

**WOODS CROSS CITY COUNCIL MEETING
MARCH 2, 2010**

The minutes of the Woods Cross City Council Meeting held March 2, 2010 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*	David C. Hill
Rick Earnshaw	Ryan Westergard

*Entered the meeting as noted in these minutes

STAFF PRESENT:

Gary Uresk, City Administrator
Alan Low, City Recorder

VISITORS:

Leendert Van Hulten	Chandler Strong	Russ Schrader
Lois Schrader	Don Schrader	Al Jewell
Charles Payne	Linda Wood	Gary Stark
Greg Thompson	Larry Tolpi	Robert Whetten
J. Michael Redd	Nick Smith	Zack Brandt
Jonathan Smith	Joshua Rickseuter	Wade Hugoe
Keith Reeder	Ryan Dixon	Austin McBride
Gordon Curl	Morgan Stewart	Vicki Hinckely
Melinda Williams	Pat Blackley	LeGrande Blackley
Trina Peterson	Brandon Peterson	Tom Lindhardt
Quin Strong	Brandon Rasmussen	D.L. Weeks
Joe Dougherty		

INVOCATION: David C. Hill

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 Council reviewed the minutes of the City Council Meeting held February 16, 2010. After their review, Council Member Hill motioned the minutes be approved as written

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with Council Member Earnshaw 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 Member Earnshaw made a motion to approve the Cash Disbursements listing 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 then opened the meeting to items from those present that were brief in nature. This would be items that would take less than two or three minutes.

The floor was given to Mr. Quin Strong, a City resident living on 1350 West near the Legacy Preparatory Academy School. Mr. Strong expressed to the City Council that those in his neighborhood were concerned about the parking on 1350 West of those who are coming to pick up their children or participating in activities at the school. He said not only are they blocking the driveways of some of the residents but are also leaving refuse on the street as litter. He asked the City Council if there was anything that could be done.

The Staff explained to Mr. Strong that a public street does allow parallel parking but they would meet with the staff members of the school and explain to them the problem and see if they could work with the parents and those who are parking on the street that are connected with the school. They said if this does not improve the situation for him to advise the Staff and they would see if there were other matters that could be done to help alleviate the problem.

Mr. Strong thanked the Council for their time.

There were no other items for the brief open session.

REPORT FROM THE WOODS CROSS COMMUNITY OF PROMISE COMMITTEE

The Mayor gave the floor to Mr. Leendert Van Hulten who is the Chairman of the Woods Cross Community of Promise Committee. He reported the following concerning the activities of the Community of Promise Committee:

March 4th the Garden Club will meet at 7:00 P.M. and will be discussing water wise perennials that are planted at the Utah House in Kaysville.

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March 11th the Senior Lunch Bunch will be meeting at noon and will be enjoying some cowboy poetry and the Stampede Band. Lunch will be catered and white elephants will be exchanged.

March 25th will be the next Community of Promise Meeting held at 7:00 P.M. at the City Hall.

The Community of Promise Committee is also working on the Summer Literacy Program.

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 of the South Davis Sewer District. He reported the following to the City Council concerning the activities of the Sewer District:

Holly Oil has ammonia levels that have exceeded limits that have caused our plant to be out of specs. The Utah Association of Special Districts is working on this problem.

Deeds for Mountain View Towns PUD for phases 2 and 4 have been received.

The District is now offering a 125 Cafeteria Plan to its full time employees to use for medical expenses.

Property taxes and tax liens were received making it so that we should meet our budget expectations.

Delinquent service fees for 12 months were slightly up from prior years but are not a concern. The delinquent sewer fees are certified as tax liens on the property.

The Walgreen's property on 2600 South has a sewer line that runs diagonally across the property. We are working on moving this.

REPORT FROM THE WOODS CROSS YOUTH CITY COUNCIL

The floor was given to Ms. Morgan Stewart, the Mayor Pro-tem of the Youth City Council to report on their activities. She explained to the Council that she was standing in for Mayor Aubrey Page of the Youth City Council who was unable to attend tonight's meeting.

1. "At our monthly meeting we started preparations for the Easter "Egg"-stravaganza which will be held Saturday, April 3, 2010 at 10:00 a.m. at Woods Cross Elementary.

