

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

The minutes of the Woods Cross City Council Meeting held March 3, 2009, at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Mayor Kent Parry

**COUNCIL MEMBERS PRESENT:**

Kent Parry, Mayor  
Tamra Dayley  
Rick Earnshaw

Jill Evans  
Jon Hadlow  
David C. Hill

**STAFF PRESENT:**

Gary Uresk, City Administrator  
Alan Low, City Recorder  
Marc Evans, Park Superintendent  
Wade Hugoe, Public Works Employee

**VISITORS:**

Antone Clark  
Lois Schrader  
Al Jewell  
Abigail Barnett  
Wayne Hinckley  
Laura Mortensen  
Michele Hooper  
Kyle Shepherd  
Michael Hill  
Keyara Hill  
Jennifer Palmer  
LeGrande Blackley

Leendert Van Hulten  
Don Schrader  
Charles Payne  
Ryan Hinckley  
Vicki Hinckley  
Wade Hugoe  
Torri Christensen  
Samantha Vanfleet  
Holly Stewart  
Aubrey Page  
Tiffany Oswald  
Andrew Hansen

David Stice  
Melinda Williams  
Barbara Barnett  
Patrick Barnett  
Brooke Frandsen  
Melanie Hooper  
Carol Shepherd  
Paula Hill  
Morgan Stewart  
Deanna Bown  
Pat Blackley

**INVOCATION:**

Jon Hadlow

**PLEDGE OF ALLEGIANCE:**

Rick Earnshaw

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 February 17, 2009. After the review, Council Member Earnshaw motioned the minutes be approved as corrected with

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

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 Hadlow made a motion to approve the Cash Disbursements listing as presented with Council Member Earnshaw seconding the motion and all voted for the motion through a roll call vote.

**OPEN SESSION (BRIEF ITEMS)**

The Mayor then opened the meeting to items from those present that were brief in nature. This would be items that would take less than two or three minutes.

The floor was given to Mr. David Stice, of Sinclair Oil Company. He wanted to express appreciation to the City Council for their approval of a conditional use permit for Sinclair Oil to build an additional fuel storage tank for jet fuel at their location at 2600 South 1000 West. He noted the conditional use permit expires this month, March 2009, and because of the economy Sinclair Oil will not be building the facility at this time. He thanked the Council because of the hard decision that it was for them to cooperate with Sinclair Oil in allowing the building of these tanks in this location. He hoped that Sinclair Oil in the future might expand and build the tanks and if so they would come back to the City Council and request a new permit.

The floor was then given to Council Member Dayley who said she had noted there was graffiti in Mills Park. The Staff said the graffiti was located and removed. She asked if some garbage cans could be put in the park. It was noted now that springtime was here, the garbage cans would be placed around the City parks.

There were no other items for the brief open session.

**REPORT FROM THE COMMUNITY OF PROMISE**

The floor was given to Mr. Leendert Van Hulsten, the Chairman of the Woods Cross Community of Promise Committee. He reported to the Council on the following:

1. "Tuesday March 10<sup>th</sup> there will be a garden lecture in the multi-purpose room at 7:00 P.M. The speaker will be Earl Bott from J&L Garden and he will be speaking on planting, pruning and care of roses.
2. "Thursday March 12<sup>th</sup> will be the Senior Lunch Bunch at noon. There will be 2 speakers, Bonnie Athas and Linda Freer. They are from Davis County Health Family and Senior Service Division. Lunch will be provided.
3. "Thursday March 26<sup>th</sup> will be the next Community of Promise Meeting at 7:00 P.M."

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

After Mr. Van Hulten reviewed the scheduled items he then presented to the City Council the Volunteer Group for 2009, which he said was to be honored tonight; this group is the Woods Cross Youth City Council. He then called forward the Youth City Council in attendance at tonight's meeting, to accept a plaque from the City honoring them as the Volunteer Group of 2009. The Mayor, City Council and those present then gave them a round of applause as they do so much in the volunteer effort for the citizens of Woods Cross City.

