

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-WORK SESSION
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
AUGUST 1, 2023

FINAL

Mayor Horrocks welcomed those present at 6:09 p.m.

PRESENT: Mayor Brian Horrocks
Councilmember Lisa Watts Baskin
Councilmember Natalie Gordon
Councilmember Ted Knowlton
Councilmember Stan Porter via Zoom
Councilmember Alisa Van Langeveld

STAFF PRESENT: Ken Leetham, City Manager; Craig Black, Police Chief; Jon Rueckert, Public Works Director; Karyn Baxter, City Engineer; Todd Godfrey, City Attorney; Sherrie Pace, Community Development Director; Heidi Voordeckers, Finance Director; Wendy Page, City Recorder.

OTHERS PRESENT: Collin Larson, Dee Lalliss, Suzette Jackson, Tammy Clayton, Leslie Clark, Ryan Holbrook, Gentry Holbrook, residents; Via Zoom: Peter, Jared Bouldin.

1. REVIEW OF STATE CODE REVISIONS RELATED TO PUBLIC NOTICE AND
SUBDIVISIONS

Sherrie Pace reported on changes made by the Legislature related to public notice. She said these changes included categorizing public notices as either class A or class B notices and removing the requirement for newspaper advertising. She explained class A notices were to be posted at City Hall, on the City's website, and on the Public Notice website. She continued class B notices were to be posted at City Hall, on the City's website, on the Public Notice website, and a direct mailed notice to affected entities and property owners as applicable per State Code.

Ms. Pace said there were numerous other changes that would require review by staff and the Planning Commission which would come before the City Council at a later date. She spoke on the following amendments included in Ordinance 2023-09: Title 1, Section 1-5-7 Posting Ordinance Summaries removed the newspaper advertising requirement, 1-6-2 Elective and Statutory Office Salaries would require a public hearing as a class A notice with seven day notice, 1-11-5 Competitive Bids would remove the newspaper requirement and required a seven day notice, changes for Section 1-14-2 would include deleting the definition for reasonable notice for disposal of significant real property as it was defined in Section 1-14-3. She explained

that significant real property was over one acre in size and valued over \$250,000. She continued in Title 1, Section 1-14-3 Disposal of Significant Real Property would require a class A hearing with a 14 day notice.

Ms. Pace reviewed the proposed amendments to Title 7, Section 7-5a-6 Natural Resources Extraction Permit which required a public hearing class A notice with a ten day notice and Section 7-5a-7 Revocation of Permit which required a public hearing class A notice with a ten day notice.

Councilmember Gordon arrived at 6:09 p.m.

Sherrie Pace explained as she began the noticing requirement changes she realized there would be some additional changes necessary for Title 10 related to subdivision regulations. She reported that State Code had been revised for subdivision review steps and reviewed the current process which included concept plan (with review by Commission then Council), then preliminary plan (with review by Commission then Council), and then final plat (with review by Commission then Council). She explained this had been changed per State Code to remove concept plan review by the Commission and Council. She stated a developer could request concept plan review by staff for a single family, duplex, or townhome developments. She mentioned the City could require concept plan review for other developments and subdivisions for industrial or commercial. She added this review must be completed within 15 business days of request, staff must provide copies of all applicable regulations, a complete list of standards, preliminary and final checklists, and feedback on the concept.

Ms. Pace noted preliminary plan would be reviewed by the “Administrative Land Use Authority” (ALUA) to be designated by each city. She stated the ALUA could be the Planning Commission or City staff but not City Council. She acknowledged the ALUA may receive public comment and hold no more than one public hearing on the preliminary plan.

Ms. Pace indicated final plats could only be reviewed by staff and not the City Council. She explained the only time a subdivision plat would be reviewed by the City Council would be for a plat amendment vacating a public utility or street. She stated final plat requirements included that it may permit concurrent with processing of the preliminary plan and may not require Planning Commission or City Council approval.

Sherrie Pace informed the Council that additional changes were needed to Title 10 and Title 13 and that some of those changes were currently being reviewed by the City Attorney. She estimated that these revisions may take several months to complete.

Councilmember Knowlton said it made sense to codify what was wanted and asked if there were some shortcomings that needed to be addressed in the subdivision ordinance. Sherrie Pace

replied that she would be addressing these things including everything needed for subdivision review in the ordinance.

