

**WOODS CROSS CITY COUNCIL MEETING  
OCTOBER 7, 2008**

The minutes of the Woods Cross City Council Meeting held October 7, 2008 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Mayor Kent Parry

**COUNCIL MEMBERS PRESENT:**

Kent Parry, Mayor  
Tamra Dayley

Jill Evans  
David C. Hill  
Jon Hadlow

**COUNCIL MEMBERS EXCUSED:**

Rick Earnshaw

**STAFF PRESENT:**

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

**VISITORS:**

Chelsea Shea Taylor  
Pat Blackley  
Ann Richardson  
Linda Engle  
Suzanne Tate  
Melinda Williams  
Erika Roth  
Julie Adamson  
Clark Johnson  
Julane Adamson  
Kimberly Garff  
Barbara Barnett  
Kristine Jackson  
Matthew Rasmussen  
Eric Freebairn  
Jami Allmendinger  
Ryan Hinckley  
Christine Bohn  
Wally Larrabee  
Zach Page  
Bonnie Blackburn  
Aubrey Page  
Jennifer Palmer  
Mark Allred

Jason Taylor  
LeGrande Blackley  
Trudy Hansen  
Mattison Tate  
Lois Schrader  
Florena Ramirez  
Phil Roth  
Debbie Johnson  
Melanie Hooper  
Mark Adamson  
Leendert Van Hulsten  
Abigail Barnett  
Paula Hill  
Charles Payne  
Gregg Hatch  
Jim Allmendinger  
Wayne Hinckley  
Krystal Larrabee  
Byde Willis  
Rowena Palmer  
Michele Hooper  
Janet Bown  
Erron Bown  
Jason Zuno

Tamra Taylor  
Andrew Hansen  
John Hansen  
Justin Tate  
Don Schrader  
Ashley Ramirez  
Alie Parry  
Alexis Johnson  
Megan Ruud  
Sammi Van Fleet  
A.H. Jewell  
Keyara Hill  
Brooke Frandsen  
Craig Bohn  
Sarah Allmendinger  
Doug Richardson  
Vicki Hinckley  
Cathy Larrabee  
Melanie Willis  
Kevin Palmer  
Dennis Hooper  
Deanna Bown  
Joshua L. Jackson  
Larry Christensen

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Nan Christensen  
Fred Wolfgramm  
Tiffany Oswald  
Rich Paul  
Morgan Stewart  
Ryan Winkler  
Liz Wolfgramm

Torri Christensen  
Cortney Peters  
Hannah Atkin  
Sandy Paul  
Christopher Smith  
Donna Winkler

Leslie Garton  
Kyla Shepherd  
Mitchell Paul  
Jann Preston  
Cary Peterson  
Jaya Christopherson

**INVOCATION:**

Jon Hadlow

**PLEDGE OF ALLEGIANCE:**

Tamra Dayley

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 September 16, 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.

The Council then reviewed the minutes of the work meeting held September 30, 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.

**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 Hill made a motion to approve the Cash Disbursements listing as presented with Council Member Hadlow 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 Mayor gave the floor to Ms. Linda Engles, a City resident living at 2275 South 1900 West in Valentine Estates. She advised the Council there are many empty lots in their development because of the developer going bankrupt and the weeds on these lots have grown higher than a person and the residents in the area are concerned. She said they had had a theft of an

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automobile in her subdivision and the automobile had been hidden in the weeds. She asked the City Council if there could not be something done to alleviate the weed problem on the back lots. The floor was given to the City's Code Enforcement Officer, Mr. LeGrande Blackley. He said there are four different banks that own the properties in the subdivision and he is finding it difficult to get any of them to step up and be responsible for the properties they now own.

The Mayor asked the Staff to look into the matter and see if something could not be done before wintertime.

The Mayor then gave the floor to a City resident, Mr. Paul Merrill, who resides at 1140 West 1200 South. He asked the City Council what is being done with the impact fees that are collected by the City.

The Mayor gave the floor to the City Administrator who reviewed with Mr. Merrill and those present each impact fee that is collected by the City and the projects to which those funds are being used within the City boundaries. He assured Mr. Merrell that none of the funding is being accumulated, that it is being used for infrastructure matters for the residents of the City.

Mr. Merrill went on to ask the City Council to be cautious with their spending because of the problems that are being seen in the economy in the United States.

The floor was then given to Ms. Michele Hooper, a City resident. She asked if Woods Cross City was going to join with the other four cities in southern Davis County to create one large city.

