

**WOODS CROSS CITY COUNCIL MEETING
SEPTEMBER 4, 2007**

The minutes of the Woods Cross City Council Meeting held September 4, 2007 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

Jon Hadlow

Donald D. Moore, Jr.

COUNCIL MEMBERS EXCUSED:

Jennifer Decker

STAFF PRESENT:

Gary Uresk, City Administrator

Alan Low, City Recorder

Scott Anderson, Public Works Director

Maureen Nelson, City Treasurer

VISITORS:

Pat Blackley

Jill Evans

Lois Schrader

Chad Curvin

Wayne Hinckley

Steffanie Holdstock

LeGrande Blackley

Charles Payne

AL Jewell

Troy Bowman

David Hill

Chris Gamvroulas

Leendant Van Hulten

Don Schrader

Gary Sharp

Vicki Hinckley

Kelson Bushey

Karen Painter

INVOCATION:

Kent Parry

PLEDGE OF ALLEGIANCE:

Don Moore

APPROVAL OF MINUTES

The Council reviewed the minutes of the City Council Meeting held August 7, 2007. After the review, Council Member Earnshaw motioned the minutes be approve as written with Council Member Hadlow seconding the motion and all voted for the motion.

APPROVAL OF CASH DISBURSEMENTS

The floor was given to the City Recorder who reviewed the cash disbursements for tonight's meeting with the City Council. After the Council's review, Council Member Dayley made a

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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 Mayor gave the floor to two city residents, Mr. Troy Bowman and Mr. Chad Corbin. Both talked to the City Council concerning the possibility of having the City be part of the UTOPIA fiber optic system.

The Mayor advised them that he was having representatives from UTOPIA come to City Council meeting on September 18th and invited them back to that meeting for further discussion.

The floor was given to Ms. Vicki Hinckley, a City resident, who asked about the display case in the foyer of City Hall. She noted this display case contained artifacts and mementoes from the 2002 Winter Olympic Games and she asked if now some other items could be displayed in the case for the residents as they come and go from City Hall.

The Council discussed the matter and said they would like some of these items from the 2002 games to stay in the display case, but perhaps two shelves could be provided for other things such as awards and other items from the Youth City Council and other City activities.

Ms. Hinckley said she would look into perhaps having the Youth City Council put some of their items in the display case.

The floor was given to Council Member Dayley who thanked the City Staff for updating the City's website and the pictures of the City that appear there plus other improvements to the City's web page.

There were no other items for the brief open session.

REPORT FROM THE COMMUNITY OF PROMISE

The Mayor gave the floor to Mr. Lynn Van Hulten the City's chairman on the Community of Promise committee. He reported on the activities of the Community of Promise as follows:

1. He reported that the Mayor's Beautification Awards had been handed out last month along with the Garden Walk which was sponsored by the Woods Cross Gardening Club.
2. The Welcome Baby Program will start up on September 6th at the City Hall at 7:00 P.M. The event will be entitled "Getting to Know You". He reported this activity is for all expectant mothers as well as first time mothers.

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3. He reported that on September 11th, the Garden Club would be holding their meeting at the City Hall at 7:00 P.M. and they would have a representative from Weber Basin Water Conservancy District to discuss how to properly water the parking strip between the sidewalk and the street.
4. On September 13th the Senior Citizens' Lunch Bunch will meet at 12:00 noon at City Hall and the topic will be "All About You, II" and he invited all seniors in the city to be part of this activity.
5. On September 20th, the Emergency Preparedness Committee will sponsor a meeting for all city residents starting at 7:00 P.M. at City Hall. The speaker will be Mr. Ron Glesson from Homeland Security and he will discuss Pandemic Flu emergencies.

This concluded his report.

The Mayor and the City Council thanked Mr. Van Hulten for his leadership of the Community of Promise for the activities that they sponsor for Woods Cross City and its citizens.

REPORT FROM THE SOUTH DAVIS SEWER DISTRICT

The floor was given to Mr. Charles L. Payne, the City's representative on the South Davis Sewer District Board of Directors. He advised the Council that he had nothing to report concerning the district at tonight's meeting.

