

**WOODS CROSS CITY COUNCIL MEETING  
JUNE 3, 2008**

The minutes of the Woods Cross City Council Meeting held June 3, 2008 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Mayor Pro tem Rick Earnshaw

**COUNCIL MEMBERS PRESENT:**

Rick Earnshaw, Mayor Pro tem  
Tamara Dayley  
Jill Evans

**COUNCIL MEMBERS EXCUSED:**

Kent Parry  
Jon Hadlow  
David C. Hill

**STAFF PRESENT:**

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

**VISITORS:**

Curt Huttsell	Pat Huttsell	Melinda Williams
Pat Blackley	LeGrande Blackley	Greg Seegmiller
Lois Schrader	Don Schrader	Leendert Van Hulten
Charles Payne	Jerry Larrabee	Lois Larrabee
Al Jewell	Trent C. Romijn	Gary Sharp
Vicki Hinckley	Joshua Jackson	Dero Gertsch
Leslie Gertsch	Ric Horgan	

**INVOCATION:**

Rick Earnshaw

**PLEDGE OF ALLEGIANCE:**

Gary Uresk

The Mayor Pro tem 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 May 20, 2008. After the review, Council Member Dayley 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.

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**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 Dayley made a motion to approve the cash disbursements 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 Pro tem 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 Mr. Al Jewell who said he understood that if he opted out of the City's recycling program that he would not be billed for the services he was not using.

The Staff explained the decision was made by the City Council that in order to keep the rates low, all residents would pay for the recycling service whether they used the service or not.

It was determined this matter would be discussed in more detail when the Mayor and the other City Council members were present at a future meeting.

The floor was then given to City resident, Mr. Lance Sweeten who said he was following up on the matter that he brought before the City Council at the last City Council meeting. He was pleased to see that there had been some tickets issued to those speeding in front of his home on 1200 West. He asked when the speed trailer would be parked on the street to let those driving know what speed they were traveling at and it was noted the trailer needed some repairs and it would be in service in the next week or so and would be brought to the location.

The Staff also informed Mr. Sweeten that there was a radar speed gun that could be used by City residents and that he could check it out from the City's Police Department.

He said he would be glad to do so and thanked the Council for their efforts in helping with the problem of the speeders on his street.

There were no other items for the brief open session.

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

The floor was given to Mr. Leen Van Hulsten who is Chairman of the Community of Promise Committee for the City. He reported on the Community of Promise activities as follows:

1. The Summer Literacy Program will begin on June 4<sup>th</sup> at 10:00 A.M. at Hogan Park and the topic will be "Wild Animals."

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2. June 11<sup>th</sup> the Summer Literacy Program will begin at 10:00 A.M. and the topic will be, "Being an Artist."
3. The Senior Lunch Bunch will be on June 12<sup>th</sup> at noon. The Woods Cross Youth Council will be providing lunch. No white elephant gifts please.
4. June 18<sup>th</sup> the Summer Literacy Program will begin at 10:00 A.M. and the topic will be, "Disabilities".
5. The City Book Club will be on June 19<sup>th</sup> at 6:00 P.M. at Ruth Payne's home. The book is, "The Marvelous Journey Home" by John M. Simmons. There will be a barbecue.
6. June 25<sup>th</sup> the Summer Literacy Program will begin at 10:00 A.M. and the topic will be, "Trains".
7. The Community of Promise meeting scheduled for June 26<sup>th</sup> has been cancelled.

Following the report, Mr. Van Hulten presented to the City Council the volunteer of the month, Ms. Lois Larrabee who serves as secretary to the Community of Promise Committee. Mr. Van Hulten presented her a plaque on behalf of the City and thanked her for her volunteer service. In turn, the members of the City Council expressed their thanks to her service to the community.

**REPORT FROM THE SOUTH DAVIS SEWER DISTRICT**

The Mayor Pro tem gave the floor 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 Council as follows:

"The District has 4 PUD's that want the District to take over their lines. Two are in Woods Cross. One is located at 1200 West and 500 South with Jack Standing making the request. The other is located at 1200 West 1900 South and Robert Williams is making the request."

The Mayor Pro tem thanked Mr. Payne for his report.

**REPORT FROM THE YOUTH CITY COUNCIL**

The floor was given to Mr. Joshua Jackson, the Mayor for the Woods Cross Youth City Council. He reported the following to the Council concerning the activities of the Youth City Council:

1. Josh Jackson, Melissa Bishop, Katelyn Battochio, and Jennifer Waite were awarded the Woods Cross Youth City Council Service Scholarship at Woods Cross High Scholarship Night on May 21<sup>st</sup>. All of these members have served on the Youth Council for four years and given many hours of service to the community.
2. We made \$113 at our fund raiser fish pond at the Memorial Day Breakfast and collected \$76 in donations for our team at the American Cancer Society Relay for Life. We enjoyed helping with the breakfast.
3. Some of the Youth Council members are helping with the Woods Cross Elementary Community Fun Night tonight and will be helping with the Summer Literacy Program.

