

**WOODS CROSS CITY COUNCIL MEETING
NOVEMBER 19, 2013**

The minutes of the Woods Cross City Council Meeting held November 19, 2013 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
Rick Earnshaw

Jill Evans
David C. Hill
Ryan Westergard

COUNCIL MEMBERS EXCUSED:

Tamra Dayley

STAFF PRESENT:

Gary Uresk, City Administrator
Alan Low, City Recorder
Scott Anderson, Public Works Director

VISITORS:

Geoffrey Carter
Don Schrader
Robbie Page
Ann Pearson
Jeff Bassett
James Sheldon
Dan Pulley
Cory Green
Jennifer Galloway
Jason Bott

Mike Vandersteen
Lois Schrader
Linda Ritter
Mike Baddley
Preston Gillespie
Rachel Messina
Leo Beecher
Daniel Green
Jess Kilpack
Tyler Fawcett

Pat Sutsell
Al Jewell
Linda Garn
Gary Schvanaveldt
Matt Terry
Jan Messina
Push Walia
Mark Midgley
LeGrande Blackley

INVOCATION:

Kent Parry

PLEDGE OF ALLEGIANCE:

Jill Evans

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 November 5, 2013. After their review, Council Member Earnshaw motioned the minutes be approved as written with Council Member Evans seconding the motion and all voted for the motion through a roll call vote.

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REVIEW OF FINANCIAL REPORT

The floor was given to the City Recorder who reviewed the City's Financial Report with the City Council for the period ending October 31, 2013. The City 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, Energy Tax Collection report and an executive summary of the City's funds, comparing revenues and expenditures to the budget.

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 as well as the disbursements the Council had approved through email. In addition, the Council was asked to approve a payment to Allstate Construction in the amount of \$177,522.86. After their review, Council Member Hill made a 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 they would like to bring before the City Council which would take less than two or three minutes.

The Mayor gave the floor to City resident Mr. Push Singh Walia. Mr. Walia explained to the City Council that he owns the business located on the south east corner of 500 West and 1500 South. He noted for the Council the city's crossing guard who helps the children cross 500 West at that point parks her automobile on his business property. He noted he had asked the crossing guard if she would move her vehicle so he could park his van on the property. He noted for the Council he met with the city's chief of police and reviewed the problem with the chief of police and subsequent to that the city administrator and the chief of police met with Mr. Walia to reconcile the problem. He thanked the Council for their time in allowing him to update them concerning this matter.

The floor was then given to Mr. Cory Green who is not a city resident but appeared before the City Council to talk to them about a letter that was sent to the Governor of the state of Utah by the city's chief of police recommending the Governor veto house bill #76 which allows a private citizen to carry a firearm that is unloaded in a concealed manner without a permit. He felt like this was counter to the 2nd amendment to the constitution of the United States and that the letter should not have been written.

The floor was given to Council Member Hill who pointed out for Mr. Green he should really take his problem to the state Governor, Governor Herbert, along with the state legislature because Governor Herbert had vetoed the bill and the state legislature had seen fit to override the veto. Mr. Green thanked the Council for their time.

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There were no other items for the brief open session.

RECOGNITION OF CERT PROGRAM GRADUATES FROM WOODS CROSS CITY

The Mayor explained to those present the City had recently sponsored a CERT program where training is given in lifesaving skills to those who would like to attend especially those citizens from Woods Cross City and this class had been taught by members of the South Davis Metro Fire Agency. He said the class has now been completed with several receiving certificates of graduation from the course and he gave the floor to Chief Jeff Bassett, the fire chief of the South Davis Metro Fire Agency and Captain Schvanaveldt one of the captains from the agency. Then in turn presented the certificates of graduation to the members of the class that were from Woods Cross City congratulating them on their accomplishment.

The floor was then given to Council Member Hill who explained this was probably the highest attended class by participants from Woods Cross City and 42 participants had taken the class from the four emergency preparedness districts within the boundaries of Woods Cross. He felt like the program was a success and it will continue in the future.

THE CANVASSING AND CERTIFICATION OF THE 2013 NOVEMBER 5TH MUNICIPAL ELECTIONS

The floor was given to the City recorder who presented to the Mayor and the City Council for their certification the results of the recently held November 5th 2013 city municipal elections where a mayor and two city council persons were elected. He presented to the Council the results of the election by district within the boundaries of Woods Cross along with the poll books from the election.