REPORT FROM THE YOUTH CITY COUNCIL

The floor was given to Ms. Vicki Hinckley, who serves as the advisor to the Youth City Council. She reported on the activities of the Youth City Council. She said they are putting together the Council for the year 2007-2008 and there has not been a Youth City Council Mayor appointed so she would give tonight's report. She reported on the following items.

1. The End of Year Activity was held on August 13th. Youth Council members were presented with certificates for their service on the Youth Council for the 2006-2007 year. Many members turned in service hours for the President's Volunteer Service Award.
2. The first meeting of the 2007-2008 Youth Council year will be on Monday, September 10, 2007 at 4:00 P.M. They anticipate 30-40 Youth Council members. Applications will be accepted up to Monday's meeting.
3. The first service activity will be helping with the set-up and games for the DUP Museum Day at Hogan Park on Saturday, September 15th.
4. The October meeting will be on Monday, October 1st, 2007 at 4:00 P.M.

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CONSIDERATION TO GRANT FINAL ACCEPTANCE FOR AA SUMMIT SUBDIVISION

The floor was given to the Public Works Director who reported to the City Council that the AA Summit Subdivision had been accepted by the Public Works Department. This is a subdivision located at 1180 South 1800 West. He recommended that the City Council accept the subdivision and release the bonding that is being held.

The floor was given to Council Member Earnshaw who motioned that the Council grant final acceptance to the AA Summit Subdivision with Council Member Dayley seconding the motion and all voted for the motion.

CONSIDERATION TO AWARD BID ON THE 800 WEST RE-SURFACING PROJECT IN FRONT OF THE COMPLETED COMMUTER RAILWAY STATION

The City Council reviewed the following from the City Administration:

“Our summer street project this summer will be the repaving of 800 West in front of the Commuter Rail Station around the turn on to 700 South. A portion of the street will be paved in concrete to save it from being rutted by the busses as they turn into the station area. The project includes stamped, colored concrete at the north station entrance to set off the area and tie into the plaza that will be constructed next to the station. Given to the Council is a drawing of the proposed project.

“Also given to the Council is a bid tabulation for the project showing the engineers’ estimate of \$331,202.00 with the low bid being M.C. Green and Sons at \$285,379.50 and the high bid from Geneva Rock Products of \$290,522.50. We are pleased that the bid came in lower than the engineers’ estimate which shows that the price increases have slowed down somewhat.

“I recommend awarding the bid to M.C. Green and Sons for \$285,379.50.”

Following the outline by the City Administrator, the floor was given to the Public Works Director who advised the City Council that the project would be completed sometime towards the end of October and that while the work is being done, 800 West will be closed to through traffic. Lanes will be kept open for local traffic so that residents can get to their homes.

Following the discussion, the floor was given to Council Member Hadlow who motioned that the City Council award the bid for the re-surfacing of 800 West in front of the new railway station to the low bidder, M. C. Green and Sons for \$285,379.50. Council Member Earnshaw seconded the motion and all voted for the motion.

CONSIDERATION TO APPROVE THE PURCHASE OF A SELF-PROPELLED WEED SPRAYER FOR THE PARKS DEPARTMENT

The City Administrator outlined the following for the City Council concerning this item:

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“The Parks Superintendent has an opportunity to buy a self-propelled weed sprayer for \$2,500 from the Logan Country Club. He feels that having this sprayer will help facilitate the spraying of the weeds in the park. We have not budgeted this item in the Park’s budget; however, the Public Works Director is willing to adjust some of the other equipment purchases to purchase this item. Since it is not included in the budget, we felt it necessary to get Council approval on the purchase.”

After the outline by the City Administrator, the floor was given to the Public Works Director who noted that by having this sprayer it will allow the park workers to spray closer around the trees in the park without harming them, as well as, doing spraying early in the mornings when the parks are not in use.

The floor was then given to Council Member Moore who motioned that the City Council approve the purchase of the self propelled weed sprayer as outlined by the City Administrator and Public Works Director. Council Member Earnshaw seconded the motion and all voted for the motion.

(Please note: at this point in the meeting, there was a power bump because of an electrical storm and the recording device recording the City Council meeting stopped and all of the items were lost from the recorder to this point in the meeting. The recording of tonight’s meeting will then have the items from this point forward).

