

**WOODS CROSS CITY COUNCIL MEETING
NOVEMBER 4, 2008**

The minutes of the Woods Cross City Council Meeting held November 4, 2008 at 6:30 P.M. in the Wood Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Mayor Kent Parry

COUNCIL MEMBERS PRESENT:

Kent Parry, Mayor
Tamra Dayley
Rick Earnshaw

Jill Evans
David C. Hill
Jon Haldow

STAFF PRESENT:

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

VISITORS:

Jennifer Palmer
Kayla Shepherd
Antone Clamic
Pat Blackley
LeGrande Blackley
Jeff Edwards
Mike Flynn
LaMoyne Anderson
Cleo Anderson
Jean Sanders
DeeAnn Judd
Ella Smith
Marilyn Ashby
Kelle Adams

Rick Hyman
Lois Schrader
Don Schrader
Leendert Van Hulten
Vicki Hinckley
David Kingston
Ryan Lundquist
Cheryl Lundquist
Tess Lundquist
Tayli Lundquist
Beau Lundquist
Livia Lundquist
Sadie Lundquist
Lee Ziebarth

Lara Ziebarth
Emma Ziebarth
Eva Ziebarth
Ben Ziebarth
Ella Ziebarth
Rex Lundquist
Linda Lundquist
Jim Linton
Grant Ries
Dell Nichols
Charles Payne
Anne Blankenship
Hal Blankenship

INVOCATION:

David Hill

PLEDGE OF ALLEGIANCE:

Gary Uresk

APPROVAL OF MINUTES

The Council reviewed the minutes of the City Council Meeting held October 21, 2008. After the review, Council Member Dayley motioned the minutes be approved as corrected 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 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.

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. There were no items for the brief open session.

REPORT FROM THE COMMUNITY OF PROMISE COMMITTEE

The floor was given to Mr. Leen Van Hulten, who is the chairman of the City's Community of Promise Committee. He reported to the Council on the following items:

The Seniors Lunch Bunch will be held on November 13th at 12:00 P.M. Vicki Hinckley and Leola Mikkelsen will be the special guest speakers.

November 19th at 7:00 P.M. is the Emergency Preparedness meeting. The guest speaker will be Mr. Tim Woolf who is a well-known emergency preparedness specialist.

There will not be a Community of Promise meeting in November because of the Thanksgiving Holiday.

Following his report Mr. Van Hulten introduced to the City Council the Volunteer of the Month from the Community of Promise. This month's Volunteer of the Month is Ms. Ann Blankenship. She is being recognized for her work with the Emergency CERT Program within the City where she serves as the coordinator. Ms. Blankenship came forward and received a plaque from the Mayor and City Council as well as a round of applause in appreciation for the work she contributes to the City.

This concluded the report from the Community of Promise.

REPORT FROM THE SOUTH DAVIS SEWER DISTRICT

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The Mayor 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 City Council the following: The District's budget for 2009 will be \$9,513,000, of this figure part of that will be for cast-in-place pipe, some of which has been done from Denny's to 1500 South. With the traffic control reconnection and 8" diameter pipe, the cost will be \$22.17 per linear foot.

Both plants have new screening mechanisms installed. The new screens discharge into a grinding area which then discharges to a washing and de-watering mechanism. This process reduces the overall amount of material that must be landfilled. The material that is produced is much cleaner and less odorous than the old system. Block buildings will be erected around each unit.

South Davis Sewer is having the firm of Lewis, Young, Robertson and Burningham submit a proposal to study the impact fees and rates. No city in Utah with a mechanical plant has a lower tax rate, monthly user fee or monthly user cost than they do. There are some towns which have a lagoon system monthly user fees are two or three dollars a month less expensive.

This concluded the report from the South Davis Sewer District.

Following Mr. Payne's report, the Council and Mayor expressed appreciation to him for his service to the community.

REPORT FROM THE CITY'S YOUTH CITY COUNCIL

The floor was then given to Ms. Jennifer Palmer who serves as the Youth City Council Mayor. She reported to the Council on the activities of the Youth City Council.

1. We collected 584 pounds of food for the Bountiful Community Food Pantry during our "Trick or Treat" for canned food Halloween activity. The food bank was very excited about our donations since they are helping a record number of families this year.
2. Our Thanksgiving Box Scavenger hunt will be on Monday, November 17th at 3:30 P.M. to 6:00 P.M. We will go on a scavenger hunt to collect food items to put into Thanksgiving dinner boxes. We will be donating these Thanksgiving Boxes to the Food Bank.
3. Ryan Hinckley has asked the Youth Council to sponsor and decorate two tables for the Woods Cross High Homeless Dinner on November 20th.

