

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
JUNE 16, 2020

FINAL

This meeting was held electronically via Zoom. The host site was located at 10 East Center Street in North Salt Lake.

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

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

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

OTHERS PRESENT: Barry Bryson, Ken Akers, Dee Lalliss, residents; Nick Tarbet, Paul Nielson, Brady Fredrickson, Salt Lake City; Stephen McCutchan, Civil Science; Richard Hamik, Phil Markham, Ace Disposal; Dave Tolman, Xcel Development (Misty River Development); Morgan Scharman, 801-597-9904, Raul Weston, Larry Fischer.

1. CITIZEN COMMENT

Barry Bryson, 349 Odell Lane, said he worked for Utah Education and Telehealth Network (UETN) and explained that they were offering a service throughout the State called Eduroam. He said Eduroam was an authenticated, secure wireless SSID and suggested that the City could become a service provider for Eduroam. This would allow educators, students, and government to roam the State and connect to Wi-Fi seamlessly. Mr. Bryson said there were broadband and mobile data issues in the City and would like to discuss this as well. Mayor Arave asked that Mr. Bryson work with City staff.

Barry Bryson also spoke on Odell Lane and the Orchard Grove project and requested that the City work with the developer to make sure that Odell Lane was closed to through traffic and proper flagging and signage was done. He said there were many problems over the last several

weeks with the road being blocked, people using the road as a shortcut, etc. Mayor Arave asked that the Safety Committee review these issues to ensure that Odell Lane was safe.

2. PRESENTATION AND DISCUSSION RELATED TO SOCIAL ISSUES, POLICING, TRAINING AND POLICIES: NSL RESIDENT KENNY AKERS, COUNCIL MEMBER LISA BASKIN

Mayor Arave spoke on how the country was dealing with the effects of racism and the relationship between the police and people of color. He said Ken Akers had agreed to share his experiences as a person of color and in law enforcement.

Ken Akers said he was born and raised near Hill Air Force Base in the 1970s. He spoke on being a minority and experiencing racism and bias as a child and how this affected his education. He then attended the police academy and was hired by West Valley City Police Department. Mr. Akers then joined the military and became a protective service agent including providing instruction in antiterrorism, close quarter combat, and weapons training. He said he had three children who attended school in the City and spoke on the challenges they faced and how he had to teach them to navigate these problems.

Ken Akers said it was getting tiresome that even though he was 47 years old and had done his service to this country that he still had to teach his children about color boundaries and excuse the behaviors of others. He then spoke on the current events and situations where individuals were derogatory towards minorities. Mr. Akers said he was present at the recent protests and stopped an angry mob from burning down a 7-11 convenience store. Since that incident he has been on multiple news programs giving motivational speeches and addressing racism and stigmas. He said all he wanted from tonight's meeting was to be understood as a citizen of the City.

Mr. Akers said it was difficult to watch these catastrophic ordeals happen and it was impossible to identify an imbedded hatred in someone's heart particularly related to police. He spoke on reforms and suggestions related to these concerns and what the solutions should be whether it was more education, defunding, training, etc. The only clear answer was to immediately identify these problems in police officers when it was first manifested. He said that officers in these volatile situations needed to be trained to be physically and mentally prepared.

Ken Akers spoke on the reforms coming from the president and how it would apply to each State.

Mayor Arave said he appreciated what Ken Akers had to say. He said that he had spoken about these issues with the police chief several times and said that the police officers had to deal with the worst problems of society including abuse, drug addiction, suicides, etc. He then spoke on several incidents involving people of color and wondered if those residents felt safe within the

City. Mayor Arave said people needed to be educated not to judge others based on the color of their skin.

Chief Black commented on a draft letter for the City newsletter. He said the police department was not oblivious to these issues including bias based policing and that they were in compliance with State law to have a bias based policing policy. He reported that this policy stated that the North Salt Lake Police Department was committed to providing law enforcement services to the community with due regard for racial, cultural, and other differences of those served. He stated that the policy of the Police Department was to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any group. He said they had definitions for bias based policing in the policy and also that the first tenet of the department's mission statement was is to provide constitutional policing services while respecting the constitutional rights of everyone served.

