

**WOODS CROSS CITY COUNCIL  
JULY 15, 2008**

The minutes of the Woods Cross City Council Meeting held July 15, 2008 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  
Tamra Dayley  
Rick Earnshaw

Jill Evans  
David C. Hill

**COUNCIL MEMBERS EXCUSED:**

Jon Hadlow

**STAFF PRESENT:**

Alan Low City, City Recorder  
Gary Uresk, City Administrator  
Tim Stephens, Community Development Director  
Paul Howard, Police Chief  
Scott Anderson, Public Works Director

**VISITORS:**

Pat Blackley  
Gayle Stephenson  
Dero Gertsch  
Al Jewell  
Chris Gamvroulas  
Athena Dayley

LeGrande Blackley  
Brent Stephenson  
Lois Schrader  
Donna McCormick  
Greg Seegmiller

Paul Howard  
Leslie Gertsch  
Don Schrader  
Melinda Williams  
Wallace St. Jeor

**INVOCATION:**

Tim Stephens

**PLEDGE OF ALLEGIANCE:**

Rick Earnshaw

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 July 1, 2008. After the review, Council Member Dayley 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.

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**APPROVAL OF FINANCIAL REPORT**

The floor was given to the City Recorder who explained to the City Council that because it was the fiscal yearend the financial report would be given in August rather than in July to allow for the fiscal yearend closing of the financial records.

**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 Evans seconding the motion and all voted for the motion through a roll call vote.

**OPEN SESSION (BRIEF ITEMS)**

The Mayor 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 floor was given to Ms. Donna McCormick, a City resident. She asked about the reconstruction of 500 South and the fact that it is planned to put roadway islands in the middle of 500 South. She said she was opposed to this because it stopped her from making left hand turns into her relatives' homes as well as friends that live along 500 South. She said in addition to this, the islands would affect the businesses along 500 South as their customers try to make left hand turns into their locations. She asked the City Council to do all in their power to see that 500 South is left open so the traffic can move to the left as needed.

The Council said they would accept her recommendation and encourage the UTA as they had the opportunity.

The floor was then given to Council Member Earnshaw who asked about the weeds that are growing in the field which is north of Mike Riddle Auto Dealership. He said the weeds are a nuisance to the subdivision to the north of the field and he understood that this property is owned by the Hepworth family and could something be done to control the weeds.

The Staff said they would look into the matter.

In addition, Council Member Earnshaw said he was concerned for the weeds growing along the sound wall on the east side of the freeway on 625 West. He also said some of the trees that had been planted along the sound wall, by the City, have died and he asked if the City workers could look into removing those dead trees as well as the weeds.

The Staff said they would look into the matter.

There were no other items for the brief open session.

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**CONSIDERATION TO AUTHORIZE THE PURCHASE OF 2 POLICE CARS**

The Mayor gave the floor to the City’s Chief of Police who explained the following to the Council concerning the purchase of two new police cars:

“We have contacted both the Ford and Dodge dealers with Utah State Contacts to obtain a bid for 2009 vehicles. However, neither one can quote a price because of delays at the factory and the unsettled car market. Even when they can provide a bid they claim they cannot deliver vehicles until after January 2009.

“The Ford dealer said we could expect a 1 or 2% increase in price for a 2009 Crown Vic over the 2008 model price of \$22,374 for a total cost of \$22,709 using 1.5%.

“Ken Garff Dodge has several 2008 Chargers on the lot and we have placed a hold on two of them pending approval to purchase. Installation, radar and emergency equipment will be purchased from Premier Vehicle Installation which is on State Contract. The in-car video will be purchased based on state bid from Kustom.

“The following are the bids for the vehicles and equipment:

2008 Dodge Charger	\$21,791.00 ea	\$43,582.00
Kustom in-car digital video	\$4,267.00 ea	\$8,534.00
Emergency equipment	\$7,586.00 ea	\$15,172.00
Stalker Radar	\$1,725.00 ea	\$3,450.00
Installation	\$1,275.00 ea	\$2,550.00
Total		\$73,288.00

“This is well under the budgeted amount of \$78,000.00

“I recommend we purchase two 2008 Dodge Charger Police vehicles from Ken Garff.

“The third vehicle in the budget will not be ordered at this time pending the approval to purchase a motorcycle which will be submitted in December.”

