

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-RECEPTION  
JANUARY 7, 2020

**FINAL**

Mayor Arave called the meeting to order at 6:08 p.m.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Ryan Mumford  
Council Member Lisa Watts Baskin  
Council Member Natalie Gordon

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; Marty Peterson, Emergency Preparedness Manager; Andrea Bradford, Minutes Secretary.

1. RECEPTION AND WELCOME OF NEWLY ELECTED OFFICIALS

Mayor Arave thanked James Hood for his service on the City Council over the last four years. He expressed appreciation for his time spent with the Youth Council.

James Hood thanked the Council Members and staff. He said it had been a pleasure to serve and be the voice for the citizens of the City. Mr. Hood specifically thanked Ken Leetham, Paul Ottoson, Chief Black, and David Frandsen for helping him to understand how the City worked and for their service.

2. SWEARING-IN OF NEWLY ELECTED OFFICIALS

At 6:18 p.m. Mayor Arave performed the swearing in of Brian Horrocks, Stan Porter, and Natalie Gordon to the City Council.

The Council then moved to the council conference room to begin the work session.

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-WORK SESSION  
JANUARY 7, 2020

**FINAL**

Mayor Arave called the meeting to order at 6:34 p.m.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Ryan Mumford  
Council Member Lisa Watts Baskin  
Council Member Natalie Gordon

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; Marty Peterson, Emergency Preparedness Manager; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Melissa Ballard, Utah House of Representatives; Garrett Seely, Red Pine Investments.

1. TRANSPORTATION DISCUSSION AND LEGISLATIVE UPDATE-  
REPRESENTATIVE MELISSA BALLARD

Representative Melissa Ballard started the discussion with transportation issues and the interchange between Interstate-15 (I-15) and Interstate 215 (I-215). She said that while there are potential plans for this interchange, the timeframe was dependent on the Transportation Commissioners. Rep. Ballard asked the City Council how important this was to the City and if there was an interest in performing an environmental study for this project, which would cost approximately \$1.2 billion. She said the City should decide if this was a priority as this would determine what developed in the area.

The City Council and Rep. Ballard discussed potential access solutions for North Salt Lake and Woods Cross related to the interchange, the rebuild of I-15, a bridge over the 1100 North rail tracks, Legacy Highway, and feasibility and environmental studies.

Mayor Arave asked about the process and how the City could get involved in the reconstruction/reconfiguration of I-15. He said the priorities for the City were a bridge over the 1100 North railroad tracks and on/off ramps for Eaglegate Drive. Rep. Ballard said the

reconstruction would include adding a middle lane to I-15, on/off ramps, and redoing major intersections. She said the City should reach out to the Davis County Transportation Committee and the Commissioners.

Melissa Ballard then provided an update on the Salt Lake City inland port. She said that there was a push to use hydrogen for backup generators, truck fleets, and freight switchers as hydrogen had zero emissions. The number one complaint from companies interested in coming to Utah was a carbon footprint on their building, so the vision for the inland port would be clean energy. She also said residents had complaints about air quality and noise which would be reduced with the use of hydrogen. Rep. Ballard then commented that the inland port was not confined to the airport and had authority everywhere in Utah. Their goal was to put hydrogen refueling stations throughout the State to fuel their fleets.

Mayor Arave stated that he did not want the inland port to be able to say they had more authority in the City that superseded the City Council. He also said the biggest issue was the potential for additional heavy truck traffic on Center Street with no tax revenue. Melissa Ballard said that this was a big reason for the City to push for the environmental study.

Council Member Horrocks commented that a lot of the freight would come in to the inland port on trucks and go out on rails. He said if the inland port did not happen the truck traffic would skyrocket. Melissa Ballard replied that there needed to be incentives for good air quality. She said that it was important to communicate and work as a team.

## 2. ADJOURN

Mayor Arave adjourned the meeting at 7:05 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-REGULAR SESSION  
JANUARY 7, 2020

**DRAFT**

Mayor Arave called the meeting to order at 7:15 p.m. Alex Lucero offered the invocation and Council Member Lisa Baskin led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Ryan Mumford  
Council Member Lisa Watts Baskin  
Council Member Natalie Gordon

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; Marty Peterson, Emergency Preparedness Manager; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: MaryKay Porter, Dee Lalliss, John Allen, Sheryl Allen, Conrad Jacobson, Cassandra Shuler, residents; Garrett Seely, Red Pine Investments; Pastor Alex Lucero, Abundant Life Church; Russ Tolbert; Paul Poteet, Liberation Development.

