

**WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009**

The minutes of the Woods Cross City Council Meeting held April 21, 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	Jon Hadlow
Tamra Dayley	David C. Hill
Rick Earnshaw	Jill Evans

**STAFF PRESENT:**

Alan Low, City Recorder  
Gary Uresk, City Administrator  
Paul Howard, Police Chief  
Maureen Nelson, City Treasurer  
Wade Hugoe, Public Works

**VISITORS:**

Atone Clark	Lois Schrader	Don Schrader
Al Jewell	Tom Smith	Ron Smith
Don Moore	Brent Burnett	Daniel Gonzalez
Barbie Nelson	Gil Higham	Melinda Williams
LeGrande Blackley	Pat Blackley	Jim Rampton
Steve Moss	Emma Dugal	Jean Madsen

**INVOCATION:** David Hill

**PLEDGE OF ALLEGAINCE:** Gary Uresk

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 April 7, 2009. After the review, Council Member Hadlow motioned the minutes be approved as written with Council Member Hill seconding the motion and all voted for the motion through a roll call vote.

The Council then reviewed the minutes of the City Council Work Meeting held March 3, 2009. Council Member Hadlow motioned approval of the minutes as written with

**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 2**

Council Member Hill seconding the motion and all voted for the motion through a roll call vote.

**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 March 31, 2009. 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 executive summary of the City's funds comparing revenues and expenditures to the budget.

After the Council's review, Council Member Dayley made a motion to approve the City's Financial Report as presented with Council Member Evans 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 Earnshaw motioned approval of the Cash Disbursements with Council Member Hill 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 would take less than two or three minutes.

The floor was given to Council Member Hadlow who asked the City Staff when the construction work by Weber Basin Water's contractors will be completed in the streets. The City Staff said they were not sure when the project would be completed and they would look into it and report back to the City Council at the next meeting.

There were no other items for the brief open session.

**CONSIDERATION TO ADOPT RESOLUTION 2009-471 DECLARING THE WEEK OF MAY 10<sup>TH</sup>-16<sup>TH</sup> AS LAW ENFORCEMENT WEEK IN WOODS CROSS CITY**

The Mayor expressed appreciation to the City Police Department, especially in reference to the recently completed cold case that was solved where the murder suspect was arrested, tried, and convicted and a great deal of the success of that case was due to the City's Police Department. He expressed appreciation on behalf of himself and the City Council. He then gave the floor to the City's Chief of Police who asked the City Council

**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 3**

if they would pass Resolution 2009-471, a resolution declaring the week of May 10<sup>th</sup>-16<sup>th</sup> 2009 as Law Enforcement Week in Woods Cross City.

The floor was given to Council Member Earnshaw who motioned the City Council adopt Resolution 2009-471, a resolution declaring May 10<sup>th</sup>-16<sup>th</sup> 2009 as Law Enforcement Week in the City of Woods Cross. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

**A REQUEST FROM THE BOUNTIFUL/DAVIS ARTS CENTER TO CONTINUE FINANCIAL SUPPORT FROM THE CITY OF WOODS CROSS IN SPONSORING THE SUMMERFEST PROGRAM IN BOUNTIFUL**

The floor was given to Ms. Emma Dugal, who is the director of the Bountiful/Davis Art Center. She appeared before the City Council and expressed appreciation to them and the City of Woods Cross for the excellent support of the South Davis County Summerfest program held each summer where dancers come from several countries around the world come to participate in a dance festival. She said in addition to the dance festival this year, they would have a tasting table sponsored by several of the restaurants in the area as well as a street dance. She asked the City to consider again this year helping to sponsor the event and she thanked the Council for their consideration.

The Mayor said the City Council would give consideration to her request as they review the upcoming fiscal year 2010 budget.

**UPDATE ON THE SCOUT MONUMENT EAGLE PROJECT**

The Mayor gave the floor to the City Administrator who advised the Council of the following:

“Eagle Scout candidate Tom Smith has requested to be on the agenda to give an update on his scout monument Eagle Project he has been working on. As you recall, in a previous meeting the Council directed me to inform them the City Council was not favorable to locating the project on City property. However, since that meeting the 10<sup>th</sup> Circuit Court has ruled favorably in behalf of Pleasant Grove in the 10 Commandments case. The City Attorney is reviewing that case to see if the ruling makes a difference in our concerns that were previously discussed in Council meeting. I recommend we inform Scouter Smith we are reviewing it and will get back with him shortly after the City Attorney has had an opportunity to review the case and make his recommendation.”