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2. “We are excited to attend the Utah State University Youth Leadership Conference in March. Council Member Hill will be joining us for our dinner on Friday night.
3. “Our next Youth Council meeting will be Monday, April 12, 2010 at 4:00 p.m.”

SILVER EAGLE REFINERY UPDATE

At this point in the meeting Council Member Dayley took her seat with the City Council.

The Mayor first gave the floor to the City Administrator who reported the following to the City Council concerning Silver Eagle Refinery:

“Mr. Mike Redd will report to the City Council this evening and give an update on Silver Eagle and present what he calls his “report card”.

“In regards to the contract for 3rd priority inspections. I will be working with Larry Tolpi over the next couple of weeks to get the RFP out. Mike Redd has been out of town most of this week and I have been unable to get with him until this Friday which has slowed us down a little bit in this process. Larry Tolpi and I will be working together to develop the scope of work for the 3rd party review/audit of Silver Eagle and will be developing the RFP for the contractor. In regards to the ordinance, the City Attorney should have a draft out in the next two or three weeks.

“In regards to resident notification, specifically City Watch, I have been in contact with Brent Peters of the Davis County Sherriff’s Office and we are working on getting the spread sheets to incorporate cell phones and other phone numbers within the program. Brent is a little frustrated with his GIS programmer who has not been able to get the program to work within City Watch, but he feels he should have it working in the next couple of weeks.”

Following the information presented by the City Administrator, the floor was then given to Mr. Mike Redd, Vice President of Operations for Silver Eagle Refinery who reported the following information to the City Council with the help of two of his employees, Mr. Robert Whetten and Mr. Chad Salisbury.

HOME REPAIR UPDATE—ROBERT WHETTEN

59% Closed or Settled
32% Estimates Completed, working to settle
9% Working with homeowner’s insurance, special claims, etc.

REFINERY SCORE CARD (First Draft) –Mike Redd

Environmental Performance:

- Regulation violations & corrective action taken (Zero violations in 8 years)

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- Improvement project progress report
- Quarterly Utah DAQ on-site air quality inspection and action taken

Process Safety Performance:

- Regulatory violations past 5 years & corrective action taken
- New violations & corrective action taken
- Ongoing critical-equipment inspection & testing results

REFINERY EMERGENCY RESPONSE, HORNS & ALARMS—CHAD SALISBURY

- Neighborhood-evacuation notification goes through 911 (same as Holly)
- Employee-evacuation horn tested every Tuesday at 12 noon
- There is one confined space where a loud alarm sounds when fumes exceed safe-entry limits (such fumes cannot migrate off-site); we are working to replace alarm with flashing lights (alarm has not sounded since 11/4/09)

COMMUNITY ACTION & EMERGENCY RESPONSE COMMITTEE MEETINGS

- Attended by SER employees, City/County reps and Neighborhood reps
- Next meeting is Wednesday, March 24 at 4:00 PM in SER conference room
- Meetings are held every other month on the 4th Wednesday at 4:00 PM

SER & OTHER REFINERIES PROCESS-SAFETY COORDINATION

- PSM Coordinators to meet March 3 to share Mechanical Integrity documents
- Contributes to developing Best Practices to improve overall safety
- Coordinators will continue to meet and share information

REFINERY OPERATION UPDATE

- Crude Unit #1 safely started Feb. 17

Following the presentation from those from Silver Eagle Refinery the floor was then opened for questions and answers.

The floor was given to Council Member Dayley who asked them why it has taken so long for the insurance claims to be processed. The Silver Eagle people responded by saying that in the last two weeks they have stepped up the pressure on the insurance company to process the claims more quickly and have seen a marked improvement in their work.

Following the discussion the Mayor thanked those present for the information presented to the residents and to the City Council and said they would look forward to future reports at the City Council meetings.

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CONSIDERATION TO SET THE DATES FOR THE CITY'S SPRING CLEAN UP

The City Council reviewed the following information from the Public Works Director:

“Given to the Council is information that outlines the Spring and Fall Clean up periods. I have set the dates, between April 3rd-10th, 2010 for our Spring Clean-up and October 2nd-9th, 2010 for the Fall Clean-up period. These times will allow us to utilize a Waste Management compactor truck for curbside material pickup. We also will have containers at the shop where people can bring debris for disposal during extended hours on these dates. With the change at the Bountiful Landfill we will not accept Green Waste to be delivered at the shops from residents.

