficial to them and the City as a whole. They too, see this as a Gateway to the City with a great potential for quality development. We provided them a copy of the Gateway Zone and they are reviewing it to see if they are comfortable with its provisions.

“The Planning Commission has forwarded to you a recommendation to not approve the rezone without further study of the non-conforming use issues. However, I believe the non-conforming uses have been adequately addressed. There is an opportunity for non-conforming uses to make changes in their property that would allow them to upgrade their facilities as long as they were making changes that were positive for the area in which they are located. This is a very liberal interpretation of non-conforming use issues. However, if there are some issues brought up that the Council would like to review further, I do not see a problem in tabling the decision on the rezone to provide further study prior to making a determination, as long as the decision is made in a timely manner.”

Following the information presented by the Community Development Director and the City Administrator, the Mayor then opened the meeting for the public hearing.

The floor was given to Mr. David Barton, the owner of Bob’s Tree Service. He spoke in opposition to the rezoning his property because it would not allow him to expand his non-conforming use business. He said it not only affected his business but other non-conforming businesses in the area from expansion as well.

The floor was then given to Ms. Kelle Adams, the assistant manager of the Utah Auto Auction owned by Manheim Utah. She advised the Council there are 226 employees that work at the Utah Auto Auction and many of them live in the Bountiful/Woods Cross area. She also noted their business spends a great deal of money with local businesses as they perform their operation. She said in the future they would like to expand but the zone would not allow them to expand as a non-conforming use. She went on to say they have expanded 30 acres to the north into West Bountiful which is allowing them to store on those 30 acres damaged automobiles. She requested the Council not change the zone.

The floor was then given to Ms. Marilyn Ashby whose mother Ms. Jean Sanders owns property bordering on Bob’s Tree Service. She said the property is quite narrow as to its frontage, but quite deep as it runs to the north off 500 South and the only possible use for the property as she sees it would be for her mother to sell the property to either the Utah Auto Auction which borders them on the west or to Bob’s Tree Service which borders them on the east. She said she has approximately 8 acres. She said if the zone were to go in that it would limit her from the opportunity to sell to one of these businesses which would not be allowed to expand because

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they are non-conforming under the new zone. She said she felt the property was too small to develop on its own.

The floor was then given to Mr. Gary Sharp, a City resident and also a member of the Planning Commission. He said he favored the zone change as recommended to the City Council but was very concerned about the effect it would have on the businesses and he encouraged the City Council not to pass the zone change this evening but that it be sent back to the Planning Commission for further review to see if something can't be done to allow these businesses to coexist where they are currently located in Woods Cross City.

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

The floor was given to Council Member Dayley who said she felt like the zone needed to be put in place and then the details concerning these businesses that were non-conforming should be worked out. With that, she motioned the City Council adopt Ordinance #520, an ordinance amending the existing zoning map and zoning ordinance of Woods Cross City by changing from Light Industrial I-1 and Agricultural A-1 to Legacy Gateway Core Commercial LGC, the real property here-in that is described below in the ordinance. Council Member Hill seconded the motion. The Mayor then called for discussion on the motion.

The floor was given to Council Member Hill who said he had attended the Planning Commission meeting and had heard their discussion along with the voice of concern by the businesses in the area. He said this area is a growth area and the only opportunity for Woods Cross City to develop a gateway development into its City. He said it had been known for years that this would be a gateway to the City and it will be impossible to please all people with all zoning that is done in this area. He said the way out for this is that some businesses can remain but they must remain under the non-conforming business ordinance of the City. He said it would be wrong to have a mismatch of exceptions and to have this go back to the Planning Commission for further review that the item should remain with the City Council and be decided by them. He concluded by saying that 20 years from now people will look back and thank the City Council for zoning the area the way it is proposed to be zoned.

The floor was given to Council Member Evans who expressed concern for the business owners and wanted the matter to be worked out with them and to work on the non-conforming issues.

The floor was given to the City Administrator who said he would be happy to meet with the property owners and see what could be done within the current proposed ordinance and perhaps the non-conforming ordinance, to possibly do some tweaking to the ordinance to make all concerned parties comfortable with the new zone.

The floor went again to Council Member Hill who reminded all present that with the development in the area, their property values will do nothing but go up and that it will be a good thing for all property owners in the Legacy zoned area.

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The floor was given to Council Member Hadlow who suggested they wait for two weeks until the next meeting and the property owners meet with Staff to see if some of these issues could not be settled.

This concluded the discussion and the Mayor called for a vote of the motion. Council Members Hill and Dayley voted yes to the motion, Council Members Hadlow and Evans voted no to the motion. The Mayor was required to vote because of the tie voted of two to two. The Mayor felt the best thing to do would be to wait two weeks and allow the Staff to meet with the property owners and then have the City Council vote on the motion at the next City Council meeting. The Mayor voted no. The motion did not pass with a vote of three to two.

The floor was then given to Council Member Hill who motioned the City Council table this item for further review at the next City Council Meeting. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**A PUBLIC HEARING TO CONSIDER THE APPROVAL OF A REZONE FROM I-1 LIGHT INDUSTRIAL TO A-1 AGRICULTURAL ON PROPERTY LOCATED AT APPROXIMATELY 2050 SOUTH 1945 WEST**

The floor was given to the Community Development Director who went over the following with the City Council:

“As you may be aware, several years ago the Utah Department of Transportation purchased the Mills Golf Course for the Legacy Highway project. Because of the golf course situation, it was necessary for UDOT to purchase the entire parcel from the Jordan River to Redwood Road. Portions of that property are now part of the Legacy Parkway right of way and the Legacy Parkway Wetlands Preserve. UDOT has indicated to the City in the past the surplus property between Redwood Road and the Legacy Parkway will not be held indefinitely by the State and will eventually be sold.