The Mayor responded by saying there had been discussions over the years on that matter, but there was nothing in the planning stages for the near future nor was there any study being done on the feasibility of joining the cities together.

There were no other items for the open session.

**REPORT FROM THE 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 Committee's activities and upcoming events. He then presented to the Council Ms. Christine Bohn who he has designated as the Volunteer of the Month for her work as the historian for the Community of Promise Committee. He thanked Ms. Bohn for her work in keeping the records for the Community of Promise for history's sake. In turn the Council congratulated her on the recognition and a round of applause followed in honoring her. Mr. Van Hulten then presented her with a plaque in honor of her recognition.

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**REPORT FROM THE SOUTH DAVIS SEWER DISTRICT**

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 on the following:

Mr. Payne reported he had been a witness before the committee for the Utah State Legislature which is studying special districts in Utah and their ability to set property tax rates when they are not an elected official. He referred the City Council to an article that appeared in the Salt Lake Tribune on September 18, 2008. He then went over the taxing activity of the District for the past 20 years.

“In the 20 years from 1988 to 2008:

The District's tax rate has:

Decreased---15 years  
No Change—1 year  
Increased—4 years (ave. increase 0.4%)

Overall, the property tax rate has decreased by 71.3% over these 20 years

The assessed valuation in the District increased by 315%

The annual property tax revenue has increased by 19.4%

Today's property tax revenue is \$258,168 more than in 1988

Today's total property tax revenue is \$1,589,168

Roughly half of the District's revenue is from property tax, the other half is from the sewer service fee.

No City in Utah with a mechanical treatment plant has a lower tax rate, monthly user fee, or total monthly user cost than the South Davis Sewer District. Five or six towns with lagoon systems have \$2 or \$3 lower total monthly costs than the District.”

The Mayor thanked Mr. Payne for his report and said the City supports the South Davis Sewer District and commends them for the excellent job they are doing in controlling costs and keeping property taxes low and that if any support is needed from the City to let him know.

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**REPORT FROM THE WOODS CROSS YOUTH CITY COUNCIL**

The Mayor gave the floor to the new Woods Cross Youth City Council Mayor, Ms. Jennifer Palmer. She reported on the Youth City Council's activities as follows:

1. "We are excited for the new year and the opportunity to serve in the community. We appreciate time during the City Council meeting to have our Swearing-In Ceremony. We look forward to learning more about city government as we get involved through service activities. Thank you for your support in our City.
2. "Our October Service Activity will be on Monday, October 20, 2008 at 4:00 pm to 6:00 pm. We will be dressing up in Halloween costumes and going "Trick or Treating" for canned food for the Bountiful Community Food Pantry. Woods Cross residents are always so generous with their canned food donations.
3. "Our next WXYCC Meeting will be on Monday, November 3, 2008 at 4:00 pm."

**THE SWEARING IN OF THE WOODS CROSS YOUTH CITY COUNCIL FOR THE FISCAL YEAR OF 2008-2009**

The Mayor gave the floor to the City Recorder who first administered the Oath of Office to the Youth City Council leadership members. These are the members who hold the leadership positions including Mayor, Treasurer, City Recorder, Council Members and so forth.

The Oath of Office was given to the Youth City Council leadership. The Youth City Council Mayor then called forward the other members of the Youth City Council of which are approximately 20 more for a total of around 33 members of the Youth City Council.

The City Recorder then administered the Oath of Office to these members of the Youth City Council. In turn, the Mayor and the City Council extended a hand of congratulations to each of the youth that are participating in the Youth City Council this year.

The Mayor expressed appreciation along with members of the City Council for the excellent service the Youth City Council gives to the citizens of Woods Cross City.

**PROJECT UPDATE FROM WEBER BASIN CONSERVANCY DISTRICT**

The Mayor gave the floor to Mr. Matt Rasmussen, who is representing the Weber Basin Conservancy District as the project manager for the replacement of a major irrigation water line within the city limits of Woods Cross. He told the Council they would recall that early this spring part of the piping coming down 1500 South had been replaced and now the balance of the pipe would start to be put in from approximately 800 West down to 1100 West then south along 1100 South to 2600 South. He said this would impact the traffic flow on those roadways, that there would be at least one lane of traffic kept open each way during the construction period.

The construction period will commence October 15, and completion is scheduled May 1, 2009.

