

NORTH SALT LAKE CITY  
CITY COUNCIL MEETING-WORK SESSION  
SEPTEMBER 2, 2014

**FINAL**

Mayor Arave called the meeting to order at 6:06 p.m.

PRESENT: Mayor Len Arave  
Council Member Matt Jensen  
Council Member Brian Horrocks  
Council Member Ryan Mumford  
Council Member Conrad Jacobson

EXCUSED: Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Finance Director; Chief Craig Black, Police Chief; Chief Jeff Bassett, Fire Chief; Dane Stone, Deputy Fire Chief; Brent Moyes, Golf Course Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: James Hood, resident.

1. DISCUSSION OF AGENCY BUSINESS AND FIREWORKS RESTRICTIONS

Chief Jeff Bassett, South Davis Metro Fire Agency, reported on the fireworks restrictions in the City and stated that Utah State legislation has made the aerial type fireworks legal. These types of fireworks are also known as “cake,” “multiple tube” or “repeater” fireworks and can reach 150’ into the air when lit. This type of firework needs a clearance of at least 30’ on the ground from trees, power lines and other structures and 150’ clearance in the air. Illegal fireworks in Utah include sky, bottle and missile type rockets, roman candles, firecrackers, and cherry bombs.

Fireworks restrictions are determined by the fire code official through discussion with State officials, review of current weather and drought conditions, examination of vegetation and undergrowth, terrain/access and staffing and response costs. A clearly defined area is set for residents, usually via city ordinances which determine the restricted areas.

Mayor Arave asked if the sparkler type fireworks, which are popular with children, were okay to use. Chief Bassett responded that they become very hot and can cause problems as they led to burns and also tend to be more mobile than some other types of fireworks.

Chief Bassett then said that the fire agency staff provides open houses to educate the public on defensive fire awareness and other safety practices. He then reported that wildland fires are usually much harder to control than a structure fire and has many consequences such as loss of

life and property, high costs, worsening air quality, damage to ecosystems and can also contribute to landslides.

Chief Bassett then presented a general update on the South Davis Metro Fire Agency. He said that call volume is up 2.9% from this time last year. The Agency received mutual aid 36 times this year compared to 18 times last year. This includes aid from Salt Lake City and Gold Cross Ambulance service. Other issues that the department faces include: an increase in response time, consistently running out of paramedics, and a lack of ambulances and fire apparatus which is a risk to citizens and firefighters.

Mayor Arave commented that there are currently eight paramedic units and asked if another unit was needed. Chief Bassett replied that due to funding and licensing issues there are only 18 people on duty and that ideally with an agency covering the area this size, there should be 30. He said that he would like to see an increase to 3 paramedic units.

Chief Bassett also reported that the 2013 response time averages were 6.07 minutes for fire and 5.35 minutes for EMS and that in August of 2014 the average response time was 7 minutes. He explained that brain death usually occurs after 6 minutes and that it was crucial to have emergency personnel available to respond before that time had passed.

Chief Bassett said that funding is needed for the following projects: Centerville Fire Station #83, Bountiful Boulevard Fire Station #84, concrete, roof and lighting issues at all stations, equipment and updates to three fire engines. Since 2005 the population has increased 13.31%, call volume for fire related calls has increased 54% and 17% for EMS related calls. There has also been no increase in staff since 2000.

Mayor Arave commented that there is some interest in becoming a district which would allow for bonding and the ability to borrow funds for improvements and staffing needs. Forming a district would include a 2/3 majority vote and the new district would then work with Bountiful City who would prefer to remain an agency.

Chief Bassett also said that the agency cannot bond and that the only current source of funds is from the cities. A fire district would allow for bonding and the ability to spread the cost out over a number of years. He also presented a staffing plan which would add six new paramedics by 2015 and six firefighters per year for a total of 24 new firefighters by 2019.

## 2. DEPARTMENT REPORT- GOLF

Brent Moyes reported that the total rounds year to date (YTD) are down from 9920 in 2013 compared to 9555 in 2014 but that tournament revenue was up from \$199,675 in 2013 to \$202,827 in August 2014. Utah courses generally tracks holes played by 9-hole equivalent rounds instead of the 18 holes that is standard.

There will be a landslide relief golf tournament with all proceeds to go to the Utrilla family who lost their home in the landslide. Costa Vida will be donating the food for the event and the golf

course would like to have 20 teams sign-up at \$500 a team for a total of \$10,000 in donation funds.

