

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-WORK SESSION  
OCTOBER 17, 2017

**FINAL**

Mayor Arave called the meeting to order at 6:04 p.m. He welcomed the scout group and Youth City Council that were in attendance at the meeting.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Matt Jensen  
Council Member Ryan Mumford  
Council Member James Hood

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Sherrie Llewelyn, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Annabelle Ballard, Katelyn Ballard, Youth City Council; Aidan Nance, Joshua Richardson, Mitchell Sterner, Triston Avila, Maxwell Platt, Lowe Rudd, BSA Troop 997.

1. DEPARTMENT REPORT-PUBLIC WORKS

David Frandsen reported on the Fall Cleanup which was held October 13<sup>th</sup>-15<sup>th</sup> at the Public Works Building. He explained how signage, layout, overflow traffic, and gatekeeper responsibilities were set up to allow for maximum efficiency. As this service was only available to City residents the gatekeeper was responsible for viewing proof of residency, recording what was being dumped, and directing residents. Mr. Frandsen said that the change in location allowed staff to use equipment for unloading, reduced cross-contamination of green waste, and ensured that only residents were using the service. The feedback from residents included the need for more signage next year, and appreciation for the organization of the event and the unloading help provided by staff.

David Frandsen reviewed the snow removal plan and said the changes for 2017 included route changes, utilization of smaller trucks, daily communication, the use of brine equipment, and a focus on the trouble areas. He said every morning the department would review the weather,

trouble areas, and which staff members were available to plow. Mr. Frandsen said the brine equipment installation was completed that day and would be used as an anti-icing tool which will help to save money and time.

Mr. Frandsen said that staff strived for a high level of service which would be snow removal down to the bare pavement and the minimum service level would be to keep major roads clear. He said other methods for increased service included distributing snow removal warnings and parking violations, snow removal at City Hall, and a storm completion checklist which detailed supplies, equipment cleaned, storm reports, and a complaint/request log.

The Public Works Department held a snow removal training day and dry run on October 9<sup>th</sup> which included new zone assignments, updated storm reports, tree trimming and removal, safety, operating procedures, and calibration and walk around.

Council Member Mumford asked if more tree pruning was needed. David Frandsen replied that staff tried to prune the trees on major roads but that there was more to do.

Mayor Arave asked if the department was able to perform crack sealing this year. He also asked that staff apply the sealant to Eaglewood Drive. David Frandsen replied that they generally applied crack sealing until the funding was depleted.

Council Member Jensen asked that staff include an ash tree located at 985 Manchester in the Foxboro area tree spraying next year.

## 2. DEPARTMENT ORDINANCE REVIEW

Sherrie Llewelyn reported on the mining ordinance draft she handed out which combined regulations in Title 7, clarified the approval process, and buffered the distances of mining activities such as 200 feet from a residential property line, crushing at 400 feet from a property line, and 100 feet from a public road.

Mayor Arave requested that staff provide David Church, Hughes (Lakeview Rock Products), and Granite Construction with a copy of the draft mining ordinance for review and input.

Sherrie Llewelyn said that the ordinance detailed the natural resources extractions permit which included a pre-application and a meeting with the Development Review Committee (DRC), as well as a public hearing and recommendations from the Planning Commission, and approval by the City Council. Other issues addressed in the ordinance included excavations, restrictions, fencing, berming, mining operation hours, buffer landscaping requirements, the timeframe for

landscaping, a landscaping bond, the technical aspects of blasting including recordkeeping, monitoring and vibrations, visible survey monuments for excavation, inspections by the City Engineer, reclamation standards, mine site operations related to sand, rock or gravel, site restrictions including on-site buildings and parking, and prohibiting concrete or asphalt plants.

Council Member Horrocks commented on potentially allowing a variance for batch plants and Mayor Arave asked why these operations would be restricted. Sherrie Llewelyn replied that batch plants were currently not listed in any zone and could be restricted as residents were concerned these plants may affect air quality.

The Council discussed rezoning, who would be completing the reclamation of the property, and permitted and non-permitted uses regarding mining.

Council Member Jensen asked for information on how the blasting plan would work. Sherrie Llewelyn replied that there would be a conceptual plan for the property and then individual blasting plans for each blast day which would require 72 hour notification for residents.

Mayor Arave commented that the City needed to determine the process for implementing this ordinance. David Church responded that he had reviewed prior lawsuits and said the City would need to prove the need for certain requirements and regulation if they were challenged. An example would be that a buffer was necessary to protect public health and neighboring properties but the City would need to justify how they determined that 300 feet was the acceptable distance for the buffer.