REQUEST BY IVORY HOMES FOR A 90 DAY DELAY IN THE INCREASE IN IMPACT FEES APPROVED BY THE CITY COUNCIL ON JULY 19TH 2007

The Mayor gave the floor to the City Administrator who discussed the following:

“Mr. Chris Gamvroulas from Ivory Homes has requested we delay the impact fee increases approved on June 19, 2007 for 90-days. The reason he is making this request is they have pre-sold a number of homes with the old impact fee price and have not calculated the increases into the price of the homes and feels this places an undue burden upon them. He indicated other cities have been willing to delay the increase in the fees to accommodate their concern.

“The Utah League of Cities and Towns has made us aware the developers will be promoting a bill in the next legislative session that will require a 90-day delay in the increase in impact fees.

“The impact fees were increased on June 19th and we did not charge the new fee until the 31st of July which was a delay of about 40 days. From the 31st of July to the 27th of August we have issued 19 permits with the total amount of the fee increase being \$32,775.00. The 90-days that Mr. Gamvroulas is requesting would delay the fee increase until September 18th which could conceivably increase the lost amount of revenue from \$32,775 to upwards of \$50,000 depending on the number of permits we issue between now and September 18th.

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“Shown below is a spreadsheet showing the old and new fees with the total increase being \$1,725. The largest portion of this is a \$1,193 increase in the Parks’ Impact fees which is due to an increase in planned park acreage in the City. The Water and Storm Water fee increases of \$329 and \$203 respectively, were largely a function of inflationary increases.

“I recommend the Council grant the 90-day delay on the Park Impact Fee since it is a considerable increase. I recommend we set September 1st as the date the new Water and Storm Water Impact Fees increase. That would give Ivory Homes about 70 days from the date of adoption which I think is fair for those two fees.

“In the future as we are looking at adjusting impact fees, I recommend we send direct notices to the builders that have been building in the City that we are doing an impact fee study so they are put on notice that the fees may adjust upward and they can plan accordingly.”

**Woods Cross City
Impact Fee Comparison
Old Fee vs. New Fee**

Impact Fees	Old	New	Difference
Park	\$1,357	\$2,550	\$1,193
Water	\$1,794	\$2,123	\$329
Storm Water	\$884	\$1,087	\$203
Total			\$1,725

Permits Issued Since July 31st=19

Revenues due to Fee Increase

Park	\$22,667
Water	\$6,251
Storm Water	\$3,857
Total	\$32,775

Following the revue by the City Administrator, the Mayor gave the floor to Mr. Chris Gamvroulas, representing Ivory Homes. He reviewed with the City Council that there would be legislation presented to the State Legislation on Impact Fees that would allow a 90-day period after the Impact Fee was passed before it becomes effective. He said that he could support the

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proposal at tonight's meeting presented by the City Administrator, however, he would like to have the Park Impact Fee and Water Impact Fee become effective September 18th and the Storm Drain Fee to become effective September 1st.

The floor was given to Council Member Dayley who said that she would recommend to the City Council that the fees go into effect as they were passed in the impact fees resolution.

She said it was up to the developers to be in tune to the changes in the City fee structure and to forward those costs on to those they sell their homes to in their subdivisions.

The floor was given to the City Administrator that noted that there was no notice given to the builders the City was contemplating raising the impact fees. He felt that in fairness to them that the date should be adjusted as proposed.

Council Member Dayley felt that the contracts had been signed by Ivory Homes to sell homes to various customers should be reviewed by the dates that they were signed and then the fees be adjusted by those dates of the signing.

Mr. Gamvroulas said this would be difficult to do since reviewing the contracts would be a time consuming process.

The City Administrator noted that the City will do a better job of notifying the developers within the City limits when impact fees are going to be raised in the future.

The floor was then given to Council Member Earnshaw who motioned that the City Council make the impact fees effective for Ivory Homes as follows:

The Storm Drain Fee would be effective August 31st and the Parks and Water Impact Fees would be effective September 18th.

Council Member Moore seconded the motion and all voted for the motion except Council Member Dayley who voted opposed. The motion carried by a vote of 3 to 1.