3. ADJOURN

Mayor Arave adjourned the meeting at 6:58 p.m. to begin the regular session.

NORTH SALT LAKE CITY  
CITY COUNCIL MEETING-REGULAR SESSION  
SEPTEMBER 2, 2014

Mayor Arave called the meeting to order at 7:10 p.m. Council Member Matt Jensen offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave  
Council Member Matt Jensen  
Council Member Brian Horrocks  
Council Member Ryan Mumford  
Council Member Conrad Jacobson

EXCUSED: Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Finance Director; Chief Craig Black, Police Chief; Brent Moyes, Golf Course Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: James Hood, Jennifer Hood, Sara Ebert, Emma Ebert, Emma Keddington, Angie Parker, Lowe Rudd, Michelle Rudd, Tiffini Vance, Mackenzie Vance, Lance Putnam, Michael Blum, Jonathan Blum, Elizabeth Drinkall, Rachel Drinkall, Barbara Drinkall, Robert Drinkall, Sarah Drinkall, Jeannette Evans, Paul Evans, Jon Evans, Josh Horrocks, Caroline, Davis, Catherine and Dana Johnson, Nathan Jensen, Robyn Wilson, Michael Shimmin, Lynette Shimmin, residents; William Nicoloff, Marbek Enterprises.

1. SWEARING IN OF 2014-15 NORTH SALT LAKE YOUTH CITY COUNCIL

Council Member Jacobson commented that the youth are the leaders of tomorrow and expressed his enjoyment in being the Youth City Council advisor. He said the Youth City Council (YCC) is basically a service organization and many of the events center around community service. The YCC is also a place for the youth to learn about how government works.

Mayor Arave performed the swearing in of this year's North Salt Lake Youth City Council.

2. CITIZEN COMMENT

Angie Parker, 1068 Stonehaven Drive, presented the City Council and staff with a petition for tennis courts in the Foxboro area. She said there were no courts within walking distance and that there appears to be available space at the Foxboro Legacy Regional Park. The petition has 109 signatures with the top votes for tennis courts, followed by changing the sand at the parks to bark, fixing the playground equipment and adding shade to the parks.

Mayor Arave commented that there is a Parks and Trails Committee headed by Council Member Matt Jensen and that this committee would review the petition and make recommendations to the Planning Commission.

Paul Evans, 321 Parkway Circle, asked for an update on the landslide analysis and status update. Mayor Arave replied that the test holes have been dug and that bedrock was hit at 95 feet. City staff would be meeting with the Geotechnical Engineers Wednesday morning and holding a community meeting Thursday September 4<sup>th</sup>.

3. PUBLIC HEARING ON ORDINANCE 2014-14: AN ORDINANCE VACATING A PORTION OF LOT 3, NORTH SALT LAKE INDUSTRIAL PARK PLAT A

Ken Leetham reported that this proposed project, located off of Redwood Road, is for an 11,250 square foot building to be constructed for Higgins Auto Body which will house four auto repair bays. Other future building plans for the lot include a 20,000 square foot office/warehouse building. The applicant is also proposing to use a drainage ditch and storm drain easement there, pending approval of use by Davis County.

The applicant would like to create two new lots for development on Lot 3 of the North Salt Lake Industrial Park Plat A Subdivision which necessitates a vacation of a portion of Lot 3 and requires a public hearing. Then a plat amendment to Lot 3 would allow the creation of two new lots. The lot is 1.4 acres which is below the 2 acre requirement in the Manufacturing District (M-D) zone but the Planning Commission granted an exception to the property owner last week.

**Mayor Arave opened the public hearing on Ordinance 2014-14 at 7:31 p.m. There were no public comments and he closed the public hearing at 7:31 p.m.**

4. CONSIDERATION OF ORDINANCE 2014-14: AN ORDINANCE VACATING A PORTION OF LOT 3, NORTH SALT LAKE INDUSTRIAL PARK PLAT A

Council Member Mumford commented that this seems like a great proposed use for the property. **Council Member Horrocks moved that the City Council adopt Ordinance No. 2014-14 vacating a portion of Lot 3 of the North Salt Lake Industrial Park Plat A. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Mumford and Jacobson. Council Member Porter was excused.**

5. CONSIDERATION OF A PLAT AMENDMENT FOR THE PROPOSED LEGACY SUBDIVISION. MARBEK ENTERPRISES, LLC, APPLICANT

**Council Member Horrocks moved that the City Council approve the proposed plat amendment for a portion of Lot 3 of the North Salt Lake Industrial Park Plat A with no conditions. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Mumford and Jacobson. Council Member Porter was excused.**

6. CONSIDERATION OF A PROPOSED SITE PLAN IN THE LEGACY SUBDIVISION.  
MARBK ENTERPIRSES, LLC, APPLICANT

Ken Leetham reported that the Development Review Committee (DRC) and the Planning Commission had reviewed this site plan and proposed some conditions for approval. These conditions include additional irrigation work and an updated irrigation plan, approval from Davis County for the use of a drainage easement and encroachments, and a cash bond placed with the City for sidewalk and landscaping improvements along Redwood Road.

