

**WOODS CROSS CITY COUNCIL MEETING  
JUNE 2, 2015**

The minutes of the Woods Cross City Council meeting held June 2, 2015 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

**CONDUCTING:**

Mayor Rick Earnshaw

**COUNCIL MEMBERS PRESENT:**

Rick Earnshaw, Mayor  
Tamra Dayley  
Jill Evans

David C. Hill  
James Sheldon  
Ryan Westergard

**STAFF PRESENT:**

Gary Uresk, City Administrator  
Jessica Sims, City Recorder

**VISITORS:**

Jon Filler  
Genie Mortensen  
Brenda Hill  
Madison Cleverly  
Gary Hin  
Danielle Knight  
Michele Wood  
Nathan Wood

Marc Evans  
Dave Whyte  
Don Schrader  
Rhonda Perkes  
Rachael Bodell  
Mike Hepworth  
Kelsey Wood  
Emma Dugal

Patt Suttzell  
Karen Whyte  
Lois Schrader  
Carol Pillard  
Jerry Lockie  
Laura Hepworth  
Julie Checketts

**INVOCATION:**

Tamra Dayley

**PLEDGE OF ALLEGIANCE:**

Jill Evans

**APPROVAL OF MINUTES**

The City Council reviewed the minutes of the City Council meeting held May 19, 2015. After their review, Council Member Evans 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.

**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 their review, Council Member Westergard made a motion to approve the cash disbursements listing as outlined with Council Member Evans seconding the motion and all voted for the motion through a roll call vote.

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**OPEN SESSION (BRIEF ITEMS)**

The Mayor then opened the meeting to items that the public would like to bring before the City Council. This would be items that would take less than two or three minutes.

Ms. Rhonda Perkes appeared before the City Council and introduced herself to the Council as the field representative for Congressman Stewart. She said Congressman Stewart's office would be happy to help with any issues the Council might need help with including social security questions and immigration issues for constituents and any other issues they might have.

The Council thanked Ms. Perkes for her offer of help and said they would be in touch with the Congressman's office if they had any questions or if they required any help.

There were no other items for the brief open session.

**COMMUNITY OF PROMISE REPORT**

The Mayor then gave the floor to Ms. Rachael Bodell who serves as the chairperson for the Community of Promise Committee. She reported the following to the City Council:

**CERT:** Emergency placards should have been passed out. There will be a mock exercise to see if these will work, this date will be announced. Another CERT class will start up this fall.

**Book Club:** The book for June will be "The Final Arrangement" by Annie Adams. She will be the guest speaker at the potluck dinner on June 18.

**Beautification:** There are 6 teams out looking at yards in the community for the annual awards. The garden walk is the last week in June.

**Arts in the Park:** The first movie of the season will be June 8<sup>th</sup>, "The Princess Bride". The second movie will be "How to train your Dragon" and will be shown August 10<sup>th</sup>. There will be concessions at these movies.

It was also noted that that Mr. Joshua Hansen as part of "Continue Mission" serving veterans, has been added to the community of promise.

This concluded her report and the Council thanked her for her time and efforts.

**THE WOODS CROSS YOUTH CITY COUNCIL REPORT**

The Mayor noted how he was very proud of the Youth City Council Members in the community and for the scholarship winners for this year. He then gave the floor to the Youth City Council representative, Madison Cleverly. She reported the following to the City Council:

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“MEMORIAL DAY CELEBRATION: There was an awesome turnout and the parents and kids loved the chalk art. There were many runners and many of those wanted to be timed but some did not get the chance to be timed which was the only down side.

SCHOLARSHIP NIGHT: Thanks for the scholarships we are all very grateful for the financial help for our future.

PARADE THEMES: The parade theme for this summer will be “A Sea Full of Service” we will be doing the 4<sup>th</sup> of July parade in West Bountiful and the July 23<sup>rd</sup> Handcart Days parade in Bountiful.

UPCOMING: Coming up we will be decorating the float for the upcoming parades on June 13<sup>th</sup> at 9:00 A.M. and we will be helping with the Summer Literacy Program starting June 12<sup>th</sup>.”

This concluded her report and the Mayor and Council thanked the Youth City Council for their time and effort on behalf of the City and praised the youth within the city for their contributions to the city this past year.

**UPDATE ON 2015 BOUNTIFUL/DAVIS SUMMERFEST INTERNATIONAL**

Ms. Emma Dugal appeared before the City Council and noted for the Council that the Arts Center had moved to 90 North Main Street in Bountiful. She also noted they had added music to their program and it provides opportunities for performances and recitals. She also noted Ms. Allissa Revell will be serving as her assistant.