1. CITIZEN COMMENT

Alex Lucero, Abundant Life Church, reported that the Life Market, which offered food donations to the community, was able to serve 50 families and was doing well. He thanked the City Council for their support and the stores that donated.

2. CITY COUNCIL MOTION TO SELECT MAYOR PRO TEMPORE FOR 2020

**Council Member Mumford moved to appoint Lisa Baskin as mayor pro tempore for 2020. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

3. CONSIDERATION OF RESOLUTION 2020-01R: A RESOLUTION APPROVING THE 2020 MEETING SCHEDULES FOR CITY COUNCIL AND PLANNING COMMISSION

Council Member Baskin commented that there seemed to be a big gap in between the November and December City Council meetings as the proposed meeting dates were November 17<sup>th</sup> and December 15<sup>th</sup>. She asked why a meeting was not scheduled for December 3<sup>rd</sup>. Mayor Arave replied that the Christmas party was scheduled for December 3<sup>rd</sup>.

Council Member Baskin suggested that the City Council could still advertise and hold a meeting on December 3<sup>rd</sup> if necessary.

**Council Member Horrocks moved to approve Resolution 2020-01R: a resolution designating the 2020 public meeting schedule as presented. Council Member Baskin seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

4. CONSIDERATION OF CITY COUNCIL APPOINTMENT TO THE PARKS, TRAILS, ARTS AND RECREATION ADVISORY BOARD

Council Member Gordon recommended Ron Gordon for the appointment to this board as he had previously helped with City events and was looking for an opportunity to be involved. She said he was a former City Council member as well.

**Council Member Gordon moved to appoint Ron Gordon to the Parks, Trails, Arts and Recreation Advisory Board. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

5. CONSIDERATION OF ORDINANCE 2020-01: AN ORDINANCE REZONING PROPERTY LOCATED AT 877 NORTH CUTLER DRIVE FROM GENERAL COMMERCIAL (CG) TO P DISTRICT AND APPROVING A DEVELOPMENT AGREEMENT (2020-01A) FOR WELLINGTON PLACE PUD, RED PINE INVESTMENTS, GARRET SEELY, APPLICANT

Sherrie Llewelyn reported that the existing zoning for the property was General Commercial (CG) with a request to rezone to a Planned (P) District. The adjacent parcels are zoned P District. This property was owned by Leo Thurston and used for asphalt truck storage. Red Pine Land, LLC has purchased the property with the proposal to build 23 single family lots similar in size to Stonehaven PUD.

Soil studies conducted on the site indicated isolated lead contamination likely from automobile battery waste. Staff consulted with the State as well as geotechnical engineers who recommended that the soil be removed. The contaminated soil has been removed and additional testing has been requested to verify all contaminated soil has been removed from the site.

The Planning Commission held a public hearing on the zone change and general development plan on June 11, 2019. The City Council approved the general development plan on June 18,

2019. The Planning Commission then reviewed the proposed development agreement, preliminary plan and final plat and made a favorable recommendation to the City Council on July 23, 2019.

Mayor Arave asked if this development would have a sidewalk and park strip. Sherrie Llewelyn replied that there would be a sidewalk and park strip along Cutler Drive.

Council Member Porter asked if there were locations for snow storage on the site. Sherrie Llewelyn replied that she believed there would be snow easements at the end of the hammerheads.

Council Member Baskin commented that there had been a request for one of the hammerhead streets to become a through street. Sherrie Llewelyn replied that Stonehaven PUD HOA would not grant an easement for the through street. She said that in the future the Planning Commission would request easements be granted when a development abutted a vacant property.

Council Member Horrocks asked about the square footage and pricing for the proposed homes. Garrett Seely, Red Pine Investments, replied that they would be 1,400 to 1,800 square feet with two-car garages. He said these homes would have three to four bedrooms and the price range was in the mid-\$300,000.