Councilmember Van Langeveld asked if the revised subdivision code would be brought back to the City Council for review. Sherrie Pace responded that the Planning Commission would review the proposed code, hold a public hearing, and provide a recommendation to the City Council. She added then the City Council would review and adopt the changes to the City's Code.

Councilmember Van Langeveld said even though the City Council would no longer review or vote on subdivisions she asked to receive updates. Sherrie Pace replied that staff could provide those updates to the City Council.

Mayor Horrocks asked about the process once the subdivision plan had been established. Sherrie Pace said it would require a public hearing and recommendation from the Planning Commission to the City Council for amendment. She explained that any issues with the ordinance could be reviewed by the Planning Commission and then sent to the Council for adoption. She noted an applicant could request a code amendment as well.

Councilmember Porter said this would not affect a PUD type development. Sherrie Pace said it would not affect the rezoning aspect of a Planned District. She stated the developer would request a zone change and the City Council would see the concept plan for the P District and negotiate the terms for it during the rezoning process.

2. DISCUSSION AND CONSIDERATION OF PARKING MATTERS AND POSSIBLE BIKE LANE ON A SEGMENT OF 900 NORTH STREET

Chief Black reported on the 900 North parking problem and consideration of red curb striping on the north side of the street. He asked if it would make sense to designate no parking on the north side of 900 North and create a bike lane. He explained this would eliminate 50-60 parking spots on 900 North. He indicated if this was not the desire of the Council staff would still designate and stripe clear view as requested along the west side of 900 North. He noted there was currently red curbing along the north side of 900 North between Fox Hollow Drive and Cutler Drive.

Chief Black explained the proposed bike lane would not be part of the active transportation plan as it did not connect to a trail, etc. but would be a no parking buffer zone. He said most of the parking on the south side was mainly visitor, boat, and trailer parking.

Ken Leetham clarified there were two options including red curbing the clear vision areas and allowing some parking while the second option was to have no parking on the north side of the road which would allow a more comfortable experience for bikers, walkers, etc.

Councilmember Van Langeveld said she received many comments on this area and said the red striping should go on the west side of the roundabout and liked the idea of designating the road as a bike lane. She explained all of this side of 900 North was along the side of residential homes which was why it was used as long term parking for recreational vehicles.

Councilmember Baskin asked if it was inconsistent to have a red curb for no parking and then have a bike lane or have designations for both. Ken Leetham said that bike lanes could exist with restricted parking. He suggested this was a good location to try no parking and a bike lane to see how it worked.

Chief Black recommended that the curbs be painted red and have signage designating no parking. He said enforcement for parking would be in effect very quickly.

Councilmember Knowlton was in favor of trying out the red curb/no parking and said sometimes restrictions were placed seasonally, time of day, etc.

Councilmember Baskin spoke on one issue that people may park in the bike lane and said there must be a red curb and a bike lane marker on the street.

Councilmember Porter moved that the Council direct staff and the police department to mark the north side of 900 North with the red curb and add a bike lane with signage between Cutler Drive and Skipton Drive or the full length of the street. Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

3. APPROVAL OF CITY COUNCIL MINUTES

The City Council minutes of July 18, 2023 were reviewed and approved.

Mayor Horrocks requested the sentence on line 541 be amended from “*Mayor Horrocks said there was an open house on August 2nd*” to “*Mayor Horrocks said there will be an open house on August 2nd*” since the meeting had not yet occurred.

Councilmember Baskin moved to approve the minutes of July 18, 2023 as amended. Councilmember Porter seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

4. ACTION ITEMS

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

Councilmember Van Langeveld asked about Fox Hollow Park trail and the timeline for this project. Karyn Baxter replied that the bid award was on the agenda tonight. She said there was a question about the ability to restore sod, so the new plan was to wait until school had begun to start the project. She noted the proposed project would take less than 30 days.

5. COUNCIL REPORTS

Councilmember Knowlton reported on the Parks, Trails, Arts, and Recreation (PTAR) Advisory Board meeting. He said the focus of the Board was large and they had discussed creating subcommittees. Staff had suggested that bylaws be created to guide the Board.

Councilmember Knowlton mentioned a budget update for PTAR. He reported one of the electric car chargers was broken at City Hall.

Mayor Horrocks commented that Representative Melissa Ballard had received a comment on the lack of public art. He said this should be considered during the Hatch Park renovation. Councilmember Baskin suggested a public survey related to public art to find out what was desired.

