

**WOODS CROSS CITY COUNCIL MEETING
JANUARY 20, 2009**

The minutes of the Woods Cross City Council Meeting held January 20, 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

Jon Hadlow
David C. Hill
Jill Evans

STAFF PRESENT:

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

VISITORS:

Antone Clark
Leo Beecher
A.H. Jewell
Daniel Jerome
Tom Kee
Andrew Wilde
Lee Workman
Pat Blackley

Don Schrader
Joe Dougherty
Rob Franklin
Andrew Copeland
Cannon Nicholls
Melinda Williams
Bob Williams
LeGrande Blackley

Lois Schrader
Paul Howard
Matt Terry
Connor Mckee
Cole Cook
Trent Johnson
Jim Rampton

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 City Council reviewed the minutes of the City Council Meeting held January 6, 2009. After the review, Council Member Evans motioned the minutes be approved as corrected with Council Member Earnshaw seconding the motion and all voted for the motion through a roll call vote.

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APPROVAL OF FINANCIAL REPORT

The floor was given to the City Recorder who reviewed with the City Council the City's Financial Report for the period ending December 31, 2008. The Council reviewed the City's cash position, sales and use tax report, the transient room tax report, report of the impact fees collected for the South Davis Metro Fire Agency and an executive summary of the City's funds comparing revenues and expenditures to the budget.

After the Council's review, Council Member Earnshaw made a motion to approve the City's Financial Report as presented with Council Member Hadlow seconding the motion and all voted for the motion through a roll call vote.

APPROVAL OF CASH DISBURSEMENTS

The City Recorder continued with the floor and reviewed with the City Council the Cash Disbursements Listing for tonight's meeting. After the review, Council Member Dayley made a motion to approve the City's Cash Disbursement Listing with Council Member Evans 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 they would like to bring before the City Council. This would be items that would take less than two or three minutes.

There were no items from the public present and the floor was given to Council Member Hadlow who asked the City Staff if they would give the City Council an update on the construction progress by Weber Basin Water who is installing new irrigation lines down 1500 South and along 1100 West.

The Staff reported the construction work on 1500 South is near completion, as well as, the junction box just east of the freeway overpass on 1500 South. They noted 1100 West going south from 1500 South would be closed to all traffic and that a detour route would be provided. This will allow them to do the digging and pipeline on 1100 West in a more efficient manner to complete their work so the road can be open to through traffic.

There were no other items for the open session.

**CONSIDERATION TO ACCEPT AN ANNEXATION PETITION OF .79 ACRES
OF PROPERTY LOCATED AT APPROXIMATELY 1200 SOUTH 1900 WEST
BY IVORY DEVELOPMENT**

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The floor was given to the Community Development Director who outlined the following for the City Council:

“Ivory Homes has discovered their surveyor left 17 feet out of the north end of the recently approved annexation west of Redwood Road. As such, their soon-to-be proposed townhome project, in addition to the proposed LDS Chapel, will not fit within the previously annexed area.

“Given to the Council is the petition from Ivory Homes requesting that an additional 17 feet along the entire north boundary of their previous annexation be annexed to the City. The Council is being asked to accept the petition after which the Staff will certify the petition before returning to the City Council for further action on this matter.”

Following the outline by the Community Development Director, the floor was given to the City Administrator who recommended to the City Council, acceptance of the petition and the Staff would begin work on certifying the annexation and bring it back to the City Council.

The floor was then given to Council Member Earnshaw who motioned the City Council accept the petition from Ivory Development to annex into the City .79 acres of property located at approximately 1200 West 1900 South. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT

The Mayor gave the floor to Council Member Evans who represents the City on the Board of Directors of the Davis Mosquito Abatement District. Council Member Evans reported on the following:

1. She said the Mosquito Abatement District had received 3 bids to do the aerial spraying for the District in the future and the bid was awarded to Thomas Helicopters who will be using a regular airplane to do the spraying of the mosquito areas within the abatement district. She noted they would be housing the airplane at the Ogden Airport near where the district stores their chemical sprays.
2. She said the public education concerning mosquitoes is moving ahead and the district is making plans this year to visit 57 public schools and 5 charter schools with educational seminars.
3. She reviewed the training which the board had received concerning mosquitoes at their last board meeting.

This concluded her report.