The floor was then given to Eagle Scout candidate Tom Smith who reviewed the following information with the City Council concerning the construction of the Boy Scout monument.

**OFFICIAL MINUTES**  
**WOODS CROSS CITY COUNCIL MEETING**  
**APRIL 21, 2009**  
**PAGE 4**

He reminded the Council through the pictures that he presented the statue would be approximately 10 feet high including the base and he had collected \$21, 616 so far of the total cost of \$44, 700. He noted \$18,550 of the \$21,616 had come from the residents and businesses of Woods Cross City. He said the bronze statue would be completed sometime during the summer months. He then gave the floor to one of his Eagle project advisors, attorney Brent Burnett who reviewed with the City Council the recent 10<sup>th</sup> Circuit Courts decision allowing the city of Pleasant Grove, Utah to place a statue in their park, a statue of the Ten Commandments. He then entertained questions the City Council had concerning the decision.

The City Council then asked questions of Scouter Smith as well as his father who was at the meeting with him concerning the statue and its construction and what information would be lettered onto the statue as well.

The floor was then given to Council Member Earnshaw who extended an invitation to Scouter Smith to be in attendance at the Memorial Day Celebration for the City and have a booth where he could show pictures of the monument and give people the opportunity to give donations towards its completion.

The City Administrator suggested the City would draft a policy on accepting monuments for placement on the City property.

Scouter Smith thanked the Council for their time and said he would report back when further progress had been made.

**FOLLOW-UP DISCUSSION WITH SILVER EAGLE REFINERY ON THE JANUARY FIRE INCIDENT**

The floor was given to the City Administrator who advised the City Council the president of Silver Eagle refining company, Mr. David McSwain, said his schedule would not allow him to meet with the City Council on Tuesday evenings and he would be glad to meet with the City Council but it would have to be at another time. In his place Mr. Gil Higham, who is the plant superintendant, appeared before the City Council and entertained their questions.

The floor was given to Council Member Hill who asked why the incident had happened. Mr. Higham indicated that it was operator error. He said they have made operation changes to prevent these kinds of errors on the future.

The Mayor then advised Mr. Higham the City Council needed to meet with Mr. McSwain at their regularly scheduled City Council Meeting so the public could be in attendance and he requested he advise Mr. McSwain to appear before the Council at the next City Council Meeting so he may answer their questions and assure them of their safety for the

**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 5**

citizens of Woods Cross City concerning the operation of his refinery plant located at 1100 West and approximately 2300 South.

It was noted the Silver Eagle Refinery's public relations firm, Frontline Public Involvement, had outlined eight items that need to be done to help assure the City of safe operation. The Mayor and City Council would like Mr. McSwain to answer to these eight items as to when they would be completed or if they have been completed.

Mr. Higham said he would advise Mr. McSwain of the request.

**CONSIDERATION TO ADOPT RESOLUTION 2009-472 A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING FAMILY AND MEDICAL LEAVE**

The floor was given to the City Administrator who reviewed the following with the City Council:

“Given to the Council is a resolution amending the family and medical leave section of the personnel manual. Congress passed a law that updated the act with provisions regarding care of military service members. The major changes are if there is a need to take care of a covered service member with a serious injury or illness, a person is allowed twelve work weeks of leave. Again there is no change to the requirement that if the leave is requested, the individual must take their annual leave, sick leave and once this is taken they are on leave without pay. However, they are guaranteed they have their job or a similar job back at the end of the leave period.

“The City Attorney has drafted the amendment and I recommend it be adopted.”

Following the review by the City Administrator the floor was given to Council Member Dayley who motioned the City Council adopt Resolution 2009-472, a resolution amending section XVII of the Woods Cross City Personnel Policy and Procedures Manual regarding medical leave. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**UPDATE ON THE MEMORIAL DAY CELEBRATION**

The floor was given to Council Member Earnshaw who updated the City Council on the plans for the Memorial Day Celebration to be held in the City. He stated he is still waiting for information from Life Flight to see if they will be present with one of their helicopters for the City residents to view. It was noted Derek B. Miller would be the keynote speaker for the event. It was also noted Senator Liljenquist may be there as well.

This concluded his report.

**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 6**

**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. Melinda Williams of the Clipper newspaper. She asked the Mayor if he would forward to her his selection of Woods Cross City Mother of the Year noting he had received several nominees and if he would pick one and advise the Clipper so they could prepare their annual article. The Mayor said he would do so.

