

**WOODS CROSS CITY COUNCIL MEETING
DECEMBER 21, 2021**

The minutes of the Woods Cross City Council meeting held December 21, 2021 at 6:30 P.M. at the Woods Cross City Hall located at 1555 South 800 West, Woods Cross, Utah.

CONDUCTING:

Rick Earnshaw, Mayor

COUNCIL MEMBERS PRESENT:

Rick Earnshaw, Mayor
Julie Checketts
Tamra Dayley

Wally Larrabee
Matt Terry
Ryan Westergard

STAFF PRESENT:

Bryce Haderlie, City Administrator
LaCee Bartholomew, Community Services Coordinator
Tim Stephens, Community Development Director
Jessica Sims, Assistant City Administrator
Sam Christensen, Public Works Director

Annette Hanson, City Recorder
Chad Soffe, Police Chief
Gary Sharp, Planning Commission

PUBLIC ATTENDANCE:

LeGrande Blackley
Susie Earnshaw

Marly Ferrin
Jenilynn Haacke

Don Schrader

INVOCATION:

Matt Terry

PLEDGE OF ALLEGIANCE:

Tamra Dayley

CONSIDERATION TO APPROVE MINUTES

Council Member Terry made a motion to approve the minutes as written with Council Member Westergard seconding the motion and all voted in favor of the motion through a roll call vote.

FINANCIAL REPORT

The Mayor gave the floor to the City Administrator who gave the financial report.

APPROVE CASH DISBURSEMENTS

The Mayor called for the ratification of the cash disbursements for 12/4/21-12/16/21.

Council Member Larrabee made motion to ratify the cash disbursements for the time period of 12/4/21-12/16/21. Council Member Terry seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE PLANNING COMMISSION APPOINTMENT

Council Member Westergard who will be serving as Mayor at the beginning of the year, said he had received several names for consideration to fill vacant seats on the Planning Commission and would be making those appointments at the first City Council meeting in January.

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PUBLIC COMMENT (BRIEF ITEMS)

The Mayor opened the meeting to items from those present.

Ms. Jenilynn Haacke addressed the Council and thanked Mayor Earnshaw and Council Member Dayley for their many years of service.

There were no other public comments.

SAFETY REPORT

The Mayor gave the floor to the Assistant City Administrator who gave the Safety Report for November. She said there were no safety incidents to report.

POLICE REPORT

The Mayor gave the floor to Police Chief Soffe who reported on the activities:

<u>2021</u>	<u>2020</u>	<u>YEARLY</u>
Jan---704	Jan--1029	2020—10,473
Feb—674	Feb—979	2019—11,368
March—796	March—801	2018—11,600
April—821	April—560	2017—11,411
May—854	May—825	2016—12,393
June—700	June—776	2015—12,819
July—775	July—1144	2014—9495
Aug—754	Aug—822	2013—8979
Sept—767	Sept—804	2012—7347
Oct—682	Oct—896	2011—6918
Nov— 748	Nov—985	
Dec—	Dec—852	
Running Total—8,276	Total-10,473	

ACTIVITY REPORT

Sept-Oct- Nov. Traffic Citations

	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>
Total Citations	68	89	288
Total Violations	101	136	338

348 New Cases opened in November

DEPARTMENT ACTIVITY

- Hosted taser training
- WX Elementary School lunch with the Chief
- New Hire Taser Certification

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- New Hire Pepper Spray Certification
- Diesel Brothers Donation to Angel Tree
- New N.O.V.A. Car

WOODS CROSS HIGH SCHOOL ACTIVITY

Criminal Mischief: 1
Fire Assist: 1

Keys: 2

Administration Assist: 4

K-9 ACTIVITY

Ranger

Ranger was requested 3 times this month but was unable to respond due to duty coverage.

Legend

No deployments this month, Sgt. Daugherty has been busy with in service training, and attended a one week supervisors training class.

Rex

Rex passed K-9 School on December 3rd with Officer Strong. He will be back to work for the month of December.

Flash

Flash is our newest canine and is specialized in detecting digital storage devices. Detective Burton completed in-person training on November 12th but continues to train to increase their capabilities and improve skills. Flash has done demos for Davis County Journal, Bountiful Toyota, and WX Elementary School. Flash & Detective Burton have been asked to assist the Department of Homeland Security on a search warrant next week.

DETECTIVE DIVISION

- 22 Persons Crimes/Sexual Assault/Active C.A.N.R. cases (child abuse neglect report)
- 32 Active Theft/Property/Fraud/Assault/Death cases for the month of November.