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REPORT FROM THE SOUTH DAVIS RECREATION DISTRICT

The Mayor reported to the City Council on the activities of the South Davis Recreation District where he represents the City on the Board of Directors. He reported on the following items:

1. He reported the new Chairman of the Board for 2009 would be Commissioner Millburn who represents Davis County and the Vice Chairman would be Mayor Ron Russell from Centerville.
2. He noted for 2008, the Recreation District has shown increased use by the citizens in the district, as well as an increase in the yearly passes that were sold by the recreation facility. He said the Recreation District personnel are watching the economy closely to see what affect it might have on the use of the facility located in Bountiful.
3. He noted revenues were over budget and expenditures were under budget for the 2008 year, this has created a surplus for the Recreation District and they are giving consideration to purchasing other recreational facilities throughout the district area such as ball fields or other facilities. He said they are moving cautiously in this expansion wanting to keep funds available to keep the current facility in top-notch working order.

This concluded his report.

REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY

The Mayor continued with the floor and reported on the activities of the South Davis Metro Fire Agency where he serves on the Board of Directors. He reported on the following items:

1. He noted this past week that he and the City Administrator had met with the South Davis Metro Fire Agency Fire Chief and discussed the recent fire at Silver Eagle Refinery which is located in Woods Cross. He said the discussion on this topic would be had later in the evening.
2. He noted their last board meeting was brief because of the emergency at Silver Eagle which came in about 15 minutes into their meeting and the meeting was suspended so the Fire Chief could leave to oversee the work at the fire that occurred at Silver Eagle.
3. He noted he would be the Chairman of the Board of Directors for the Fire Agency for 2009 and that Commissioner Millburn would serve as Vice Chair and Mayor Joe Johnson from Bountiful would serve as secretary.
4. He noted in February the new station, which is just being completed in North Salt Lake, would be open for use.

This concluded his report.

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**A PUBLIC HEARING TO CONSIDER AMENDING THE FISCAL YEAR 2009
BUDGET FOR ALL CITY FUNDS**

The Mayor gave the floor to the City Administrator who serves as the City's Budget Officer and he reviewed with the City Council the following recommended adjustments to the Fiscal Year 2009 Budget:

"Given to the Council are the budget adjustment sheets. I am proposing a reduction in the General Fund budget of \$243,300 which is a 7% reduction. The reduction in revenues comes largely from the sales tax, building permit fees and plan check fees. I view this as the first cut and will continue to monitor the sales tax receipts, as well as the building permit and plan check fee revenues to see if additional cuts need to be made prior to the end of the year. These cuts will not seriously affect our ability to provide services to the public. I have cut the remaining capital items, a police car and a mower in the parks department. I will review the budget again during the first of February and if needed, I will make another round of cuts. I want to commend the department heads for their willingness to review their budgets and make the needed cuts.

"In the Class C Road Fund, because we had payments for the 800 West project and the 525 West project in the same year, we had an overage of \$236,000 in our street improvements budget. Funds need to be transferred from the capital improvement development fund to cover this overage. The reason we had two projects together is with the moving of Menlove, we pushed up the 525 West project to get it completed prior to Wes moving back into his facility.

"The Capital Improvement Fund shows an increase of \$236,000 in transfers out reflecting the transfer to the Class C Fund.

"I have not made any adjustments in any of the other enterprise funds since there is no need for major adjustments at this time.

"I recommend adoption of the adjustments as shown on the budget adjustment sheets."

Following the review by the City Administrator, the Mayor then opened the meeting for a public hearing on this matter.

There were no public comments and the Mayor closed the public hearing.

The floor was then given to Council Member Earnshaw who stated he wanted to commend the City's Budget Officer and the department heads for trimming their budgets so the City could work within the revenues received by the City. He motioned the City Council adopt Resolution 2009-465, a resolution amending the Fiscal Year 2009 budget

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for all City funds. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT RESOLUTION 2009-466 A RESOLUTION
ADOPTING FISCAL YEAR 2010 CAPITAL IMPROVEMENT PLAN**

Continuing with the floor, the City Administrator, who serves as the City's Budget Officer, reviewed the following proposed Capital Improvement Plan for the period of 2010 through 2014:

"Given to the Council is a copy of the FY 2010 Five Year Capital Improvement Plan. You will notice on Table 2 there are a lot of items not being funded this year because of the slowdown in the economy and decrease in City revenues. One area that is being funded is the car and equipment for the additional officer. The hiring of Officer Lundquist to fill in for Officer Matthews while he is on military leave will necessitate purchasing this equipment when Jason returns in September of next year. Whether or not the City maintains the additional officer will be decided in the upcoming budget discussions. I am showing these items in the Capital Improvement Plan since it is my intent to do all we can to keep the additional officer on staff.

