

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-WORK SESSION  
JUNE 19, 2018

**FINAL**

Mayor Arave called the meeting to order at 6:10 p.m.

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

EXCUSED: Council Member Lisa Watts Baskin

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

OTHERS PRESENT: Roger Timmerman, Kim Mckinley, UTOPIA; Daniel Howerton, Kirk Johnson, Jalene Keller, Chase Austin, Michael Zeller, Jason Beckstrom, Mary Kay Porter, Russell Maxwell, Nate Maxwell, Mikael Cartier, Erik Aune, James Keller, residents; Chad Polak, Phillips 66; Rick Fadel, business owner; Taylor Spendlove, Patrick Scott, Brighton Homes.

1. DEPARTMENT REPORT-UTOPIA

Roger Timmerman, Executive Director of UTOPIA, explained that UTOPIA and Utah Infrastructure Agencies (UIA) were under the same umbrella. He said that UTOPIA was created in 2002 to meet a need for city phone and cable services but there were initially some issues that were resolved when the original team from Phase 1 was fired. Phase 2 consisted of UTOPIA integrating with UIA and bonding to build out new networks.

**Council Member Mumford arrived at 6:13 p.m.**

Mr. Timmerman said that UIA has been profitable since 2009 with bonds in 2017 totaling over \$65 million and fiber networks through 30 cities with 11 cities with home networks. He

presented a map to those present which showed the existing UTOPIA fiber routes and said that the fiber backbone already ran through the City and future growth could build off this network.

Roger Timmerman then spoke on why cities would want open access fiber and listed several benefits including the ability to enable smart city applications like video surveillance, automated metering interface, SCADA, smart irrigation, traffic control, air quality monitoring, and park Wi-Fi. He then compared the fiber network to an open access transportation infrastructure like an airport and said that if one airline had a monopoly then service and pricing would suffer. If municipalities provide fiber infrastructure that can be shared then this would enable competition.

Mr. Timmerman said that on Google reviews UTOPIA was ranked higher than Google Fiber and Comcast in terms of service. He then reviewed the residential pricing packages that were offered, through ten different residential service providers, and included packages of \$65 per month for 250 MBPS, \$78 per month for 1 GBPS, and \$229 per month for 10 GBPS. This pricing would include a \$30 per month infrastructure fee to pay for the financed cost of the project. A breakdown of the costs for the \$65 a month plan would be \$30 towards the bond for infrastructure and the retail fee of \$35 a month that was billed by the provider. He said that after the bond was repaid that the \$30 would still be collected to pay for upgrades, maintenance, and repair.

Roger Timmerman then reviewed the partnership responsibilities and said that UIA would be responsible for the design/construction with guaranteed not to exceed amounts, financing of the project, system maintenance/repair, utility locating, sales/marketing, installations, funding connections beyond 30%, connectivity to service provider system, contracting and legal work. The City would be responsible for the backstop of project financing at 30% take rate.

Council Member Mumford commented that there had been comments about an initial \$3,000 sign up fee. Roger Timmerman replied that customers could make a one-time payment of \$2,750 and avoid the monthly \$30 fee for the fiber connection.

Roger Timmerman explained that the City would need a 30% take, or sign up, rate to be viable. He then spoke on the benefits which included top speeds, pricing including a decreased cost of service for all residents by \$27 a month due to competition, better service and lower costs for businesses, schools, municipal services, etc., and the value of telecommunications service in the City. Mr. Timmerman said that the mayor of Layton city was also willing to talk to the City about their experience with UTOPIA service.

Mr. Timmerman said that UTOPIA could help the City gauge interest by sending out a survey to residents that included questions such as if they would be interested in adding fiber at no cost to

the residents who did not subscribe and what options from fiber broadband they would be interested in.

Mayor Arave asked if the service could be introduced in certain areas of the City to test interest in denser locations like Foxboro and the industrial area. Roger Timmerman replied that business areas were more profitable but were more expensive to build. He said the commitment calculation was based on residential take rates and the actual commitment was based on infrastructure amount and the 30% take rate was based on the cost to build.

Mayor Arave then asked how apartment buildings were calculated in regards to take rate. Roger Timmerman replied that the rate was based on a case by case basis per the property style and owner and that the apartment buildings would most likely sell as a single connection.

Council Member Porter asked what type of commitment was required for internet customers. Roger Timmerman replied that it was a one year commitment for individuals and said they had seen less than a 3% cancel rate.

Mayor Arave asked about the timeline for implementation. Roger Timmerman replied that it would take six months to a year for implementation based on adding 500 homes per month but that they were currently scheduled out until next summer.