SEX OFFENSE

- 3--Sex Offender Registries
- 0--Home Compliance Checks Conducted

ORDINANCE ENFORCEMENT

- 2—New Cases were received and opened from the public
- 1—Cases resolved/closed successfully.
- 2—Ongoing cases from previous month. With Officer Salas completing his FTO last month Officer Timothy is now fully working the Ordinance details.

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COMMERCIAL VEHICLE ENFORCEMENT

Level inspections—3

Vehicle Safety Violations—2

Driver Violations—0

Vehicles put out of service—0+*

*CVE officers are still completing inspections to become fully certified. Officer Stone and Sgt. Schultz

VFAST

Salt Lake, Weber, and Davis County teams had 19 felony arrests during November.

CRIME SPOTLIGHT

On December 3, 2021, multiple students reported to the school resource officer that a firearm was displayed during a verbal argument. The suspect then fled the scene in a vehicle. It was quickly determined the suspect was a 16-year old who was recently suspended from school for fighting. The suspect had extensive history with law enforcement and had previously been charged with aggravated assault with a weapon, disorderly conduct, assault, criminal mischief, interfering with arrest, possession of a controlled substance, and possession of a dangerous weapon by a minor.

Myself, Sgt. Schultz, Detective Burton, and Officer Salas worked late into Sunday night to locate the suspect. He was arrested and booked into Farmington Bay. Davis School District security worked with the department to ensure the students were safe and extra patrols and police presence were provided to the school from 8 different police agencies.

The Mayor and Council thanked Chief Soffe for the hard work on this case and said everyone was relieved there had not been an incident involving the student and firearm at the school due to the diligence of the police department in locating the student before school started on Monday.

CITY ADMINISTRATOR'S REPORT/ACTION ITEM REPORT

1. Compensation Survey. Jessica is supplying updated job descriptions as the process moves forward.
2. 1960 S Special Assessment Area. Staff is focusing on legal matters relating to the project.
3. Subsidence Project. Two of the current projects are being closed out. The County has informed us that the second round of 2021 funding for one more home will be delayed a few months.
4. Property Purchase. Appraisals, Surveys, and evaluations are underway. The Community Development Director and City Engineer are creating plans for future amenities.

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ACTION ITEM REPORT

Date	Item	Assigned to	Status
10/19/21	Negotiation on property purchase authorized by Council	Bryce Haderlie	Appraisals, surveys, etc. underway with anticipated closing Dec. 30, 21
10/5/21	Include mow strip provisions in zoning ordinance	Tim Stephens	Tim indicated that these provisions are included in the new zoning ordinance
9/15/20	Welcome packet to include Emergency Information	Bryce Haderlie	Working with Sam to get information to Cindee for the packet
10/6/20	Review streetlights in Argyle Acres	Sam Christiansen	Lights are being installed
1/19/21	Have attorney provide legal remedies for drug houses	Bryce Haderlie	Will continue to review in the next couple of weeks
3/12/21	Work with UDOT to widen Redwood Road	Bryce Haderlie	UDOT has committed to revise summer of 2022
7/6/21	Evaluate Construction of garage at 1559 South 580 West	Tim Stephens	Tim is working with the Prosecutor to stop work and prosecute as needed.
7/6/21	Review zoning ordinance requirements for home occupancy.	Tim Stephens	Will review ordinances to see if changes can be made.
9/7/21	Monitor Airport on Airport improvements for Jets	Bryce Haderlie	They have laid down the asphalt at the ends of the runway

CONSIDERATION TO APPROVE RESOLUTION PARTICIPATION IN THE NATIONAL OPIOID SETTLEMENT AGREEMENT

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

“The Utah League of Cities and towns is urging communities to register with the National Opioid Settlement website and pass a resolution supporting the settlement. I have left a message for Davis County Attorney, Troy Rawlings to see if he feels that us passing the resolution would be counter-productive to his efforts but have not heard back.

“You will see from Roger Tew’s memo given to the Council, that in his opinion, passing the resolution is not detrimental to individual county’s efforts.

“I have consulted with other Davis County city managers and learned they are also passing these resolutions. North Salt Lake passed their resolution at the end of November.”

Following the information given by the City Administrator, Council Member Terry said he had spoken with Commissioner Elliot, and Commissioner Elliot was upset that the state was pushing

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Davis County not to agree to participate. Council Member Terry said he was not sure why that was, but he had some concerns, and that Davis County does not think it is a good settlement. Council Member Terry asked what this was going to accomplish, and the City Administrator said it was his understanding that this shows the City as supporting the state settlement. He said if Davis County went ahead with its own settlement, it would not affect the City, but if this resolution is not approved by the City, the City would not receive any settlement funds. He said Mr. Rawlings, County Attorney, has said it would be a good idea to have this resolution in place.