Chief Black spoke on laws regarding hate crimes and bias based policies and his disappointment that society was not treating each other as human beings but still judged others based on race or sexual orientation. He assured the City that the first goal was to provide constitutional policing and that the officers were bound by law, policy and principal. Chief Black then spoke on the hiring process and that each candidate goes through a psychological assessment including cultural competence and bias behaviors; however, it can be difficult to know who would be a bully or difficult to train.

Chief Black said Utah was becoming a more diverse state and that West Valley was over 50% non-Caucasian but it needed to take in consideration that some bias was due to ignorance. He said that many people did not have to raise their children with the same level of concern as Mr. Akers. He spoke on perceptions and how to determine whether an officer was mean spirited towards those who were different or just ignorant and if they could be taught to understand how diverse the community was.

Chief Black then spoke on how the officers were trained in de-escalation policies, enforcing the law, crisis training, and lethal weapons. He also spoke on carotid control/chokehold and said he issued a directive on June 11th to the department that this method was not to be used even if an officer had been trained on how to use it. Chief Black also spoke on the incident that occurred in Minneapolis that resulted in the death of George Floyd and said the officer was abusive. He said that society needed to proceed through policies to avoid the use of lethal tactics. Chief Black said officers dealt with situations that evolved quickly with dozens of stimuli and had to protect themselves and others which could lead to mistakes.

Council Member Gordon commented that she appreciated the police department. She suggested more implicit bias training for police officers, staff, and even the City Council. Council Member Gordon also asked that the Council have future discussions regarding de-escalation training, protections against profiling policies, and an alternative approach to mental health crises,

requiring the use of body cameras (if this was not already a policy), and making the police chief accessible to all residents. She expressed concern that people of color might not feel welcome in the community and wanted to do what was necessary to strengthen the police force in a way that would help everyone feel more welcome.

Council Member Baskin thanked the police department and Ken Akers for speaking. She said it was a thought provoking time as leaders of the City and the lines of communication needed to be kept open to allow for understanding and growth. Council Member Baskin said in December of 2019 she attended a judicial training in Montgomery, Alabama and met Bryan Stevenson who was the attorney with the Equal Justice Initiative and had written the book Just Mercy based on his experiences defending those who were wrongly convicted. She said the training was entitled "When Justice Fails" and the majority of the judges present were people of color. She realized how little she understood what pain and humiliation felt like in comparison to what many of these judges had experienced. She said there were so many ways to do better, including leading the way as leaders, implementing trainings and policies, and creating relationships.

Chief Black concluded by speaking about documentation of any use of force and described the process prior to and during any use of force including observing any mental illnesses, past history, drug use, or weapons. He said there was no place for bias in the department, officers were bound by clear policy to intervene and report any abuse of force, and that there was a requirement for extensive reporting and review of any significant use of force. Chief Black also spoke on video documentation including body cameras and the resulting recordings. He said these videos were protected records and were released for court purposes. They were retained for 90 days unless there was a use of force, which was kept for a longer period of time.

Mayor Arave spoke on the idea of an oversight committee, which would be filled by the City Council, and include annual reporting for the purpose of reviewing public complaints, if any.

Ken Leetham suggested that a process be established for public outreach periodically, in addition to the Night Out Against Crime, to allow citizens and the City officials to discuss community issues and concerns.