Councilmember Van Langeveld said having previously served on the Parks and Arts Board that the scope could be overwhelming. She expressed being in favor of the subcommittees and separating the responsibilities. She felt the biggest barrier for public art was funding which meant staff could look for grants or a consideration in next year's budget.

Councilmember Porter spoke on several residents who were interested in setting up an art community in the area and had ideas about public art including at the City Hall amphitheater.

Councilmember Baskin reported that the monthly Senior Lunch Bunch was well attended by over 50 residents. She said there would be a tree summit in August to discuss encouraging more tree planting especially on private property.

Councilmember Knowlton asked about a timeframe for the development of a program for tree plantings. Ken Leetham replied that staff would provide an update by the end of the year.

Councilmember Van Langeveld reported the Night Out Against Crime event would be held Thursday August 3rd and included an immunization clinic setup by the Health and Wellness Committee. She mentioned the Asian American and Pacific Islander Cultural Heritage and food truck night event on August 28th.

6. MAYOR'S REPORT

Mayor Horrocks reported on a ribbon cutting for the Lamb of God Center and said the address was in a residential neighborhood. Sherrie Pace replied that staff met with the operator and reviewed the City ordinances and statutes. She said it was a group living facility for unwed mothers and staff found it was inside the parameters of a protected use for a group living facility which meant there was not a permit to issue.

7. ADJOURN

Mayor Horrocks adjourned the meeting at 6:53 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
AUGUST 1, 2023

FINAL

Mayor Horrocks welcomed those present at 7:07 p.m. Stan Porter offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Brian Horrocks
Councilmember Lisa Watts Baskin
Councilmember Natalie Gordon
Councilmember Ted Knowlton
Councilmember Stan Porter via Zoom
Councilmember Alisa Van Langeveld

STAFF PRESENT: Ken Leetham, City Manager; Craig Black, Police Chief; Jon Rueckert, Public Works Director; Karyn Baxter, City Engineer; Todd Godfrey, City Attorney; Sherrie Pace, Community Development Director; Heidi Voordeckers, Finance Director; Wendy Page, City Recorder.

OTHERS PRESENT: Collin Larson, Dee Lalliss, Suzette Jackson, Tammy Clayton, Leslie Clark, Ryan Holbrook, Gentry Holbrook, Matthew Damsky, Wilford Wong, Deepak Vennapu, Cher McLelland, Mi-Young Jeong, Rebecca Brown, Athena Adair, Lacey Duke, Peter Wirthlin, Heather Brown, Aly Pearson, Bruno Barron, residents; Via Zoom: Jared Bouldin.

1. CITIZEN COMMENT

Lacey Duke, resident, thanked the Council for approving the red curb and no parking on 900 North. She asked that the City consider painting the curb red around the corner near the stop sign.

Peter Wirthlin, resident, asked the Council to consider a 20 mile per hour speed limit as well as supplies for crossing guards (salt), near the school zones. He spoke on the speeding issues on 3600 South near Adelaide Elementary School.

Councilmember Gordon asked if there were sidewalks on both sides of 3600 South. Peter Wirthlin replied that there were sidewalks on the school side but there was not room on the other side of the street for a sidewalk.

Matthew Damsky, resident of The Views Subdivision, said his neighborhood was a PUD with streets that were not plowed by the City. He said the HOA had trouble finding sufficient snow plow services. Mr. Damsky asked about enforcement of stop sign and speeding violations on private roads. Chief Black replied that the police could only enforce DUI, hit and run, and reckless driving on private roads.

Athena Adair, resident, was in favor of the red curb and bike lane in Foxboro. Her concern was that this would push the street parking onto other streets and close to stop signs. She mentioned boats and RV parking and asked about additional enforcement for those vehicles.

2. CONSIDERATION OF A REQUEST FROM RESIDENTS IN THE VIEWS
SUBDIVISION FOR THE CITY OF NORTH SALT LAKE TO TAKE OWNERSHIP
AND MAINTENANCE RESPONSIBILITY OF CERTAIN SUBDIVISION
IMPROVEMENTS

Ken Leetham reported that staff and several elected officials had met with residents from The Views Subdivision who were requesting that the City to take over maintenance and ownership of certain improvements, including street maintenance, snow removal, storm drain and open space maintenance. He said the best solution was the formation of an HOA to engage services, collect fees, etc. for the subdivision. Mr. Leetham spoke with the developer who intended to turn over control of the HOA to the property owners.