Council Member Terry said he feels like going ahead with this resolution is supporting the state and not supporting the county. The City Administrator said he just wanted to make sure he had things in place either way to be able to receive settlement funds.

Following the discussion, Council Member Westergard made a motion to approve resolution 2021-748, authorizing participation in the National Opioid Settlement Agreement. Council Member Checketts seconded the motion. All voted in favor of the motion through a roll call vote, except Council Member Terry who voted opposed. The motion carried with a vote of 4 to 1.

CONSIDERATION TO APPROVE VOTING PARTICIPATION AREAS

The Mayor gave the floor to the City Recorder who noted the Utah Legislature is now requiring cities to create Voter Participation Areas for the purpose of gathering signatures for initiatives or referenda. She noted the bill ties the petition signature thresholds to percentages of the number of active voters in the political subdivision, rather than to all votes cast in most recent presidential election. As Woods Cross is a fourth-class city, it must be divided into four BPs and follow precinct lines. It was noted that for a referendum or initiative to qualify for the ballot, petitioners must gather sufficient signatures from 75% (in Woods Cross's case, 3 out of 4) of the VPAs. The initial VPAs were put in place in October 2019. Because there was a census in 2020 the VPAs must be established again before January 1, 2022, and every 10 years after 2022.

Following the information given, Council Member Dayley made a motion to approve resolution 2021-749, a resolution approving voting participation areas for Woods Cross City. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE REALLOCATION OF POLICE EVIDENCE

The Mayor gave the floor to Police Chief Soffe who noted there were items in police evidence that they were requesting for reallocation. He noted that the items for reallocation were money collected in 2018. He noted the cases had been adjudicated with the court and the money was released to the police department by the County Attorney in the amount of \$1,020.00. He also noted there was \$19,420.00 in found money from 2020-2021. He said all money found is past the 90-day hold time frame and has been unclaimed. He noted the Davis County Attorney's Office has approved the release of the funds to their department.

Chief Soffe said the Police Department was requesting reallocation of \$20,440.00 to be turned over.

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Following the information given by Chief Soffe, Council Member Checketts made a motion to approve the reallocation of police evidence that would be allocated to the General Fund. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE SOFTWARE CONTRACT WITH CIVIC REC

The Mayor gave the floor to the Assistant City Administrator who noted the City currently is using Sport Site for recreation sign-ups. She said they are charging \$1000 a year. The software has never worked as well as they would have liked it to. The Community Services Coordinator has been working to build a relationship with Civic Rec and they are willing to forgo implementation fees for their software and they would also reduce the cost of the site so the City can afford to use this site in place of Sport Site. She said the cost would be \$4,811.20 from now through June of 2023. She said there would be many benefits to being able to use Civic Rec software.

Following the information given, Council Member Checketts made a motion to approve the software contract with Civic Rec for the amount of \$4,811.20. Council Member Westergard seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE A RESOLUTION AUTHORIZING PURCHASE OF PROPERTY AT 1351 WEST 1500 SOUTH

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

“Staff has prepared this resolution for your consideration relating to the real property purchase at the above address. We have had the Mayor sign a Real Estate Purchase Contract, initiated an appraisal, phase one environmental survey, title report and survey work for the property that should be delivered on or before December 27, 2021.

“Assuming that there are no issues with the property and that the appraisal comes in at or above the negotiated price, we are seeking the Council’s approval for the Mayor to close on the property on December 30, 2021 and make the final payment of \$800,000 on January 31, 2022.

“The expenses relating to the purchase include:

- a. \$1,800,000 payment to DeLuna (\$1 million on Dec. 30, 2021, and \$800,000 on Jan. 31, 2022)
- b. \$54,000 payment to Brandon L. Wood, The Northwood Group for realtor fees
- c. \$2,600 payment to GeoStrata for Phase One Environment Survey
- d. \$3,700 payment to Integra Realty Resources for Appraisal Services
- e. Payment to JUB Engineering for survey work
- f. Payment to Cottonwood Title for Title Insurance, Buyer Closing Costs, etc.
- g. Payment for legal work associated with the project.

Estimate to be approximately \$1.9 million dollars.

Following the information given by the City Administrator, Council Member Westergard made a motion to approve resolution 2021-750, a resolution authorizing purchase of property at 1351 West

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1500 South. Council Member Larrabee seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE A RESOLUTION BORROWING OF FUND BALANCE

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

“Resolution 2021-751 has been created by Lewis, Young, Robertson and Burningham to memorialize the short-term funding of the purchase through the use of fund balance which will be repaid at a future date when permanent financing is in place. Jason Burningham explained that the resolution protects the City against any issues with IRS regulations as it works to acquire the financing in the next 18 months.