**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 to the City Council on the activities of the district as follows:

1. "The District is currently performing some major maintenance and the raw waste water pumps need some spare parts. The quote from the manufacturer was for \$22,000. The employees asked if they could fabricate the parts and they did so for \$4,000 per pump.
2. "West Bountiful needed a representative to serve on the combined Taxing Entity Committee for their urban renewal and economic development projects. It was taken care of by resolution.
3. "Mr. Wood, of North Salt Lake, attended the February meeting to ask the District to join them in an Interlocal Cooperation Agreement. In this we would share part of the property tax with them so they can develop the gravel pit into a shopping area. The property tax is now \$7,000 per year but when completed it should go to over \$1,500,000. If the Davis School District doesn't enter into an Interlocal Agreement the project might not happen.
4. "On February 26<sup>th</sup> there was an Audit Committee with our auditors. It was discussed that there are concerns and they advised the District of new changes on how they will proceed.
5. "I spoke to the Utah Association of Special Districts representatives concerning proposed legislation that would not allow Special or Improvement Districts to be able to access mill levies. This legislation passed but did not affect Improvement Districts, of which South Davis Sewer District is one, only Service Districts. The legislators are also considering legislation that would affect impact fees."

Following the report, the Council expressed appreciation to Mr. Payne for his service for the South Davis Sewer District.

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

The floor was given to the Youth City Council Mayor, Ms. Jennifer Palmer. She came forward and reported on the Youth City Council's activities.

1. "At the monthly Youth City Council meeting plans were finalized for the Easter "Egg-stravaganza and we worked on table decorations for the June Lunch Bunch.

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

2. "We are excited for the Utah State University Youth Leadership Conference on March 12-14. There will be 23 Youth attending.
3. "Monday March 30<sup>th</sup> we will be preparing for the Easter "Egg-stravaganza which will be held on Saturday, April 11<sup>th</sup> beginning at 10:00 am at Woods Cross Elementary. We will have many activities for the children.
4. "The next YCC meeting will be on Monday, April 13<sup>th</sup>, 2009 at 4:00 pm."

Following the report by Mayor Palmer, the Mayor and City Council once again expressed their appreciation to the Youth City Council for all of their efforts on behalf of the citizens of Woods Cross City.

**CONSIDERATION TO APPROVE THE SPRING AND FALL 2009 CITY CLEAN UP DATES**

The City Council reviewed the following from the Public Works Director concerning the dates for the spring and fall 2009 City cleanup dates:

"Given to the Council is information that outlines the spring and fall cleanup periods. I have set the dates between April 4<sup>th</sup>-11<sup>th</sup>, 2009 for the spring cleanup and October 3<sup>rd</sup>-10<sup>th</sup>, 2009 for the fall cleanup periods. These times will allow us to utilize a Waste Management compactor truck for curbside material pickup. We also will have containers at the shop where people can bring debris for disposal during extended hours on these dates. With the change at the Bountiful Landfill, we will not accept green waste to be delivered at the shops from residents.

"We will continue to pick up chipping material on the curb that meets our standards on the second Monday during the months of March, May, June, July, August, September and November. Also the second Saturday of these same months the shops will be open for disposal of acceptable debris, excluding green waste from 9:00 AM to 12:00 PM."

The floor was then given to the City Administrator who recommended to the City Council that they adopt the dates as outlined by the Public Works Director.

The floor was given to Council Member Hill who motioned the City Council approve the dates as noted above for the spring and fall cleanup in Woods Cross City for the year 2009. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO APPROVE A RESOLUTION FOR A PARK USE POLICY**

The Mayor gave the floor to the City Administrator who reviewed with the City Council the proposed athletic field use within the City's parks and the Facility Agreement that would be connected with it. The review is as follows:

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

Woods Cross City athletic fields are open for general public use. Organizations, associations, groups, clubs or other groups requesting scheduled times are required to schedule the field with the City.

Requests for scheduled games and practices must be made to the City in writing. Games and practices will be scheduled subject to availability of fields during the current year.

Before a field is reserved for a scheduled use, a Facilities Use Agreement must be signed by the user of the field.

A user fee will be charged for scheduled uses according to the Woods Cross City Consolidated Fee Schedule.

All users reserving a field for a scheduled use are responsible for insuring there is adequate supervision at the field at all times.

Fields may be closed to use by Woods Cross City at any time if damage to the field surfaces are beyond normal wear and tear due to severe weather related conditions or from other reasons at the City's discretion.

Practice use on fields should rotate over all play areas to reduce wear and tear to certain areas.

Scheduled use takes precedence over all uses with the exception that Woods Cross City sanctioned and recreation program events take precedence over all other park uses.

Fields will be marked by temporary markings only.

The City reserves the right to hold open any field at any time for general public use.

Dirt infields for baseball fields will be located at Hogan Park and the two west diamonds at Mills Park.

The City will maintain the fields for general park use. Any maintenance required by the user above this will be done at the user's time and expense.