Rebecca Brown commented that she lived in The Views at Eaglewood and spoke on the snow plowing issues. She said the current HOA did not include residents which meant they had no representation. Ms. Brown spoke on potential options including requesting that the City take over the private roads and provide snow plow services. She said the City Attorney clarified that the subdivision could potentially be part of a special service district but that this would be more costly than to establish an HOA. Rebecca Brown said after reviewing the development agreement for Eaglewood Village it stated that the developer would retain ownership of all roads. She explained that other issues, in addition to snow removal, was emergency service access, road repaving costs, trailhead maintenance, and police enforcement for basic traffic violations.

Rebecca Brown requested the City Council vote to allow the subdivision to be managed by the City with public roads.

Councilmember Porter commented the State required certain things of an HOA including setting aside funds for road maintenance, a budget, etc. He asked if the developer was in control of the subdivision if these same requirements were applicable. Todd Godfrey replied that this issue was common and said it would be better for the residents to take over the HOA rather than the City.

Rebecca Brown said she was in favor of the City taking over management rather than the creation of an HOA.

Mayor Horrocks asked if the residents were paying an HOA fee. Rebecca Brown responded that they paid \$40 for snow removal.

Matthew Damsky commented that the \$40 also went towards paying for landscaping and maintenance along the hiking trails.

Mayor Horrocks asked about Google Fiber installation in the neighborhood. Councilmember Porter said in his development that Google Fiber just had to be approved by their HOA.

Rebecca Brown mentioned that it had been seven years and asked when a developer had to relinquish control and allow the property owners to form an HOA.

Councilmember Gordon commented that when the developer was in charge they did not have to provide budget reports or notify residents of meetings per State Code. She explained property owners signed a contract to be part of the HOA when they purchased their homes and that the developer put in private roads that did not meet City standards.

Councilmember Van Langeveld asked if the City was working with this developer on any other projects in the City. She asked that the Council be notified if they came in with any future projects. Ken Leetham replied that the developer was Chad Bessinger with J. Fisher Company.

Chris Brown commented that he was disappointed that the City would not take any responsibility. He said the City allowed the developer to take control with zero assurance they would release control and to build narrow and unsafe roads.

Councilmember Gordon said that those homeowners entered into a legal contract with the developer when they purchased their homes. She explained that while this situation was not fair it was not the City's responsibility and the homeowners needed to follow through with the developer. Chris Brown replied that when he signed the documents it only stated that the home was in an HOA.

Councilmember Porter commented that from what he could remember about this development, it was meant to be more high density which made sense to have an HOA. He said the City allowed them to continue the development with an HOA and private roads.

Councilmember Knowlton said a development like this had different rules and standards in exchange for it becoming a private entity. He spoke on the special district and asked for more information on the problems with private roads. Ken Leetham replied that the roads were not constructed to City standards and this meant that the City's snow removal equipment may not work in that subdivision. He pointed out another issue would be the large storm drain that only served this subdivision. He said the City allowed the developer to build their own improvements

in exchange for a specific development entitlement. Mr. Leetham said it was alarming that emergency services could not access an area in the City. He said overall this was not the City's responsibility, but he had confidence that with the right management group the HOA could function correctly.

Ken Leetham explained that forming a special service district was problematic in that 100% of the property owners must agree. He said there were 93 individual property owners in this subdivision. Councilmember Knowlton commented that the special service district would just be trading one set of problems for another. He suggested the City could use the power of persuasion to get the developer to have a conversation with these homeowners.

Chris Brown apologized and said his emotions were high. He hoped that the City would be willing to help in some capacity until a resolution with the developer was made.

Councilmember Van Langeveld asked about the topic of safety and if the City could cite the developer for unplowed roads that created a hazard. Todd Godfrey replied that he did not know of an instance when an HOA was found liable for a nuisance condition based on their roads. He continued from a civil liability standard they would be responsible for the conditions of their streets and this could be a basis for civil liability.

Mayor Horrocks spoke on Phases 13, 14, and 15 of the Eaglewood Cove development that were going in on the hill and the struggle in determining how these streets would be plowed. He mentioned the City asked the developer to create community with private roads and he suspected that someday those property owners in that development would come to the City to protest their snow removal fees.

Ken Leetham said he was very sympathetic to these property owners but this was not a failure yet. He felt an HOA board with homeowners could be successful and should be tried before other options. Mr. Leetham was willing to work with the developer and residents now and after an HOA is established.