DISCUSSION ON APPLICATION FOR FUNDING FROM THE DRINKING WATER BOARD FOR FUTURE WATER PROJECTS WITHIN WOODS CROSS CITY

The floor was given to the City Administrator who re-reviewed the following information that was given to the City Council at the last City Council meeting:

“We have submitted an application to the Utah Drinking Water Board for a \$5 million dollar bond to build the water storage tank on 1500 South, construct the new well in the western part of the City and to upgrade the distribution lines on 500 South prior to the starting of the UDOT 500 South project. The annual payment the City makes on the current outstanding bond is \$120,000 annually with the bond being retired in 2010. I anticipate the annual payment on the \$5 million

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dollar bond, at a 4% interest rate, at \$368,000 annually. We may get a lower interest rate, so the numbers I am using should represent a worst case scenario. I am anticipating \$80,000 of impact fees will be used annually to help retire this debt and we will structure the bond so that the payments on the \$5 million dollar bond will not start until after 2010 so we can apply the current \$120,000 for debt reduction on this bond. That will leave us with \$168,000 that will need to be raised through an increase in user fees. This is a 31% increase in our user fee revenue which will be a \$2.80 monthly increase for residential users. This will raise our minimum water fee from \$9.00 to \$11.80. I will, over the next few months, refine this more, but I anticipate around a \$3.00 increase in water rates to cover this bond. There is a possibility the Drinking Water Board may request us to raise our rates above \$12.00 a month, close to the \$14.00 range. In comparison, Centerville City charges \$12.75 a month, North Salt Lake charges \$14.40 a month, and West Bountiful charges \$14.68 a month for their water. Bountiful is the lowest as \$7.15 a month. However, Bountiful is an older city with lower fixed costs. Even with the increase of the rate to \$12.00 a month, we will still have a lower rate than Centerville, North Salt Lake or West Bountiful. This water rate increase needs to be factored in with the other issues that are being discussed; the recycling program, the RAP tax and the sales tax increase for transportation. I will keep you updated where we are in the process.”

Following the review by the City Administrator, he asked the City Council to be thinking about the need to increase the water rates for the citizens of Woods Cross City in the near future. He said that the Water Board may indeed ask that these rates be increased in order to cover the debt service on the loan which the city has requested. He said he would keep the Council updated as discussions with the Utah Drinking Water Board go forward.

CURBSIDE RECYCLE UPDATE

The floor was given to the City Administrator who advised the City Council that the Wasatch Integrated Waste District is working with Waste Management Systems of Utah in preparing a contract for the City for review by the City Council for consideration to set up curbside recycling at some point in the future within the City limits.

MOSQUITO ABATEMENT DISTRICT UPDATE

The floor was given to Council Member Moore who is the representative on the Board of Directors of the South Davis Mosquito Abatement District. He noted to the Council he had nothing to update them on from the district.

OPEN SESSION

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

The floor was given to Ms. Jill Evans, a City resident. She asked the City Council if other bids were being sought from other garbage haulers for the recycling program within the City.

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The City Administrator replied that Wasatch Integrated Waste District is doing the negotiations for the contract and they are under the same requirements as the City so he thought they would indeed be getting more than one bid for the service.

Ms. Evans continued with the floor and recommended to the City Council that this item be placed on the ballot for the City residents to vote on. The Mayor noted that because of the time needed to get it on the ballot, it would not be possible for this fall's City elections but could be held in two years if it were necessary.

There were no other items for the open session.

MAYOR'S REPORT

The Mayor reported to the City Council that he had reviewed with Bountiful City and Salt Lake City, what their laws were concerning the use of bow and arrows within the City limits of their Cities. He noted that both Cities prohibit the use of bow and arrows within City limits. He noted that the City's Police Chief would be reporting on the same item at the September 18th City Council meeting.

He had no other items to report.

PLANNING COMMISSION REPORT

The floor was given to Council Member Hadlow who reported on the Planning Commission meeting held August 28, 2007. Please see the minutes of that meeting for the details of his report.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported on the following to the City Council:

1. City Summer Party

“Just a reminder of the City Summer Party that is scheduled for Friday, September 7th at 6:00 P.M.”