After the review by the City Council and finding all in order the floor was given to Council Member Westergard who motioned the City Council certifies as correct the results of the 2013 municipal election as presented. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO MAKE AN APPOINTMENT TO THE WOODS CROSS CITY BOARD OF ADJUSTMENTS

The Mayor advised the Council he would like to nominate to the Woods Cross City Board of Adjustments an appointment of Mr. Rob Adams, a city resident living in the Mountain View Estates area to serve on the board of adjustments to replace a recently resigned member of that board. The Council discussed the name of Rob Adams and finding all in order the floor was given to Council Member Westergard who motioned the City Council approve the nomination and appointment of Mr. Rob Adams to the Woods Cross City Board of Adjustments. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

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**CONSIDERATION TO APPROVING MATCHING FUNDING FOR THE RESTROOMS
AT 500 SOUTH TRAILHEAD ON THE LEGACY PARKWAY TRAIL SYSTEM**

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

“I mentioned in passing a month or so ago about a possible grant for the 500 South Trailhead. We have been awarded a 50% matching grant from the Utah Division of State Parks and Recreation. The grant was actually written by Scott Hess at Davis County. However, he left employment there so I agreed to carry forward with the grant. The grant is a matching grant of \$41,722 with the participant’s match of \$20,861.24.

“In the previous discussion the Council mentioned the concern of funding the restrooms so close to the one we were building at Mountain View Estates and so I have been working to get other participating entities to help with the match. Currently right now I have \$15,000 of match, \$10,000 from Davis County and \$5,000 from Holly Refinery which leaves a shortfall of \$5,861. I am also sending out requests to some of the biking shops in the area and hopefully I can get at least another couple thousand dollars in match. In addition I will be contacting UDOT for funding and will approach Davis County with an agreement to maintain the facility after it is built.

“I would like the Council’s approval to move ahead with the grant with acknowledgement that the Woods Cross portion may be up to \$5,800. I feel since this trailhead area will be eventually in our Legacy Gateway Area and the interchange will be an important part of that project that this improvement will be beneficial in the long run.”

After the explanation by the City Administrator the floor was given to Council Member Hill who voiced his opinion that a third party is needed to maintain the facility and he would not like to see Woods Cross City have to maintain it.

With that the Council expressed their support to the City Administrator moving ahead and seeing what he can do to complete the funding.

**CONSIDERATION TO GRANT FINAL ACCEPTANCE FOR VALENTINE ESTATES
TOWNHOMES PHASES 2, 3, 4, 5, AND 6 AS WELL AS VALENTINE ESTATES
COTTAGE HOMES PHASE 2 AND VALENTINE ESTATES HOMES PHASE 3**

The Mayor gave the floor to the public works director who advised the Council that he and the city engineer have accepted the development improvements for the Valentine Estates townhomes phases 2, 3, 4, 5, and 6 as well as Valentine Estates Cottage Homes Phase 2 and Valentine Estates Homes Phase 3 and they recommended to the City Council to give final acceptance to these improvements.

The floor was then given to Council Member Hill who motioned the City Council follows the recommendation of the staff as outlined as above and grant final acceptance to the several phases

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of the Valentine Estates development project. Council Member Earnshaw seconded the motion and all voted for the motion through a roll call vote.

DISCUSSION OF BOARDS AND COMMITTEES IN WHICH THE MAYOR AND CITY COUNCIL MEMBERS PARTICIPATE ON

The floor was given to Council Member Hill who asked if the staff could prepare for the Mayor and City Council's review a list of the various boards and committees which the City Council Members and the Mayor represent Woods Cross City on. He said he would like the list to include when the board meets, how frequently they meet and where they meet, who currently serves on that board or committee, the amount of payment by that board or committee to the member of the Council or the Mayor. He also would like a review of the by-laws of each board or committee as to the requirements of the participating member from Woods Cross City and if they should reassign how that person is to be re-appointed according again to the by-laws of the board or committee.

The staff said they would be glad to prepare such a list for the review of the City Council at a future City Council meeting.

UPDATE ON THE WOODS CROSS EMERGENCY CORPS

Council Member Hill who serves over the Woods Cross Emergency Preparedness Committee reported the committee had done an excellent job in getting participation in the recently completed CERT class program sponsored by the South Davis Metro Fire Agency and he thanked all those who participated as well as the South Davis Metro personnel who taught the class.

He said in addition to the class that the four districts within Woods Cross City are going to be provided with radios so they can communicate during an emergency in the city. He said the program is moving ahead a little slowly but it is moving ahead and that items are coming together. He also noted that the committee is setting up the by-lays of the organization.

This was his report to the Council.

APPROVAL OF EMPLOYMENT AGREEMENT

The floor was given to the City Administrator who advised the City Council the employment agreement which had been discussed in closed session at the last City Council Meeting had been prepared and ready for their approval.

The City Council found all to their agreement and the floor was given to Council Member Evans who motioned the City Council approve the employment agreement as discussed in the closed session of November 5th, 2013 and be signed and approved. Council Member Earnshaw seconded the motion and all voted for the motion through a roll call vote.

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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 city resident Mr. Dan Pulley who continued to advise the Council the overweight truck is being parked by his neighbor and continues to use his driveway to bring the truck into the property. He reminded the City Council this truck had damaged the drive entrance to his property and he encouraged the Council to move forward with enforcing the city ordinances on not allowing large trucks over 24,000 pounds to be parked at a city residence.