“We will continue to pick up chipping material on the curb that meets our standards on the Second Monday during the months of March, May, June, July and the shops will be open for disposal of acceptable debris, excluding Green Waste from 9:00 A.M. to 12:00 P.M.”

Following the information from the Public Works Director, the Council concurred that the dates set by the Public Works Director were adequate to cover the needs of the City.

A PUBLIC HEARING ON ADJUSTMENTS TO THE FISCAL YEAR 2010 BUDGET FOR ALL CITY FUNDS

The Mayor gave the floor to the City's Budget Officer who is also the City Administrator and he went over the following information with the City Council concerning adjustments that need to be made to the fiscal year 2010 City budget for all City funds:

“Given to the Council are the budget adjustment sheets for the City funds that are being recommended to be adjusted.

“In the General Fund there is a \$120,500 adjustment in the General Fund to revenues.

“In the Judicial Department, there is a \$4,000 increase which is largely comprised of credit card fees which have increased dramatically because of the use of credit cards. We had one fairly significant charge due to a building permit being paid on a high fee card. We have since set a policy that building permits cannot be paid with credit cards that should decrease our fees in the future.

“In the Administrative Department there are some minor changes with zero change in the department balance.

“In the Data Processing Department there is an increase of \$10,000 which reflects police equipment that is being purchased under the federal grant we received.

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“In the non-department account there is a \$9,000 increase due to under budgeting our liability insurance premium payment and the electricity cost for street lights.

“In the Attorney Department, I have increased the general attorney account by \$10,000. In the Justice Court we have found our costs are considerably less with our contract with Lindsey and we were able to offset the \$10,000 increase in the general attorney account with a \$10,000 decrease in the judicial court attorney fees.

“The City Hall department shows a decrease of \$20,000 due to the air condition unit surviving through the summer and I anticipate it will not need to be replaced until next fiscal year.

“In Elections there are some minor adjustments, with no increase in the overall expenditures.

“The Police Department shows a \$40,000 reduction, since we had a number of officers on short term disability which lessened the amount that we needed to pay out of our funds.

“In the Fire Department there is a \$10,000 increase due to the allotment increase through the agency.

“The Building Department shows an increase of \$80,000 because of the increase in building over that which was anticipated. This is offset by building permits and plan check fees.

“Our revenues show a \$68,500 decrease. This is comprised of a decrease in sales tax of \$150,000, the transient room tax of \$5,000, the telecommunication tax of \$10,000, the loss of the COPS grant of \$70,000 and Court fines \$30,000. These decreases are offset by increases in building permits, plan check fees, sale of assets and a public safety grant of \$11,500. Overall there needs to be an adjustment of \$120,500 against our fund balance. At the beginning of the year we had a fund balance of \$480,000. With this budget adjustment we will have \$360,000 left in our fund balance which is well above the 5% floor (\$161,000) that is required by state statute.

The City Administrator then mentioned there were adjustments made in some of the other funds as shown on the adjustment sheets and specifically mentioned the purchase of the Valentine Water Rights for \$268,000 in the Water Fund since it was a major increase.

He then recommended adoption of the budget changes as presented.

After the presentation by the City Budget Officer and the review by the City Council, the Mayor then opened the public hearing on this matter.

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

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He then gave the floor to Council Member Earnshaw who motioned the City Council approve Resolution 2010-484, a resolution amending the fiscal year 2010 budget of all City funds. Council Member Westergard seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO ADOPT ORDINANCE #535 ADOPTING AN ENERGY SALES AND USE TAX FOR WOODS CROSS CITY

The Mayor gave the floor to the City Administrator who went over the following information with the City Council concerning the Council's consideration to adopt Ordinance #535, an ordinance adopting an energy sales and use tax for Woods Cross City.