After the explanation by the Chief of Police, the floor was given to Council Member Evans. She asked the Chief of Police if they had considered purchasing automobiles that get better gas mileage to save expense to the City. The Chief advised the Council that a heavy duty police car is needed for patrol because of the need to take care of police matters in an adequate way.

Following his reply, the floor was given to Council Member Earnshaw who motioned the Council approve the purchase of two police automobiles as recommended above by the Police Chief. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

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**CONSIDERATION TO DECLARE A 2004 FORD CROWN VICTORIA AUTOMOBILE AS SURPLUS PROERTY AND SET A MINIMUM BID OF \$6,000**

The Chief of Police continued with the floor and advised the Council of the following:

“With the purchase of two vehicles in July, I request that a 2004 Crown Victoria be declared surplus and that it be taken to TNT Auction to be sold with the equipment included. I request that we be allowed to negotiate with TNT for a reasonable price and will request a minimum of \$6,000. It has 40,000 miles on it but has had numerous problems since we purchased it from Salt Lake County and has somewhat of a stigma about it and the officers do not want to drive it.

“The last vehicles we took to TNT were Impalas that sold for around \$2,500 including the equipment, but had much higher mileage.”

Following the recommendation by the Chief of Police, the floor was given to Council Member Dayley who motioned the City Council declare as surplus property the 2004, Ford Crown Victoria and sell it for surplus property setting the minimum bid at \$6,000. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO GRANT CONDITIONAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR MOUNTAIN VEIW ESTATES SUBDIVISION PHASES 1, 2 & 3**

The Mayor gave the floor to the Public Works Director who recommended the following to the City Council:

“We have reviewed the following development for conditional acceptance:

“Mountain View Estates Phase 1, 2 and 3

“We recommend conditional acceptance of these improvements authorizing the release of the bond down to 10% with the exception of:

“All Phases	
“Street Trees	100% held
“Slurry Seal	100% held

“Phase 1 & 2

“A-1 Drain Landscaping	100% held
(except costs for concrete walk)	

“Phase 3

“Landscaping Common area	100% held”
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Following the recommendation by the Public Works Director, the Mayor gave the floor to Council Member Earnshaw who motioned the Council approve the conditional acceptance and the release of the bond for Mountain View Estates, Phase 1,2 & 3 as outlined by the Public Works Director above. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

**CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT WITH IVORY NORTH TO BUILD 38 TOWNHOUSES AND 9 SINGLE FAMILY DWELLINGS ON 17.12 ACRES LOCATED AT APPROXIMATELY 1450 SOUTH 1900 WEST**

The Mayor gave the floor to the Community Development Director who reviewed the following with the City Council:

“Given to the Council as Exhibit 1, is a proposed development agreement with Ivory Development for 17 acres immediately west of the City shops. Exhibit 2 shows the area covered by the Development agreement. This is the area that is being annexed into the City and we have previously discussed the possibility of a significant commercial development located to the east where the shops are located. Ivory has not progressed enough along with the commercial development to enter into an agreement concerning it. The agreement covers the residential area, the church site and the open space. When the property is annexed in at the next Council meeting, the two acres on the east side of their property will be rezoned as A-1 and well be held in that zone until the commercial development is ready to go forward. The development agreement is currently being reviewed by Ivory and there may be a few changes as negotiations continue in a few minor matters with Ivory Homes.”

After the review by the Community Development Director, the Mayor gave the floor to Mr. Chris Gamvroulas, from Ivory Homes who took time to review with the Council the type of townhomes and single family homes they plan to build on the 17 acres in question.

The floor was then given to Council Member Dayley who expressed concern about the density of the area with the number of townhomes and single family homes.

The Staff explained because of the location of this property it would be best to develop it under the plan which has been presented by Ivory Homes.

The floor was then given to Council Member Earnshaw who motioned this matter be referred to the Planning Commission for their review of the project and the annexation of the land and for the Planning Commission to make a recommendation to the City Council. Council Member Hill seconded the motion and all voted for the motion through a roll call vote.

The Council then gave their approval to the basic agreement as reviewed at tonight’s meeting and gave direction to the Staff to continue their negotiations with Ivory Homes to complete the development agreement.