There were no other items from the public present and the floor was given to Council Member Hill. He noted in his neighborhood there had been several neighborhood robberies over the last several months and the police were helping to start a neighborhood watch program. He noted the police department had solicited the voluntary efforts of Ms. Stephanie Gonzales who has been very instrumental in the citizen's police academy program and now would be taking on these neighborhood watch programs. He said he felt like some funding should be given to Ms. Gonzales for all of the time and effort she is spending on behalf of the residents of Woods Cross City. He said he as a City Council Member would volunteer to have his salary reduced say by \$50 a month and perhaps the other Council Members could participate to help fund Ms. Gonzales in her efforts since the city's budget is so tight.

The Staff said they would look into the matter to see what funding could be found.

The floor was then given to Council Member Earnshaw who reported Comcast cable company had reported back to him that they are looking very positively at providing internet service to the south west portion of the city where there is no internet service and they will be doing a survey here in the near future of the residence there who would be willing to participate.

There were no other items for the open session.

REPORT FROM THE WASATCH INTEGRATED WASTE DISTRICT

The floor was given to Council Member Earnshaw who serves on the board of directors representing Woods Cross City on the Wasatch Integrated Waste District. He reported at their last board meeting they had reviewed the audit for the fiscal year 2013 which had given a clean opinion as to the finances of the energy district.

He said the finances for the fiscal year 2014 so far are tracking to budget and that the finances for the district are in good shape.

The Mayor then asked Council Member Earnshaw for some time and he reported to the Council and to Council Member Earnshaw as the representative on the South Davis Sewer District there would be a meeting to be held this week at the north sewer plant to discuss the possibility of a

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transfer station being located on the north sewer property since the Wasatch Integrated Waste District was having difficulty finding a location in South Davis County for a transfer station.

This concluded the report on the Wasatch Integrated Waste District.

REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT

The floor was given to Council Member Evans who serves on the board of directors of the Davis Mosquito Abatement District. She reported to the Council the board of director's of the district has determined they have outgrown their facilities they currently use and are looking to purchase additional adjacent land next to the property they currently own in Kaysville that they might expand their facilities to better serve the residents of Davis County.

She noted to construct the facilities it will require a property tax increase and they will be holding a public hearing early next year with the public concerning a property tax increase for the district.

This concluded her report.

REPORT FROM THE SOUTH DAVIS METRO FIRE AGENCY

The Mayor who serves on the board of directors of the South Davis Metro Fire Agency representing Woods Cross City reported on the activities of the agency.

He reported to the Council they had adopted their tentative budget for 2014 and will hold their public hearing on that budget at their December meeting. He noted in the budget they will be replacing the part time shifts with six new full time employees in order to accommodate the benefits which must be paid now under the affordable health care act part time employees. He said this causes an increase in the budget of 2.3% and that Woods Cross City's share of that increase would be \$22,514 per year.

He said that the fire chief and his battalion chiefs have been reviewing the apparatus replacement schedule and are finding ways of combining vehicles in uses so they can get more use out of the vehicles and to prevent more vehicle replacement.

In conclusion, he noted they had not been posting the minutes of their meetings along with their agendas on their website for the public to view and this would be starting here in the near future.

REPORT FROM THE SOUTH DAVIS RECREATION DISTRICT

The Mayor continued with the floor and reported on the activities of the South Davis Recreation District where he represents Woods Cross City on the board of directors. He noted at their last meeting they had approved their 2014 tentative budget and they will be holding their public hearing in December to adopt their budget. He said the budget has no increase in it.

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He said the facility is reaching its maximum use of 21,000 participants using the facility and they may be looking at a future fee increase over the next two or three years. He noted some of the improvements that have been recommended by the staff are an additional ice rink as well as an outdoor swimming pool. He said both of these matters present a little controversy and there will be considerable discussion before either one is built.

He went on to review the potential of building a softball/soccer facility perhaps locating it on some property in West Bountiful which is owned by Holly Refinery and the Mayor of West Bountiful will continue reviewing this with Holly Refinery to see what could be done to have this facility come under the South Davis Recreation District.

This concluded his report.

MAYOR'S REPORT

The Mayor reported on the recent board meeting held by the South Davis Sewer District where he serves on the board of directors representing Woods Cross City. He said at the meeting they canvassed their 2013 elections where three new board members were seated on the board. In addition, they had approved their 2014 tentative budget and will be holding a public hearing on their budget in December and there will be no property tax increase. Also they approved their liability insurance coverage for the coming year.

This concluded his report.

REPORT FROM THE CITY ADMINISTRATOR

The City Administrator reported the following to the City Council:

1. POLICE DEPARTMENT REPORT

He noted the chief of police had another commitment this evening and was unable to make his monthly report to the City Council and that he would give the report at the next City Council meeting held on December 3rd.

2. DEVELOPMENT AGREEMENT WITH SILVER EAGLE

The City Administrator noted that our attorney had redrafted the development agreement for Silver Eagle and it has been sent to their attorney. He said he anticipated by the second meeting in December we would have it on the agenda for the City Council's review and approval.

This concluded his report.

ADJOURNMENT

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At 8:00 P.M. Council Member Westergard motioned the 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