"I am also showing the purchase of the property for the new shop. My plan is to purchase the property for the shop this year or the beginning of the next fiscal year. The actual construction of the shop may have to wait until the revenue picture improves.

"You will note I am showing item #11 Street Projects as possibly funded. One way that we can mitigate the shortfall in the General Fund is to reallocate a portion of our Class C Fund expenditures into the Street Department. Traditionally, Woods Cross City has allocated all of its Class C Funding for street construction and maintenance. In the past none of the Class C Funding has been used for any other operational costs which are eligible under the Class C regulations. As we prepare the budget, I may recommend we divert these Class C funds into the Street Department to help alleviate some of the stress in other areas of the budget.

"Table Eleven is the starting of the Water Fund which shows a total of \$172,000 in improvements for the Water Department. A big portion of this is a PRV located on 2600 South that needs to be put in to update our pressure system with the building of the industrial subdivision in that area. I am recommending funding all of the items with the exception of the truck replacement which can be deferred.

"In the Storm Sewer Fund starting on Table 16, we are showing a number of needs, particularly the 500 South A-2 drain improvements tied in with the 500 South UDOT project. It is clear from the need for projects through FY 14 that our current revenue flow from impact and storm drain fees is not adequate to get the job done. As soon as the

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economy improves I would suggest we seriously look at increasing our storm water fee from \$1.00 up to the \$3.00 or \$4.00 that it was originally recommended so we can move ahead with some of these projects.

“This plan is intended to be a guideline to help the Council as we move into the budgeting process to help us identify and budget for Capital Improvements. This plan does not commit the City Council to funding any of the items listed; it is more of a guideline to help you in your further planning and budgeting process.

“I recommend approval of the Capital Improvement Plan as drafted.”

Prior to the vote on this item on the agenda, Council Member Earnshaw was excused to represent the City at the Elks annual dinner where they recognize a Citizen of the Year as well as a Police Officer of the Year from each of the South Davis County Cities.

After the review by the City Administrator, the floor was given to Council Member Dayley who motioned the City Council adopt Resolution 2009-466, a resolution adopting the Fiscal Year 2010 Capital Improvement Plan for Woods Cross City. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

DISCUSSION ON SILVER EAGLE REFINERY FIRE

The floor was first given to the City Administrator who outlined the following for the City Council:

“In the aftermath of the fire at Silver Eagle Refinery Monday, January 19, 2008, I believe there are three main areas of focus that need to be discussed.”

1. The emergency response to the incident itself. There is no question the immediate response to the situation was well handled by the Police, Fire, and Public Works departments. However, there needs to be some review of the evacuation procedures and the level of communications. There will be a major debriefing with the Fire Department to discuss the things that went well and the things that need improvement. Any input from the City Council would be appreciated in helping us in our response to future emergencies.
2. The news media raised the issue of the proximity of the homes to the refinery. When Morningside Estates subdivision was proposed in 2001, there was considerable discussion about the proximity of the homes to the refinery. As part of this discussion we requested the developer provide a study justifying his request to build homes in this area. Psomas Engineering provided a very detailed report listing what was located within the refinery, what was required by code and the separation distances required. After a thorough review of this report, we felt

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comfortable in approving the Morningside Estates subdivision as it is currently developed.

3. The third area is the future of Silver Eagle. The refinery has been plagued with fires, which is very concerning to the City, as well as the residents. We need to discuss the City's involvement in reviewing the future of the refinery and what can be done at the refinery to provide more assurance that these incidents do not continue in the future. The City does not have direct regulatory authority concerning safety and improvements at the facility but we will be working with the regulatory agencies as much as they will let us. I would welcome any input from the Council on this issue.

Following the outline by the City Administrator, considerable discussion by the City Council, the Mayor and citizens present, as well as the Fire Chief for the South Davis Metro Fire Agency, Chief Jim Rampton, ensued.