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4. We will meet at the City shops on Wednesday, November 26th at 10:00 A.M. to decorate our float for the Clipper Christmas Light Parade. The Parade will be on Friday, December 5th starting at 6:00 P.M. We invite the Mayor and City Council to join us on the float at 5:45 P.M. Be sure to dress warm!
5. At our next meeting on Monday, December 1st, we will have a work meeting to work on Sub for Santa Family Fun Kits, Christmas goodies for the Senior Lunch Bunch and prepare for Santa's visit to Woods Cross.
6. Saturday, December 6th is a busy day for us. We will start the day going shopping for fun items for the Family Fun Kits and then end our shopping spree with a breakfast and Christmas party. Later that same day we will decorate the gym at Woods Cross Elementary for Santa's visit. We hope to see many of our young children there to visit with Santa.
7. Our WXYCC Youth Conference is planned for Saturday, January 17th beginning at 9:00 A.M. We invite you all to join us for a day of learning and fun. If you have any suggestions for speakers or have a burning desire to be one of our guest speakers, just let us know. We are in need of an auctioneer again.

Concerning her last item, Council Member Earnshaw or the Mayor will serve as the auctioneer for the Youth City Council event of January 17th.

This concluded her report to the Council. The Mayor expressed appreciation to the Youth City Council for the hours they give to the citizens of Wood Cross.

**SWEARING IN OF RYAN LUNDQUIST AS A NEW WOODS CROSS CITY
POLICE OFFICER**

The Mayor gave the floor to the City's Chief of Police who introduced to those present the newly hired officer, Officer Ryan Lundquist. He then yielded the floor to the City Recorder who administered the Oath of Office to Officer Lundquist and extended congratulations to him as the newest police officer for the City. The Mayor and City Council in turn extended their hand of congratulations to Officer Lundquist. Following the congratulations, Officer Lundquist's wife came forward and pinned his Woods Cross Police badge on his uniform.

**CONSIDERATION TO DECLARE A 2004 FORD CROWN VICTORIA
AUTOMOBILE AS SURPLUS PROPERTY AND SET A MINIMUM BID PRICE
OF \$5,000**

The floor was given to the Chief of Police who requested the following of the City Council.

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“I request that a 2004 Crown Vic police vehicle with 62,000 miles be declared surplus and that we take it to TNT Auction to be sold with the majority of the equipment included. I request that we be allowed to negotiate with TNT for a reasonable price and will request a minimum of \$5,000.

“This is the second vehicle that was replaced by the purchase of two Dodge Chargers in FY 09, with the first being declared surplus in July. The first vehicle has not sold yet.”

Following the Chief of Polices’ request of the Council, the floor was given to the City Administrator who recommended they follow the suggestion of the Police and declare the vehicle as surplus property, with the minimum bid of \$5,000.

The floor was then given to Council Member Earnshaw who motioned the City Council declare the requested vehicle, a Ford Crown Victoria year 2004, as surplus property and a minimum bid of \$5,000 be set. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

PRESENTATION ON EDCUTAH ECONOMIC DEVELOPMENT EFFORTS

The Mayor introduced to those present a Mr. Mike Flynn and Mr. Jeff Edwards, from the EDCUtah. Mr. Edwards was given the floor to make a presentation to the Council and those present on the purpose of the EDCUtah and how it can help the City with its’ development efforts.

He first reviewed the objective of the EDCUtah with the following points:

- Public – Private nonprofit partnership
- Has been in business since 1987
- Efforts are state wide
- State local and private investors
- 250+ members
- 17 full time staff and 2 consultants
- \$2.5 million annual budget
- Project handling, research, economic development, consultation, site preparation, promotion and public relations.

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After this overview of the department, he then reviewed with the City Council recent projects which the EDCUtah has helped produce. He then discussed with the Council the objectives of the Economic Development Department. He concluded by saying the recruitment results for the last three years have resulted in 17,573 jobs in the state of Utah. He said currently they have 248 open projects which is a record number and these will benefit the local communities. He then answered questions from the City Council. At the conclusion of the presentation, the Mayor expressed appreciation to Mr. Edwards and Mr. Flynn and an appointment was made with the City Administrator to discuss their program further and how it could assist the City.

**CONSIDERATION TO ADOPT ORDINANCE #521, AN ORDINANCE
APPROVING THE VACATION OF LOT 4 OF THE AA SUMMIT
COMMERCIAL SUBDIVISION LOCATED AT THE CORNER OF 1180 WEST
AND REDWOOD ROAD**

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

“In the last year, the Planning Commission approved an office warehouse building for Brian Knowlton on lot 4 of the AA Summit Commercial Subdivision on the corner of 1180 South and Redwood Road. The Planning Commission recently approved conditional use permits within this building for both an auto repair shop and an ATV rental business. Mr. Knowlton has proposed a condominium conversion of the project and, as such, has requested that lot 4 of the AA Summit Commercial Subdivision be vacated. The Planning Commission and City Council have approved similar requests, both for aircraft hangars and other office/retail space in the City.