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4. Applications for the 2008-2009 Woods Cross Youth City Council are now available at the City Offices. The applications are due on Friday, August 15, 2008.
5. We will be hosting the Senior Lunch Bunch on Thursday, June 12<sup>th</sup>. Our theme is, "Summer Fun".
6. We will have a Youth Council team in the American Cancer Society's "Relay for Life" Friday, June 20-21. Join with us to walk that night at Woods Cross High.
7. We will be decorating the float for the West Bountiful and Handcart Days Parades on Saturday, June 21<sup>st</sup>. Please join us for those parades.

Following the report by Mayor Jackson, the Council expressed appreciation for the Youth City Council and the fine service they give to the citizens of Woods Cross City.

**PUBLIC HEARING ON THE TENTATIVE BUDGET FOR FISCAL YEAR 2009 FOR ALL CITY FUNDS**

The Mayor Pro tem gave the floor to the City Administrator who serves as the City's Budget Officer. He presented the following information to the City Council concerning amendments to the tentative budget which was adopted on May 20<sup>th</sup> 2008.

"I am not proposing any major changes to the Tentative Budget adopted in May. Given to the Council showing in red are the changes I have made to the tentative budget.

"In the General Fund Revenues, I have increased the sales and use tax by \$50,000 from \$1,800,000 to \$1,850,000. However, I have dropped the building permit revenue from \$190,000 to \$165,000. I have a concern the building permit revenue will be down considerably from last year. In the expenditure side, I have increased the cost of living to 3% over the 2% in the tentative budget which has adjusted the salaries, wages and benefits in each of the departments where salaries are allocated. In checking with the majority of cities around us, most of the cities are proposing around a 3% COLA. That is why I have increased ours from 2% to 3%. If the Council is uncomfortable with the 3% COLA we can drop that back down to 2%. I have increased the meeting and training in the Planning Commission to \$5,400 to account for the increase from \$35.00 a meeting to \$50.00 a meeting. I have also increased the fuel budget in the Police Department, Streets Department and Parks Department as discussed in our work session to account for the increased costs in gas and diesel prices. These are the only changes I have made in the General Fund budget since the adoption of the tentative budget. These changes increase the General Fund Budget by \$25,000.

"In the Community of Promise Fund, I have increased the senior's line items from \$1,200 to \$1,700 and made a corresponding increase in miscellaneous revenues by \$500. If that \$500 does not materialize the shortfall can be taken out of the fund surplus at the end of the year. The only other department that I changed was the Water Department, due to the COLA and increases in diesel and gasoline costs.

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“I recommend taking the public input on the budget and because the Mayor and Council Members Hill and Hadlow will be absent from the meeting, we will not adopt the budget until the June 17<sup>th</sup> meeting.”

Following the presentation by the City’s Budget Officer, the Mayor Pro tem then opened the public hearing on the tentative budget.

There were no comments from the public present and the floor was given to Council Member Dayley. She recommended to the City Council they consider decreasing the cost of living increase of 3% to a lower percentage and move the amount reduced over to the merit increase.

There were no other comments on the budget and the Mayor Pro tem closed the public hearing.

The Mayor Pro tem then said the matter would be taken under advisement and the budget would be adopted at the City Council to be held June 17<sup>th</sup> 2008.

**1. THE ISSUANCE OF WATER REVENUE AND REFUNDING BONDS, SERIES 2008 BONDS IN THE AGGREGATE PRINCIPLE AMOUNT OF NOT MORE THAN 6 MILLION DOLLARS AND 2. THE POTENTIAL ECONOMIC IMPACT THAT THE IMPROVEMENT, FACILITY OR PROPERTY FOR WHICH SUCH BONDS PAY ALL OR PART OF THE COST WILL HAVE ON THE PRIVATE SECTOR**

The Mayor Pro tem gave the floor to the City Administrator who went over the following with the Council and the public present:

“The public hearing has two portions to it. One part of the hearing will be to take public input on the impact of the bond on the rate payers and the second will be to take input on how the project financed by the bond will have an economic impact on the private sector.

“Included as Exhibits 1-4 given to the Council, are charts I have created that will be placed on poster board in the multi-purpose room during the Open House.

“Exhibit 1 is the cost breakdown of the project. The construction cost of \$4.6 million is broken down into each of the three components and the engineering and administration costs with a total estimated project cost of \$5 million dollars.