Mayor Arave asked who would be responsible for piping the drainage ditch. Paul Ottoson replied that it would be a three party agreement between the City, Davis County and the property owner. The property owner would like to cover the drainage ditches in front of Center Street and Redwood Road. Per the agreement the City would provide the engineering, the County would provide the labor and the owner of the property would purchase all the materials for those ditches.

**Council Member Jacobson moved that the City Council approve the site plan for Legacy Subdivision located at approximately 120 North Redwood Road subject to the following conditions:**

- 1) Prior to the issuance of a building permit, the irrigation plans must be updated to include the entire site and be approved by City staff.**
- 2) Prior to issuance of a building permit, proof of approval from Davis County Flood Control be submitted to City staff regarding the drainage ditch on the south portion of the property and constructing improvements thereon or be re-designed on approval by City staff.**
- 3) Prior to issuance of a building permit, a cash bond must be filed with the City for sidewalk and landscaping improvements along the Redwood Road frontage at the south end of the site. The cash bond to expire after one year and the funds shall remain on deposit with the City for the construction of the improvements.**

**Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Mumford and Jacobson. Council Member Porter was excused.**

Ken Leetham clarified that the cash bond will expire after one year as the City cannot hold the bond for more than 12 months. City staff will evaluate the project before the year is up. If it is not complete, the City will ask the developer to finish the project, or the City will use those funds to complete the project.

7. ORDINANCE 2014-15: AN ORDINANCE ADOPTING CERTAIN AMENDMENTS  
TO THE CITY OF NORTH SALT LAKE LAND USE ORDINANCE RELATED TO  
CHILD DAYCARE AND PRE-SCHOOLS

Ken Leetham reported that these amendments will help to simplify areas of the ordinance related to daycare and pre-schools in private homes and issues with home occupations. Currently the City ordinances are not consistent with State provisions for in-home daycares. The City code also currently allows daycare in multi-family residential zones but not in single-family residential zones which does not seem congruent due to possible size, parking and noise issues. Mr. Leetham said there are currently no daycares in multi-family units and that there are two unlicensed daycares in the single family R-1 zone, and there are others who have been turned down due to the code restrictions.

Proposed amendments include clarification on Commercial Daycare Centers, Residential Child Daycares and Pre-Schools. The code currently allows daycares in all commercial zones except the zone located near the refineries and the new code amendment would adjust/expand parking requirements to allow for adequate parking. The changes to the Residential Child Daycare category would include changing the allowance from multi-family zones to single family zones. It would also allow an individual to watch up to four children without any licensing and between five and eight children would be a permitted use with a business license, consistent with State requirements. Pre-schools would be allowed in single family zones and not in multi-family or mixed use zones and would also allow up to eight children per class.

Council Member Mumford asked if additional staff could consist of family members for pre-schools and daycares of more than four children per the Home Occupation code. Ken Leetham replied that family members could be employed per State regulations. He also said that wording was added to the code to clarify that pre-schools and daycares would be considered Home Occupations.

Council Member Horrocks expressed approval for excluding daycares and pre-schools in multi-family units due to possible space/size issues.

Lynette Shimmin, resident, addressed the Council and commented that as a nurse, she has needed to use 24-hour daycares before but also that for people who do not work regular 9-to-5 hours and need to sleep during the day, there could be noise issues for those living in multi-family units.

**Council Member Jensen moved that the City Council adopt Ordinance No. 2014-15: An Ordinance adopting certain amendments to the North Salt Lake City Land Use Ordinance related to child daycare and pre-school and establishing an effective date with the exception of precluding daycare and pre-school in multi-family zones. Council Member Mumford seconded the motion. Council Members Jensen and Mumford voted in favor of the motion. Council Members Horrocks and Jacobson voted in opposition to the motion. Mayor Arave voted in favor of the motion to break the tie. Council Member Porter was excused.**

Council Member Mumford commented that since this was not a conditional use but a permitted use that applicants would receive City staff approval per the application process. Ken Leetham

replied that the State would regulate the daycare and pre-schools when they meet the five or more children requirement.