3. CONSIDERATION OF ORDINANCE 2020-13: AN ORDINANCE AMENDING TITLE 9, BUILDINGS AND CONSTRUCTION, UPDATING APPLICABLE BUILDING CODES

Sherrie Llewelyn reported the current Title 9 has several references to the 2012 edition of the International Building Code. The State of Utah and the City currently use the 2018 version as the codes are updated and adopted every three years. The language change would remove the references to a specific edition and would instead refer to the most current edition adopted by the State of Utah. Another change to Title 9 included the removal of the previous change to the Fire Code related to fire sprinklers in homes less than 10,000 square feet per State code. Other

amendments were related to updates to the retaining wall regulations including that the regulations apply to all walls not just residential uses, special requirements to improve the safety and construction of rockery walls, including geotechnical monitoring, compaction, rock selection, rock placement, and steepness, clarification of height measurements (previously included footings) and reducing overall height accordingly, limiting the height of retaining walls in the front public utility easement, except by conditional use permit, establishing setbacks for retaining walls from other structures, and establishing procedures for approval of retaining walls in public utility easements and establishing distance requirements from hydrants, water meters, telecommunications pedestals, and street lights. Several other amendments included updating language for the enforcement official and processes, reorganizing the location for enforcement procedures into Chapter 1 for the entire title, establishing a double permit penalty for starting work without a permit, and removal of the requirement for Davis County Health Department approval for consideration of fence height.

Council Member Porter moved that the City Council approve Ordinance 2020-13 amending City Code, Title 9, Buildings and Construction, with the following findings:

- 1. The proposed amendment is required to update references to the most current edition of the building codes adopted by the State of Utah;**
- 2. The proposed amendments improve regulations related to the construction of retaining walls and private swimming pools for the protection of the health, safety, and welfare of the citizens of North Salt Lake; and**
- 3. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.**

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

- 4. CONSIDERATION OF RESOLUTION 2020-16R: A RESOLUTION ADOPTING CERTAIN FRAUD RISK POLICIES AND CREATING THE CITY OF NORTH SALT LAKE AUDIT COMMITTEE**

Ken Leetham reported that this was a new requirement per the State Legislature for cities to report on the readiness and preparedness of fraud risk management. These policies would be essential and managed the City's overall risk of fraud per the adoption of the fraud hotline, completion of a fraud risk assessment, and the creation of a formal fraud committee. This resolution would also adopt additional policies for personnel, ethical behavior, and a fraud hotline policy. He then detailed each policy that was required including conflict of interest, procurement, ethical behavior, reporting fraud and abuse, travel, credit/purchasing cards, personal use of entity assets, IT and computer security, and cash receipts and deposits. Mr. Leetham spoke on the fraud hotline policy and the Fraud Risk Committee. He proposed that the Committee be comprised of the Mayor and two City Council members and potentially a third

party CPA to assist the Committee. He said staff reached out to a CPA and determined the cost would be approximately \$5,000 or less annually. Mr. Leetham also spoke on an updated personnel policy manual, including many of the policies discussed, which would be presented to the City Council soon.

Mayor Arave commented that the City did not have an internal audit function right now. Janice Larsen replied that if the Council adopted all of the policies proposed and agreed to engage an audit firm that the City could check yes for the assessment.

Mayor Arave also commented on the fraud hotline and how it would be setup. Ken Leetham replied that the email for reporting fraud would be setup by the June 30th deadline.

Mayor Arave asked who was currently performing the bank reconciliations. Janice Larsen commented that she performed the reconciliations but did not issue checks, control the checks, obtain receipts, or make disbursements. She explained other employees handled the assets and disbursements and said there was a separation of duties.

Mayor Arave suggested that Ken Leetham review the check reconciliations going forward. Janice Larsen replied that the auditors reviewed the reconciliations and bank statements but said it would not be a problem for Ken Leetham to review them as well.

Council Member Gordon commented that the fraud hotline should go to the audit committee members or to an outside employee. She said if an individual had concerns about a member of the City Council or audit committee that they should feel comfortable submitting those concerns. She suggested that the hotline should allow for anonymous reporting.

Mayor Arave asked if the City could use the County fraud hotline. Ken Leetham replied that staff would look into that option.