“Exhibit 2 shows the payment components. The bond payment will be \$371,000 with a required a capital reserve of \$37,000 and the loan reserve of \$37,000 combining to a total of \$445,000 that will need to be covered by revenues. The funding will come from \$120,000 of the current bond payment that will be applied to the new bond after it is paid off next year. I anticipate \$75,000 of the amount being paid off with impact fees and the balance of \$250,000 coming from an increase in the water rate.

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“Exhibit 3 is the current Woods Cross City water rates versus the proposed rates. I have broken the residential connection into two tiers-5,000 gallons and 8,000 gallons. It is being proposed we increase those that use 5,000 gallons and less from \$9.00 to \$11.00 and those that use 8,000 gallons or less from \$9.00 to \$14.85. The overage will be increased from \$1.20 to \$1.60 per 1,000 gallons. The chart also lists the other size connections. When I did the analysis and broke the rate down to a minimum of 5,00 gallons it was necessary to increase the amount to the larger users as well as, I have lowered the overage amount from \$1.80 per thousand down to \$1.60. After reviewing the other cities, I felt the \$1.80 was inordinately high. By making these adjustments, the minimum amount for 8,000 gallons increased to \$14.85.

“Exhibit 4 shows the six cities in the South Davis areas and their respective water rates. It is clear that our rates, even with the increase as shown, are well below the other cities with the exception of Bountiful. However, Bountiful is proposing to increase their rates, which puts one tier above our rate and one below. I feel the increase we are proposing is well within reason and still places us well below the other cities in the area.

“The second portion of the public hearing required by new state legislation is to take public input on any economic impacts the project will have on private enterprise. Since there are no private providers of culinary water within the area, I would suggest we are not creating any economic hardships on any competitors.”

The Mayor Pro tem then opened the public hearing.

The floor was given to Mrs. Leslie Gertsch. She noted that part of the expenditures by the City is to drill a new water well. She asked what part of the City the well would be dug. It was noted it would possibly be around the Mills Park area.

She then asked what effect it would have on the water table in the area since her home currently has its own well that supplies them with water. The City Engineer was given the floor and he noted there is no way to know what effect it would have on the water table and other wells until it is dug and starts to flow. He said there are ways that the effect can be mitigated by pumping less if it proves to be a severe hardship on the other wells and other steps can be taken to mitigate the effects.

She then asked if Weber irrigation water would be provided to her location which is on 500 South and about 1300 West. The Staff noted that the bonding and the infrastructure being contemplated do not provide irrigation water and her question would have to be directed to Weber Basin who provided the irrigation water.

The floor was then given to City resident Mr. Gary Sharp who asked what is the justification for the expenditure for this new water storage tank, water lines and digging an additional water well.

The City Administrator noted that the life of one of the water reservoirs is nearing the end of its life and needs to be replaced and the new water reservoir would replace that one, as well as, there

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is a need for additional capacity because of the increased growth of Woods Cross City. And finally, because of the projected economic expansion around the area of Legacy Highway and 500 South, the City will need to provide additional water in that area.

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

**CONSIDERATION TO APPROVE A PARK REIMBURSEMENT AGREEMENT WITH VALENTINE ESTATES SUBDIVISION DEVELOPERS**

The City Administrator continued with the floor and reviewed the following with the Council:

“Given to the Council is a copy of the proposed agreement. The total amount Valentine Estates Developers has submitted is \$340,678, and as you will note, does not include any costs purchase of land. The length of time for reimbursement has been increased from 5 years to 10 years.

“I recommend approval of the agreement with the condition the Mayor not sign the agreement until we receive copies of actual invoices and have time to verify the costs.”

Following the review by the City Administrator the floor was given to Council Member Evans who motioned the City Council approve the agreement with the condition that the Mayor not sign the agreement until the City has received copies of the actual invoices and has time to verify the costs. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

**DISCUSSION ON VALENTINE COTTAGE HOME CONCEPT LOCATED AT APPROXIMATELY 2200 SOUTH 2040 WEST**

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

“Given to the Council are several concept drawings regarding a proposed change to the Valentine Estates Subdivision. As you are aware, this subdivision is a mixed residential development with both single family and proposed town homes. Development Associates have sold off the east portion of the townhome area to a developer who has built a few townhomes. However, sales have been slow and as such Development Associates does not plan to sell the western half of the townhome area to this developer. Mr. Shipp has proposed instead, the development of a cottage home neighborhood. As you can see from the attached layout, it will consist of numerous lots on private streets which also incorporate the clubhouse and pool for the entire development. Again this would replace a large section of the proposed townhouse development.

