

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

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

*Entered the meeting as noted in these minutes

STAFF PRESENT:

Gary Uresk, City Administrator
Alan Low, City Recorder
Tim Stephens, Community Development Director
Marc Evans, Public Works

VISITORS:

Lois Schrader	Don Schrader	Charles Payne
A.H. Jewell	Ken Shelton	Johnny B.
Samantha Vanfleet	Aubrey Page	Vicki Hinckley
LeGrande Blackley	Pat Blackley	

INVOCATION: Rick Earnshaw

PLEDGE OF ALLEGIANCE: Jon Hadlow

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 October 20, 2009. After the review, Council Member Hill motioned the minutes be approved as corrected with 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

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

Member Hadlow made a motion to approve the Cash Disbursements listing as presented 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 were brief in nature. 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 Evans. She said she would like to thank City employee Wally St. Jeor for sponsoring the Woods Cross City employee's golf outing held Saturday at the Lakeside golf club. She said many of the employees attended and found the outing very enjoyable and were able to socialize with one another. She noted that after the golfing they were all invited back to Mr. St. Jeor's home for a barbecue.

Council Member Evans went on to say she would like to receive, as a City Council member, more information on the accident involving City employee Sparky Taylor. The accident occurred at the new water reservoir that is being constructed. She would also like to have information given to her as what safety procedures are being implemented to prevent accidents.

Finally she said she was concerned about the recent report on KSL news about the police chiefs and sheriffs in Utah who are "double dipping" where they have retired in place and continue to draw a full salary and benefits. She wondered if the Council would like to discuss this in more detail at a future Council Meeting.

The floor was given to the City Administrator who explained the City Council had reviewed this procedure and had given approval to the City's police chief to retire in place and participate in the program.

There were no other items for the brief open session.

Council Member Dayley entered the meeting at this point.

REPORT FROM THE WOODS CROSS COMMUNITY OF PROMISE COMMITTEE

The floor was given to Council Member Evans who reported that Mr. Van Hulten, who normally gives the Community of Promise report, was excused from tonight's meeting. She said that for him, she would like to report on the following:

She said there will be a garden lecture sponsored by the Woods Cross Garden Club on November 5th at 7:00 P.M. and the discussion for the evening will be how to improve

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

your planting soil. She said the next activity sponsored by the Community of Promise would be the Senior Lunch Bunch which will be held on November 12th at noon at the City Hall where there will be a guest speaker and a pot luck lunch.

This concluded her report.

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 on the South Davis Sewer District. Mr. Payne reported to the Council that the sewer system has experienced high levels of arsenic in the water it is receiving at the sewer plant. This has caused the sewer district to take many tons of its sludge and bury it at the Bountiful Landfill. He said the district is looking into what industrial user might be allowing the discharge of arsenic into the sewer system.

The floor was then given to the Mayor who expressed to Mr. Payne that some of the Mayors from surrounding cities are concerned the sewer district will be giving a 2% cost of living increase to its employees for the their new accounting year starting January 1st, 2010. He noted there had been no increase in cost of living to the City employees, the employees of the South Davis Recreation District or the South Davis Metro Fire Agency because of the recent recession that has been experienced in the United States and stated that the Sewer District should take the same course.

Mr. Payne explained the cost of living is tied in with the overall increases to the employees and many of the employees do not receive the merit increases which are given out to only a handful of the employees. He went on to explain how valuable the employees are to the sewer district and how they want to keep the employees employed at the district.

This concluded his report.

REPORT FROM THE WOODS CROSS YOUTH CITY COUNCIL

The floor was given to the Youth City Council Mayor, Ms. Aubrey Page. She reported on the Youth City Council activities as follows:

1. "Alan Low was a guest speaker to the Youth City Council and talked about the importance of voting for our elected officials and taught us how to cast a vote. We also worked on Christmas treats for the Senior Lunch Bunch in December and decorated Thanksgiving boxes.
2. "We collected 580 pounds of food for the Bountiful Community Food Pantry during our "Trick or Treat" for canned food Halloween activity. The food bank was very appreciative of our donation.