Mayor Arave then asked for the scope of work for an outside expert for the Formal Audit Committee. Ken Leetham responded that staff would prepare what the scope of work would entail for review by the City Council or the Formal Audit Committee.

David Church commented that the State Auditor's established fraud hotline may meet the City's requirement.

Council Member Horrocks asked if the meetings for the Formal Audit Committee needed to be noticed and minutes taken. Ken Leetham replied that he believed the meetings would need to be noticed.

Janice Larsen said that she thought Ryan Child had mentioned that if a quorum of the City Council members were not present during the Formal Audit Committee meetings that those meetings did not need to be noticed.

Council Member Baskin asked how often the Committee would need to meet. Mayor Arave felt that the Committee would only need to meet twice a year.

Council Member Gordon said that she worked closely with independent auditors and conducted regular reviews of compliance and risk assessments throughout the course of her work.

Council Member Porter also expressed interest via chat. Mayor Arave confirmed that Council Members Porter and Gordon along with himself would serve on the Committee.

Council Member Baskin moved to adopt Resolution 2020-16R: a resolution adopting certain fraud risk policies and creating the City of North Salt Lake Audit Committee. In terms of the Fraud Risk Assessment Questionnaire it be amended that there is not a compliance with subsection 8 that the entity has a formal internal audit function. This would be addressed in the days ahead and the members that would serve on the committee would be the Mayor Len Arave, Councilwoman Natalie Gordon, and Councilman Stan Porter. Council Member Porter seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter via Zoom chat.

5. CONSIDERATION OF RESOLUTION 2020-18R: A RESOLUTION SETTING THE CERTIFIED PROPERTY TAX RATE FOR ALL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE CITY OF NORTH SALT LAKE FOR THE FISCAL YEAR 2020-2021

Janice Larsen reported that the certified property tax rate, which was determined by Davis County, would be .001233 for the fiscal year 2020-2021.

Council Member Gordon moved that the City Council adopt Resolution 2020-18R: a resolution setting the Certified Property Tax Rate for all property located within the boundaries of the City of North Salt Lake for fiscal year 2020-2021. Council Member Baskin seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter via Zoom chat.

6. CONSIDERATION OF RESOLUTION 2020-17R: A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATING TO THE SALE OF CERTAIN PROPERTY AT TUNNEL SPRINGS

Ken Leetham reported that staff had been working to facilitate the purchase of three properties on the north portion of Tunnel Springs Park for some time. Property owners in the area had

approached the City with a desire to purchase part of the park that was currently being used as passive open space. He showed a record of survey and new parcels that were created with the proposed boundaries. Mr. Leetham said the real estate purchase agreements had undergone some changes and would have further changes as not all of the details were finalized. He said the price, at \$3.50 per square foot, and the boundaries were finalized but some of the details related to the transactions would change. He suggested that in the adoption of the resolution that a note could be made to allow the City Manager and City Attorney the authority to change the REPC documents.

Council Member Gordon asked if the fence would be right along the existing walk or if it could be moved back a few feet. Ken Leetham replied that another resident had expressed interest in purchasing property so staff was determining how much property could be sold. He said the property lines may be moved to within 18 inches of the trail but these new proposals would be brought before the City Council.

Council Member Baskin spoke on the language of the resolution and said it may be too broad. She suggested that the wording be changed from “authorizing the City Manager to execute all documents related to the sale of certain property at Tunnel Springs Park” and should say “to execute the documents related to the sale”. She asked if it should be limited to the City Manager with the City Attorney to execute the REPC and related documents. Ken Leetham replied that this authority would be for the completion of REPC and closing documents and only include authorization for the three properties.

Council Member Mumford asked in regards to maintenance and the timeline for fencing the proposed property. Ken Leetham said that while the City was not requiring fencing it was his understanding that the property owners would be installing solid fencing. He said the only requirement related to fencing was that prior to the installation the City Engineer would have to approve the location of the fencing. The maintenance obligations of both sides of the fence would belong to the owners as well.