Mayor Arave asked staff to gather justification for the buffer requirements. David Church said that the justifications for the requirements would need to enhance health and safety and also be defensible per measurable levels.

### 3. ADJOURN

Mayor Arave adjourned the meeting at 7:04 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-REGULAR SESSION  
OCTOBER 17, 2017

**DRAFT**

Mayor Arave called the meeting to order at 7:10 p.m. Council Member Ryan Mumford offered the invocation and Triston Avila, BSA Troop 997, led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Matt Jensen  
Council Member Ryan Mumford  
Council Member James Hood

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Sherrie Llewelyn, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Andy Kukta, Aimee Kukta, Catherine Kukta, Sarah Drinkall, Rachel Drinkall, Rulon Crosby, Alisa Van Langeveld, residents; Weston Ence, Matthew Cannon, Rees Christensen, Cole Geisler, Mike Rummins, BSA Troop 1916; Trent Wright, BSA Troop 1626; and Ben Thompson, Christopher Robinson, Foxboro Marketplace Development.

1. CITIZEN COMMENT

There were no citizen comments.

2. EMPLOYEE RECOGNITION

This item was cancelled.

3. PUBLIC HEARING REGARDING RAP TAX BALLOT PROPOSITION (PER UTAH  
CODE 59-I-1604)

Ken Leetham reported that the City is required to hold a public meeting for the reauthorization of the RAP Tax.

**Mayor Arave opened the public hearing at 7:14 p.m. for the Rap Tax ballot proposition. There were no public comments and he closed the public hearing at 7:14 p.m.**

4. CONSIDERATION OF APPROVAL OF CITY OF NORTH SALT LAKE 2017 GENERAL ELECTION POLL WORKERS WITH ADDITIONAL APPROVAL TO FILL ANY VACANCIES THAT MAY ARISE BEFORE ELECTION DAY, NOVEMBER 7, 2017

Ken Leetham reported that this item is for approval of the list of poll workers per a contractual agreement with Davis County to handle the City's municipal election. He said there would be on-site voting for the November election at City Hall (for those who choose not to use the vote by mail option) and would require the use of the listed poll workers.

**Council Member Porter moved to approve the City of North Salt Lake 2017 General Election poll workers with additional approval to fill any vacancies that may arise before Election Day, November 7, 2017. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

5. REQUEST BY MR. RULON CROSBY TO PURCHASE CITY PROPERTY AT 510 LACEY WAY

Ken Leetham reported that Mr. Crosby contacted the City requesting to purchase some city property at 510 Lacey Way. City staff then reviewed the property to evaluate the request. Although the City had previously sold property at this location to an adjacent property owner, staff recommended against the sale of the property at this time. The sale of City property to residents was generally to improve or control the property, and in some cases due to encroachments. Mr. Leetham recommended that guidelines be put into place to determine future City-owned property sales and suggested that this policy be implemented before considering the sale of 1,800 square feet of property to Mr. Crosby.

Mayor Arave asked how long it would take for staff to prepare this policy. Ken Leetham replied that it would take three to four months.

Council Member Horrocks asked that the policy also address the reasons why the City owns property. Ken Leetham replied that Staff would be creating a comprehensive inventory of all City-owned properties and would categorize what should be done with each property.

Council Member Mumford said that the policy should detail required notification of the neighbors, the process for the sale of the property, and a review of potential uses which could include review by the NSL Live Committee.

Council Member Jensen commented that overall he was against selling public land and that potential future uses should be determined before any property was sold. He suggested that the proposed property could potentially be used for water storage.

Rulon Crosby said that as he purchased property from the City in the past that precedence had been set. He said that the City would not want to put water storage or a line at the top portion of the proposed property as the area was very steep and that there was also no room for a trail or park. Mr. Crosby would like to build a home and needed the proposed piece to help meet the setback requirements of the home.

Mayor Arave asked what the proposed construction timeline for the home would be. Rulon Crosby replied that he would like to start construction on Lot 1 in the spring and that the current configuration of the lot would make it difficult to place the home on the property as setback requirements must be met.

Mayor Arave clarified that City staff recommended adopting a land-purchase policy before any additional property would be sold. Rulon Crosby responded that the infrastructure was already in place so any additional homes would help to pay those costs.

The City Council then discussed having a set City policy which included the notification of neighboring property owners, a bidding process, a required checklist, donated land, and surplus property.