"Given to the Council is a copy of the ordinance that will adopt the Energy Sales and Use Tax. Please note the effective date will be July 1, 2010. On page three of the ordinance under section 5-19-030 the amount is set at 6%. That percentage can be set at whatever percentage the Council feels is appropriate. After the public hearing, I sensed there were feelings amongst the Council to go with a smaller percentage rather than the 6%. As the Budget Officer I feel we have considerable needs in the City that have not been met because of the erosion of the sales tax revenues. I feel you would be justified in implementing the full 6% and we can certainly utilize the money to some good purposes as we have discussed. I am not sure that a reduction in the percentage will make a real difference to the majority of residents within the City. However, if you feel a need to go with a lower rate, I prefer you go with 4% or 5% and leave that as the effective rate rather than going with a 2% step increase over a period of time. I only want to go through this once and not come back and revisit it again in the near future. I have estimated our revenues at \$400,000 with a 6% tax rate. If I have been overly conservative, a 4% or 5% increase may bring in the necessary revenues to supplement the diminishing sales tax. If the lower percentage does not bring in the necessary revenues we will need to either increase this tax percentage or raise the property tax."

Following the information presented by the City Administrator, the floor was given to Council Member Hill who spoke in favor of the tax saying that the challenges the City faces in the future that this funding will be needed to help maintain the City's infrastructure. He noted it is always difficult to raise taxes on the residents of the City and it is a challenge for the City Council to be able to meet this challenge and to do what is needed to see the City has the funding necessary to continue to be an excellent place to live.

The floor was then given to Council Member Dayley who noted the City is the lowest in taxation of any of the cities in Davis County and even though we are the lowest that is not necessarily the reason to raise the tax but that it is needed to maintain the standard of living in the City. She noted it might be advisable to print in the newsletter a comparison of our City's tax rate with other cities' tax rates.

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The Mayor also expressed that had he been able to vote on this matter it would have been to implement the tax in steps. The motion carried by a vote of 4 to 1.

Council Member Evans expressed her feelings that she felt like the tax was justified in order for the City to meet its future challenges.

Following the discussion by the Council the floor was given to Council Member Hill who motioned that the City Council adopt Ordinance #535, an ordinance enacting chapter 19 of title 5 of the Woods Cross municipal code adopting an energy sales and use tax at a rate of 6%. Council Member Dayley seconded the motion and the Mayor called for a roll call vote on the motion. All voted in favor of the motion except Council Member Earnshaw who voted opposed. The Mayor then gave the floor to Council Member Earnshaw who expressed his reason for voting against the adoption of this ordinance and he said he felt the increase in the tax should be done in step increments rather than the full 6%. The motion carried by a vote of 4 to 1.

REPORT FROM THE WASATCH INTEGRATED WASTE DISTRICT

The Mayor gave the floor to Council Member Earnshaw who represents the City on the Board of Directors of the Wasatch Integrated Waste District that handles the refuse from the City of Woods Cross at the burn facility located in Layton.

He noted that the board had held a work session where they discussed the future of the Waste District and what can be done to see that it continues to operate at the high peak of efficiency that it is working at the present time. He noted with recycling being instituted throughout many of the cities in Davis County as well as the way the Wasatch Integrated Waste District in handling the refuse, they have been able to extend the life of the landfill next to Waste Energy District from 2012 to 2022.

He then reviewed the possibilities of having a third garbage can for each resident to handle green waste where lawn clippings and other green clippings could be put in and recycled at the waste facility. He said if this is implemented throughout Davis County it would extend the landfill to a life of 2036. He encouraged the Council to give consideration to this in the future as it is discussed.

This concluded his report.

REPORT AND UPDATE ON THE MEMORIAL DAY CELEBRATION

Council Member Earnshaw continued with the floor as the Chairman of the Memorial Day Celebration for the City of Woods Cross. He noted that all plans are going forward and it looks like it is going to be an excellent celebration this year.

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He noted he is still working on a couple of candidates for a keynote speaker at the event. He said the bids are being collected for the sound system that will be used that day. He noted that Ruth and Charlie Payne, city residents, would be handling the 5k race for those who will participate in the race that morning.

He thanked the Council and all others who are helping to make this a successful event this year.