“The Planning Commission held a public hearing on October 28th. The Planning Commission would recommend that the City Council vacate lot 4 of the AA Summit Subdivision to permit the recordation of a condominium plat.”

Following the review by the Community Development Director the floor was given to Councilmember Earnshaw who motioned the City Council adopt the Ordinance #521 as well as Vacation Order #521, and ordinance authorizing the Mayor to enter an order vacating lot 4 of the AA Summit Commercial Subdivision and directing the same be recorded with the Davis County Recorders’ office. Councilmember Hill seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO APPROVE LIVINGSTONE WAREHOUSE
CONDOMINIUM FINAL PLAT**

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

“Mr. Knowlton has completed construction of a 5-unit office warehouse on the corner of 1180 South and Redwood Road and has submitted an application and plat to convert the building to condominium business ownership. The Planning Commission held a public hearing on October 28, 2008 to review Mr. Knowlton’s request. The Planning Commission recommends to the City Council approval of the Livingstone Warehouse Condominiums Final Plat.”

Following his outline the floor was given to Councilmember Earnshaw who motioned the City Council approve the final plat for Livingstone Warehouse Condominium. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO APPROVE THE APPLE PLAZA FINAL PLAT
LOCATED AT THE CORNER OF 800 WEST AND 1500 SOUTH**

Continuing with the floor, the Community Development Director outlined the following for the City Council:

“The Apple Store and associated vacant property have sold. The new owner is in the process of remodeling and upgrading the Apple Store. In addition, he has had interest by others to develop an office/retail building on the vacant portion of the property south and adjacent to the Apple Store. As such, he has made application for a final plat dividing the property into two lots. Lot 1 will be created for the Apple Store. Lot 2 will be reserved for the future office/retail development.

“The new owner, Mr. Dell Nichols, is working with two adjacent property owners to resolve a property description overlap and a gap.

“The Planning Commission held a public hearing to review the final plat on October 28, 2008. The Planning Commission recommends to the City Council approval of the Apple Plaza Final Plat with the following condition:

1. “Prior to recordation, the applicant submit to the City evidence that the boundary overlap and gap have been resolved with the adjacent property owners.”

Following the outline given by the Community Development Director the floor was given to Councilmember Evans who motioned the City Council approve the Apple Plaza final plat with the condition that prior to recordation, the applicant submit to the City evidence

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that the boundary overlap and gap have been resolved with the adjacent property owners. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE A REZONE FROM A-1 AGRICULTURAL AND I-1 LIGHT INDUSTRIAL TO LGC LEGACY GATEWAY (CORE COMMERCIAL DISTRICT) LOCATED AT APPROXIMATELY 500 SOUTH AND REDWOOD ROAD

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

“The Community Development Director and I met with Kelle Adams and Nick Boris from Manheim (formally the Auto Auction), and with Dave and Tyler Barton of Bob’s Tree Service, and Jean Sanders and her two daughters.

“In our discussion with Dave and Tyler we indicated to them since they are an existing non-conforming use we are not inclined to allow them to expand their use into more area. However, we would be willing to work with them if they wanted to put an office building on the front of their property. This would enhance their property and make it more presentable from 500 South, which meets the intent of the ordinance. Dave indicated they would like another couple of acres of property and are looking at trying to find a place to relocate to but it is very difficult finding property that allows their use. They are currently reviewing their situation to determine if they would like to request approval to build an office building in the front of their property. Things are a little up in the air for them due to the downturn in the economy. We agreed to stay in touch with them and continue our discussions concerning the front part of their property if they decide to build their building.

“Prior to our discussion with Kelle and Nick, the Community Development Director and I met with the City Attorneys to discuss the letter from their attorney. In our discussion with our attorneys we came to the conclusion Manheim may possibly sue over the non-conforming status issue. We felt our chances were good at prevailing but we could not be guaranteed that we would win.

“The major concern in dealing with Manheim is if we take a hard stance against Manheim and zone them as a non-conforming use against their desires we may win the battle but actually lose the war. If we designate them as a non-conforming use we limit their ability to expand the use of their property but they are not required in any way to improve their property or make any improvements to further our Gateway concept. In other words we could end up with a very large piece of property with owners who are

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antagonistic towards us and are not willing to make any improvements to further our goal in this area.