2. North Salt Lake Wall Issue & Foreland Industry

“Since we did not have time to discuss the items in the City Administrator's Report in the last meeting, I would like to discuss the North Salt Lake wall issue and the Foreland Industry odor and noise complaint”.

a. North Salt Lake Wall Issue

“As you recall, a number of months ago we had North Salt Lake raise concerns about the need to build a 10' wall adjacent to the existing 10' wall installed by J.C. Wheelright and Frank Branch. At that time the Council

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instructed staff to meet with the parties involved and come to some solution to the problem. I have met with Sally Wheelright and North Salt Lake City concerning the issues. I have not yet had an opportunity to meet with Frank Branch. Sally is mainly concerned about security of their property with the ball fields going in next to her property as well as protection from the new residential neighbors putting pressure on them to relocate.

“The existing agreement between Woods Cross and North Salt Lake requires the new owners to sign disclosures that they are aware they are locating next to an industrial business that has operations that may at time be somewhat disruptive. I think we have adequately addressed this concern in the existing agreement. We will need to make sure the disclosures are signed by all new residents in the area.

1. “A double 10’ wall along the property boundary would serve no purpose and the money expended on it would be better spent by North Salt Lake in improving the park.
2. “North Salt Lake should not be responsible for paying part of the cost of the existing walls. Requiring such would set a very dangerous precedent which we do not want to set.
3. “North Salt Lake needs to be responsible for maintaining the existing walls installed by Wheelright and Branch and should be responsible for repairing any damages done to the North side of the wall.
4. “Any tree plantings need to be sufficiently far enough away from the wall to ensure that it does not allow individuals to use the trees to scale the wall.
5. “If there are any additional measures that can be done by North Salt Lake to more adequately provide security for the Branch and Wheelright property, Woods Cross City should entertain those proposals and discuss them with North Salt Lake. If the proposals are reasonable the agreement should be amended to remove the request for the redundant 10’ wall in this area and incorporate the proposal requirements in its stead.

“I would like to discuss these concepts with you briefly and if the Council is in concurrence I will meet with the parties involved and see if we can come to some type of resolution of this issue.

“The City Council concurred with the recommendations of the City Administrator and asked him to go forward to meet with the parties and try to come to some conclusion to this problem.”

b. Foreland Industry Odor and Noise Complaint

“Given to the Council is an email that was received from Randy Farnsworth who has complained about the noise and odor of Foreland Refinery. In response to this email the Mayor and I have met with both Jesse and Jake McSwain, managers of this facility as well as Randy Farnsworth. It appears the Randy’s email was sparked by an early morning incident of noise coming from this facility that woke him up. After reviewing the situation with Jesse and Jake we are of the conclusion an employee from Foreland most likely left the door to the blower open which greatly increased the noise from the facility to the adjacent neighborhood. We had them run the blower and spot checked areas of the adjacent neighborhood in which the sound was not as loud as Randy suggested in his email. In fact, with the door closed, the noise in Randy’s immediate neighborhood is hardly discernable. With this in mind, the solution to the noise issue is that Foreland needs to insure the blower door is closed at all times during operation.

“The odor issue is a function of having the metal roll-up doors open when they are in operation, allowing the odor to escape into the neighborhood. I propose we monitor Foreland when they do their blowing operation and if the doors are open then monitor the neighborhood to see if the odor is coming into the neighborhood. If it is, Foreland needs to be asked to change their operation by closing the doors and eliminating the odors escaping into the neighborhood.

Foreland has a conditional use permit to operate on that site; however, their attorney has argued they actually are not required to have a conditional use permit and that the conditions that we have upon them are unreasonable. That has not been contested in court, but surely would be if we pushed the issue. The second argument they have made is that we are unable to scientifically pin down where the odor is actually coming from. They have actually hired an expert in this area to address any of the complaints that we have made against the facility. I believe we can fairly accurately pinpoint the cause of the odor to their facility and will work toward that end. However, I would like to pursue cooperation with Foreland to see if we can resolve the majority of these concerns amicably and in a non-threatening way. If the Council feels we need to move further with Foreland, then I will proceed as directed.”

The City Council concurred with the recommendations by the City Administrator and asked him to go forward as outlined above.

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ADJOURNMENT

At 8:00 P.M. the Council concluded the City Council meeting with a motion by Council Member Moore to adjourn. Council Member Earnshaw seconded the motion and all voted for the motion.

Kent Parry, Mayor

Alan T. Low, Recorder