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

3. "Our Thanksgiving Box Scavenger Hunt will be on November 22. We will be going on a scavenger hunt to collect food to put in Thanksgiving boxes and donating them to the food bank.
4. "We will meet at the City shops on November 25 to work on our float for the Clipper Christmas Light Parade. The parade will be on December 4 at 6:00pm. We invite the Mayor and City Council to ride with us.
5. "We are excited to help Santa on December 5th at Woods Cross Elementary. We will decorate the gym at the school and Santa will be there to greet the children.
6. "On December 7th we will be going shopping for items for Family Fun Kits for the Sub for Santa families. We will then be putting the kits together and enjoy a Christmas party.
7. "The WXYCC Youth Conference is planned for Saturday, January 16, 2010 beginning at 9:00 am. We invited the Mayor and City Council to join us for a day of learning and fun. If you have any suggestions for guest speakers, let us know. We are also in need of an auctioneer."

Council Member Earnshaw said he would be glad to help with the auctioneering at their Youth City Council Conference this year. Mayor Page accepted his offer. In addition, the Mayor volunteered to come and speak to the Youth City Council and said he would put it on his agenda.

Following the report by Mayor Page the Council expressed appreciation to the Youth City Council for the hours of service they give to the community of Woods Cross.

A PUBLIC HEARING TO CONSIDER THE AMENDING OF THE LAND DEVELOPMENT ORDINANCE TO REQUIRE PARKS TO BE CONSOLIDATED INTO LARGER AREAS

The Mayor gave the floor to the Community Development Director who explained the following to the Council concerning Ordinance #533 that is before the Council for adoption:

"Over the last year the City Council and the Planning Commission have heard concerns from numerous land owners involved in home owners associations west of Redwood Road. The City Council discussed the fact that the development agreements for these projects had made the home owners associations responsible for several parks and the maintenance of street lighting. The Council discussed this issue and determined street lighting and parks are community services which should be owned and maintained by the City. As such, in the future, street lighting and most park areas will be dedicated as City assets and shall not be deferred to a home owners association when a development agreement is being negotiated.

"The Council asked that the Land Development Code (the subdivision ordinance) be amended to clarify park land dedications. The ordinance amends section 11-21-040

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

entitled Parks. Specifically the following language is proposed as an amendment to read as follows: "Land reserved for park areas shall be consolidated into large areas within a proposed subdivision. Dispersal of park areas, such as mini parks, throughout a subdivision will be generally limited, monuments and special landscape features typically owned and maintained by a home owners association."

"The Planning Commission recommends that the Council approves the proposed adoption of the ordinance amending Section 11-21-040 of the Land Development Ordinance."

Following the explanation by the Community Development Director the Mayor then opened the public hearing on this matter.

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

The floor was then given to Council Member Hill who motioned the City Council adopt Ordinance #533, an ordinance amending section 11-21-040 of the Woods Cross City Municipal Code relating to parks. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

A PUBLIC HEARING TO CONSIDER THE POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITY PROGRAM FOR PROGRAM YEAR 2010

Mayor Parry gave the floor to the Community Development Director who explained to the City Council the project for which they would suggest to the City Council to apply for would be to do betterments to the waterlines that come into the Woodland Gardens Apartments so better water service can be given to this area as well as better fire protection. The amount of the grant would be approximately \$100,000 with the City matching this amount.