Council Member Horrocks asked if the setback requirements could be waived in this situation. David Church commented that the property would not qualify for a variance as it was a self-imposed issue in that the property was currently buildable as is, and Mr. Crosby could reduce the size of the home to meet the setback requirements.

Mayor Arave stated that the City Council could sell the property, table the matter until policy could be created, or deny the sale.

**Council Member Hood moved to table the discussion until the City established a policy regarding the sale of City property. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

6. CONSIDERATION OF A SITE PLAN APPROVAL FOR CIMARRON AT  
FOXBORO, PART OF THE FOXBORO MARKETPLACE GENERAL  
DEVELOPMENT PLAN, GENERALLY LOCATED AT 761 NORTH CUTLER  
DRIVE

Sherrie Llewelyn reported that the proposed site plan was for a residential development, located at 790 North Cutler Drive, as part of the Foxboro Marketplace General Development Plan. The apartment buildings would be oriented around a common courtyard containing a pool, dog park, tot lot, barbeque area, etc. Additional amenities onsite included a clubhouse, bocce ball and pickle ball courts, exercise facilities, a dog wash, and leasing offices. The trail section along Redwood Road would consist of decorative crushed gravel and street trees while the landscaping along Cutler Drive would contain trees and grass. The site would also utilize storm drainage for the landscaping and solar panels for exterior lighting of the property.

The residential property would consist of two multi-family structures with a total of 102 apartments on 5.124 acres. The two apartment buildings have been divided into 44 one bedroom units, 54 two bedroom units, and 4 three bedroom units with the total parking provided onsite at 204 spaces. Mrs. Llewelyn stated that the parking consisted of 62 tuck under garages, 62 tandem driveway spaces, 30 detached garages, 10 carports, 40 open parking spaces with seven ADA spaces. There would also be four stalls with charging stations for electric cars.

The Planning Commission reviewed the site plan and recommended approval with the following three conditions including xeriscape landscaping along Redwood Road with additional plant material and varied rock mulch, parking table and engineering redlines, and the potential addition of a pedestrian gate along Redwood Road.

Council Member Hood asked how many units would be ADA accessible. Sherrie Llewelyn replied that all the main floor units including three units with attached garages were ADA compliant as well as the seven ADA parking spaces.

**Council Member Porter moved that the City Council approve the requested site plan for Cimarron at Foxboro, Lot 7 of Foxboro Marketplace, at 790 North Cutler Drive with the following conditions:**

- 1) Landscaping along Redwood Road is permitted to use xeriscape, with the additional plant material or varied rock mulch size and color to soften the streetscape appearance;**
- 2) Correction of minor redlines (parking table and engineering); and**

- 3) **The developer consider adding a pedestrian gate to the fence along Redwood Road for trail access.**

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

Council Member Jensen asked about new commercial development in the remaining parcels. Christopher Robinson summarized that the south parcel of Lot 1, also known as Foxboro Marketplace South, would become a Holiday Oil/Chevron gas station. An Autozone, Del Taco, and Spectrum Academy High School, with a dedicated ten-foot queuing lane for traffic, were also planned. He said the Foxboro Marketplace North Lot 1 was still available, Lot 2 would be a Burger King, Lot 3 would become a Little Caesars Pizza, Cricket Wireless, Empire Chinese Gourmet, and an H&R Block. Lot 4 was Lee's Marketplace, Lot 5 would be retail, and Lot 6 would be an Ace Hardware. He said by the end of May everything would be built or under construction minus Lot 1.

#### 7. CONSIDERATION OF ORDINANCE NO. 2017-05 AMENDING THE CITY OF NORTH SALT LAKE COMPREHENSIVE FEE SCHEDULE

Sherrie Llewelyn reported that the Council had reviewed the comprehensive fee schedule during the October 3rd meeting. This schedule included fees for planning, engineering, business licensing, connections and development, police and court, animal licensing, miscellaneous, building, recreation, and events.

Mayor Arave suggested clarifying and keeping the outdated business type such as pay inside gas stations and also including secondary water impact fees.

Council Member Jensen asked how the fees would be determined for projects such as public notice, staff time, etc. Ken Leetham replied that the City was not charging for certain services now which take staff time to complete.

Sherrie Llewelyn commented that the subdivision and development review fees would not increase and the current zone change application or site plan review fees would not cover all associated costs incurred by staff. She said the proposed fees were less than neighboring jurisdictions and would defray some costs which residents are currently paying.

Ken Leetham explained that the City was just trying to collect fees to help cover the cost of time spent by staff on commercial and multifamily development and that these fees were nominal.

