

**WOODS CROSS CITY COUNCIL MEETING
MAY 17, 2016**

The minutes of the Woods Cross City Council meeting held May 17, 2016 at 6:30 P.M. in the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Rick Earnshaw

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor
Tamra Dayley
Jessica Gertsch

Wally Larrabee
James Sheldon
Ryan Westergard

STAFF PRESENT:

Tim Stephens, Community Development Director
Jessica Sims, City Recorder

STAFF EXCUSED:

Gary Uresk, City Administrator

VISITORS:

Patt Huttzell
Johnny Filler
Trevor Croft
Dylan Brownlee

Crawford Adams
Lois Schrader
Jen Croft
D.L. Weeks

Nick Webster
Don Schrader
Jefferson Pettey
Marc Evans

INVOCATION:

Jessica Gertsch

PLEDGE OF ALLEGIANCE:

Wally Larrabee

APPROVAL OF MINUTES

The Council reviewed the minutes of the City Council meeting held May 3, 2016. After their review, Council Member Gertsch made a motion to approve the minutes as written with Council Member Sheldon seconding the motion and all voted for the motion through a roll call vote.

APPROVAL OF CASH DISBURSEMENTS

The City Recorder went over the cash disbursements listing with the City Council. Council Member Larrabee made a motion to ratify the cash disbursements for the period of 4/30/16-5/6/16 as well as approving the cash disbursements for the period of 5/7/16-5/13/16 with Council Member Gertsch 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 from those present that they would like to bring before the City Council that were brief in nature. This would be items that would take less than two or three minutes.

There were no items for the brief open session and the Mayor closed the brief open session.

POLICE DEPARTMENT REPORT

The Mayor noted that Police Chief Greg Butler was out of town so there would be no police department report at tonight's meeting.

PUBLIC HEARING: HOLLY ENERGY PARTNERS REQUEST FOR A NON-CONFORMING USE ENLARGEMENT FOR THE FUEL LOADING TERMINAL LOCATED AT 753 WEST 500 SOUTH FOR THE PURPOSE OF CONSTRUCTING A NEW OFFICE BUILDING

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

“Holly Energy Partners operate the refinery loading rack on the south side of 500 south just east and adjacent to the UP rail line. The site consists of a large, metal structure housing several loading bays for petroleum tanker trucks in addition to some small tanks, piping and a few small buildings including a small, metal building for office use. Holly is seeking approval for a 24' x 34' building to house their office and administrative needs on the loading rack site. Given to the Council are some sketches showing the building would be set back 20 feet from property line and 30 feet from 500 South in an undeveloped landscaped area.

“The loading rack site is presently zoned C-2 General Commercial which no longer permits petroleum uses or related activities, thus making this operation and property a non-conforming use. In addition, as you know, Chapter 22 of the Zoning Ordinance entitled Prior Non-conforming Use outlines, in section 104, the criteria for considering the possible expansion or alteration of a non-conforming use. The applicant has attached a written case for each of the criteria.

1. *That the expansion, alteration, or change of use would not adversely impact the surrounding properties more than the existing use.* The applicant stated that the proposed structure would not affect visibility of the neighboring businesses.
2. *The proposed expansion, alteration, or change will make the building, structure, or site more compatible with the surroundings and existing zoning.* The applicant states that the proposed structure will meet the architectural design standards for brick or stucco exterior and would obscure the view of the current, non-conforming structure from the street. The applicant also offers to add some additional landscaping the site that would make it more compatible with the existing zoning and area.

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3. *That the site of the proposed expansion, alteration or change of use conforms to all site development requirements where physically possible.* This would include the proposed building's exterior materials in addition to landscaping. Due to the site's configuration and previous development, in addition to numerous petroleum lines, it will be difficult or impossible for it to comply with the present landscape standards other than near the northeast corner of the property.
4. *That the proposed use alteration, or change does not create any new nonconformities.* It appears that the new building should meet the required setbacks and design standards. It should also be noted that, should the City Council approve this request, it will be necessary for the applicant to prepare an engineered site plan and architectural drawings for submittal with a site plan amendment application to the Planning Commission.

“On April 26th, the Planning Commission reviewed this request with Holly representatives. The Commission discussed the need for aesthetic considerations for the proposed building in addition to possible fencing options and landscaping improvements when and if Holly were to return for final site plan approval. The Commission stressed they would like to see the area screened, if possible with fencing and landscaping but also taking in to account safety considerations for ingress and egress visibility from the site to 500 South.

“As such, the Planning Commission has forwarded to the City Council a recommendation to approved the Holly Non-conforming use Enlargement for the proposed building with the recommendation that the current city ordinance be followed for architectural standards, and fencing and screening options be considered with regard to safety with added landscape improvements made where possible given the sites many limitations. The Commission will review a site plan amendment application at a later date if the non-conforming use alteration is approved by the Council. The Commission is expecting Holly to address, in detail, the building, fencing, and landscape improvements at that time.”

The Mayor then invited Mr. Nate Webster forward. He was at tonight's meeting representing Holly Refining. He noted that all architectural requirements would be followed and also landscaping and screening would be put in as was outlined by the Planning Commission. Mr. Webster said they would make sure that visibility would be maintained with the fencing and the landscaping.

The Mayor said he felt this facility is very busy. He asked if there is room to double stack the trucks when it is so busy. Mr. Webster said they do when they can.

The Mayor then opened the public hearing for public input.