The topics of discussion covered as follows:

1. The safety of Silver Eagle Refinery.
2. The notification of the citizens of Woods Cross concerning this emergency.
3. The handling of the fire by the South Davis Metro Fire Agency which was deemed to be excellent.
4. The assistance by the Woods Cross Police Department as well as the Woods Cross Public Works Department, which was excellent.

It was determined there needed to be better coordination among the Council and these departments within the City when an emergency has occurred. The possibility of the five Cities located in South Davis County, getting together to hire an individual who works as an Emergency Services Manager for all communities in South Davis County was discussed. It was also discussed that City Staff could act in the short term as the focal point notifying all who need to be notified of the emergency.

The Mayor said he would discuss with the other Mayors in South Davis County the possibility of having an Emergency Services Manager.

At this point in the meeting, Council Member Earnshaw re-entered the meeting.

OPEN SESSION

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

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The floor was given to City resident, Mr. Grant Blackley who noted for the City Council that he had been honored at the Elks dinner this evening as the Woods Cross Citizen of the Year. He then took time to thank the City Council for the award.

The floor was then given to the Chief of Police who noted Officer Russell Barton from the Woods Cross Police Force had been recognized as the Police Officer of the Year for Woods Cross City.

There were no other items for the open session.

MAYOR'S REPORT

The Mayor reported on the following to the City Council:

1. He noted he had met with representatives from Qwest about internet service throughout the City of Woods Cross especially focusing on the west side of the City where there are some areas that do not have internet service. He noted Qwest said they are preparing to provide better internet service throughout the City and they would add to their list to focus on the west side of the City in providing internet service where it is not currently available. He said the representatives would advise the Mayor of their decision towards the end of March to whether this service would be provided.
2. He noted that he and the City Administrator had attended in the past two weeks, an air quality meeting held in Salt Lake City concerning the energy plant that is being proposed to be built near the Holly Refinery in West Bountiful, Utah. He noted the City Administrator had voiced to those holding the hearing the objections of the Woods Cross City Council and Mayor of having such a facility that would pollute the air, built close to the City of Woods Cross. He noted Representative Barrus who represents the South Davis County area in the State Legislature, will be helping the Mayors in South Davis County with requests for expansion of refinery development and what might be done to control that development in the State, County and local area.

This concluded his report.

PLANNING COMMISSION REPORT

The floor was given to the Community Development Director who reported on the Planning Commission Meeting held January 13, 2009. Please see the minutes of that meeting for the details of his report.

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CITY ADMINISTRATOR'S REPORT

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

1. "Council Member Evans has suggested we take a look at items that have been discussed or tabled at prior City Council Meetings to make sure they are not forgotten. I have listed the items below."

1. Parks Scheduling—The Public Works Director is working on this and should have to the Council for review in the second Council meeting in February.
2. The effect of the new well in Mills Park on other residents' pressure—This cannot be adequately addressed until we do a pump test at the well and it will be a while until we are in a position to do this. I will keep the Council updated when we get to the point when a test can be made.
3. Clothing allowance for public works—This was taken care of administratively in December. No need for further Council review.
4. When and where the new shop will be built. I am in discussions on the purchase of property. I will have this to the Council either at the first or second meeting in February.
5. Vicki Hinckley—Youth City Council. No direction was given to me on this one. The Council will need to discuss how and when you want to resolve this issue.
6. Place for Seniors to meet—this will be part of the RAP Tax discussion. The RAP Tax will go into effect April 1st. I anticipate discussing the RAP Tax the first or second Council Meeting in March.
7. Manheim Zoning—Tim and I have been working with Manheim and this should be to the Planning Commission sometime in February.
8. 440 West RDA---We have been working on a proposal and anticipate reviewing this with the Council at the first meeting in February.
9. Legacy Parkway maintenance—We are waiting for UDOT to draft a Memorandum of Understanding to start discussion on the detail points of the maintenance I do not anticipate any real action on this until later this spring.
10. Scout Monument—I am reviewing this with the City Attorney. I anticipate reviewing this with the Council sometime in March or April.

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11. Focus Groups—I will provide an update to the Council the first or second meeting in February to provide an update where we are on the items discussed.

This concluded his report.

ADJOURNMENT

At 9:20 P.M. Council Member Earnshaw motioned to adjourn the City Council Meeting. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

Kent Parry, Mayor

Alan T. Low, City Recorder