

**WOODS CORSS CITY COUNCIL MEETING
OCTOBER 16, 2007**

The minutes of the Woods Cross City Council meeting held October 16, 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:

Mayor Kent Parry
Jennifer Decker

Rick Earnshaw
Jon Hadlow
Donald D. Moore, Jr.

COUNCIL MEMBERS EXCUSED:

Tamra Dayley

STAFF PRESENT:

Alan Low, City Recorder
Gary Uresk, City Administrator
Tim Stephens, Community Development Director

VISITORS:

Drew Yeates
Tim Maher
Al Jewell
Amberly Johnson
Tyler Shaw
Chad Morris
Jett Buchi
David C. Hill
Pat Blackley
Sandy Anderson
Kari Bowers
Clay Taylor
Keith Wilson

Monte Roberts
Sharon Christensen
Lois Schrader
Russell Evertsen
Eric Gridley
Shandell Smoot
Les Essig
Athena Dayley
LeGrande Blackley
Lyndsee Anderson
Annita Peterson
Troy Bowman
Paul Recunzwe

John Pitt
David Christensen
Don Schrader
Melinda Williams
Justin Strunk
Tom Peters
Brian White
Chad Curvin
Heather Phillips
Danielle Taylor
Michelle Taylor
Jim Reams
Ruth Hatch

INVOCATION:

Gary Uresk

PLEDGE OF ALLEGIANCE:

David C. Hill

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 meeting.

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APPROVAL OF MINUTES

The City Council reviewed the minutes of the City Council meeting held October 2, 2007. After the review, Council Member Earnshaw motioned the minutes be approved as written with Council Member Hadlow seconding the motion and all voted for the motion.

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 September 30, 2007. 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 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 Moore made a motion to approve the City's financial report as presented, with Council Member Earnshaw seconding the motion and all voted for the motion.

APPROVAL OF CASH DISBURSEMENTS

The City Recorder reviewed the cash disbursements listing for tonight's meeting with the City Council. After the Council's review, Council Member Earnshaw made a motion to approve the cash disbursements as presented, with Council Member Decker 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 Mr. Monte Roberts, a City resident, living at 1361 West 2600 South. He said he wanted to speak to the City Council concerning sidewalk, curb and gutter replacement in his subdivision. He said he had four areas of concern. First, the work of repairing the curb, gutter and sidewalk had been done at the wrong time of year and had caused a poor quality of workmanship. Second, he said there were delays in getting the work completed and these delays caused issues with the homeowners in the area in putting in their front yards. Third, he said it would have been beneficial to the citizens if they could have received notice of when the curb, gutter and sidewalk was going to be torn out and replaced so they could better plan as to when to install their front yards. He asked that better communication between the City residents, the City, and developer be done in the future. Fourth, he noted the contractor's equipment had leaked hydraulic fluid and caused an unsightly mess in front of some of the homes.

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The floor was then given to Mr. Leroy Wayment, construction superintendent of Dakota Homes. He explained the delays in redoing the curb, gutter and sidewalk were due to two factors. One being the weather that had stopped them and the other the involvement of contractors who did not keep their commitments to do the work. He said in all, Dakota Homes had replaced 1100 feet of curb, gutter and sidewalk.

The floor was given to the City Administrator who said the City could do a better job of notifying the citizens when the replacement work will be done in their subdivisions and notify them so they had a better idea of how to plan.

The floor was then given to Mr. Randy Hughes, a resident living at 2244 Sorrento Drive. Also with him was Tom Peters of the same neighborhood. Mr. Hughes complained to the City Council concerning Murdock Chevrolet recently installing a reader board sign directly east and directly across from their subdivision. He noted the sign is very bright and flashes at night disturbing the neighborhood with undue light pollution. He said one resident of the area had to put cardboard in their windows to prevent the light from coming in and disturbing their children.

The floor was given to the Community Development Director who said they had received complaints concerning the sign and that a request has gone to the owners of Murdock Chevrolet to meet with the Planning Commission to discuss the complaints.

The Mayor then gave the floor to Ms. Annita Peterson, Ms. Michelle Taylor, and Mr. Dave Christensen, all of whom spoke to the City Council in favor of the proposed recycling program for Woods Cross City.

Next the floor was given to Mr. Brian Waite, a City resident at 1028 West 900 South, who said he had in recent months been bothered by the smells coming from the refineries in the Woods Cross area and wondered if there was anything that could be done to prevent these odors.

The Mayor referred Mr. Waite to a website where he could register his complaints with the Bureau of Air Quality for the State of Utah. Mr. Waite thanked the Mayor for his concern and advice.

The floor was then given to Ms. Kari Bowers, a City resident living at 941 West 900 South. She complained to the City Council concerning speeding in her neighborhood and asked if the police department could provide extra patrol in her area to stop those who are speeding. She noted that there are many children that live in her neighborhood.

The City Staff said they would pass the request on to the City's police department and perhaps place the speed monitoring device in the area which lets people know how fast they are going as well as what is the speed limit.

This concluded the brief open session.