“These resolutions are also necessary to publicly document the purchase and memorialize the expense that will be included in the budget amendment in early 2022. Three interfund loan documents have been prepared to document that the money has been borrowed as follows:

1. \$1,000,000 borrowed from the RAP Tax fund.
2. \$400,000 borrowed from the General Fund
3. \$500,000 borrowed from the Capital Improvement Fund (this fund loan does not go into effect until Jan. 24th to fund the remaining \$800,000 of the payment to DeLuna on January 31, 2022.

The expenses that these funds will cover include:

1. \$1,800,000 payment to DeLuna (\$1 million on Dec. 30, 2021, and \$800,000 on Jan. 31, 2022)
2. \$54,000 payment to Brandon L. Wood, The Northwood Group for realtor fees
3. \$2,600 payment to GeoStrata for Phase One Environment Survey
4. \$3,700 payment to Integra Realty Resources for Appraisal Services
5. Payment to JUB Engineering for survey work
6. Payment to Cottonwood Title for Title Insurance, Buyer Closing Costs, etc.
7. Payment for legal work associated with the project.

Estimate to be approximately \$1.9 million dollars.

“Approval of this resolution will memorialize the Council’s approval for the transfer of funds to cover the costs and to provide for the future funding to repay the short-term loans.

Following the information given, Council Member Terry made a motion to approve resolution 2021-751, a resolution to approve borrowing of fund balance. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

CONSIDERATION TO APPROVE LEGAL COUNSEL ASSOCIATED WITH THE 1960 SOUTH ASSESSMENT AREA

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

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“Legal counsel for Ken Holm and Kim Green have contacted Mark Bell and asked that we no longer talk to his clients. As such, we will need to engage with Michael Keller from Fabion VanCott who specializes in these types of land issues.

“Mark Bell will be able to answer more questions about the status of this issue during the Closed Session.”

Following the information given, Council Member Dayley made a motion to approve special legal counsel in association with the 1960 Special Assessment Area. Council Member Checketts seconded the motion, and all voted in favor of the motion through a roll call vote.

CITY COUNCIL COMMENT AND DIRECTION TO STAFF

Council Member Dayley said she would like to take a moment and express her thanks for being able to serve the community for the past 18 years. She said she had grown as a person over this time she had the opportunity to serve. She said she had appreciated working with the Mayor and all he has done for the community. She then said she had appreciated working with the other Council members as well. She said she is happy that good people are still willing to serve. She also expressed appreciation in working with all of the staff. She said she is grateful to be able to live in such a great city and for the personal growth she has had serving the community.

The Mayor and Council thanked Council Member Dayley for her years of service and said she will be missed.

Council Member Checketts also expressed her thanks for Council Member Dayley and the Mayor and said she had enjoyed working with them and for the sense of community they had brought to Woods Cross City, which she hopes that can be carried on to the future.

Council Member Westergard also expressed his thanks for the service of the Mayor and Council Member Dayley. He gave them both cards from the Council that expressed gratitude for their service. He said he has appreciated working with them and for what they had done to make our community great over the years.

The Mayor then expressed his gratitude and appreciation for the opportunity he has had to serve the community of Woods Cross. He thanked his wife for her many years of support and help with the various community activities over the years. He said he will be very supportive of the Council moving forward. He thanked everyone and said he knows he is leaving the City in good hands with the new Mayor, the Council, the police department, and the current and new administration. He said he will miss everyone very much.

The City Administrator also expressed appreciation and thanks on behalf of the city staff. He said he is grateful for the leadership that has been shown. He said he hopes the City can carry on the great legacy that has been put into place by the good work of the Mayor and Council Member Dayley.

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MOTION TO GO INTO CLOSED SESSION

At 7:45 P.M. Council Member Checketts made a motion to move into closed session. Council Member Westergard seconded the motion, and all voted in favor of the motion through a roll call vote.

MOTION TO MOVE INTO OPEN SESSION FROM CLOSED SESSION

At 8:32 P.M. Council Member Westergard made a motion to go into open session with Council Member Checketts seconding the motion and all voted in favor of the motion through a roll call vote.

ADJOURNMENT

There being no further business before the City Council, Council Member Westergard made a motion to adjourn the meeting at 8:33 P.M. with Council Member Larrabee seconding the motion and all voted in favor of the motion through a roll call vote.

Ryan Westergard

Annette Hanson, City Recorder

Approved by City Council 01/04/22