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. Don Schrader who asked if the 6% energy tax was on gas and electricity. The answer was yes. He asked what the 2% tax is on the cell phones. It was explained to him that a sister city instituted a 2% communications tax not just on cell phones but on all phones and that because we share the same zip code with that same City many of the residents of Woods Cross were paying the tax but it was going to the sister city rather than Woods Cross so several years ago the Council concluded they should adopt a tax so the money comes here to the City .

It was also noted that not only will businesses pay the energy tax but also churches or property tax exempt institutions within Woods Cross City would be paying the energy tax.

The floor was given to Mr. Charles L. Payne, a City resident, he explained the lights are out under the underpass on 1500 South near 700 West and he had called Rocky Mountain Power on several occasions and asked that they be replaced. The Staff said they would follow up as well and call Rocky Mountain Power.

The floor was then given to Ms. Dixie Weeks, a City resident and she asked if any of the energy sales tax would go to the Davis County schools. The answer was no that it would come to the City of Woods Cross.

The floor was then given to Council Member Dayley who said she would like to have someone come to the City, to perhaps an emergency preparedness fair sponsored by the City, who oversee the hydrogen pipeline that goes between the refineries in south Davis County. She said she is acquainted with the personnel that control and monitor these pipelines. She said she would be willing to line them up to speak at an emergency preparedness fair.

The Council asked her to look into the matter and perhaps help chair an Emergency Preparedness Fair in the future for the residents of Woods Cross.

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The floor was then given to Council Member Hill who advised the Council that the City Administrator had established an Employee Safety Committee and he was on that committee and they have met and will be meeting monthly to oversee employee safety throughout the City.

There were no other items for the open session.

MAYOR'S REPORT

The Mayor reported to the Council on the following:

He said he and the City Administrator had met with the head of UDOT for Region 1 which Woods Cross City is in, Mr. Jason Davis, and went over the projects that are planned within the City for the next 20 years. He noted that the extension of Redwood Road to 500 South is on the UDOT list in the near future. He also noted however the redoing of the interchange at 2600 South 800 West near I-15 is almost 20 years out on the long range planning for UDOT.

He said he and the City Administrator will be meeting with them from time to time to keep up to date on the projects.

REPORT FROM THE PLANNING COMMISSION

The floor was given to Council Member Evans who reported on the activities of the Planning Commission meeting held February 23, 2010. Please see the minutes of that meeting for the details of her report.

REPORT FROM THE CITY ADMINISTRATOR

The City Administrator reported to the City Council on the following items:

1. Benchmark

“We have had another incident at Benchmark, where an individual from Minnesota escaped from the facility and is at large. We suspect he is probably in the Salt Lake area. Given to the Council is a letter I sent to the Health Department regarding our concerns with the placement of out of state youth in Benchmark. I have been working with our attorneys regarding this matter, and will be following up with this letter and see if we can pursue the issue of the placement of out of state adjudicated youth at Benchmark.”

2. Housing Authority Property

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“Just to update you we have closed on the Housing Authority property and will be working with Jed Millburn to finalize the agreement and move forward with the project.”

3. Green Recycling

“After the initial discussion that Nathan had with the Council, he and I have had a few discussions but because of limited staff time due to the issues that have been before us, I have not been able to follow through with anything as far as green recycling. Because of time restraints, my feeling is that we will need to postpone green recycling until next year. We can discuss this in further detail but because of the issues I am facing, it will be difficult to pursue this further at this time.”

4. Fluoridation

“I have talked to the City Attorney regarding the timing of a vote. If the proposal is put forward by the City Council through a resolution, the vote is required to be held during a municipal election which the soonest would be in November 2011. In regards to a citizen initiative, because of legislation pending at the legislature this session, the City Attorney is not able to say exactly where that will be and will give us a more definitive answer once the legislature is concluded. I plan in the March 16th or the April 6th meeting, having a discussion on fluoridation and inviting Wally in to discuss some of the issues that will be facing the water department in regards to fluoridation.”

5. Strategic Plan

“I have forwarded a copy of the Strategic Plan to you in a previous e-mail. Please review the document, if you have any comments or changes please let me know.”

6. Budget Schedule

“I have given to the Council a copy of the proposed budget schedule for the 2011 budget. If you have any questions concerning the schedule please let me know.”

ADJOURNMENT

There were no other items for the City Council and at 9:00 P.M. Council Member Evans motioned to 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