## 2. ADJOURN

Mayor Arave adjourned the meeting at 7:01 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-REGULAR SESSION  
JUNE 19, 2018

**DRAFT**

Mayor Arave called the meeting to order at 7:16 p.m. Council Member Ryan Mumford offered the invocation and Owen Riesenber, BSA Troop 477, 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 James Hood

EXCUSED: Council Member Lisa Watts Baskin

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

OTHERS PRESENT: Lori Seppi, Leslie Mascaro, Bart King, Glade Nelson, residents; Tyson Riesenber, BSA Troop 477; Jim Gramoll, Gramoll Construction Co.; Mark Green, GRNOBL, LC.

1. CITIZEN COMMENT

There were no citizen comments.

2. RECOGNITION OF VOLUNTEER SERVICE: LORI SEPPI AND LESLIE MASCARO

Mayor Arave reported that Lori Seppi had served on the Recreation Committee/Parks & Arts Committee and was very involved in the literature festival. He said she was a great part of the community and presented her with a plaque in recognition of her service.

Mayor Arave reported that Leslie Mascaro served on the Planning Commission and was a great asset to the meetings. He presented her with a plaque in recognition of her service. He said that so many City events were made possible due to volunteer service.

### 3. INTRODUCTION OF NEW EMPLOYEES

Sherrie Llewelyn introduced Kate Werrett as the new planning technician and said she was a student at the University of Utah in the planning program. She said Kate was a great asset to the planning staff. Kate Werrett commented that she was looking forward to working with staff.

### 4. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR NSL TOWN CENTER AT 25 EAST CENTER STREET-BRIGHTON HOMES

Sherrie Llewelyn reported that this property was located at 25 East Center Street with a commercial building to be built on the corner of Center Street and Highway 89. This building would contain 16,500 square feet of commercial, office and retail space with 7,000 square feet of retail and commercial space on the main floor, 7,000 square feet of office space on the second floor, and 2,500 square feet in the basement of the building. She presented an updated rendering of the office building with an outdoor plaza area consisting of planter boxes and seating areas, a potential restaurant tenant, and retail space. The proposed architecture would incorporate dark brick, stucco and metal in a modern architecture style.

The project would also contain 56 townhome units with five of the units to be live/work units which would front Center Street.

The City would require the applicant to widen Highway 89 to allow for an additional right of way. Staff recommendations also included aligning the townhomes with the commercial buildings to provide additional driveway parking, and orienting the front doors at driveways on units 10-41 as well. The townhome units would be two to three bedrooms with each unit to have two car garages.

The Planning Commission recommended approval with four conditions including final architecture design, final layout including moving the units to meet the commercial setback, final engineering, and submittal of a required development agreement.

Council Member Horrocks asked how the common area fees would be divided. Taylor Spendlove, Brighton Homes, replied that the intent would be to parcel off the commercial and provide shared access easements for parking with a fee to maintain the lot. He said the

landscaping along the commercial areas would be the responsibility of the building owner and the landscaping around the townhomes would be maintained by the HOA.

Council Member Mumford asked about potential tenants. Taylor Spendlove replied that Brighton Homes was considering relocating as well as JZW Architects.

Council Member Mumford also asked if there was a concern regarding the reduction in parking. Taylor Spendlove replied that they felt comfortable with the amount of residential and commercial parking proposed.

James Keeler, 33 West Center Street, commented that the proposed development would be a great addition to the City. He expressed concern with the stop sign at the intersection of Center Street and Main Street and asked that the City install traffic and street lights on all four corners of that intersection. He also suggested underground parking for the commercial portion of the development.

Council Member Hood asked for clarification on the proposed reversal of the front doors and the garages and suggested that the units facing Highway 89 could also be moved. Sherrie Llewelyn replied that the units along the perimeter would face into the property. She said that the developer could review the placement of the doors on the units facing Highway 89 and also the addition of a back door on the live/work units.

The Council also discussed street parking along Highway 89, future development and shared access with the neighboring property, and the inclusion of a cross easement for future access with a disclosure in the development agreement.