Council Member Jacobson commented that allowing daycares in multi-family areas has the potential for noise and disturbance.

Council Member Jensen said that the current code already allows daycares and pre-schools in multi-family zones. Mayor Arave also commented that those in apartments and other multi-family units would most likely need approval from the building manager before those types of activities would be allowed.

Ken Leetham commented that as the Foxboro area is in a Planned (P) District there is a separate set of regulations that allows home daycare and pre-school a conditional use and none of the regulations approved tonight would have any effect on that area.

8. ORDINANCE 2014-08: AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE CITY OF NORTH SALT LAKE LAND USE ORDINANCE RELATED TO FENCING

Ken Leetham reported that he removed all the provisions not related to fencing out of the ordinance and that these amendments arose from residents' requests for higher fencing due to the urban deer problem. The proposed changes include: the definition of a fence, permits for certain types of fences, regulations prohibiting blocking ingress/egress areas of a dwelling, clarification of height measurements of fences, allowance for fences above six (6) feet in height for wildlife exclusions, chain-link fences above six (6) are allowed on  $\frac{3}{4}$  acre lots and above, fence materials, maintenance and non-complying issues, prohibited and special fences and the appeals process.

Mr. Leetham clarified that wildlife fencing would be 8' fences that would be allowed in side and rear yards only, and that 75% of the fence above 6' must be open. Residents can fence off their entire yard but the chain-link fences above 6' are only allowed lots larger than  $\frac{3}{4}$  acre. He also presented a map showing where the 6' or higher fences could be constructed, and an illustration to explain the fencing regulations.

Mayor Arave commented that residents would need a building permit for a masonry walls and that the code may need clarification. He also asked for clarification on 8' fencing and where it was allowed. Ken Leetham replied that this would not replace the uniform building code and that if masonry walls require a permit than residents would need to obtain one before building. Eight-foot fencing is allowed on any lot in the City but the chain-link fence is only allowed on  $\frac{3}{4}$  acre lots.

**Council Member Horrocks moved that the City Council approve Ordinance 2014-08 amending the City's Land Use Ordinance relating to fencing regulations. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Mumford and Jacobson. Council Member Porter was excused.**

9. CONSIDERATION OF ORDINANCE NO. 2014-11: AN ORDINANCE REPEALING PORTIONS OF THE NORTH SALT LAKE CITY CODE RELATING TO ANIMAL CONTROL, REFINING DEFINITIONS AND ADDING SECTIONS FOR COMPLIANCE WITH THE UTAH STATE LAW

Barry Edwards reported that this ordinance was previously discussed and that making proposed the changes would put the City in compliance with State law and the Davis County ordinance.

David Church commented that the Davis County Animal Control ordinances are not effective within the City unless specific ordinances are adopted. He recommended that the Davis County ordinances be reviewed and compared to City ordinances.

Council Member Jensen said that all domestic animals could be considered “dangerous animals” per the definition as any animal has the propensity to attack another animal and that all animals must be securely confined at all times and restrained with a muzzle. Chief Black stated that Davis County Animal Control or the police department would investigate each incident and that a prosecutor could then review the case if an incident did occur.

The City Council recommended adopting the Davis County Ordinances as the Davis County Animal Control would be enforcing the code. David Church commented that the City’s code covers everything that Davis County code covers but that the City was out of compliance with State code due to the restrictions on certain breeds.

Lynette Shimmin, resident, commented that in her experience Davis County Animal Control Officers do a fantastic job and thoroughly investigate complaints, etc. She said that every animal has the potential to be dangerous regardless of the breed.

**Council Member Jacobson moved to approve Ordinance No. 2014-11 repealing portions of the North Salt Lake City Code relating to animal control, refining definitions and adding sections for compliance with the Utah State law. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Mumford and Jacobson. Council Member Jensen voted in opposition to the motion. Council Member Porter was excused.**

10. DISCUSSION AND ACTION REGARDING PLAYGROUND RESURFACING FROM SAND TO SOFT FALL OR OTHER ACCEPTABLE MATERIAL IN CITY PARKS

Council Member Stan Porter joined the meeting via teleconference at 8:53 p.m.