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The floor was given Council Member Hill who suggested that Weber Basin Conservancy District watch the traffic flows at peak times within the City, which is early morning hours as residents are trying to take their children to school and in the evenings when there is considerable traffic on 1500 South when there is traffic going east and that perhaps more lanes, if possible, could be open during these times.

Mr. Rasmussen thanked Council Member Hill for his suggestion and said they would take it under advisement.

The Council thanked Mr. Rasmussen for the update.

**CONSIDERATION TO DECLARE THREE RADAR UNITS AS SURPLUS PROPERTY**

The City Council reviewed the following from the City's Police Chief:

"We have updated our radar units as we have purchased new vehicles the past two years and have several units that are not used.

"I would like to declare three Kustom Pro 1000 units as surplus and donate two of them to other police departments who are in need of equipment. The third unit cannot be repaired and will be destroyed. The units were purchased in 1991 and 1997. I believe the market value of them is less than it would cost to try and sell them considering advertising and time involved. The department would be required to pay any shipping charges."

Following the review by the Police Chief, the floor was given to the City Administrator who said he supported the recommendation by the Police Chief to declare as surplus the radar units as recommended.

The floor was then given to Council Member Hadlow who motioned the City Council declare the three radar units as surplus property and to be disposed of by the Police Department as recommended. Council Member Evans seconded the motion and all voted in favor through a roll call vote.

**DISCUSSION ON MOUNTAIN VIEW ESTATES HOME OWNER ISSUES**

The floor was given to the City Administrator who reviewed the following with the City Council as it pertains to the items which were brought before the City Council at their meeting on September 16<sup>th</sup>.

"The Mayor, Council Member Hill and I met with representatives of Ivory on the 24<sup>th</sup> of September at which time we discussed the seven issues raised by the residents in Mountain View Estates. Given to the Council is a letter from Mr. Dave Broadbent of Ivory Homes Management, in which he addresses each of the seven issues. I will address each of the seven issues below."

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1. The HOA has not been responsive to homeowner concerns.  
Ivory is correct in maintaining they will have control of the HOA until the last property is sold. This is spelled out in the CC & R's. They have committed to working closely with their HOA management company, FDS Community Management, to make sure they are responsive to the needs of the owners within the subdivision. Also as you will notice in the October 2<sup>nd</sup> letter, they will be creating a committee in January to give the residents more input into the budget and architectural approval issues. Hopefully these actions by Ivory will address the concerns of the homeowners in regards to the HOA.
2. Exposed phone line north of the pool area.  
As mentioned in the letter, Ivory has moved the line however, the line is still laying across the sidewalk as we observed in our tour last Tuesday. I discussed this with Ivory and requested they work with Qwest to get the line buried under the sidewalk.
3. Improvements that were promised (tot lot, gazebo, etc.) have not been installed.  
The residents voiced their concern that the promised improvements (tot lot and gazebo, etc.) may not be installed as promised. These items were specifically listed in the development agreement between Woods Cross City and Ivory homes and will be put in as part of the project. However, the timing is up to Ivory, and as indicated in the letter, these will come in at different stages during development.
4. Street Trees have not been installed.  
There was a concern raised about the street trees not being put in. We specifically requested Ivory hold off installing the street trees until this fall when the weather cooled off and they would have a better chance of survival. The majority of the trees have currently been installed.
5. Gates from lots into the A-1 drain do not open properly.  
There was a concern raised that the gates from the homes into the A-1 drain area did not open properly. As is mentioned in the letter these were put in per agreement between Ivory and the property owners and is not an improvement required by the City. I was told by Ivory this issue has been resolved.
6. Spalling concrete has not been replaced  
As listed in Ivory's letter, they have had 18 requests for replacement of spalling concrete of which 9 have been repaired and 9 denied. These requests are for cement on private property in which the City has no involvement. We have asked Ivory to follow their warranty procedure and to treat the homeowners fairly. In regards to the public improvements, they are in the guarantee period and at the end of the warranty period any concrete that does not meet our standards as determined by the City Engineer will be required to be replaced prior to the City granting final acceptance of the subdivision. On the field trip I noticed a number of areas where the sidewalk will need to be replaced due to spalling of the concrete.

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7. Drainage Issues.