Mayor Horrocks asked why a developer would want to continue managing the subdivision and not relinquishing control to the homeowners/HOA. Ken Leetham replied there was shared maintenance responsibilities for the hillside between the Views and Eaglewood Village. He said the developer was trying to come up with a formal agreement between the two HOAs for the maintenance responsibility. He stated staff was willing to look further into the issue and help find a resolution.

Councilmember Van Langeveld suggested the City send a letter to the developer that stated residents had come to the City and reported dereliction in their duty. She continued the letter could include a formal request that the developer fulfil the obligation made with residents who live in the City.

Councilmember Gordon was in favor of the letter to the developer.

Rebecca Brown asked what else could be done.

Councilmember Porter said the State Code should be reviewed to see if homeowners were protected from this type of thing. He said if there was nothing to protect residents then a law should be written to stop developers from doing this.

Rebecca Brown spoke on civil liability and said there was video of car accidents due to improper snow removal. Councilmember Van Langeveld said this was a judicial issue and the residents should document everything and consider hiring an attorney to hold the developer liable.

Mayor Horrocks mentioned that real estate laws were there to protect the consumer. He said it was possible that the real estate agents who did not disclose the fine print may be liable as well.

Ken Leetham said he would write a letter to the developer discussing these issues.

3. CONSIDERATION OF AN ENGAGEMENT SERVICES LETTER WITH CHILD RICHARDS CPAS AND ADVISORS FOR FY2023 EXTERNAL AUDIT SERVICES IN AN AMOUNT NOT TO EXCEED \$35,000

Heidi Voordeckers reported this was the approval of the annual engagement letter with Child Richards Associates for the external audit. She explained the annual audit period was a full six months that started July 1st at a cost of \$35,000. She stated in accordance with the Uniform Fiscal Procedures Act for Cities, an external audit of the City's financial activities and statements was required to be conducted by an independent firm at the conclusion of each fiscal year. She added as the City received over \$750,000 in federal funding in the fiscal year, the audit must also include Single Audit procedures for the use of those funds.

Councilmember Baskin asked if the City had previously used Child Richards. Heidi Voordeckers replied that the City had used Child Richards since 2009. She said it was best practice to switch audit firms and suggested going out to bid next year.

Mayor Horrocks commented that many of the Davis County boards used Child Richards.

Councilmember Porter moved the City Council approve the engagement of the firm Child Richards to conduct the City's fiscal year 2023 external audit in an amount not to exceed \$35,000. Councilmember Knowlton seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

4. CONSIDERATION OF RESOLUTION 2023-36R: A RESOLUTION ENDORSING AND SUPPORTING AN APPLICATION TO THE FEDERAL EMERGENCY

MANAGEMENT AGENCY FOR THE BUILDING RESILIENT INFRASTRUCTURE
AND COMMUNITIES GRANT (BRIC) FOR THE RECONSTRUCTION OF THE
HONEY WELL PUMP HOUSE BUILDING AND AUTHORIZING MATCHING
FUNDS

Sherrie Pace reported the City submitted the same grant application for this project in 2022, but would not hear back about awards for that grant cycle until after applications were due for this upcoming grant cycle. She noted the Benefit Cost Analysis that was performed for the original grant application was valid for two years, so City staff was proposing to submit the same application again for this grant cycle in the event that the City was not awarded funds from the first application. She stated City staff had consulted with the State, who administers the program for FEMA, and have identified the reconstruction of the Honey Well Pump Station to be a good project for this grant. She explained subsidence had been observed on the western side of Davis County due to the falling aquifer levels and the Honey Well pump station was dramatically impacted by the subsidence. Ms. Pace indicated repairs were needed to reconstruct the building on 70 foot deep driven piles to stabilize against future subsidence. She mentioned the total project cost was \$1,345,000 with the grant request of \$941,500 (70%) and the City match of \$403,500 (30%).

Councilmember Porter moved that the City Council approve Resolution 2023-36R authorizing the submittal of a FEMA BRIC grant application seeking funds for the reconstruction of the Honey Well Pump House, and authorizing matching funds. Councilmember Van Langeveld seconded the motion.

Councilmember Baskin wondered if the City was required to set aside the 30% or \$403,500 in matching funds. Ken Leetham replied that the City had these funds available.