Mayor Parry, opened the public hearing for the CDBG program and stated this hearing is being called to consider potential projects for which funding may be applied under the 2010 Community Development Block Grant Program. It was explained the grant money must be spent on projects benefiting primarily low and moderate income persons. The Wasatch Front Regional Council, in which Woods Cross is a member, is expecting to receive approximately \$1.8 million in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at anytime. Tim Stephens, Community Development Director, read several of the eligible activities listed including examples such as: Construction of public works and facilities, ie: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
NOVEMBER 3, 2009
PAGE 6**

Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Tim Stephens indicated in the past Woods Cross City has received two grants in which funding went to help install ADA sidewalk ramps at certain intersections in the City, assisting storm drain lines to be installed in a portion of the A-1 drain, relocation of the salvage yard, and assisting with environmental cleanup at the salvage yard. The City has handed out its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the City has identified as being needed in the community. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

At this point Mayor Parry opened the public hearing on potential projects which could be funded by the CDBG small city program grants for the year 2010.

There were no public comments given except for the recommendations given earlier by the City Staff so Mayor Parry closed the public hearing.

Following the closing of the public hearing the Community Development Director said they would move ahead with preparing the grant as suggested and discussed by the City Council.

CONSIDERATION TO APPLY GAME TIME PARK PLAYGROUND GRANT

The floor was given to the Park Superintendant, Mr. Marc Evans who reviewed the following with the City Council:

"Given to the council is information from the Public Works Director in regards to a playground grant from Game Time. This playground area would be located in Mt. View subdivision and would be paid for out of park impact fees. We have ample funds in this fund and we need to spend them down in a timely matter to keep in compliance with the Impact Fee Act.

"I recommend approving the application for the playground grant for a playground area in the Mt. View subdivision."

Mr. Evans continued with the floor giving the Council additional handouts showing different types of playground equipment and costs related to the structure and equipment that would be installed along with a plot plan where the park would be located.

The floor was then given to Council Member Dayley who suggested to the Council that there was already one park in the area and a second larger park in the area to be built for

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

the children of Woods Cross that perhaps this park could have equipment installed in it that would be more amenable to adults using the park instead of children.

The Council discussed this matter and determined that perhaps the adult type apparatus would be better located in the larger park that is to be built in the area because it is closer to Legacy Parkway and those using the parkway trails could also use the park with this equipment located in it.

With that, the floor was given to Council Member Hill who motioned the City Council approve the City Staff going ahead and applying for the Game Time Park Playground Grant as outlined by the Staff. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT ORDINANCE #534 AN ORDINANCE REGULATING RESIDENTIAL SOLICITORS

The floor was given to the City Administrator who outlined the following for the City Council concerning Ordinance #534, an ordinance regulating residential solicitors:

“Given to the Council is a draft of Ordinance #534 by the City Attorney addressing residential solicitors. The ordinance sets up definitions and makes it a violation of our ordinance for solicitors to knock on doors with “no soliciting” signs. The ordinance also includes an exemption for those delivering goods, those invited onto the premises, those disseminating religious or political information and persons representing charitable organizations. It was my understanding the Council wanted these exemptions in the ordinance. The City Attorney also amended Title 13 (the criminal code) to make uninvited soliciting a trespassing violation. The ordinance also sets the hours of soliciting from 9:00 am to 9:00 pm.

“I recommend adoption of the ordinance as drafted.”

Following the outline by the City Administrator the Council discussed the ordinance and found they would like to change the time for soliciting from 9:00 pm to 8:00 pm. With that the floor was given to Council Member Hadlow who motioned that the City Council adopt Ordinance #534, an ordinance enacting chapter 6-10 of the Woods Cross municipal code relating to residential solicitors and the time in the ordinance for soliciting be set to 9:00 am to 8:00 pm seven days a week. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO APPROVE A STORM DRAIN IMPACT REIMBURSEMENT AGREEMENT WITH IVORY HOMES FOR MOUNTAIN VIEW TOWN HOMES PHASES 1 & 2

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

The City Administrator continued with the floor and discussed the following with the City Council:

“Back in February we discussed the need to have Ivory Homes participate in the upfront cost of piping the A-1 drain (see copy of the minutes of City Council meeting held February 3, 2009 given to the Council members). At that time the Council directed us to work out an agreement. We actually worked out that agreement some time ago but failed to get it to the Council for your approval. The agreement as given to the Council has Ivory piping the drain at a cost of \$89,154.66 and that upon completion of the piping Ivory will be paid \$45,000 up front from the impact fee fund. In addition, 100% of the storm drain fees collected from Phases 1 & 2 of Ivory Towns will be reimbursed to Ivory and 75% of other storm drain fees will be reimbursed to Ivory until the total amount of \$89,154.66 is reimbursed. Ivory has completed the piping and is moving along with the projects. Regarding the budget, it has been good for the City to have these projects moving forward.