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**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF RESOLUTION 2008-457 A  
RESOLUTION ADOPTING THE 2008 GENERAL PLAN UPDATE**

The Mayor gave the floor to the City Administrator who went over the following with the City Council:

“A copy of the 2008 General Plan Update was given to the Council at the last meeting and if you have any questions concerning the language of the update, we can discuss them. This update was spurred by the completion of the Legacy Parkway interchange as well as the Commuter Rail Station on 800 West. The purpose of the General Plan is to create a conducive area for commercial and mixed use development within the 500 South/Redwood Road area. The principles that were used in developing this update are as follows:

“The following are key planning principles to help guide future growth and development within the Northwest Quadrant. These principles reflect the vision and high-quality design expected regarding such development, and will be defined in greater detail as part of the planning concept for the area.

- Acknowledge the importance of the Northwest Quadrant to the future of the City, and the importance of “getting development right”.
- Create a high-quality, context sensitive commercial destination that is sensitive to the unique qualities of the Great Salt Lake shore lands.
- Consider the needs of existing neighborhoods and districts, particularly those immediately adjacent to the Northwest Quadrant. This can be achieved by providing transitions, buffers and connections.
- Maximize the opportunities of the Redwood Road/500 South intersection by creating a new attractive west entrance for the City.
- Develop a series of interconnected “places” within the Northwest Quadrant that are attractive and pleasant destinations for residents and visitors alike.
- Transform the Northwest Quadrant into a place that signifies one has arrived in a special community-Woods Cross City.
- Encourage a balanced development profile that meets the needs of the local community as well as the region.
- Create a series of unified yet distinct sub-districts and neighborhoods throughout the area and clearly define the characteristics desired for each.
- Acknowledge the importance of key roadways-Legacy Parkway, Interstate 15, Redwood Road and 500 South in particular-to success of the area.
- Ensure that the size and scale of the specific developments meet the vision of this plan.
- Where appropriate, define suitable users, forms (building types, heights and patterns), streetscapes, and site requirements, such as setbacks, build-to lines, orientations and configurations that are appropriate to the area.
- Identify appropriate codes, ordinances, guidelines and other implementation tools which meet the vision and principles for the Northwest Quadrant.

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- Coordinate this plan with the direction and vision contained in existing plans and documents which impact the area.

“I feel these principles outline what we are trying to accomplish in this General Plan Update. I recommend approval of the resolution which adopts the General Plan Update.

“We are currently working on an ordinance that will implement the principles of the General Plan and this should be on the agenda for approval sometime in August.”

After the outline by the City Administrator he advised the Council that the Planning Commission has reviewed the 2008 General Plan update and recommends it to the City Council.

The Mayor then opened the public hearing on the matter.

The floor was given to Ms. Leslie Gertsch, a City resident. She asked the City Council if there would be zoning changes that would come after the adoption of the General Plan update. The answer by the Staff was yes there would be public hearings held on any zoning changes.

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

The floor was then given to Council Member Earnshaw who motioned the City Council adopt Resolution 2008-457, a resolution amending and adopting the Woods Cross City General Plan. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

**DISCUSSION ON THE CITY’S WATER WELLS**

The Mayor gave the floor to Council Member Evans who placed this item on the agenda. She said she would like to have explained to her the City’s water wells and how they provide water to the City. She asked if all of the wells were pulled from the same aquifer. The answer by the Staff is the wells do pull from the same aquifer and that the proposed new water well, #5, will also pull from the same aquifer.

She then asked how big the wells were and the answer was they are 16 inches and they pump 1000 gallons per minute.

Council Member Evans said she was concerned about the City’s water wells and the affect they were having on others who have wells in the city.

The Public Works Director responded by saying it is hard to determine what affects a water well has on other wells in its area, the water flow can be affected by many factors such as the seasons of the year, drought conditions, water conditions, the flow of the aquifer, there are many components that affect the flow of water wells.