She noted that on August 5<sup>th</sup> the Tour of Utah and Summerfest will partner and she felt it would be great a opportunity for the community to have these two events converge. She also noted the events are free to the public.

The Council thanked her for the information and said they would be looking forward to participating in these events this summer.

**SILVER EAGLE UPDATE**

The Mayor gave the floor to the City Administrator who noted that Mr. Jerry Lockie would be at the meeting tonight to give a brief update on what has transpired at Silver Eagle the last couple of months.

Mr. Jerry Lockie appeared before the Council and explained some of the specific things Silver Eagle had been doing to upgrade the refinery and to install safety measures throughout the refinery. He said they had been installing alarms in some of the tanks and had plans to install alarms in all hot tanks. They are battery operated and are stand alone alarms that will monitor the level of each tank.

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He also said they had installed 2 Emergency Isolation valves and are looking to install them in 2 more locations.

Mr. Lockie introduced Ms. Danielle Knight and said she had joined the Silver Eagle team in September 2014 as the PSM & Environmental Compliance Manager. She said they were more involved in the community in 2014 and 2015 and that Silver Eagle had donated approximately \$200,000 to community projects. It was noted that Silver Eagle is also an active member of the Woods Cross Air Quality Board and the Emergency Response Committee. She also noted several recognition awards Silver Eagle had recently received.

Council Member Hill asked if the air monitoring system was up and running yet. Mr. Lockie said they are still working with the Health Department and are still working on getting the systems to communicate with each other. He noted the air monitors at the Silver Eagle and the city shops are working but the one at Legacy Prep school is still being worked on.

This concluded the report and the Council thanked them for their time.

**PRESENTATION REGARDING IMPACT OF REFINERIES ON THE SOUTH DAVIS COMMUNITIES ECONOMY AND AIR QUALITY**

It was noted that this item would need to be postponed until the next City Council meeting.

**PUBLIC HEARING—PROPOSED FY 2016 BUDGET FOR ALL CITY FUNDS**

The Mayor gave the floor to the City Administrator who noted the following for the City Council:

“Given to the Council are the changes to the approved tentative budget that were discussed in Tuesday night’s meeting. Also given to the Council is a short power point presentation that will be presented to the public. No action needs to be taken by the Council at this time and it will be on the agenda for the June 16<sup>th</sup> meeting for final approval.”

The Mayor then opened the public hearing for the proposed BY 2016 Budget for All City Funds.

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

The Mayor noted the discussion would be continued at the next budget work session on June 9<sup>th</sup>.

**CONSIDERATION TO ADOPT AN ORDINANCE AMENDING SECTION 8-06-180 OF THE MUNICIPAL CODE REGARDING SELLING CONCESSIONS IN CITY PARKS**

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

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“Section 8-06-180 of the Municipal Code states that no person may sell food, drinks or other items in the city parks except they be permitted by a special permit approved by the City Council. It would be quite cumbersome for the City Council to be approving all of the permits so the language has been changed to read: “No person may sell food, drinks, or other items in City parks except as may be permitted by special permit.”

“This item on the agenda adopts the resolution outlining the conditions for the permit and includes a copy of the permit that needs to be approved. The Community Development Director has been designated as the person responsible for approving the permit.”

After the discussion Council Member Hill made a motion to adopt Ordinance 566, an ordinance amending section 8-06-180 of the Municipal Code regarding selling concessions in the City parks. Council Member Sheldon seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO ADOPT A RESOLUTION PERMITTING CONCESSIONS TO BE SOLD IN CITY PARKS ONLY AT CITY SPONSORED EVENTS**

The City Administrator then went over the following information with the City Council:

“Given to the Council is a copy of the proposed resolution which states that concessions are only permitted in City parks at City sponsored events and has an attached concession permit application that needs to be submitted and approved by the Community Development Director prior to concessions being sold at the City park.

The permit requires the individual to mark private vendors if any that are going to be selling concessions in the parks and then states four criteria that need to be met:

1. All private vendors must have a valid business license.
2. Dispensing of food requires a food handlers permit as defined by the Davis County Health department requires a valid food handlers permit.
3. All vendors must pay a park usage fee set forth in the City’s Consolidated Fee Schedule.
4. The permittee is responsible to ensure the park is clean and free of litter after the event.

This will allow concessions to be sold in the park during City sponsored events, such as, “Arts in the Park” and specifically limits it to only City sponsored activities.”