**Council Member Horrocks moved that the City Council approve the general development plan for NSL City Center located at 25 East Center with the following conditions to be determined at the time of development agreement approval:**

- 1) Final Architecture Design;**
- 2) Final layout, including moving the units on Highway 89 to the same setback as the commercial building and fencing along north and west property boundaries;**
- 3) Final engineering including, design of on street parking to minimize traffic conflicts or hazards, underground power, and future widening of Highway 89;**
- 4) Submittal of a required development agreement in conformance to the Town Center Master Plan.**

**Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Mumford and Hood. Council Member Porter abstained from voting. Council Member Baskin was excused.**

5. CONSIDERATION OF AN AMENDED SITE PLAN FOR PHILLIPS 66 AT 345 EAST 1100 NORTH-CHAD POLAK, PHILLIPS 66, APPLICANT

Sherrie Llewelyn reported that the site plan amendment was for the property located at 245 East 1100 North. This site was an existing storage facility of gasoline and gas products for the refinery. The applicant was requesting to construct two additional storage tanks at 5 million gallons each. There are currently 15 tanks on site in various sizes with the purpose of the proposed tanks for storage of summer blend gas during the winter months.

The tanks are to be located approximately 265 feet west of the existing fencing and landscaping along 800 West and 713 feet from 1100 North. As the proposed height of the tanks would be 54 feet high and the maximum height in the MD zone is 45 feet a conditional use permit must be issued to allow the applicant to exceed that maximum. The requirement for the containment area around the two tanks would be to hold 110% of the contents of the largest tank on the site in the event of a spill or leak. The containment area would also consist of a berm on the perimeter that would shield the bottom 5'6" of the tank from view. This would make the viewable area of the tanks 47'6" which the Planning Commission felt was acceptable and granted the exception and approved the conditional use permit. The site would also be shielded from view by the existing landscape buffer of evergreen and deciduous trees.

As the property was located within the City Well Head Protection Zone care consideration was given to compliance and meeting the engineering standards for the zone. The Assistant City Engineer, Karyn Baxter, worked closely with the applicant to ensure that the city well source was protected. The containment area was also reviewed by the Fire Marshal for compliance to the requirement for containment at 110% volume, an 18" dike between the two tanks, a 1% slope in grading around the tanks, and proper emergency access.

The Planning Commission reviewed and recommended approval with four findings and one condition with one additional condition proposed by staff for approval of the site plan by the South Davis Metro Fire District. This proposal would not increase truck traffic and the tanks would be filled and emptied by a pipeline.

**Council Member Porter moved that the City Council approve the site plan amendment for Phillips 66 at 245 East 1100 North with the following findings and conditions:**

**Findings:**

- 1) **The site plan amendment will have no increase in truck traffic;**
- 2) **The amendment will comply with DWSP for the city water source;**
- 3) **The amendment complies with all applicable laws and regulations; and**
- 4) **The amendment does not materially injure the public or any person and there is good cause for the amendment.**

**Conditions:**

- 1) **The applicant will meet all requirements of the DWSP (Drinking Water Source Protection) for this area and will work closely during final design and construction with the City Engineering Staff to ensure proper construction and compliance.**
- 2) **The site plan amendment be approved by the South Davis Metro Fire District for fire flow, access, and site inspection.**

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

6. **CONSIDERATION OF AN AMENDED SITE PLAN FOR LW MILLER AT 325 WEST 225 NORTH-BRENT HARSHA, HANCOCK CONSTRUCTION, APPLICANT**

Sherrie Llewelyn reported that the applicant was proposing to pave, add detention and landscaping, and lease a portion of the property to FedEx for storage of contractor trailer storage. The proposed landscaping would be installed along 400 West to consist of rock mulch and trees and shrubs which would be similar to the property to the north. 225 North would remain a private street with easement and access for ADP and LW Miller and would not be dedicated to the City nor extended east due to the railroad tracks. As this street would be a private street City staff did not feel that landscaping was required.

The Planning Commission reviewed the application and recommended approval with two conditions including the payment of storm water impact fees and City engineer redlines for storm water drainage.

**Council Member Mumford moved that the City Council approve the site plan amendment for LW Miller at 325 West 225 North with the following conditions:**

**Conditions:**

- 1) **Payment of required storm water impact fees;**
- 2) **City engineer redlines for storm water drainage calculations.**

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

7. CONSIDERATION OF A CONCEPT PLAN APPROVAL FOR G&G SUBDIVISION AT 721 WEST CENTER STREET, MARK GREEN, GRNOBL, LC, APPLICANT

Sherrie Llewelyn reported that this item was continued for the previous City Council meeting which was held two weeks ago. She said that staff had contacted the owner of DATS Trucking regarding the potential of a nonconforming driveway per the proposed concept plan approval. The owner had agreed to allow Mark Green to reconstruct his driveway fifteen feet to the west if he was provided a written agreement, a review of engineering plans, and access during construction.