“The property is presently zoned I-1 Light Industrial which zoning does not conform with our General Plan for future residential development of the area. This property is bounded on the north by Ivory’s Mountain View Estates and on the south by Development Associates’ Valentine Estates. We would expect the subject property would develop in a similar manner as the adjacent residential neighborhoods. The present Light Industrial designation of the property should be changed to avoid confusion for a future owner of the property as to how the parcel of ground can be developed. As such, the City should consider rezoning the property to A-1 Agriculture as a holding zone until such time as a proposal for residential development is received for the property.

“The Planning Commission has held a public hearing on this matter, a notice of which was sent to the Utah Department of Transportation. The Planning Commission has recommended the City Council rezone the subject property from I-1 Light Industrial to A-1 Agriculture.”

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Following the outline of the information by the Community Development Director, the Mayor then opened the public hearing.

The floor was given to Scouter London Weiler, a boy scout attending the City Council meeting for the purpose of earning a merit badge. He asked the City Council concerning this matter who was asking for the zone change. The reply from the City Staff was that the City is asking for the zone change.

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

The floor was then given to Council Member Dayley who motioned the City Council adopt Ordinance #520, an ordinance amending the existing zoning map and zoning ordinances of Woods Cross City by changing from Light Industrial I-1, to Agricultural A-1 the real property located at approximately 2050 South 1945 West. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

**OPEN SESSION**

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

There were no items from the public present and the floor was given to Council Member Hadlow who expressed appreciation to the City Staff for the excellent Fall Clean-up that had just taken place. He felt like an excellent job had been done in providing this service to the citizens of the City.

The floor was then given to Council Member Hill who asked if the location for the soon to be constructed Boy Scouts of America monument on City property had been decided upon. The Staff replied they are meeting with the City Attorney to determine that location.

There were no other items for the open session.

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

The Mayor reported to the City Council on items from the South Davis Metro Fire Agency as follows:

1. He reviewed with the City Council the proposed 2009 budget for the Fire Agency. He noted the overall increase in 5.2% over last years budget. Most of it is tied up in a market adjustment for salaries and benefits for the paramedics and fire fighters.
2. He said there was some discussion among board members as to what assessment time period would be used to determine the split of the budget among the six entities that participate in the South Davis Metro Fire Agency. He said in the past they have used the year-end assessment numbers but some board members would like to use the mid-year

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assessment numbers. He asked the Council how they felt. The Council expressed they felt like the South Davis Metro Fire Agency needed to become a taxing district and stand by themselves as far as revenue source having come from the property taxes of the citizens they serve rather than assessments to the City, but as far as to what assessment numbers to be used, they would leave it up to the Mayor to decide as a board member.

3. He said the newly constructed station #82 located in North Salt Lake will have its grand opening in November.

This concluded his report.

**REPORT FROM THE SOUTH DAVIS RECREATION DISTRICT**

The Mayor continued with the floor and reported to the Council on the activities of the South Davis Recreation District. He reported as follows:

1. He reviewed with the City Council the Recreation District's proposed 2009 budget. He said the Recreation District expects to have a \$200,000 budget surplus for this year of 2008.
2. He said the budget for 2009 would not create any tax increase for the citizens of South Davis County that are part of the Recreation District, nor would it cause any user fee increases.
3. He said the excess money that is derived from the activities of the Recreation Center will be put into a maintenance repair fund for future use.

This concluded his report.

**MAYOR'S REPORT**

The Mayor reported on the following:

1. On October 21, 2008 in the evening the five Mayors from the South Davis cities met with the Utah Transit Authority personnel concerning providing more bus routes throughout South Davis County. These bus routes will be inner city bus routes which will allow citizens to move from one part of their city to another part or from industrial area located in some communities, to their homes or to the hospitals and shopping areas within the communities. He said the discussions were fruitful and hopefully these routes could be put in place after future study.

There were no other items to report to the Council.

**PLANNING COMMISSION REPORT**

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The floor was given to the Community Development Director who reported on the Planning Commission meeting held October 14, 2008. Please see the minutes of that meeting for the details of his report.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported on the following to the Council:

**1. Established of a Community Development area**

“Last Council meeting Gary Jones made a presentation on establishing a Community Development Area at the 500 South Legacy Interchange. At that time we were asked to bring back a resolution starting the establishment of the area. However, since that time Tamy has brought up some issues concerning economic development and the issue of bringing in employers rather than commercial development within the area. I'd like a little further time to explore this option prior to establishing the CDA. Tamy would like to have some representation from Economic Development arm of the State to make a presentation to us. We will be postponing bringing the resolution in until the meeting on November 4<sup>th</sup>.

**2. 900 South Parking**

“As mentioned in the last meeting I have met with the property owner and reviewed the situation with them. I need to have the Engineer review the area and I did not have an opportunity this week to get that done. I plan to get the Engineer over there next week and have a recommendation for you on the 4<sup>th</sup> of November.”

**ADJOURNMENT**

At 8:15 P.M. Council Member Evans motioned to adjourn the City Council Meeting. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

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Kent Parry, Mayor

Alan T. Low, City Recorder