Councilmember Baskin asked about the language in the Resolution which stated “whatever other funds needed to cover the cost of ineligible activities” and what those would be. Sherrie Pace replied this was costs not associated with the cost estimate.

Karyn Baxter responded there could be work necessary but not directly associated such as a water line tie in or replacement of a drive approach. She said these were typical and sometimes those items had to be specifically excluded. Ken Leetham said part of this was due to the BRIC program which would only pay for certain things and the City was committing to pay for items that were needed for the project that would not qualify for federal funding. Staff did not think there would be additional costs.

Councilmember Baskin asked what the threshold was for the City Manager to approve. Ken Leetham replied that it was \$25,000.

Councilmember Baskin suggested that this language be added to the motion as \$403,500 and whatever other funds not to exceed \$25,000 without City Council approval.

Councilmember Porter amended his motion to include the adjustment not to exceed \$25,000 for ineligible activities without City Council approval. Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

5. CONSIDERATION OF ORDINANCE 2023-09: AN ORDINANCE AMENDING THE NORTH SALT LAKE CITY CODE, TITLES 1 AND 7 RELATED TO PUBLIC NOTICING

Sherrie Pace reported these revisions to Title 1 and 7 were discussed during the work session. She said there were two typographical errors on Page 2 in the exhibit in the section related to competitive bidding requirements that would be fixed and also Councilmember Baskin had recommended the insertion language pertaining to the minimum of seven days.

Councilmember Van Langeveld asked if residents could sign up on the City website to receive noticing. Sherrie Pace replied that residents could sign up for notifications via email or text to receive City Council and Planning Commission agendas. She noted they could also sign up for notification or search certain key words in those agendas on the State's public notice website.

Councilmember Baskin spoke on the legislative bill which was a mishmash of amendments. She asked that a future amendment include the definitions for class A and class B notices in the definition section of the City Code.

Councilmember Baskin moved that the City Council approve Ordinance 2023-09, an ordinance amending the North Salt Lake City Code, Titles 1 & 7 related to public notice regulations as enacted by Senate Bill 43 with the amendments noted by Sherrie Pace. Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

6. CONSIDERATION OF BID AWARD FOR ASPHALT TRAILS IN CITY PARKS PROJECT TO ACME CONSTRUCTION INC. IN THE AMOUNT OF \$242,222.36

Karyn Baxter reported that this project included a new asphalt trail in three City parks including Legacy Park, Fox Hollow Park, and Mathis Park. She showed the new Legacy Park trail section on a map which would be an asphalt path that connected to concrete that borders the play area. She noted the trail area would be just under 0.4 miles. She mentioned Fox Hollow Park would have a new trail along the north fence line. Ms. Baxter indicated this path would form a loop around the perimeter of the park that was 0.25 miles and provide a path to the school that would avoid the drop off and pick up traffic of the elementary school.

Karyn Baxter stated Mathis Park would have a new trail loop to connect to the existing Parkway Trail along US Highway 89. She noted this trail was planned to accommodate the future improvements planned for this park, and was included in this bid package for reduced

construction costs. She indicated staff received three bids with Acme as the low bid at \$242,222.36. She mentioned staff budgeted \$590,000 for these projects and recommended awarding the project to Acme.

Mayor Horrocks suggested signage at both entrances of the Legacy Park Trail. Karyn Baxter replied affirmatively. She spoke on other items planned for future improvements such as conduit for upcoming trail lighting.

Councilmember Van Langeveld said this project represented at least six years of her own engagement with this concept. She said this was a benefit to these parks and suggested as the project neared completion perhaps coordination could be done with the tree planting program holding a tree ceremony of some kind near the trail.

Councilmember Van Langeveld moved to award the Asphalt Trails in City Parks project to Acme Construction, Inc., for the price of \$242,222.36. Councilmember Knowlton seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

7. CONSIDERATION OF EQUIPMENT PURCHASE FOR SCHOOL ZONE AND CROSSING SIGNS AT AREAS LOCATED NEAR ADELAIDE ELEMENTARY SCHOOL IN THE AMOUNT OF \$39,969

Karyn Baxter reported that this was request to purchase signage to add a school zone and other safety signs at Adelaide Elementary. She indicated currently Adelaide Elementary did not have a school zone but did have school crossings. She noted the difference would be the lighted legal reduction in speed. She stated 800 West had a school crossing, 3600 South had a stop sign, and the proposal was to add school zone signage on 800 West in both directions. Ms. Baxter commented on the benefit to the signage was flashing lights and radar detection that provided drivers with current speeds. She said these signs allowed the police department to download speed data and traffic counts from the signs.