**Council Member Mumford moved that the City Council approve the concept plan for G&G subdivision, a five lot subdivision at 721 West Center Street subject to the following conditions:**

- 1) **Submittal of written agreement with DATS Trucking to relocate the existing drive to a minimum of 50 feet from the new intersection;**
- 2) **Approval of the exception to the dead end street length due to the land locked nature of the rear parcels;**
- 3) **Approval of the exception of minimum lot sizes of 2 acres.**

Mayor Arave asked if condition two regarding the approval of the exception to the dead end street length was necessary. Sherrie Llewelyn replied that the concept plan approval by the City Council would officially grant this exception.

**Council Member Mumford amended his motion to remove condition number two regarding the approval of the exception to the dead end street length. Council Member Horrocks seconded the amended motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

8. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 2018-25R: A RESOLUTION AMENDING THE FY2017-18 BUDGETS

Janice Larsen reported that staff recommended a budget adjustment in the General Fund and the Capital Projects Fund. The purpose of this budget adjustment was to transfer an additional \$400,000 from the General Fund to the Capital Projects Fund. Staff estimated unrestricted fund balance after the transfer would be \$2,407,000 or 23% of the budgeted revenue for Fiscal Year

2018-2019. She explained the reasoning for the large transfer by comparing it to the 2017 ending numbers. This included that the property tax included a 10% increase which was enacted in FY2017 and a FY2018 decrease due to the fire District rate change, a sales tax increase of 25% since FY2016, development revenue remained stronger than anticipated, and the interest rate earned in the PTIF fund had increased from .899% to 2.3%.

Mayor Arave asked if there should be a motion to open and close public hearings. David Church replied that it was not addressed in the procedures but suggested that the chair could open the public hearing and the Council could consent to close it.

**Mayor Arave opened the public hearing for consideration of Resolution 2018-25R at 8:00 p.m. There were no public comments and Council Member Porter moved to close the public hearing at 8:01 p.m. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

**Council Member Mumford moved to approve Resolution 2018-25R a resolution adopting an amendment to adjust the fiscal year 2017-2018 General Fund and Capital Project Fund budgets. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

9. CONSIDERATION OF RESOLUTION 2018-17R: A RESOLUTION ADOPTING THE FY2018-2019 BUDGETS

Janice Larsen reported that the resolution included the changes requested by the Council during the June 5<sup>th</sup> City Council meeting. The changes to the tree planting on Center Street item was not budgeted in parks as impact fees could be used for that item. She said if the Council wanted to budget for \$175,000 for park beautification and replacement that this amount would be transferred from the RAP Tax/Debt Service Fund for this item.

Ken Leetham spoke on funding for the potential overpass on 1100 North and said that staff met with UDOT, Woods Cross, and a consultant and to discuss the study and funding options. He said that per previous impressions to make 1100 North a State road may open up additional funding options but would increase the cost of the project as the road would need to be reconstructed to State standards. He said that staff would have a better recommendation after the comprehensive five year road plan was reviewed.

**Council Member Mumford moved to approve Resolution 2018-17R a resolution adopting the next fiscal year 2018-2019 General Fund, Redevelopment Agency, Special Revenue Fund, Debt Service Fund, Capital Projects Funds, Enterprise Funds, Internal Service Fund budgets, and salary schedule. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

10. CONSIDERATION OF RESOLUTION 2018-18R: A RESOLUTION SETTING THE CERTIFIED PROPERTY TAX RATE FOR FY2018-2019

Ken Leetham reported that the tax rate of 0.001355 was determined by Davis County.

Council Member Mumford commented that the rate had gone down from last year and that property values had gone up.

**Council Member Mumford moved to approve Resolution 2018-18R a resolution setting the certified property tax rate for all property located within the boundaries of the City of North Salt Lake, Utah for fiscal year 2018-2019. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

11. CONSIDERATION OF RESOLUTION 2018-24R: A RESOLUTION APPROVING AN INTERLOCAL COOPERATION TRANSPORTATION PROJECT REIMBURSEMENT AGREEMENT (2018-27A) FOR A DAVIS COUNTY PROP ONE FUNDING APPLICATION FOR THE JORDAN RIVER TRAIL EXTENSION

Sherrie Llewelyn reported that the City had applied for several grants to fund phases 1 and 2 of the Jordan River Trail. The City was awarded several grants for Phase 1 including the Jordan River Commission Small Grant in the amount of \$2,500, the Davis County Prop 1 FY2018 award in the amount of \$50,000, and the JRC Volunteer Award in the amount of \$3,000. Funding for Phase 2 included the Utah Outdoor Recreation Grant award of \$75,000, and the Davis County Prop 1 FY2019 award of \$130,500. The City match would be \$126,500 for Phase 1 and 2.