“I personally like the proposed layout of small lot cottage homes as replacements for the townhomes. This will of course have fewer residential units and be less dense. However, I was

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not really impressed with the proposed housing structures. They were originally proposed with garages well in front of the face of the home, which is typical of a single family development. However, when used within compact development, the garage doors visually dominant the street and individual structures. As such, I asked Mr. Shipp to revisit this issue with his builder to see if there was a way to choose either other house plans and styles or modify the existing plans to place the living area of the home forward of the garage doors. Also given to the Council are renderings of the proposed homes. Again I am not particularly fond of the style and appearance of these residential units even wit the garages not projecting forward.

“The Planning Commission reviewed this matter with Mr. Shipp and was supportive of the overall layout and design. There was some discussion held regarding the style of homes, in fact, Commissioner Blankenship commented it gave the development “shades of Foxboro.” Based on Planning Commission input, other home designs which are more typical of cottage home development may need to be considered by Mr. Shipp.

“Mr. Shipp will be presenting his concept to the City Council for their comment and input. If the Planning Commission and Council desire to pursue this concept, it will eventually be necessary for the City Council and Development Associates to modify the present development agreement for the project.”

After the review by the Community Development Director the floor was given to Council Member Dayley who asked what the price range would be of these new cottage homes. Mr. Shipp said he was not sure what the cost would be but it would likely be in the range of \$200,000 to \$225,000 and they would be in the area of 2100 to 3000 square feet of living area.

The Council said they felt good about the concept but the designs of the homes needed further review and gave direction to Mr. Shipp to check into a better look to the homes he plans to put in the area and bring back those designs to the Planning Commission and the City Council.

Mr. Shipp thanked the Council for their direction and information and said he would be back with a better design for the new cottage homes.

**OPEN SESSION**

The Mayor Pro tem 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. Trent Romijn, a City resident living at 784 West 770 South. He advised the Council that he was living at the home of his mother and during the recent construction of the cement roadway on 800 West there had been damage to his mother’s sprinkling system and sidewalk as well as causing the lawn to buckle in a wavy condition. He said he had repaired the sprinkling system and the sidewalk has been repaired and he has spent less than \$100 on the repairs.



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The City Staff was asked by the City Council to contact Mr. Romijn and work out a repayment plan by the City for the damage that was done.

In turn, Mr. Romijn said his family had given a corner of their property to the telephone company to build some large switching boxes for the telephone service and part of the agreement was they would maintain, in good condition, the land around the switching boxes and said this had not been done. He said weeds had been allowed to grow up and it makes for an unsightly mess in the area.

The Staff said they would look into the matter.

There were no other items for the open session.

**REPORT FROM THE WASATCH INTERGRATED WASTE DISTRICT**

The Mayor Pro tem who serves on the Board of Directors of the Wasatch Integrated Waste District noted their board meeting would be tomorrow evening and they would be reviewing and voting on their new budget for fiscal year 2009.

**THE MAYOR'S REPORT**

There was no Mayor's report for tonight's meeting since the Mayor was excused from the meeting.

**PLANNING COMMISSION REPORT**

The floor was given to Council Member Dayley who attended the Planning Commission of May 27, 2008. Please see the minutes of that meeting for the details of her report.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported on the following to the Council:

**1. RAP Tax**

“According to my calculation we would collect around \$275,000 a year from the RAP tax. The Davis County Commissioners in their last commission meeting voted not to impose a county wide RAP tax which leaves us open to institute the RAP tax if we desire. We will need to pass a resolution stating our desire to have it on the ballot. If that is your desire, I will prepare the resolution for the meeting on June 17<sup>th</sup>.”

The City Council gave direction to the City Administrator to prepare the resolution for the City Council's consideration on June 17<sup>th</sup>.

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**2. Park Surveillance**

“I have met with the Police Chief and the Public Works Director concerning the park surveillance. We will be meeting within the next week with a surveillance specialist to determine our costs and benefits of providing that type of surveillance and report it to the Council at the meeting on June 17<sup>th</sup>.

**3. Speeding on 1200 West**

“I have met with the Police Chief and the Public Works Director to discuss the speeding concerns raised by Lance Sweeten in the last meeting. The radar trailer needs new batteries and those will be installed and should be in place as soon as we get the batteries installed. The Police Chief has a radar gun he will make available to residents and I will notify Mr. Sweeten of such. The Police Chief has instructed his officers to increase enforcement and particularly ticket writing in this area to see if we can deter the speeding. I will report any further information on this at Tuesday’s Council meeting.”

**ADJOURNMENT**

At 8:30 P.M. the Council concluded the City Council Meeting with a motion by Council Member Dayley to adjourn. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

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Rick Earnshaw, Mayor Pro tem

Alan T. Low, City Recorder