Ms. Dixie Weeks came before the Council and expressed concerns that when some of the trucks are waiting to enter into this facility they block the sidewalk and it causes problems for pedestrians, especially in the winter. Mr. Webster said the drivers could be spoken to and told not to block the sidewalk so this issue would not continue to cause problems. There was some

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discussion on the best ways to help mitigate this problem and it was suggested there be some signs put up in the area for the drivers to see so they do not block the sidewalk.

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

**CONSIDERATION TO APPROVE A NON-CONFORMING USE ENLARGEMENT
REQUEST BY HOLLY ENERGY PARTNERS FOR THE FUEL LOADING TERMINAL
LOCATED AT 753 WEST 500 SOUTH FOR THE CONSTRUCTION OF A NEW
OFFICE BUILDING**

Following the above information given, Council Member Larrabee made a motion to approve the non-conforming use for Holly Energy Partners for the fuel loading terminal for the construction of a new office building with the requirements as outlined by the Planning Commission. Council Member Dayley seconded the motion and all voted for the motion through a roll call vote.

CONSIDERATION TO DECLARE WOODS CROSS CITY ARBOR DAY

The Mayor and Mr. Marc Evans noted the following for the City Council:

“Recently, Mr. Marc Evans asked if the City Council could declare April 29th as Woods Cross Arbor Day. It is my understanding that Marc and the parks department have had an Arbor Day observance and tree planting, but have planned to designate another day this year as Woods Cross Arbor Day.

“However, a recent policy change at Utah State Lands and Forestry has indicated that, for Tree USA recertification, community Arbor Day declarations must fall on the Utah State Arbor Day of April 29th. As such, it is requested that you approve the resolution given to the Council, retroactively declaring April 29th Woods Cross Arbor Day.”

Following the information given by Mr. Evans, Council Member Westergard made a motion to approve resolution 2016-614, a resolution declaring April 29th as Woods Cross City Arbor Day. Council Member Gertsch 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.

Ms. Dixie Weeks asked about the property located across from Mills parks with the mesh net fencing. She was wondering if it was a superfund site. The Community Development Director said they are working on getting it cleaned up but as he understood it was not a superfund site but Maverik owns the property and they are working to get it cleaned up and get things resolved in the area. He said they had a third party consultant that had been working with them but had

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not done everything that was required but they are working on a resolution right now. Maverik said they would come back within two weeks to report back. Ms. Weeks suggested the city might purchase the property and put in a park.

Council Member Westergard asked when the buffalo that had been removed from the city park would be returned from being fixed and painted. It was noted staff was hoping to have it back in time for the Memorial Day celebration.

WASATCH INTEGRATED WASTE REPORT

The Mayor then gave the floor to Council Member Larrabee who reported on the activities of the Wasatch Integrated Waste Management District. He noted the District had approved the 2016-2017 tentative budget. There will be a public hearing on June 1st on the budget. The district also has given the authority to Nathan the ability to negotiate market pricing for items for sale at the landfill. They are also in negotiations with another site for a future back up landfill in the south part of Utah County.

MOSQUITO ABATEMENT DISTRICT REPORT

The Mayor gave the floor to Council Member Sheldon who reported on the activities of the Mosquito Abatement District. He noted there had been a billion dollars approve by the federal government to fight the Zika virus. There was a question of why there was not the same consideration to fight the West Nile Virus. It was noted the district is continuing to test for West Nile. He also noted the issues with the Ogden Airport have been resolved and the district is back to spraying. He noted the education classes were held at the elementary schools and good information has been given out. He also noted there have been many requests for spraying in our area so far this year.

PLANNING COMMISSION REPORT

Council Member Sheldon also reported on the Planning Commission meeting held May 10, 2016. Please see the minutes of that meeting for the details of his report.

SOUTH DAVIS METRO FIRE AGENCY REPORT

The Mayor then reported on the activities of the South Davis Metro Fire Agency. He noted they approved the tentative budget for the 2016-2017. He said there was a truth in taxation meeting set for August 10th for the fire agency. He noted a fire truck had been damaged and was in for repair but it was expected back by mid-June. He said there was a federal initiative for firefighting and we sign up and become part of that initiative, and cities meet guidelines and service hours, the agency is not billed for extra resources when they care called in. It is the desire of many cities after the district is set up, to have the assessments removed from the city and have the district managed through tax increases.

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SOUTH DAVIS RECREATION DISTRICT REPORT

The Mayor then gave information regarding the South Davis Recreation District. He said the district had completed an audit and things are running really well. He noted the district is starting to be proactive about putting money away for large repairs since the facility is 10 years old and things will need to be replaced in the future. He noted that entrance to the facility will be free for Woods Cross residents on Memorial Day. He also said there would be 3 outdoor movies held at the recreation center this summer.

MAYOR'S REPORT

The Mayor then reported on the activities that would be taking place at the Memorial Day celebration. He noted Council Member Sheldon would be heading up the running of the 5K race. The Mayor asked who would be in attendance and Council Members Gertsch and Larrabee said they will be out of town but Council Members Dayley and Westergard would be there. He noted the speakers are set and the fire district will be hanging a large flag from a truck on 1500 South. There is still work being done with the choir at this time.

The Mayor noted this Saturday would be the ribbon cutting for the new pickle ball courts at 10:00 A.M. and that there are many, many people interested in using the courts and has also been complimentary towards the courts.

ADJOURNMENT

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the meeting at 7:28 P.M. with Council Member Gertsch seconding the motion and all voted for the motion through a roll call vote.

Rick Earnshaw, Mayor

Jessica Sims, City Recorder