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REQUEST BY THE DAVIS CHAMBER OF COMMERCE TO HAVE THE CITY SUPPORT OPINION QUESTION #1 REGARDING THE ¼ OF 1% SALES TAX INCREASE FOR TRANSPORTATION IMPROVEMENT

The Mayor gave the floor to Mr. John Pitt the executive director of the Davis Chamber of Commerce. Mr. Pitt explained to the City Council that he had come before them to seek their support in the Opinion Question #1 that will be on the November 6th ballot concerning raising the sales tax by ¼ of 1% to help alleviate the congested traffic in Davis County. He explained if the question is voted yes by the population then the funding would be matched by the Utah Department of Transportation for transportation projects throughout Davis County. He noted the Local Council of Governments for Davis County would decide what projects would be given priority and this would be great advantage to Davis County in getting projects completed within the boundaries of the county.

He noted there is great congestion on I-15 though Davis County because of the commuter traffic. He also said the funds would be used for corridor preservation so that future roads can be built throughout Davis County.

The floor was given to Council Member Decker who said there were many issues before the voters this fall that concern the raising of taxes and this was one more and that two years ago the City Council had supported raising the vehicle registration fees \$10 to help fund these projects and she felt some concern in recommending to the public to vote in favor of this question.

The City Council did acknowledge there were needs for transportation projects within Davis County but felt the State Legislature should fund these programs from State monies for highway projects.

Mr. Pitt thanked the City Council for their consideration and time to appear before them.

CONSIDERATION TO APPROVE A REVOCABLE PERMIT TO ALLOW A STORM DRAIN LINE THROUGH CITY PROPERTY AT 1200 WEST 1500 SOUTH

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

“As part of the England Subdivision Phase II, which will be reviewed for approval tonight, the developers need to bring a storm drain through our well #3 property to our main line on 1500 South. Given to the Council is a drawing showing the proposed location of the storm drain line. The Public Works Director has reviewed the proposed location of the line and does not feel it will cause any problems. The City Attorney has recommended we grant them a revocable permit across the property for the line rather than an easement. A revocable permit does not commit us to having the proposed permit as drafted by the City Attorney which allows them to put the pipeline across our property, but allows us to revoke it at any time if we need to utilize the property for some other purpose.

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“I recommend approval of the permit as drafted.”

After the review by the City Administrator, the floor was given to Council Member Hadlow who motioned the Council approve the revocable permit to allow a storm drain line through City property located at 1200 West 1500 South. Council Member Earnshaw seconded the motion and all voted for the motion.

CONSIDERATION TO APPROVE ENGLAND SUBDIVISION PHASE 2

The floor was given to the Community Development Director who explained the following to the Council:

“Recently the Planning Commission granted a conditional use permit to the applicant for a flag lot, which is part of the subject plat. Given to the Council is a final plat outlining a split in the existing lot #2 of the England Subdivision. The existing division will create 2 lots, one a flag lot. Because the subject lots slope away from the street, it will be necessary for the developer to construct a small storm water detention basin in the northwest corner of lot #101. The only outlet for the detention basin will be through the City’s adjacent well property to a storm drain in 1500 South.

“The Planning Commission has reviewed the attached plat and has recommended to the City Council approval of the England Subdivision Phase 2 Final Plan with the following conditions:

1. “Applicant must secure a storm drainage permit from the City to permit the installation of storm drain pipe through the City’s well property.
2. “Applicant shall submit South Davis Metro Fire Agency review and approval for the subject plat.
3. “Plat be amended to eliminate 10-foot easement on City property and approved by staff.”

Following the explanation by the Community Development Director, the floor was given to Council Member Moore who motioned the Council give approval to the England Subdivision Phase 2 as outlined by the Community Development Director with the three conditions that were outlined by him above. Council Member Earnshaw seconded the motion and all voted for the motion.

CITY COUNCIL WORK SESSION TO REVIEW INFORMATION ON BECOMING A MEMBER OF UTOPIA

At this point in the meeting the Mayor recessed the City Council meeting and the Council went into a work session to discuss the possibility of Woods Cross City becoming a member of the UTOPIA network for internet service.

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In the work session the Mayor gave the floor first to the City Administrator who outlined the following for the City Council and those who were in attendance to discuss with the City Council the internet services within Woods Cross City.

“Given to the Council is a copy of the questions I circulated out to UTOPIA, Qwest and Comcast. I would suggest during the meeting the Council ask whatever questions you feel are appropriate in determining whether or not it is in the best interest of the City to join UTOPIA.

“The decision on UTOPIA can be discussed at two levels. The first level being whether you believe it is good public policy for the City to provide telecommunications infrastructure along the same lines as a government entity providing an airport facility for private air lines to utilize. If you feel providing this infrastructure is in the public interest and that it is important enough for us to subsidize the issue of profitability is less important. However, if you feel it is a venture that would be good for the City to be involved with, but only if it does not cost the taxpayer to provide the service then the decision will be based upon whether it is a good business decision to become a member of UTOPIA. Whether or not it is a good business decision will be based largely upon UTOPIA’s timelines in installing their infrastructure as well as, the intention of the other providers. The decision will ultimately boil down to who will be more successful in signing up Woods Cross residents for their service, those who utilize UTOPIA or these providers who presently service the area.