“With this in mind, when the Community Development Director and I met with Kelle and Nick, we proposed the compromise that we would consider amending the zoning ordinance to allow wholesale auto sales as a conditional use similar to retail auto sales however, in doing this we would require them to make the appearance of their property look more like a retail area than a wholesale area. They are currently landscaping their frontage on 500 South which has done much to improve their image along 500 South. They were very positive in this discussion and I feel we can work in a spirit of cooperation together to get their property to reflect more what we would prefer in that area. With this in mind, I would recommend we further table the rezoning of the property to give the Community Development Director and me time to amend the Legacy Gateway Zone to allow wholesale car sales as a conditional use as well as put language in the ordinance that sets some parameters as to what wholesale car sales are and what would be required of them if they were to increase the size of their property or make changes to their building. These changes would need to come through the Planning Commission and then to the Council so we do not anticipate having this back to the Council until either the end of December or the first of the year.

“Our discussion with Mrs. Sanders was positive after we explained to her our discussion with Manheim. We also explained to her that she had a number of options available to her in the development of her property. She felt somewhat more comfortable in that she now had some options before her.

“After meeting with all of the property owners, including the Kingstons, we are not too concerned that we need to move rapidly, as we did in the past, in getting this area rezoned and I feel taking the time necessary to get Manheim aboard as a cooperative land owner in this rezoning is worth the delay.”

Following the review of the City Administrator, the Council entered into a discussion as to whether to wait to rezone the land, or rezone the land now and work on the non-conforming issues later, or rezone the land now and exclude some of the properties from the rezoning. After considerable discussion it was determined the best course of action for the City Council was to rezone the land and exclude two of the properties from the rezoning.

The floor was then given to Councilmember Hill who motioned the City Council adopt the rezoning Ordinance #522 which rezones the property in question from A-1 Agricultural and I-1 Light Industrial to the Legacy Gateway Zone Core Commercial District located at approximately 500 South and Redwood Road with the exception of the

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properties owned by Manheim Auto Auction and the Sanders vacant land property. Council Member Earnshaw seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO DESIGNATE THE NORTH SIDE OF 900 SOUTH STREET BETWEEN 500 WEST STREET AND 550 WEST STREET AS NO PARKING

The City Administrator continued with the floor and explained the following to the Council:

“ The Public Works Director, the Community Development Director, the City Engineer, and I reviewed the parking situation on 900 South and we recommend approximately 190 feet of the north side of 900 South from the intersection with 500 West to the eastern edge of the second driveway be posted as No Parking. Given to the Council is an aerial view showing the area recommended to be designated as No Parking. There is a concern for people pulling out of the Veterinary Clinic seeing traffic coming off of 500 West down 900 South. Parked vehicles in this area create a hazard by blocking the view and designating this area as No Parking is justified on safety purposes.”

Following the explanation by the City Administrator the floor was given to Councilmember Hadlow who motioned the City Council adopt the recommendation of the Staff and place no parking signs on the north side of 900 South street in the area described above. Councilmember Earnshaw seconded the motion and all voted for the motion through a roll call vote.

OPEN SESSION

The Mayor then opened the session the meeting to 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 Councilmember Dayley who noted there are some of the street lights around City Hall which are burned out. The City Staff said they would look into the matter and have them replaced.

The floor was then given to Councilmember Hill who suggested to the Mayor and Council they hold a work session to discuss the future leadership of the Youth City Council. He noted the two current advisors, who have been serving in those positions for many years, have indicated they would be stepping down after the Fiscal Year 2008-2009 and it would be well for the City Council to find new leadership that might shadow them this year to learn what needs to be done to continue this great organization within the

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City. The City Council set a work meeting for November 18th at 6:00 P.M prior to the regular City Council meeting.

There were no other items for the open session.

MAYOR'S REPORT

The Mayor said he had in his possession the budget for the Utah Transit Authority as well as, the South Davis Sewer District Budget for 2009 and asked if any of the City Council would like to review the budget. Councilmember Dayley said she would like to look at the budgets and they were given to her for her review.

There were no other items for the Mayor to report.

REPORT FROM THE PLANNING COMMISSION

The City Council reviewed the minutes from the Planning Commission meeting held on October 28th as their review of that meeting.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported the following to the City Council:

“We will have an RDA meeting next meeting to discuss the creation of an EDA (Economic Development Area) or a CDA (Commercial Development Area). Our RDA Consultant and I felt it would be best to listen to the presentation of EDC Utah prior to formulating any proposal for this area. We will have it on the agenda for the November 18th meeting.

“I have given to the Council a copy of a Drinking Water Source Protection ordinance required by state law. The Public Works Director and I have been working with the City Attorney for a number of months on this ordinance and we feel we have it ready for the Council to approve. I am getting it to you now so you will have a couple of weeks to review it. Attached at the end of the ordinance is a copy of our delineation map for each of the zones for the wells. If you have any questions let me know.”

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ADJOURNMENT

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

Kent Parry, Mayor

Alan T. Low, Recorder