Council Member Dayley asked how you would define “City sponsored events”. The City Administrator said it would be organizations like the Youth City Council and the City Council, anything not associated with the city would not be allowed. He also said an agreement with the ball fields is a separate thing.

After the review, council Member Westergard then made a motion to adopt resolution 2015-592, a resolution permitting concessions to be sold in City parks only at City sponsored events. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

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**CONSIDERATION TO ADOPT A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE TO INCLUDE A FEE FOR PRIVATE VENDORS SELLING CONCESSIONS IN CITY PARKS DURING CITY SPONSORED ACTIVITIES**

The City Administrator continued with the floor and noted the following for the City Council:

“Given to the Council is a copy of the Resolution that amends the Consolidated Fee Schedule to include a Park Vendor Fee. In Section 15 under Park Concession Fees I have eliminated the existing B that includes a \$200 deposit for concessions in the park through agreement. The way it is set up now is that concessions will only be allowed at City sponsored events. I added the new B which is if an outside vendor wants to provide concessions as part of the event they will need to pay a \$10.00 fee after getting approval of the sponsors of the City event”

After the presentation by the City Administrator, Council Member Hill made a motion to adopt Resolution 2015-593, a resolution amending the Consolidated Fee Schedule to include a fee for private vendors selling concessions in City parks during City sponsored activities. Council Member Evans seconded the motion and all voted for the motion through a roll call vote.

**IMPACT OF FRISBEE GOLF COURSE ON SURROUNDING HOMES**

The Mayor then noted they would be having a discussion on the impact of the Frisbee Golf Course on the surrounding homes and address some concerns the residents have that live nearby the course. He invited two or three of the neighbors to come forward and speak for the group.

Ms. Brenda Hill living on 1900 South addressed the Council and said she feels the disc golf course is very invasive and there are many people that come to the park that don't even live in our community to use the course. She said some of the problems that are caused by people who come to the park are there is alcohol consumption, smoking, unleashed dogs and trespassing and it is affecting her life on a daily basis. She said she has a problem with the way this issue has been handled. She said people are coming into their backyards that are uninvited to retrieve a Frisbee. She said she would like the golf tee removed that is nearby her home. She said they had a nice view of the park and now it is not a nice view and she is very unhappy with the situation.

Ms. Carol Hillard living at 1296 W. 1900 South by hole 15 spoke next. She said she did not even know what the cement slab was being poured for when they were constructing the course. She said it did not bother her at the time but now it is an invasion in her home with the negative impacts of the disc golf course. She said it is not mostly families that are coming but a more questionable element of people, the intent was families to enjoy the course but it is not families that are coming to play. She said she had to get an extra chain to go on her gate and that people are looking into her home and not the kind of people she wants looking into her home and her yard. She also said people have hopped the fence to retrieve discs in her yard. She said she thinks someone needs to monitor the course, especially people with loose dogs. She said dogs come to the park and bother the other dogs living at the homes along the park and the barking is

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causing problems. She said she hates it and she moved there to have quiet and privacy and to look at the park. She says she does not have it now. She says she would hate to have to see no trespassing signs along the fences along the park side of the yards.

Dave Whyte living 1408 West 1900 South said he was having some of the same problems. He said he has loved having the park in his backyard up until now. He said he has a big garden, and people are jumping the fence into his garden to get their Frisbees and his garden will get trampled. He said people are going through his gate, also to get their Frisbee. He also said he has three trees near the back of his home and there were 25 people waiting to get to the next hole. He also said he had his grandkids over to swim in a small pool and he had no privacy and people were looking into his yard and looking into his house. He said he liked the view of the park, but if he has to, he will put up an 8 foot tall privacy fence to avoid these problems. He also noted the last three houses on his street are way off their boundary lines.

Ms. Judy Mortensen living at 1418 West 1900 South said she had problems with people kicking her fence, harassing her dogs, coming through her gate and leaving it open, trash left behind, but her main concern was the lack of privacy. She said she liked to sit out on her deck and now she feels like she cannot do that anymore. She said she had mixed reactions for the golf course because people are enjoying something like this, but it is bad for the neighbors. She said she would like it completely removed or a tall white vinyl fence put in and very strict rules posted and monitored to help mitigate the problems. She also said she would like to see an extra garbage can nearby the course because there is not one there right now and there is trash that is accumulating.

Mr. Whyte said they do have serious problems with dogs in the park. He said they are off leash more than they are on leash. He said it is a big mess.

The Mayor noted the dogs were a problem before but now and it seems to have gotten worse. The Mayor said it seems like people just do not care if there are rules about dogs in the park and seem to ignore them and any issues that they cause.