Council Member Baskin moved to recommend approval of Resolution 2017-17R: a resolution authorizing the City Manager and the City Attorney to execute the REPC and related closing documents relating to the sale of certain property at Tunnel Springs Park as referenced in the memo, meaning the three properties in the memo. Council Member Mumford seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks and Mumford via Zoom chat. Council Member Porter voted in opposition to the motion.

7. DISCUSSION OF ANNEXATION POLICY PLAN, FUTURE ANNEXATION AREA MAP, AND STATUS OF POSSIBLE ANNEXATION PETITION FILING FOR THE MISTY RIVER DEVELOPMENT

Sherrie Llewelyn reported that this discussion item was at Council Member Baskin's request to discuss the potential annexation including the process and related laws. Sherrie Llewelyn presented the annexation policy plan, the scope of services and fee proposal from Lewis, Young, Robertson & Burningham to update the current City Annexation Policy Plan, the current annexation plan and expansion map which was adopted in February 2003, a summary of the annexation across the county line, and the section of Utah State Code 10-20401 to 10-20407 related to annexation. She spoke on requirements such as a public hearing, a map of the expansion area, a statement of the criteria related to annexation petitions, municipal services, an estimate of the tax consequences, and the interest of other affected entities such as the mosquito abatement, fire agency, etc.

Sherrie Llewelyn presented the proposal from Lewis, Young with the cost for the consulting services at \$15,250 to update the annexation policy plan, as well as cash flow modeling and budget forecasts, as well as the noticing and resolutions of the plan. She then showed the annexation policy map, which included the existing City boundaries, three proposed policy areas, and municipal boundaries. She then showed a map which included a larger scope of the three policy areas and those that should be considered to be placed on the map per a long range plan. The map included unincorporated Salt Lake and Davis County areas, as well as forest service area, and the sports park area, which was inaccessible from the City.

Council Member Mumford asked about proposed area A, the Chevron Oil Refinery area, which was currently part of Davis County. Sherrie Llewelyn said that annexation was driven by the property owner. She said there was a statute that if a property was in an annexation policy plan that if the property owner went to the county and applied for a development on that parcel then the county was required to have the property owner ask the City about their interest in annexation.

Council Member Porter commented that Chevron's attorney had previously explained to the City Council that they could force an annexation but Chevron would then claim that the City did not provide services and would be able to "de-annex".

Council Member Mumford asked about a potential annexation of privately owned property in the unincorporated area. Sherrie Llewelyn replied that the property appeared relatively flat and may be worth studying for a potential future annexation.

Council Member Mumford asked if Salt Lake or Davis County would be interested in align the boundaries. Sherrie Llewelyn replied that she did not believe anyone had broached this question with either counties. She said it was very difficult to make any major boundary changes.

Council Member Mumford suggested removing the motorsports park area from the annexation map as it was inaccessible. He said the Chevron area should remain.

Mayor Arave asked about the forest service area and why the City would want to obtain that property. He suggested that area be removed as well. Sherrie Llewelyn replied that it was very steep and all forest service area.

Sherrie Llewelyn showed the current annexation policy plan. She then reviewed the annexation process and the steps that would have to be taken to annex the Misty River development. The property owners would need to file a notice with the City Recorder of an intent to file a petition with a map, this would be submitted to the County, Salt Lake County would then mail notice to every property owner with the boundaries and within 300 feet of the annexation area. She also reviewed what the notice must include. Mrs. Llewelyn said she was unsure when the Salt Lake County Council would consider the resolution approval. If Salt Lake County approved the resolution it would be filed with the City Recorder at that time. The proposal would then come before the City Council for acceptance or denial. If the proposal was accepted Staff would work with the applicant, the Planning Commission would advise on the zoning, regulations, density, etc. The City Council would then determine the terms of infrastructure, density, and regulations

Sherrie Llewelyn said there were two major property owners including the developer for 126 acres known as Misty River and 220 acres comprising Cross E Ranch. She spoke on the conceptual plan for Misty River and said the developer had eliminated the 320 unit apartment complex, moved the charter school east of the canal, included seven estate lots along 2200 West, and revised and reduced the unit count to 994.