Ms. Baxter said in addition, there were several crosswalks that had significant safety concerns. Staff recommended that rectangular rapid flashing beacons (RRFBs) be installed to provide increased safety for pedestrians. She continued these locations were 45 West Center Street as well as Eagleridge Drive at the southern intersection with Eaglewood Loop. She noted the cost for the school zone crossing signs were \$13,230 for the Adelaide Elementary school zone, \$12,238 for Center Street at Hatch Park, \$8,219 for Eagleridge Drive at Eaglewood Loop, and optional advance warning RRFB at \$6,282 for a total cost of \$39,969.

Councilmember Gordon commented this was a benefit to the City.

Councilmember Van Langeveld asked about other areas in the City that should be considered for something similar. Karyn Baxter replied that many of these were due to complaints from residents or per public safety staff in areas such as school zones.

Councilmember Gordon asked if the Safety Committee could review 800 West to see if the speed limit should be 20 mph. She also spoke on a budget for school crossing guards to purchase supplies.

Councilmember Van Langeveld suggested crosswalks near Lee's Marketplace and the apartments to the west and also in front of Legacy Park.

Councilmember Baskin requested a consideration for advanced warning or speed signs for the crosswalk near Deer Hollow Park on Eaglewood Drive.

Councilmember Gordon moved that the City Council authorize the purchase of new school zone and pedestrian crossing safety signs for the amount of \$39,969 from Gades Sales Co. Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Knowlton, Porter, and Van Langeveld.

8. CITY ATTORNEY'S REPORT

Todd Godfrey had nothing to report.

9. CITY MANAGER'S REPORT

Ken Leetham reported that there was an open house for the Fire District and their proposed tax increase on August 2nd and the public hearing was August 7th. He then spoke on a request to provide service projects for September 11th. He mentioned staff had a short list of projects and on Saturday September 9th there were several groups ready to perform service with support by City staff.

Ken Leetham said September 16th was the tenth anniversary of the Get To The River Festival. He also mentioned that staff had been invited to tour Millcreek Commons on Aug 24th.

Mayor Horrocks spoke on complaints related to a lingerie photo shoot at Tunnel Springs Park. He then mentioned the Constitution Day event and asked if the City wanted to advertise this event.

Councilmembers Gordon and Van Langeveld had concerns about promoting this event for several reasons including internal disorganization and the co-mingling of religious freedom with patriotism.

Councilmember Porter said it appeared they were a non partisan organization and did not see any issue.

Councilmember Knowlton stated he did not feel strongly either way.

Councilmember Van Langeveld asked if the City would include events by other organizations if asked. Ken Leetham replied that the City's website was analogous to a public bulletin board in a City Park. If the City provides that bulletin board, then anyone would be able to post whatever content they wished unless it was obscene or unlawful. He spoke on the incident in St George with the denial of drag show and said there was not currently a policy but recommended that it might be time to create one that articulated what was allowed.

Councilmember Van Langeveld said there were different levels and City Hall was different from the newsletter and social media. She suggested allowing some flyers at City Hall versus in the newsletter or on social media.

Councilmember Gordon said that the constitution was partisan to the nonprofit and felt the City did not want to look like they supported the nonprofits' interpretation of the Constitution.

Councilmember Baskin noted her concern with content based restriction on speech. She felt that until there was a standardized policy that was not based on content that the event should be in the City newsletter. She said this was another sign of free speech and that there was no harm in the event.

Councilmember Van Langeveld mentioned the St. George issue related to allowing an event and then later rescinding that decision. She proposed no advertising until a policy was in place. Councilmember Baskin voiced her vote that the event be put in the newsletter.

Councilmember Van Langeveld asked if a disclaimer could be added that the information was being shared but not endorsed by all the members of the City Council.

The City Council had a discussion on what should be allowed or supported by the City, what should be part of the proposed policy, and event advertising.

Councilmember Van Langeveld said most of the newsletter and social media posts were City run events.

Ken Leetham commented that the City needed a policy that helped to educate the public that the City's website was for public education and not public endorsement, generally speaking. He said that a disclaimer could be added or the City could only publicize City events. Mr. Leetham explained that the City's attorney would help to create a policy to ensure free speech and equal protection.