After spending a fair amount of time out in the subdivision, it is very clear these drainage issues are created by over watering the yards. We have reviewed the soil reports, have dug test holes around the subdivision and have inspected the sub surface drain lines and are confident the water is coming from the surface rather than from below. I have contacted Dave Rice at Weber Basin and he is willing to hold a watering seminar on the 14<sup>th</sup> of October at 6:30 pm here at City Hall. We will encourage all of the residents to attend that seminar and through appropriate education hopefully we can minimize the flooding issues in the subdivision. The landscaping area along Redwood Road that abuts the homes along the west appears to have been over watered as well. I have asked Ivory to reduce the water in this area since it is flooding the neighbors to the west.

“I believe these concerns raised by the neighbors have either been adequately addressed or determined that it is not a matter that the City can become involved in. The Public Works Director, Community Development Director, and I will continue to work with Ivory and the home owners to resolve the issues which involve the City.”

The Mayor thanked the City Administrator for his thorough review of this matter.

**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 a number of City residents from Ivory who wanted to speak to the City Council concerning the matters reviewed by the City Administrator and the following are their comments.

The floor was given to Mr. Kerry Peterson who asked what the warranty period would be on the street trees. It was noted that typically the warranty on trees is one year but because the bonding on the development is for two years the trees would be covered for a two year period.

Mr. Mark Allred thanked the City Council for being so responsive to their requests. He said he still felt there were concerns about a gazebo that needed to be built, volleyball courts and cement problems.

The floor was given to Mr. Eric Freebairn representing the Ivory Homes developers and he said that the gazebo and the volleyball courts are planned for future phases of the project.

Next to speak was resident Mr. Christopher Smith. He said the street trees in his area were dying and wondered if they would be replaced. The Mayor advised him that they would be.

Ms. Jaya Christopherson asked when the A-1 Drain park would be grassy and could be used by the children in the area as well as when the tot lot would be in place for the children. The reply



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was that it would take a couple of years for the grass to come to the point where the A-1 Drain area could be used and the tot lot is in a future phase of Ivory Homes development.

Ms. Erin Larsen said she would like the A-1 Drains grass to be at a point now where the children could use it and she was advised that it takes time for these improvements to be developed.

Mr. Josh Patell complained about the cement problems in the area and again he was referred to Ivory Homes to negotiate with them.

Mr. Fred Wolfgramm spoke in favor of Ivory Homes and said he felt they had done an excellent job in working with the residents in the area and helping to overcome the problems they were having.

Liz Wolfgramm spoke in favor of the job that Ivory Homes is doing with their development.

Mr. Matt Redd expressed appreciation to the City Council for their assistance in these matters and asked that the Council please give consideration to maintaining the A-1 Drain Park after it has been developed.

There were no other items for the open session.

**MAYOR'S REPORT**

The Mayor advised the Council that he had nothing to report this evening.

**REPORT FROM THE PLANNING COMMISSION**

The floor was given to Council Member Evans who attended the Planning Commission Meeting held September 24, 2008. Please see the minutes of that meeting for the details of her report.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported the following to the City Council:

**1. Funding for Scenic Byway Committee**

“The Legacy Parkway Scenic Byway Committee is looking at submitting for National designation of the Parkway which is available to apply for only every three years. One benefit of getting the designation is we can apply for grants for improvements along the Byway. The cost to put together an application is around \$20,000. We are asking each of the cities to contribute \$1,000 and UDOT will hopefully kick in the balance of \$10,000. I can adjust the money out of other places in the budget if you are okay with funding the \$1,000.”

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**2. STP funding for 1100 West**

“The Public Works Director and I met with the City Engineer and discussed the possibility of applying for federal funding for the improvement of 1100 West and/or 1500 South. We will be notifying Wasatch Front Regional Council that we will possibly be submitting for funding for both streets. I will keep you updated on our progress.”

**3. 500 Storm Water Improvements**

“As part of the 500 South project UDOT is installing a storm drain line down 500 south as well as providing detention within the project. The original estimate showed this would cost Woods Cross City 2 million dollars since the project would provide storm drainage for property within the City. However, since we have an agreement with the Bureau of Reclamation to utilize the A-1- drain for detention we have been able to significantly reduce the cost of the project. Hopefully when all things are said and done our costs will be minimal. I want to give a lot of credit to the Public Works Director and the City Engineer for helping us work through this and coming up with a win/win solution for all parties involved.”

**ADJOURNMENT**

At 8:50 P.M. the City Council concluded the City Council Meeting with a motion by Council Member Evans to adjourn. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

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Kent Parry, Mayor

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Alan T. Low, Recorder