Maintenance items and equipment belonging to or used by the user will be stored in designated areas established by the City.

After the review of the preceding by the City Council as well as a review of the Facilities Use Agreement, the floor was given to Council Member Earnshaw who motioned the City Council adopt Resolution 2009-468, a resolution establishing an Athletic Field Use Policy for Woods Cross City. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT RESOLUTION 2009-469 TO AMEND THE CONSOLIDATED FEE SCHEDULE TO INCLUDE ATHLETIC FIELD USE FEES**

The floor was given to the City Administrator who explained the following to the City Council concerning the fees that would be charged for the use of the athletic fields within the parks in Woods Cross City:

“In our discussion, after meeting with each of the organizations, we came to the conclusion, because we are not going to offer an increased level of service to the organizations, we would set the fee at \$300.00 for any organization that had over 100 or more participants, and \$100.00 for those that had less than 100 participants.

“We decided not to charge a deposit and instead increase the user fees to double of what we felt was appropriate to charge for the cost of scheduling the fields. That money would be used for any wear and tear on the field. We also felt if there were abuses of the fields, we would handle that by depriving them of the use of the field rather than having a deposit that we would take funds out of.

“I recommend adoption of this fee schedule. Our plan is to review it over the upcoming year and make any adjustments we feel are necessary next year.”

Following the explanation by the City Administrator, the floor was given to Council Member Earnshaw who motioned the City Council adopt Resolution 2009-469, a resolution amending the Consolidated Fee Schedule for the City of Woods Cross to include fees for the use of the athletic fields within the park system of Woods Cross City. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT RESOLUTION 2009-470 A RESOLUTION REQUESTING THE LEGISLATURE MAINTAIN THE EXISTING CLASS C ALLOCATION FORMULA FOR ANY NEW REVENUES RAISED THROUGH AN INCREASE IN THE MOTOR FUEL TAX**

The Mayor asked the City Administrator to continue with the floor, he explained to the City Council the purpose of this resolution is that the State Legislature is contemplating an increase in the motor fuel tax but plans to keep all of the increased revenue for the use of the State of Utah for its transportation department where as in the past the motor fuel tax is split between the State keeping 75% and 25% coming to the local municipalities.

The Utah League of Cities and Towns is requesting each City adopt a resolution stating that any increase in motor fuel use tax should also be split between the State of Utah 75% and the local communities receiving 25%.

Following the explanation by the City Administrator, the floor was given to Council Member Earnshaw who motioned the City Council adopt Resolution 2009-470, a resolution encouraging

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

the Utah State Legislature to utilize the current transportation funding distribution formula for any increase to the statewide gas tax so the entire transportation network may benefit. Council Member Hadlow seconded the motion and all voted for the motion through a roll call vote.

**OPEN MEETING LAW TRAINING**

The Mayor then conducted some Open Meeting Law Training with the City Council. He noted the Open and Public Meeting Act is found in the Utah Code annotated in Chapter 4, Title 52. The purpose of the act is to ensure the state and its political subdivisions take their actions openly, conduct their deliberations openly and the public has a right to attend their meetings. He said it is important the members of the Council understand and comply with the provisions of this act.

The Mayor then conducted a question and answer period with the Council, going over 17 points of the law and getting the response from the Council as to what should be done in different circumstances within the Open Meeting Law.

**UPDATE ON THE LEGACY INTERCHANGE DEVELOPMENT IN WOODS CROSS AND ADJACENT WEST BOUNTIFUL CITIES**

The floor was given to the City Administrator who updated the City Council on the development of the interchange of Legacy Parkway and Redwood Road and 500 South as follows:

“We are proceeding on development of the Community Development Area (CDA) and should have a draft of the plan to the Council for your further review at the next meeting. Concerning the possibility of using EDC Utah, Davis County has entered into an agreement with EDC Utah and we will be having monthly meetings with the County to coordinate our development activities.

“I would like to proceed with the meetings with the County to see how this works, if we feel this is not meeting our needs, and then we will look at entering into our own agreement with EDC Utah.

“During the Redevelopment Agency meeting I have the adoption of an agreement with Jason Burningham from Lewis, Young, Robertson and Burningham on the agenda, in which he would provides us assistance with the economic portion of the CDA which will include working with potential businesses coming into the area.

“The Mayor and I met with Mayor Behunin and Craig Howe from West Bountiful and they proposed working jointly on development of the Legacy Interchange area. We will be putting together some possible revenue sharing proposals in regards to the Smith property. We will keep you posted as we proceed through this process.”