Jon Rueckert reported that there are three different types of playground surfacing throughout the City including sand, fiber chips and pour in place surfacing. Sand is affordable but requires a lot of maintenance. Engineered wood fiber chips are affordable and meet the fall requirements. Pour in place mats exceed ADA guidelines but are susceptible to UV damage and must be regularly resealed.

Other options include rubber tiles, synthetic turf which tends to be more expensive and harbor more bacteria. Pricing for engineered wood fiber is \$1.50 per square foot, the pour in place surfacing is \$15.00 per sq. ft. and the rubber tiles and synthetic turf are \$12.00 each sq. ft. The ten City parks that need playground surface replacement make up approximately 23,000 square feet, and it would cost approximately \$40,000 for the wood fiber option. This price would include material, weed barrier fabric and equipment rental. The synthetic wood fiber option is currently in use at the Tunnel Springs and Wild Rose Parks.

Council Member Porter said that the wood chip option sounded like the best option at this time due to the cost unless shade was added to all the playgrounds.

Mayor Arave asked if there was room in this year's budget for the sand replacement in the parks. Janice Larsen replied that there was approximately \$13,000 in the budget that could be used for this project.

Barry Edwards recommended that the Council adopt a wood chip preference for sand replacement for use in future parks, and that the City show preference for sand replacement in the parks where neighbors are willing to put in the labor. The City would then allot money in next year's budget to replace the sand in the remainder of the parks.

**Council Member Mumford moved to adopt engineered wood chips as the soft fall of choice and where applicable to replace sand. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Mumford and Jacobson.**

#### 11. AUTHORIZATION TO PURCHASE 2 PATROL CARS AND DISPOSE OF 2 PATROL CARS IN THE POLICE DEPARTMENT

Chief Black reported that this item was discussed in the budget retreat meeting and also in the approval of the budget. There are currently three vehicles that are used as spare cars for the department and that two of these cars need to be replaced due to age, cost of maintenance and higher mileage. The Police Department would like to purchase two new vehicles to become patrol cars and would then place two of the existing patrol cars into the spare car rotation. The cars to be replaced include a 2009 Ford Crown Victoria and a 2010 Ford Crown Victoria. The equipment in the cars is older and would mostly need to be replaced as well. The replacement equipment would be an additional \$7,000.

**Council Member Jacobson moved that the City Council approve the surplus and disposal of the two above described police vehicles and authorize the purchase of two new police vehicles for use in the patrol division of the police department in the amount of \$55,798.02. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Mumford and Jacobson. Council Member Porter was excused.**

## 12. COUNCIL REPORTS

Council Member Jacobson commented that JR and Jennifer Hood had volunteered to help with the Youth City Council as advisors.

Council Member Mumford reported that Commissioner Oblad was near the end of his term on the Planning Commission and a new appointment would be needed. Mayor asked staff to advertise for a new member.

Council Member Horrocks asked about the landslide petitions to the Council. He said that the City Council and staff are constantly reviewing procedures and that hiring another independent investigator may not be worth the money. Mayor Arave replied that he had received a petition with 40 signatures requesting that the City appoint a private investigator in regards to the landslide.

The City Council members determined that the Council is an independent body and that it would be redundant to hire an outside company or entity to investigate the landslide as the Council was elected to investigate all issues and serve the City residents.

Council Member Jensen reported that the NSL Reads event would be Thursday September 4<sup>th</sup> at 6:30 p.m. and would include a panel and short film. Saturday September 6<sup>th</sup> is the family golf tournament and would include 9 holes of golf with two carts for the cost of \$65.

## 13. MAYOR'S REPORT

Mayor Arave reported that Handi-Quilter would be having an open house on Friday September 5<sup>th</sup> and asked if a Council Member could attend. He also reported that the burn plant had signed a 10 year contract with Hill Air Force Base which would help improve their financial situation.

## 14. CITY MANAGER'S REPORT

Barry Edwards asked that any City Council Members interested in attending the League of Cities and Towns or the National League of Cities let City staff know as soon as possible.

## 15. ADJOURN TO CLOSED SESSION

**At 9:30 p.m. Council Member Jacobson moved to go into closed session to discuss pending or reasonably imminent litigation. Council Member Jensen seconded the motion. The motion was approved unanimously by Council Members Mumford, Horrocks, Jensen and Jacobson. Council Member Porter was excused.**

16. CLOSED SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT  
LITIGATION

**At 10:17 p.m. Council Member Jacobson moved to go out of closed session and back into regular session. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.**

17. ADJOURN

Mayor Arave adjourned the meeting at 10:17 p.m.

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Mayor

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Secretary