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The floor was then given to the City Engineer, Mr. Greg Seegmiller, who said he had studied water rights and wells and the affect of wells on those who use water wells for their water and pointed out the following four principles or points:

1. "People don't own water; the State of Utah owns it. People own a right to the water". Also, as Steve Slack from the State Division of Water Rights stated, "People don't have a right to pressure, just to water".
2. "The State and Courts don't get involved in pressure issues, so long as people can still get their water with reasonable effort. The principle of "unreasonable Interference" is what the courts use in this matter. It is not unreasonable for someone to put a pump in their well to get the water they have always had in spite of other influences.
3. "Others have rights to the water regardless of pressure or depth to obtain the water. If the state were to get involved with the pressure issue, a large user such as a City would have to give up their rights to a smaller user who might complain about a pressure drop. The state takes great efforts to make sure that an area is not "over allocated". Meaning, they don't give the right to anyone who asks, you have to purchase the right from someone who has a bona fide right from a State Adjudication. That way there should always be water within the aquifer.
4. "There are multiple causes for pressure drop. They include: drought, geologic changes, seasonal changes, and other wells in the vicinity. To blame a city for the loss of pressure in a well is unfair to the city since it could be another user, or another cause."

Following the City Engineer, the floor was given to Mr. Dero Gertsch. He said his home is currently served by a water well on his property and he has seen over the years the affect of the City's water wells as well as wells that have been drilled by Weber Basin Water, on his water well.

Council Member Evans then thanked all those involved for their explanation and discussion on this matter.

**CONSIDERATION TO ADOPT RESOLUTION 2008-458 A RESOLUTION SUBMITTING A BALLOT QUESTION TO THE RESIDENTS OF WOODS CROSS CITY REGARDING THE IMPOSITION OF A LOCAL SALES AND USE TAX OF .10% WITHIN THE CITY TO FUND RECREATION AND CULUTURAL FACILITIES AND ORGANIZATIONS**

The Mayor gave the floor to the City Administrator who went over the following with the City Council:

"Given to the Council is a resolution placing a .10% tax on local sales for recreation and cultural facilities and organizations. Exhibit 2 is a notice of intent sent to the County Commission and Exhibit 3 is a copy of the resolution they adopted indicating they have no intent of putting a county wide RAP tax on the ballot which allows us to place the proposed tax on the ballot



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through resolution. The resolution places the question of whether to enact this tax on the November 4<sup>th</sup> general election ballot.”

The City Council had discussed this item in detail at the July 1<sup>st</sup> meeting and felt that it was appropriate to go forward with placing this item on the ballot for a vote of the City wide residents. The floor was then given to Council Member Dayley who motioned that the City Council adopt Resolution 2008-458, a resolution submitting a ballot question to the residents of Woods Cross City regarding the imposition of a local sales and use tax of 1/10 of 1% (0.10 %) on certain qualifying transactions within the City to fund recreation and cultural facilities and organizations. Council Member Earnshaw 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 City Council.

There were no items for the open session.

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

The Mayor advised the City Council that the South Davis Metro Fire Agency had not held their July board meeting so he had nothing to report.

**REPORT FROM THE DAVIS MOSQUITO ABATEMENT DISTRICT**

The floor was given to Council Member Evans who serves on the Board of Directors on the Davis Mosquito Abatement District. She reported at the last board meeting the Mosquito Abatement Board met at the Ogden Airport and had a tour of the facilities that will be used to house their chemicals at the airport.

This concluded her report.

**MAYOR' S REPORT**

The Mayor reported to the City Council on the following:

1. Bountiful City will have a dedication of the Five Points roundabout on July 18<sup>th</sup> at 10:00 a.m. that all the Council are invited to be in attendance.
2. He handed out the performance appraisal reviews for the City Administrator's work in the past year and asked the City Council to complete the reviews and have them back to him within a week.

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3. He advised the Council he and one of the Council Members had met with the Public Works department this past week and will be meeting this week with the Public Safety personnel and on Thursday they would be meeting with the City Administration.

This concluded his report.

**PLANNING COMMISSION REPORT**

The floor was given to the Community Development Director who reported on the Planning Commission meeting July 8, 2008. Please see the minutes of that meeting for the details of his report.

**CITY ADMINISTRATOR'S REPORT**

The City Administrator reported the following to the Council:

1. **“Water Bond Special Meeting**

“Just a quick reminder of the special meeting on Tuesday the 22<sup>nd</sup> at 6:30 P.M. for the Water Bond.”

**ADJOURNMENT**

There being no further business before the City Council, Council Member Dayley motioned the Council adjourn the meeting at 8:30 P.M. with Council Member Evans seconding the motion and all voted for the motion through a roll call vote.

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Kent Parry, Mayor

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Alan T. Low, Recorder