Council Member Gordon asked if an easement should be required at the south end of the hammerhead to potentially extend into the parking lot for the adjacent apartment building. Sherrie Llewelyn replied that the City Council could request it but felt that it would not be used as the lifespan of apartments was long.

David Church commented that if this was a public road the City could request to preserve an easement but as it was a private road they did not need an easement.

Council Member Porter asked if the agreement could include a requirement for snow stacking. Sherrie Llewelyn recommended that this be added as part of the final plat.

Council Member Baskin thanked the developer for building single family homes in this area.

Council Member Mumford asked about the proposed eight-foot fencing. Garrett Seely replied that the eight-foot fencing would block the tanker trucks as well as matching the existing fencing.

Council Member Baskin asked for confirmation that there would not be any sidewalks on Wellington Avenue. Sherrie Llewelyn confirmed that this was correct. Mrs. Llewelyn said that she had drafted a change to the PUD ordinances to require sidewalks.

**Council Member Porter moved that the City Council adopt Ordinance 2020-01 approving the rezone request from General Commercial to P District for Wellington Place located at 877 North Cutler Drive along with the proposed development agreement with the following findings and conditions:**

**Findings:**

- 1) The proposed P district can be substantially completed within two (2) years of the establishment of the P District.**
- 2) The development contains one phase that can exist as an independent unit capable of creating an environment of sustained desirability and stability; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.**
- 3) The proposed increased density will not generate traffic in such amounts as to overload the street network outside the P district.**
- 4) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.**
- 5) Any exception from standard ordinance requirements is warranted by the design incorporated into the final plan.**
- 6) The P district is in conformance with the city general land use plan.**
- 7) Existing or proposed utility services are adequate for the population and use densities proposed.**

**Condition:**

- 1) Confirmation of the removal of all lead contaminated soils to the satisfaction of the City Engineer.**

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

- 6. CONSIDERATION OF A PRELIMINARY PLAN AND FINAL PLAT FOR WELLINGTON PLACE PUD LOCATED AT 877 NORTH CUTLER DRIVE, RED PINE INVESTMENTS, GARRETT SEELY, APPLICANT**

Sherrie Llewelyn reported that this was the preliminary plan and final plat for Wellington Place PUD. The Planning Commission made a favorable recommendation with the condition that confirmation be obtained of the removal of all lead contaminated soils to the satisfaction of the City Engineer.

**Council Member Baskin moved that the City Council approve the preliminary plan and final plat for Wellington Place PUD located at 877 North Cutler Drive with the following condition:**

- 1) Confirmation of the removal of all lead contaminated soils to the satisfaction of the City Engineer.**

Sherrie Llewelyn commented that there was a snow storage easement at the end of the hammerhead road currently on the plat.

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

7. CONSIDERATION OF A REQUEST FOR A ROAD CUT, PRIOR TO THE EXPIRATION OF THE THREE YEAR CONSTRUCTION PROHIBITION FROM AUGUST 18, 2020 TO MAY 25, 2020, LIBERATION DEVELOPMENT, MIKE WATSON, APPLICANT

Sherrie Llewelyn reported that this application from Liberation Development was for the Arrowhead Twin Home PUD project. She explained per City Code section 7-5B-2 that road excavations were prohibited for five years following completion of new streets and three years following the resurfacing of streets. She said 350 North was resurfaced on August 18, 2017. The developer has filed a request to start May 25, 2020. Staff verified that the last day of school was May 28, 2020 and the start date was August 25, 2020. The Development Review Committee (DRC) reviewed and recommended an allowance for an early road cut beginning July 18, 2020 to ensure that the construction was completed prior to the beginning of the 2020 school year.

Paul Poteet, Liberation Development, commented that they requested May 25, 2020 or any time in June to ensure adequate time to complete the roadwork before school began in August.

Council Member Porter said that Bountiful City allowed early road cuts but required a more stringent fill with an overlay. Paul Ottoson replied that he was not sure what Bountiful requested but could research this. He said the City could require a flowable fill and slurry seal.

Council Members agreed that the City should require a better road patch.

Ken Leetham asked if there was any type of warranty against settlement on road cuts. Paul Ottoson replied that there was a one-year warranty.