**Council Member Porter moved to adopt Resolution 2018-24R a resolution of the City of North Salt Lake City Council approving an interlocal cooperation transportation project reimbursement agreement (2018-27A) for a Davis County Prop One Funding application for the Jordan River Trail extension. Council Member Hood seconded the motion. The**

**motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

#### 12. APPROVE CITY COUNCIL MINUTES

The City Council minutes of June 5, 2018 were reviewed and approved. **Council Member Porter moved to approve the minutes of the regular and work session of June 5, 2018. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Hood. Council Member Baskin was excused.**

#### 13. ACTION ITEMS

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

#### 14. CITY COUNCIL REPORTS

Council Member Hood reported on the baseball championship tournament held in the City and recommended that the City continue to allow the tournaments to be held there.

Council Member Hood commented that residents had expressed concern about the condition of Berkshire Drive after a recent incident and asked that it be smoothed out. Ken Leetham replied that the road had been recently chip sealed and that it was not inherently dangerous.

Council Member Hood reported that Media One had been leaving newspaper ads in the streets and gutter and suggested that staff send a formal complaint to Media One to cease distributing the ads.

Council Member Mumford reported on the Laurel Park dedication on June 23<sup>rd</sup> at 11 a.m., and the Liberty Fest events including the 5K on June 30<sup>th</sup>, the Festival of Speed on July 2<sup>nd</sup>, and the July 3<sup>rd</sup> Celebration.

Council Member Horrocks commented that one City employee quit after spending four hours cleaning a pavilion at Legacy Park and said this was an ongoing issue. He suggested that the City review the reservation policies and charge a \$200 refundable cleaning deposit.

Ken Leetham replied that the City did have a deposit adopted in the fee schedule but that it was not being collected.

David Frandsen said that staff had discussed collecting the cleaning deposit but needed to determine the best way to do so. He said that staff had also discussed adding cameras to the parks to help identify vandals or cleaning issues. Mr. Frandsen clarified that the employee did not quit but said that all the Parks Department employees had to deal with many disgusting and frustrating things.

Council Member Mumford asked if the Council could discuss the UTOPIA presentation or if it would need to be added to a future agenda. Ken Leetham replied that Roger Timmerman would send a proposal and sample survey for review.

The Council discussed what should be included in the survey, if the City could be divided into several areas for implementation, what questions to ask UTOPIA including actual numbers from other cities on bond amounts, adoption rates, and at what point the project was profitable.

David Church commented that the backbone or infrastructure was already in place along Legacy Highway and throughout the City and this was why UTOPIA had approached the City; otherwise the project would not be financially feasible.

Ken Leetham commented on Council Member Baskin's report and said that a resident had several concerns at Deer Hollow Park including drainage issues, standing water and water quality in the new concrete creek bed. David Church suggested that signage should be placed to warn residents that the water at Deer Hollow Park was not potable.

## 15. MAYOR'S REPORT

Mayor Arave reported that the Fire Agency issued a bond to pay for three projects as the costs continued to increase. He also reported that the Recreation District manager was retiring and there would be a free family night at the South Davis Recreation Center on Monday June 25<sup>th</sup> to honor him.

Mayor Arave reported that Hughes General Contractors held a meeting regarding blasting that was very informative and said that afterwards those who attended understood that there was not a big risk to their homes based on the blasting practices used.

## 16. CITY ATTORNEY'S REPORT

David Church provided an update on the landslide litigation and said that a motion was filed to allow complaints to be amended and additional defendants. Mr. Church also suggested that the

Council and staff refrain from personalizing City issues based upon the libel suit filed against Highland City and its former mayor.

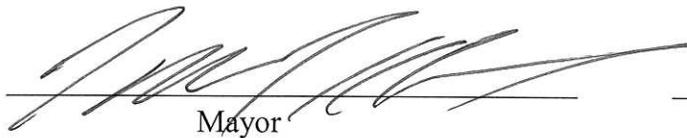
17. CITY MANAGER'S REPORT

Ken Leetham reported that the City's farmer's market would begin Wednesday June 20<sup>th</sup> at Legacy Park and would run weekly throughout the summer. He then thanked Linda Horrocks and David Frandsen for their work on the Liberty Fest event. Mr. Leetham also thanked Janice Larsen for her efforts on preparing the FY2018-2019 budget.

Sherrie Llewelyn reported that the developer would be holding an open house regarding the revised proposal for the redevelopment of the Winegars property on Tuesday, June 26<sup>th</sup> at 7 p.m.

18. ADJOURN

Mayor Arave adjourned the meeting at 9:02 p.m.

  
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Mayor

  
\_\_\_\_\_  
Recorder