Council Member Porter commented on excessive or standardized plan check fees that could lead to litigation. David Church replied that the State law limits the plan check fee to 65% of the building permit fee or actual cost.

Sherrie Llewelyn said that staff could reevaluate fees for stacked units versus individual units with separate connections, infrastructure, and price per unit. Council Member Mumford expressed concern that this would incentivize stacked units.

David Church commented that the State Development Code for plan check fees detailed that the amount could not exceed responsible costs for review or inspection. A developer could appeal to a hearing officer if they felt the fees were too high. The municipality may also be required to provide an itemized fee schedule to justify fees.

Ken Leetham said that a waiver or exception could be authorized by the City Manager or designee on a case-by-case basis and that there should be a review of the fees to ensure they were not unintentional or excessive before they were approved.

David Church recommended that the fee schedule incorporated language from State code regarding the itemized fee statement and the ability for the fee to be adjusted or excess fees refunded.

Council Member Mumford also commented that there could potentially be a provision to waive fees for projects that contributed to the public good such as a food pantry. Ken Leetham replied that it this could be done per City Council review.

**Council Member Horrocks moved to approve Ordinance No. 2017-05, amending the Comprehensive Fee Schedule for the City of North Salt Lake with the exception of Section 2.1, commercial site plan fees, multifamily site plan review, and outdated business types such as pay inside gas stations. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

#### 8. APPROVE CITY COUNCIL MINUTES

The City Council minutes of October 3, 2017 were reviewed and approved. **Council Member Mumford moved to approve the City Council meeting minutes from October 3, 2017. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

## 9. ACTION ITEMS

The action items list was reviewed. Completed items were removed from the list.

Mayor Arave asked staff to revise the backflow letter and also to provide a map showing the areas that received the crack sealing treatment in 2017.

## 10. COUNCIL REPORTS

Council Member Hood thanked NSL Live for the recent NSL Reads event that was well attended.

Council Member Mumford reported that he had viewed the Odell Lane development and was disappointed. He anticipated further development on the opposite side of the street. Ken Leetham replied that if the developer approached the City with a similar land use that the City should encourage owner occupied units with more amenities and better parking.

Council Member Horrocks reported from the Mosquito Abatement Board that in 2017 there were 52 cases of West Nile Virus in Utah with 3 deaths. He said there were 67 total deaths due to West Nile across the United States.

Council Member Jensen reported that the NSL Reads event was a chaotic but fun event that featured a magician and local author along with a writing contest. Council Member Mumford said that the feedback from residents included scheduling the children's events earlier in the evening.

Council Member Jensen then reported that the Halloween 3K would be held October 21<sup>st</sup>. He said he was approached by a resident who would like to get a pet pig and was told that was not allowed on lots less than .50 of an acre. He asked if the current ordinance was too restrictive for certain pets such as goats, pigs, etc.

David Church commented that he had also seen residential requests for miniature horses or different types of animals to be used as service animals. He said the ordinance could be written to allow certain types of animals per the City Council.

Council Member Mumford commented that the State law regulated animal ordinances and that there would be complaints regardless. He asked what other cities implemented in their ordinances. Ken Leetham replied that the City had established how many and what type of animals were allowed on residential property and that staff could review additional information.

#### 11. MAYOR'S REPORT

Mayor Arave reported that staff met with Hughes (Lakeview Rock Products) and the Thomas family to discuss the Monte Thomas Pit. He said that Lakeview Rock Products would most likely complete the reclamation of the Monte Thomas Pit. He then reported that the South Davis Recreation District is considering a price increase which will either be one large fee or several smaller fees. Mayor Arave also said the sale of the old Centerville Fire Station property may not go through.

#### 12. CITY MANAGER'S REPORT

Ken Leetham reported that the Council should meet with the County Commissioners to discuss the site of a future library. He said he spoke with the library director who would speak with the City and Bountiful about library options.

Council Member Mumford said he spoke with one of the County Commissioners, Randy Elliot, multiple times about the library location and the potential for either two smaller library sites or one larger library site.

Ken Leetham then said that he would like to compile a letter addressing Davis County's budget proposal issue, particularly the request for 26 new deputies for the County Sheriff's office.

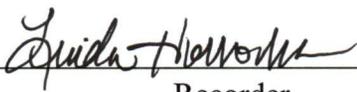
#### 13. CITY ATTORNEY'S REPORT

David Church had nothing to report.

#### 14. ADJOURN

Mayor Arave adjourned the meeting at 9:06 p.m.

  
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Mayor pro tem

  
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Recorder