Council Member Gordon said that the motion from the City Council meeting on November 19, 2019 said the street cuts could occur on July 1, 2020. Sherrie Llewelyn said that the correct date was August 18<sup>th</sup> and that the draft minutes had July 1, 2020 highlighted as the estimated date.

**Council Member Porter moved that the City Council approve the request to modify the excavation restriction period on 350 North Street for the installation of infrastructure connections to the Arrowhead PUD and allow an excavation permit beginning no earlier than May 29, 2020 with the addition of requirements from the City Engineer. Council Member Horrocks seconded the motion.**

The Council had a discussion about the potential excavation permit date including July 18<sup>th</sup> or June 1<sup>st</sup>, the type of fill for the patch, and the requirements for early excavation including an improved patch.

Paul Ottoson recommended that the best patch option would be flowable fill and a slurry seal to prevent water infiltration, as well as T cut.

**Council Member Porter amended his motion to allow an excavation permit beginning no earlier than June 1, 2020. Council Member Horrocks seconded the amended motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

David Church said that all City specifications were being updated. He suggested that the road cut restriction timeframe remain and to incorporate more stringent requirements for any exceptions.

8. CONSIDERATION OF ORDINANCE 2020-02: AN ORDINANCE AMENDING TITLE 6 OF THE CITY CODE PERTAINING TO ON-STREET PARKING REGULATIONS AND CLARIFYING WHO CAN SERVE AS AN APPEAL AUTHORITY FOR PARKING ENFORCEMENT MATTERS

Ken Leetham reported that generally most appeals were not handled by City employees; however, a regular City employee would be able to provide the convenience of an appeal for parking enforcement matters during regular business hours. He stated that Spencer Quain could be trained to handle these types of violations.

David Church commented that the appeal authority could be a City employee. He said the administrative law judges that administrated appeals were employees of the State. The City ordinance was written so that it would not be an employee but the Council could reconsider this. He said that for parking it would make sense to have an employee available for residents to contest their citation as it was cost effective and convenient.

Council Member Mumford suggested that the City could even allow residents to call in and contest the ticket. Ken Leetham replied that the current ordinance was very formal and in the future a change could be made to include more convenience options.

David Church also said that economically it would make sense for an employee to be able to handle these tickets. He also said the ordinance allowed for residents to appeal the finding of the appeal authority.

Council Member Baskin commented that she was an administrative law judge for four agencies so she was familiar with what this entailed. She said that the current ordinance sets forth the criteria and procedures for administrative law hearings. Council Member Baskin said it would be more efficient for City staff but an administrative law judge would have to be trained to do certain things such as administering an oath, etc. She said that one problem was the hint of a potential conflict of interest and that a disqualification could be made based on bias, prejudice, etc.

David Church said that if a resident wanted to object that the administrative law judge was biased then they could wait for the outside administrative law judge. He said the convenience was for residents to be able to come in and meet with an employee rather than waiting for the outside judge.

Mayor Arave asked about the amount of the citations. Ken Leetham replied that the citations were approximately \$20, \$40 or \$60.

Council Member Baskin said there was an appearance of a conflict of interest. She explained that as an administrative law judge she did not interact with those mayors or city managers. If an employee was the judge then there was a concern that they reported to a mayor or city manager. She also said this was a new program so it was better to utilize the administrative law judge to see how inconvenient it might be.

Council Member Porter said that he agreed with Ken Leetham that it would be more convenient to have City staff provide that service; however, he could also see the potential for bias. He said that the resident should be given the opportunity to have the option to choose the in-house appeal authority or not.

Ken Leetham clarified that the proposed change would not prevent the current appeal authority from being the administrative law judge.

Council Member Baskin said that the language which would be removed from the ordinance stated that “the administrative law judge administrative should not be a member of the police department or city staff employed in other administrative or regular positions.” She said this was originally included so as to not put an employee in a difficult position.