Council Member Evans said the dog issues were a separate problem but it does need to be dealt with.

The Mayor said people that are throwing Frisbees are not throwing them at the designated spots. He went on to say that disc golf is a new sport and there has been more of a call for it and that is why the city looked at it and decided to put it into the park. He said there were many people who walked the park and reviewed laying out the disc golf course and discussed the best use of the unused space in the park. He said they had put a lot of time and effort into the consideration of the disc golf course.

Paul Coombs 1312 W. 1900 S. said he was also speaking for Jon Cuzzens who has had 30 people over his fence to retrieve discs and is very upset. Mr. Coombs said he would be very upset too if that was his yard. He said he had about 5 people over his fence. He said he felt like the

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majority of problem is people going over fences, off leash dogs, and lack of privacy. He said he also had concern about people coming over his fence and getting bitten by his dog. He said he also has a garden that could be destroyed. He said there is a need for this type of entertainment by the turnout and its popularity. He said he would not even mind it in the park but not the way it is laid out at present.

Judy Mortensen said she felt violated and that the neighbors were not even asked about their feelings of having this type of course nearby and they had not been notified.

Council Member Hill said it was mentioned in the newsletter twice and it was on the city agenda several times. He said they did talk about constructing it. He said in the beginning, a group of residents came and asked about putting in the disc golf course and there were quite a few meetings just like when we discussed the dog park. He anyone could have communicated by facebook, email, or the city website. He said they do try to communicate things that are going on and being discussed. He went on to say if we knew then what we know now they would have approached it differently. He said the City Council is trying to work through this and they did not think there would have been this kind of impact.

Paul Coombs said we did not know it would make this big of an impact either but we have to work together to make it work and make everyone happy. There is a big problem and we need to have things fixed so everyone can be happy but there are no excuses for people going into the backyards of the homes along the park.

The Mayor said they are trying to come up with a receptacle that could be used to deposit the lost discs and put them in the receptacle to be returned to the players later. He said there needs to be signs that should be put up about not going into people's yards when the discs have been mistakenly thrown into the neighbor's yards.

The Mayor did say some are players are nearby residents, and some are coming from other areas to play. He said there were a couple of veterans from Continue Mission that had come to play and as two veterans they expressed appreciation for the free course, how close to home it was, and how nice it was to go out and get some exercise. The Mayor said lots of residents were very excited about the course. He said there definitely were serious issues, and he said the city will do their best to mitigate the issues. He said they need to do something about the dog problem, and he will talk to the parks people about getting another garbage can.

The Mayor also said they want to make sure signs are posted clearly about rules of the course including not going into people's yards to retrieve their discs.

Mr. Marc Evans of the city's parks department said a sign had arrived that very day with the rules on it and it will be installed at hole #1. He said it is a large sign and has all the rules on it as well as a map of course. He also said he is waiting to receive a stencil that says "No Dogs Allowed" to stencil on the path at the park so people understand that dogs are not allowed in the park.



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Council Member Evans noted before 6:00 P.M., animal control will come and give tickets to people who have dogs in the park. The question was asked if Police officers can give tickets for dogs in the park. It was also mentioned that weekends are worse for dogs in the park and Animal Control is not working then.

It was discussed that it might be worthwhile to adopt an ordinance that would punish violators for trespassing.

The Mayor said they will be working hard the next few weeks to mitigate the problems and take into consideration everything everyone has said at the meeting tonight.

The neighbors asked if they could be kept updated on what was going on. It was suggested they go to the city website and give their email addresses so they could be kept updated. It was also suggested that a parks committee be put together to bring residents and disc golf players together to try and solve some of the problems and have discussion on what might be the best way to do so to have both sides satisfied.

The suggestion was also made to post information on the golf disc website so they can be aware of the rules and some of the problems that might be avoided when using the disc golf course in our city park.

Council Member Dayley also related that staff should look at the possibility of relocation of the course across the A-1 ditch and away from the homes and she also provided a follow-up commitment to form a park committee to communicate with the residents impacted and work on mitigating changes that can be made, and to assist with that communications for the park committee. Furthermore, Council Member Dayley stated that the noise disturbance of yelling "fore" when Frisbee are thrown is nuisance and no help at all due to the crossing of the course and should not be encouraged as golf etiquette. Also, she stated that the Frisbee golf course has displaced other park uses such a walking or running on the paved path, family biking with toddlers or young children that are learning to ride. For example the day of the open house, she observed a young mother with a stroller, when passing the distance throwing demonstration forced off the paved path on three occasions by those listening to the instructions. Finally, Council Member Dayley related that currently the park hours go until after dark and this late hour and playing on the course is disruptive to the citizens living nearby. She recommended considering, since there are no lights, changing the park hours to close at dark.