**UPDATE ON THE WEBER BASIN WATER PROJECT**

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

The floor was given to Council Member Hill who asked the City Staff when the Weber Basin Water will be done digging in the roadways in Woods Cross City and noting the construction work just east of Interstate 15 on 1500 South. The hole there has been open for a number of months and is a hazard to the youth who walk by going to and from Woods Cross High School.

The City Administrator then provided the following outline as received from the contractor for Weber Basin Water as to when the project would be completed.

“Here is a quick update on our progress for the Weber Basin South Davis Secondary Waterline Project:”

- Main line water should be complete by the 6<sup>th</sup> of March
- We are pushing to have the PRV (Pressure Reducing Valve) by the freeway restored by the 13<sup>th</sup>; we are still working on some change order items requested by Weber Basin. This date should bring us to have all of the curb, gutter and sidewalk restored to its original condition
- Electrical items should be completed by the 13<sup>th</sup>
- Miscellaneous Tie-ins we are pushing to have completed by the 16<sup>th</sup>
- We are planning on the majority of the remaining paving to be completed by the 18<sup>th</sup> of March
- With all of our clean-up (weather pending) to be complete by the end of March

**DISCUSSION ON THE MEMORIAL DAY CELEBRATION**

The floor was given to Council Member Earnshaw who updated the Council on the plans as they are going forward for the Memorial Day Celebration. He noted Mr. Mike Neilson, the City Attorney, along with his brothers will be entertaining at the park during the event and their singing will begin about 9:30 A.M. and go for about 45 minutes as part of the breakfast.

Next there will be entertainment from Woods Cross High School and their entertainment will begin right after the flag ceremony and they will be either providing singing or music from their jazz band.

He said he is still working on the keynote speaker for the event and he asked the Staff if they would line up the climbing wall to be used at the park for the event from 9:00 A.M. to 1:00 P.M.

This concluded his report.

**OPEN SESSION**

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



**OFFICAL MINUTES**  
**WOODS CROSS CITY COUNCIL MEETING**  
**MARCH 3, 2009**  
**PAGE 9**

The floor was given to Mr. Charles L. Payne, a City resident. He asked the City Council where the park would be located that is going to be built jointly with North Salt Lake. It was noted the park will be on 2600 South which is 1100 North in North Salt Lake and it will be just behind the South Bountiful Auto Wrecking facility. He noted in this area the Sewer District has a pumping station and most of the facility is underground or fenced in and should not be a problem.

The floor was then given to Council Member Hill who asked the City Staff that in light of the recent Supreme Court ruling which allowed Pleasant Grove City here in Utah to have the Ten Commandments posted in their City park, would this change in the law allow Woods Cross City to have the Scout Monument that is being constructed be placed in the City park.

The response by the City Administrator was to the positive and he said he would be looking into this matter with the City Attorney.

The floor was then given to Council Member Evans who cited a letter that an employee had received from another city complimenting the employee for the work they had done for that city. She suggested the City and Staff might like to consider letters of commendation given to the City employees for the outstanding work they do. She also noted that her daughter did a school project at Washington Elementary School on "I have a Dream" and in this project she stated the need for housing for homeless. She brought up the point that the children around us are aware of the problem here in southern Davis County and she hoped the City Council would give consideration in allowing the construction of homeless housing here in the City.

The floor was then given to Council Member Earnshaw who then asked the Staff what is being done to look into the cost of removing the wall that separates the multi-purpose room and the Council room and placing an accordion wall there so the room could be opened into one large room and thus could be used by the senior citizens for their monthly meeting as well as activities in the City. The City Administrator has asked the City Engineer to look into the matter and provide a cost estimate.

This concluded the open session.

**MAYOR'S REPORT**

The Mayor reported he had nothing additional to go over with the City Council.

**PLANNING COMMISSION REPORT**

The floor was given to the Mayor who reported on the Planning Commission meeting held February 24<sup>th</sup>, 2009. Please see the minutes of that meeting for the details of his report.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported to the Council on the following:

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

**1. RAP Tax**

“My plans were to have a discussion on the RAP Tax at this Council meeting, but because of other items I have been working on, I have not been able to get the information together that is necessary. I plan on having this on the agenda for the next meeting.”

**ADJOURNMENT**

At 7:50 PM the City Council concluded the City Council Meeting with a motion by Council Member Hadlow to adjourn. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

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Kent Parry, Mayor

Alan T. Low, Recorder