“I recommend approval of the agreement as drafted.”

Following the information provided by the City Administrator the floor was given to Council Member Earnshaw who motioned the City Council approve the Storm Drain Impact Fee Reimbursement Agreement with Ivory Homes as presented by the City Administrator. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

OPEN SESSION

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

There were no items from the public present and the floor was given to Council Member Hadlow who asked when the “Bag the Candy” event would be held for the City Council to bag the candy for the children of Woods Cross for Santa’s visit in December. It was noted the event will be held on December 3rd at 6:30 P.M.

The floor was then given to Council Member Earnshaw who said he would like to report on the activities of the Wasatch Integrated Waste District which he was unable to do so at the last City Council meeting. He noted the district had recently conducted a program using the citizens of Fruit Heights City to recycle green waste within their community. He said the project was voluntary by the citizens and they were provided a green garbage can in which to put their lawn clippings and other green waste for recycling at the district.

He noted the collection has gone on now for two months and has been a great success within that City. He said the district would like to expand it now to all cities’s that participate in the district and more information will be coming to the City.

**OFFICIAL MINUTES
WOODS CROSS CITY COUNCIL MEETING
NOVEMBER 3, 2009
PAGE 9**

He then noted there would be a ground breaking ceremony to be held on November 4th at the Integrated Waste District site to construct a new recycling center at its location and that all of the City Council was invited and encouraged to attend.

This concluded his report.

Then the floor was given back to Council Member Hadlow who reported to the Council that the Davis County Transportation Committee had started their monthly meetings and he would be reporting from time to time on the activities of that committee.

There were no other items for the open session.

MAYOR'S REPORT

The Mayor reported to the City Council he had nothing to pass on to them this evening.

PLANNING COMMISSION REPORT

The floor was then given to Council Member Dayley who reported on the Planning Commission meeting held October 27, 2009. 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. Canvass of Election

“To meet the requirements of the Davis School District Bond Election the School District has requested we canvass our elections on or prior to November 10th. It will be necessary for us to schedule a very brief City Council Meeting that evening to canvass the election.”

The City Council discussed the canvassing of the election and determined they would meet at 6:20 pm on November 10th to do that canvassing.

2. Update on computerizing the City Parks Watering

“The possibility of computerizing the City parks watering system was discussed a number of months ago and I have asked Scott and Marc to put together some options and estimates of costs of doing such. I will have them report on their findings at the meeting on the 17th.”

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

3. 440 West Proposal

“Jed Millburn has withdrawn his request for TIF (tax increment financing) which I believe significantly increases the viability of his proposal. The Davis Housing Authority and Utah Non-Profit Housing have run into some issues in regards to the use of the vouchers for their project. Gary and I need more information on this issue before we can make any recommendations. Since additional review is necessary I am postponing the discussion on the two proposals until the meeting on the 17th.”

4. City Budget

“I’ve done some preliminary work on the budget; however, I would like to wait until the books are closed in October to do a final analysis on the budget. I will have this prepared to discuss with the Council in detail at the meeting on the 17th.”

This concluded the report by the City Administrator to the City Council.

ADJOURNMENT

At 7:50 P.M. Council Member Hadlow motioned the City Council adjourn the City Council Meeting. Council Member Earnshaw seconded the motion and all voted for the motion through a roll call vote.

Kent Parry, Mayor

Alan T. Low, City Recorder