At 8:24 p.m. Council Member Mumford was excused.

8. APPROVE CITY COUNCIL MINUTES

The City Council minutes of June 2, 2020 were reviewed and approved. **Council Member Horrocks moved to approve the City Council meeting minutes of June 2, 2020. Council Member Porter seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, and Porter. Council Member Mumford was excused.**

9. ACTION ITEMS

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

10. CITY COUNCIL REPORTS

Council Member Gordon reported that the Youth City Council advisors asked when the Youth City Council (YCC) should begin to meet in person again. Ken Leetham replied that the YCC

could meet again when they were comfortable and would wear masks and practice social distancing; however, the cases in Davis County were increasing.

Mayor Arave recommended waiting to meet until August. Council Member Gordon was discouraged to see how many cases were now in the City.

11. MAYOR'S REPORT

Mayor Arave reported on the Sewer District and said the work on the trickling filter was still being completed. He said that Dal Wayment commented that he had not received any odor complaints in the last week.

Mayor Arave said the Sewer District was also having trouble hitting their ammonia limits and would have to pay a fine related to compliance issues.

Mayor Arave reported on the issue with golf balls hitting homes near the seventh hole. He said that staff met with the homeowners and the City then installed signage stating that golfers were responsible for damage to the homes. He said the City would look to see if the course could be rerouted. The homeowners asked if they could install nets on the golf course property. He felt that would be reasonable.

Mayor Arave spoke on a grant that the City received for site improvements and said they would be used for the gas station located across from City Hall.

Mayor Arave also reported on a meeting he attended for the Bus Rapid Transit (BRT) line that may extend to Farmington.

12. CITY ATTORNEY'S REPORT

David Church had nothing to report.

13. CITY MANAGER'S REPORT

Ken Leetham reported on the CARES Act funding and said the City had an allocation of \$617,308. He said he had reviewed the documents and felt the City had \$16,000 of qualifying reimbursements. Mr. Leetham commented that the County held a meeting and discussed the creation of a program to provide business support, which he suggested the City should participate in. He also said some of the funding could be used for rental/housing assistance for those that had lost their employment due to COVID-19. All of funds that were used would be subject to an audit, which may result in repayment of the funds by the City.

Ken Leetham said he would provide more information to the City Council as the County's plan developed. He also suggested that some of the City's CARES Act Funding could be used to

support South Davis Fire in their qualifying expenses. The City could also pre-purchase COVID related PPE supplies and equipment for future use.

Mayor Arave said that the City Council needed to decide if they would participate in the County program. He said that the funds would be allocated based on need.

Mayor Arave commented that he thought the Fire Agency's portion would be \$75,000 and would be split between the cities, which meant the City's portion would be approximately \$15,000 to \$16,000. He suggested that it would be wise to participate in the County's program as it would also ensure the ability to obtain additional funding in the future.

Council Members Porter and Gordon were in agreement. Council Member Gordon was also in favor of letting business owners know that funding was available.

Ken Leetham commented that the first tranche of money needed to be spent before the end of the year.

Council Member Baskin said even if the City did not need to use the money that it was nice to know it was there.

Ken Leetham said that there would be additional needs that may increase the total expenses from \$16,000 to \$40,000 or \$50,000.

Ken Leetham reported that twelve cities in Davis County would be participating in an airplane parade to be held on July 4th. He said each of the cities would be contributing \$1,000 and the City would be supplying advertising. Mr. Leetham said there would also be skydivers at Legacy Park on that date as well.

14. ADJOURN

Mayor Arave adjourned the meeting at 8:42 p.m.



Mayor



City Recorder