The floor was then given to Council Member Hadlow who reviewed the recently attended League of Cities and Towns convention in St. George, Utah. He noted the convention was well worth the time to attend and reviewed with the City Council some of the sessions he had attended during the conference.

The floor was then given to Council Member Dayley who did the same reviewing the conference and the sessions which she had attended.

The floor was then given to the City Administrator who reminded the Council of the email he had sent them recently advising them North Salt Lake City had discovered PCB's in its well which is on 1100 West close to well #4 which is owned by the City of Woods Cross. He noted at the present time water samples are being tested from well #4 to make sure the well is okay and he will report back to the City Council as soon as the information is available. In addition, he said the City would be testing well #4 each and every month.

There were no other items for the open session.

**REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY**

The Mayor, who serves on the Board of Directors for the South Davis Metro Fire Agency and represents the City, reported concerning the Fire Agency's activities. He reported some of the obsolete equipment owned by the Fire Agency had been surplused and will be put out to bid.

He noted there is a chance some of the federal government stimulus funds that have been made available to the agencies and districts could come available to the Fire Agency and if it is they would apply for a grant to upgrade the Centerville Fire Station #83.

He concluded by noting the mobile command vehicle and the HAZMAT vehicle both of which have been donated to the Agency at a cost of almost a million dollars has been built and will be delivered for use by the Fire Agency in April or May. This concluded his report.

**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 7**

**REPORT FROM THE SOUTH DAVIS RECREATION DISTRICT**

The Mayor explained to the Council he was unable to attend the Board of Directors meeting but the City Administrator had attended in his place and the following information is passed on to the City Council:

The District accepted the annual 2009 Audit Report. It was noted they have changed banks so they can save costs on their banking. Also more memberships have been sold this year than year-to-date in the previous year but April is renewal month and they will be watching it closely.

Finally he noted on May 23<sup>rd</sup>, Woods Cross City residents may use the recreation center free of charge all day and into the evening hours.

This concluded his report.

**REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT**

The floor was given to Council Member Evans who, representing the City, serves on the Board of Directors of the Davis Mosquito Abatement District. She reported to the Council she had recently returned from New Orleans, Louisiana where she represented the Mosquito Abatement District at the National Convention of Mosquito Abatement District.

She said they had special sessions which were very helpful for the board of trustees from the various abatement districts and reviewed some of the items she learned there and discussed in general the successful convention.

**MAYOR'S REPORT**

The Mayor noted he had nothing further to report to the Council.

**PLANNING COMMISSION REPORT**

The floor was given to Council Member Hill who reported on the Planning Commission meeting held April 14, 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:

**1. Tentative Budget**

**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 8**

“I will have given a copy of the tentative budget to the Council. This will be presented to the Council for your approval on the 5<sup>th</sup> of May, after which we can set up some work meetings to discuss the details of the budget prior to the final approval in June. This is a very austere budget and we can discuss in detail the areas where the budget has been cut.”

**2. Tom Stuart request for funding**

“Given to the Council is a list submitted by Tom Stuart requesting the City help pay some additional items in the snack shack at Mill’s Park. When he submitted this to me, I told him the City did not have any funding available. However, I indicated I would bring this to your attention. This expenditure would probably qualify under our RAP Tax; however, I feel since the City gets no revenue out of the snack shack, this should not be our responsibility.”

The City Council discussed the request of Mr. Stuart for additional funding for the City’s snack shack and determined they did not want to have food cooked and prepared at the location because of the health department concerns and only pre-packaged snacks would be allowed to be sold. In addition, they asked the City Administrator to prepare a lease agreement with Mr. Stuart to man and run the snack shack at Mill’s Park. After the lease is prepared the Council would like Staff to bring the lease back to the City Council for their review before presenting it to Mr. Stuart.

**3. Benchmark Hospital**

“The Chief of Police and I have met with the State Health Department and Community Development Director and I have met with the building inspectors. We are still moving forward in our investigation and do not have anything substantial to report at this time. I will keep you updated as we move forward.”

**CLOSED SESSION**

At 8:30 P.M. Council Member Earnshaw motioned the Council goes into closed session to discuss the purchase of real property. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.



**OFFICIAL MINUTES  
WOODS CROSS CITY COUNCIL MEETING  
APRIL 21, 2009  
PAGE 9**

**ADJOURNMENT**

At 8:45 P.M. Council Member Dayley 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