The Mayor said he appreciated everyone's input and the impact was not intended, He noted the city will help put together a committee consisting of neighbors and a few members from the disc golf community and mitigate the issues.

**MEMORIAL DAY REVIEW**

The Mayor expressed his appreciation for all of the participation for the Memorial Day Celebration. He said they fed about 1700 people and it was a very successful event. He also

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mentioned how touching the program was and how many people commented on how special this year's program was.

He also wanted to thank the Youth City Council for their help with the event. He said they could not have had such a successful event without the help of the Youth City Council.

**UDOT MEETING UPDATE**

The Mayor then updated the City Council on UDOT and their projects. He noted that 500 South and 400 North would be closed at the same time, on the same weekend of June 13<sup>th</sup> and 14<sup>th</sup>. He said it was not UDOT's intention to do this but it is going to have to be closed to install a DDI.

The Council discussed ways they might get the word out to the public that this would be taking place and they suggested possibly doing a reverse 911 call to let people know of the closures.

Council Member Hill asked what the update was on 1500 South and getting it repaved. It was noted that Clyde Construction would pay 50% of the cost and UDOT would pay a portion and the City would also pay a portion because of the utilities that needed to be put in.

This concluded the update.

**OPEN SESSION**

Ms. Michele Wood appeared before the City Council. She presented the City Council with her RAD program business plan. The Council said there would be discussion at the next budget meeting regarding the funding for the RAD program. Council Member Evans suggested Silver Eagle might possibly consider funding the program. The City Administrator said he could approach Jerry Lockie about it.

Council Member Hill then inquired about the Sports Forum building. The City Administrator said he would talk to the Community Development Director and the City's Code Enforcement Officer to see where they were at. He also commented on people being responsible dog owners and possibly instituting a change in city ordinance regarding non-responsible dog owners. He felt like the fine should be very stiff if people were not being responsible for their dogs. He also mentioned there might be an ordinance regarding trespassing in people's backyards and possibly paying animal control to patrol the city on Saturdays.

Ms. Patt Suttzell said she saw no issues with the disc golf course. She did say that dogs that walk in the linear parks are leaving messes that need to be addressed. She also thanked the City Council for the Memorial Day Celebration.

Council Member Sheldon then said the timing system that was used on a trial basis this year was successful but they hope to refine it and use it again next year for those runners on Memorial Day that would like to be timed for the race.

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The Mayor asked the Staff who owned the property north of Pace's and said the weeds on the property were very high and the owner needed to be notified so the weeds could be taken care of.

Council Member Dayley also said there needs to be weed control around the Odyssey school and on the nearby UDOT property.

There were no further items for the open session.

**SOUTH DAVIS SEWER DISTRICT REPORT**

Council Member Westergard reported on the activities of the South Davis Sewer District where he serves on the board of directors.

He noted there had been an energy recovery proposal presentation which was very interesting. He said they also had a discussion on moving into the next phase which is financing and how the district would work with the private company.

This concluded his report.

**MAYOR'S REPOT**

The Mayor said he had attended the Metro Fire awards Ceremony last night and it was very touching. He said Ray Daniels won the fire fighter of the year award and he was very deserving of it.

The Mayor also noted he had attended the scholarship night at Woods Cross High School and they awarded \$80 million worth of scholarships to the students. He went on to say what great youth we have within the city of Woods Cross and how proud he was of them.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator noted the following for the City Council:

**1. Animal Control Fees:**

“The City's met with the Clint Thacker and Commissioner Petroff to discuss Animal Control Fees. Currently the Davis County general fund covers 51% of the Animal Control Department costs. This has increased over the past 4 years from \$800,000 and to about \$1,100,000. This has been a 36.5% increase while the City assessments have only increased by 2.6%. The county feels their increase is unsustainable and they would like to have a discussion with the City's as to if we are willing to share an increase cost of animal control or look at diminished service. We will have further discussions on this and I would like to get the Council's comments on whether you are willing to pay more or have less service.”

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**ADJOURNMENT**

There being no further business before the Council, Council Member Evans motioned the City Council adjourn the meeting at 8:57 P.M. with Council Member Westergard seconded the motion and all voted for the motion through a roll call vote.

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Rick Earnshaw, Mayor

Jessica Sims, City Recorder