**Council Member Horrocks moved the City Council adopt the proposed Ordinance 2020-02: an ordinance amending the City’s parking ordinance to allow a City employee to be the**

**Administrative Law Judge for violations of the City's parking ordinance. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Gordon. Council Member Baskin voted in opposition to the motion.**

#### 9. APPROVE CITY COUNCIL MINUTES

The City Council minutes of November 19, 2019 were reviewed and amended. **Council Member Porter moved to approve the City Council meeting minutes of November 19, 2019 as amended. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

#### 10. ACTION ITEMS

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

#### 11. CITY COUNCIL REPORTS

Council Member Gordon reported that she met with the Youth City Council (YCC) and said they were preparing for training at Utah State. She also said the YCC would be filling Easter eggs for the City egg hunt and also participating in the Super Bowl of Caring food drive.

Council Member Mumford reported that he received complaints about the sewer treatment plant smell and asked what could be done. Mayor Arave said he had received an email regarding the different solutions from the sewer district.

Ken Leetham also said it seemed like weather had a lot to do with the smell and that a contractor would be working on redirecting the smell.

Council Member Mumford addressed the issue of the summer recreation program and the potential for hosting a pickleball league. He said this idea would be presented to the City Council and asked the Council members to think about what services the City should provide and the scheduling of City-owned fields/courts.

Council Member Porter reported that the Uniting Neighbors meeting would be held on January 8<sup>th</sup> at 7 p.m. He also said there was a need for a community garden coordinator. Council Member Porter asked if the City Council and Youth City Council would be attending the 2020 Local Officials Day at the Legislature. Council Member Gordon said the Youth City Council would not be attending this year.

Council Member Horrocks reported that the Eagleridge Tennis Club was for sale.

Council Member Baskin reported on an article about the Legacy Parkway, in the Salt Lake Tribune, written by a Woods Cross resident on the Scenic Byway Committee. She also said that several individuals who help facilitate the Senior Lunch Bunch would be recognized at a future meeting.

Council Member Baskin commented that she had received correspondence from Scott Zeidler, with the State Division of Forestry, regarding the City's tree ordinance. She said people have been showing interest in what the City has done.

## 12. MAYOR'S REPORT

Mayor Arave reported that the South Davis Recreation District was working on a long term master plan and another survey would be sent out. He said the residents were contributing approximately \$50 through taxes and should receive benefit from the SDRD services.

Mayor Arave then reported that the Sewer District hoped to start selling gas to British Petroleum within the next week.

## 13. CITY ATTORNEY'S REPORT

David Church had nothing to report.

## 14. CITY MANAGER'S REPORT

Ken Leetham reported that so far the golf course advisory committee had six meetings and would meet again the following Thursday to prepare a recommendation for the City Council on the future operation of the course. The committee has reviewed financial data, modeling, and forecasting. They have also heard several presentations from GreatLife, Utah and City staff on increasing revenue, pricing, management and different strategies. The committee will make a recommendation to the Council to either turn operations over to GreatLife, or to continue with City management, but with better financial modeling.

Mayor Arave said the City Council did not have the experience to manage the golf course. He said the golf committee was reviewing other alternatives such as different oversight structures and staffing, etc.

Council Member Gordon asked if the golf course had to break even or if the City could continue to subsidize it. Mayor Arave replied that the focus was to stem the bleeding as there was a very quick downturn in the course.

Ken Leetham then reported that the personnel policy had a limit on the accumulation of vacation and holiday hours. He said that due to staffing hours in the police department that there were

some leave balances. Ken Leetham said he had a written request prepared by Chief Black that detailed these balances. He said as these employees were not able to take leave that he did not want to take away these vacation hours. This vacation accrual balance also applied to the Chief who had 160 unused hours in excess of the limit for department heads, which was 340 hours.

Council Member Baskin asked that a copy of the written request from Chief Black be provided to the City Council.

Ken Leetham clarified that notice had been given to employees in other departments that they would lose their leave if they did not use it by the end of the year.

15. ADJOURN INTO CLOSED SESSION

**At 8:50 p.m. Council Member Horrocks moved to go into closed session to discuss pending or reasonably imminent litigation. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

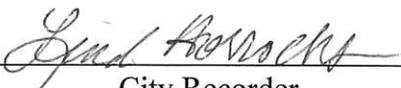
16. RECONVENE

**At 9:10 p.m. Council Member Mumford moved to go out of closed session and into the regular session. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Baskin and Gordon.**

17. ADJOURN

Mayor Arave adjourned the meeting at 9:10 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Recorder