“The work session is an information gathering session in which we gather as much information from the parties involved as possible.”

Following the opening comments by the City Administrator the Mayor then allowed time for representatives from UTOPIA, Qwest and Comcast to speak to the City Council and answer questions concerning internet service for the citizens of Woods Cross that had previously been given to them by the City Administrator. In addition, the Mayor allowed questions from the public present of those three organizations.

After each of the three invited parties had had an opportunity to speak, and all questions had been asked, the Mayor then said the information would now be summarized and the Council would continue to give further consideration to whether it was beneficial to the citizens of Woods Cross to be a member of UTOPIA or not.

This concluded the work session.

REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT

The Mayor gave the floor to Council Member Moore, who is the City’s representative on the Davis Mosquito Abatement District. He reported to the City Council that the Mosquito Abatement District had adopted the 2008 budget of \$1,661,000.00 He noted this budget is \$200,000 more than last year and the increase will be used to purchase more spraying chemicals to control the mosquito population in Davis County.

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He reported that as a member of the Mosquito Abatement District board of directors he had attended a conference in Park City in the past month, where issues on mosquito control were discussed. He noted one of the statistics that came out of the conference was every 41 seconds in the continent of Africa, a child under the age of 5 dies of malaria because they do not control the mosquito population. He said he felt good that the Davis Mosquito Abatement District controls these insects so disease is not spread by them.

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 Council.

The floor was given to City resident, Mr. Thad Van Ry. He said that at tonight's meeting there had been many who had been in favor of the proposed curbside recycling in the City of Woods Cross and he wondered if these citizens who had spoken in favor knew that it would be a required program for all citizens within the City and those that perhaps would have trouble paying for the program would be required to do so. He then asked the City Council to give the same thoughtful consideration to the proposed UTOPIA internet program in the City as they are giving to the recycling program.

The floor was then given to City resident, Mr. Don Schrader. He asked the Council if they could use the microphones at each City Council meeting and speak into them so the citizens in the meeting could hear the comments by the City Council because at times during the meeting they could not be heard.

The Council said they would be glad to do so.

There were no other items for the open session.

DISCUSSION ON ORDINANCE CONCERNING PARKING AREA REQUIREMENTS

The Mayor gave the floor to Council Member Earnshaw who said he had been contacted by owners of a business located on 950 West between 500 South and 1000 South, and they would like to expand their business but not have to pave the parking area around their business where they have placed rocks to control the weeds from growing.

Council Member Earnshaw said that perhaps the City ordinances were too restrictive on the business owners in Woods Cross in not allowing them to move ahead with the improvements they would like to make.

The floor was given to the Community Development Director who said it is important that businesses prepare a site plan and that that site plan come before the Planning Commission for

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review and approval before improvements are made so that proper and controlled growth can be managed within the boundaries of the City.

Council Member Earnshaw thanked the Staff for their recommendations and asked them to get in touch with the property owner and ask them to prepare the site plan.

REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY

The Mayor reported on the activities of the South Davis Metro Fire Agency as a member of the board of directors. He passed out to the City Council the proposed budget for the Fire Agency for the year 2008. He noted as the budget is currently prepared there would be a 5% increase to the City of Woods Cross. He noted the management of the Metro Fire Agency had done a salary survey of like fire departments and had proposed in their budget to upgrade their salaries of the firefighters and paramedics.

The Mayor noted the budget is under discussion and has not had its public hearing nor been approved by the board but is simply in the discussion stage.

This concluded his report.

MAYOR'S REPORT

The Mayor noted that he had nothing to report at tonight's meeting.

PLANNING COMMISSION REPORT

The floor was given to Council Member Decker who reported on the Planning Commission Meeting held October 9, 2007. Please see the minutes of that meeting for the details of her report.

CITY ADMINISTRATOR'S REPORT

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

1. Meeting

“Just a reminder of the meeting on the 18th of October at 5:00 p.m. to discuss the 500 South interchange and access on 700 West. If you could give me a count on Tuesday night of those who are coming so we can determine if we need to advertise it as a public meeting or not.

2. Bag the Candy & Santa Around Town

“Just a reminder to let you know that Santa around town has been scheduled for Dec. 8. Santa will be going around town from 2:00-4:00 and then will be at the Elementary

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school from 4:00-6:00. We will have Bag the Candy Night on Wednesday, December 5 at 6:30.

3. Meet the Candidate Night

“Meet the Candidate Night will be 6:30 p.m. Thursday, October 18th at Woods Cross Elementary school.”

ADJOURNMENT

There being no further business before the City Council, Council Member Earnshaw motioned the Council adjourn the meeting at 9:35 P.M. with Council Member Hadlow seconding the motion.

Kent Parry, Mayor

Alan T. Low, City Recorder