

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
JULY 21, 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 6:04 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 joined the meeting at 6:36

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

OTHERS PRESENT: Camille Thorpe, Dee Lalliss, Sara Ebert, Abbey Ebert, Anabelle Ballard, Alina Ballard, residents; Nick Tarbet, Paul Nielson, David Copeland.

1. CITIZEN COMMENT

Camille Thorpe, 80 North Main, commented on the lighting fixtures at 150 North and Main Street. She spoke on legislation that encouraged shielded lights and suggested that the City adopt this legislation.

Mayor Arave commented that he thought the City already had a night sky ordinance that pertained to street lights. Sherrie Llewelyn replied that the City had a Dark Sky ordinance, which required new developments to have cutoff style lights. She commented that it sounded like this was the Hepworth development and would visit the site to review the lighting there.

Dee Lalliss commented on the extra Saturday garbage pickup and the early hour by which residents needed to have their cans at the curb. He felt that the early pickup time may result in issues and asked if the pickup time could be moved to a later time on Saturday or even Monday morning.

Mayor Arave asked staff to follow up with Ace Recycling and Disposal about potentially moving the Saturday pickup time. Ken Leetham replied that as the entire City had to be serviced in one day that it may be difficult for them to change the day and time of the extra pickup. He said he would talk with Ace to see if there was room in the schedule.

Council Member Horrocks commented that the City had been utilizing the Second Saturday pickup for several years, but added that many people were still unaware that this service was offered

Mayor Arave asked staff to review how utilized and effective the Saturday pickup was.

2. PRESENTATION OF YOUTH CITY COUNCIL LEADERSHIP SCHOLARSHIPS BY COUNCIL MEMBER GORDON

Council Member Gordon reported that there were three outgoing seniors who would be receiving scholarships per their service on the Youth City Council. She first introduced Abby Ebert who would be receiving a \$500 scholarship for serving as Youth City Manager.

Abby Ebert thanked the City and said she would be attending Brigham Young University (BYU) in the fall.

Council Member Gordon said that Cameron Marks was not present but would be receiving a scholarship for serving as the Youth City Council (YCC) City Manager for the 2019-2020 year.

Council Member Gordon then introduced Anabelle Ballard, who had served as the YCC Mayor and would be receiving a \$1,000 scholarship.

Anabelle Ballard commented that she would also be attending BYU in the fall and would major in biology.

Council Member Gordon commented that some of the best students in the City participated in the YCC. Mayor Arave thanked the Anabelle and Abby for their service.

3. CONSIDERATION OF RESOLUTION 2020-20R: A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES WITH LEWIS YOUNG ROBERTSON AND BURNINGHAM (LYRB) TO UPDATE THE CITY OF NORTH SALT LAKE ANNEXATION POLICY PLAN (AGR 2020-27A)

Mayor Arave commented that Salt Lake County voted to approve the process to allow the potential annexation to move forward with the City.

Sherrie Llewelyn reported that a six to three vote during the Salt Lake County meeting allowed the North Point annexation petition to move forward. She explained that this approval allowed the developer to bring the petition for annexation before the City but did not guarantee anything.

Mrs. Llewelyn showed the current annexation policy plan area, which was adopted in 2003. Area A included Chevron, Area B included the unincorporated area between the City and Bountiful, Area C included forest service property, and Area D was composed of some of the proposed North Point annexation area. She said that for the City to be able to consider the current annexation proposal, the area would need to be included in the annexation policy plan.

Sherrie Llewelyn explained that per code there would need to be an in-depth analysis including the tax impact and services for the area such as sewer, water, etc. She said the developer asked that the City consider updating the annexation area and would provide reimbursement of the cost. The City then approached Lewis Young Robertson and Burningham (LYRB) with the request to create a proposal. The proposed cost for that portion of the study would be \$15,000. Staff also met with Davis County who would like the City to consider annexation of Area B as well. LYRB provided a revised estimate for the update of the plan and the addition of Areas A, B and C for the additional cost of \$7,400 for a total of \$22,650 for the entire plan. The developer would reimburse the City \$15,250 for the addition of Area D.

Council Member Baskin asked why the unincorporated area still remained independent. Mayor Arave replied that the City and Bountiful had incorporated some portions of that area. He explained that part of the reason there was leftover unincorporated area was due to some residents that previously fought the annexation.

Ken Leetham commented that there was a push to get these unincorporated areas added into cities throughout the State. He said staff would work with Davis County on a long term strategy to address this.

Mayor Arave asked about Bountiful's annexation area. Sherrie Llewelyn replied that Bountiful had already annexed their portion and the remaining unincorporated area should be part of North Salt Lake.

Ken Leetham commented that the City would not want to annex Area C as it consisted of forest service property.

Council Member Horrocks moved that the City Council approve Resolution 2020-20R and authorized the City Manager to execute Agreement 2020-27A, engaging the services of Lewis Young Robertson & Burningham to update the City's Annexation Policy Plan and Map, subject to approval of and execution of Agreement 2020-28A related to reimbursement of proportional costs associated with the proposed North Point Annexation Area. Council Member Mumford seconded the motion. The motion was approved by

Council Members Baskin, Gordon, Horrocks and Mumford via Zoom chat. Council Member Porter was excused.

4. CONSIDERATION OF RESOLUTION 2020-21R: A RESOLUTION APPROVING AN AGREEMENT FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH THE UPDATE OF THE NORTH SALT LAKE ANNEXATION POLICY PLAN, WITH THE SPONSOR OF THE PROPOSED NORTH POINT ANNEXATION AREA (AGR-28A)

Sherrie Llewelyn reported that there was specific language in the contract for the proposed update to the annexation policy plan, which would not bind the City to approving the annexation. Lewis Young Robertson and Burningham (LYRB) would need to deposit \$15,250 with the City.

Council Member Horrocks expressed some hesitation in taking the developer's money when City had not decided to move forward with the annexation.

Sherrie Llewelyn responded that the biggest portion of the study was related to Area B where the proposed annexation area was located. She explained that the North Point annexation area was larger and would have a greater impact, which resulted in more analysis. Mrs. Llewelyn said the developers were aware that paying for their portion of the study did not guarantee approval of the annexation.

Ken Leetham said that he would consider the deposit as similar to an application fee. The study was designed around State statute, which required this types of analyses to be performed. He asked if the Council felt that the City should pay the cost for the study or feel beholden to the developer.

Council Member Baskin suggested that the motion include language that stated the City was not guaranteeing approval of the North Point annexation per approval of the study.

Ken Leetham commented that the developer was well aware of the arrangement and he was not concerned that the developer would misunderstand. He said City staff had been clear with them that the City Council would deny a land use plan they did not like.

Council Member Baskin moved that the City Council approve Resolution 2020-21R and authorized the City Manager to execute Agreement 2020-28A with Xcel Development, for reimbursement of costs associated with the study to update the City's Annexation Policy Plan related to the analysis for inclusion of the North Point Annexation Area. In addition, there is no implied approval of the proposed annexation and Lewis Young Robertson and Burningham have been approved for \$22,650 for their study subject to approval of the reimbursement agreement. Council Member Horrocks seconded the motion. The motion

was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter via Zoom chat.

5. CONSIDERATION OF BID AWARD FOR THE CENTENNIAL DRIVE WATER LINE REPLACEMENT PROJECT IN THE AMOUNT OF \$325,998 TO CONSTRUCTION MATERIAL RECYCLING

Paul Ottoson reported that there have been several leaks in the water line along Centennial Way over the past few years. Many of the leaks occurred where the main line connected to the lateral. Several of those leaks occurred last year, which resulted in the replacement of approximately 6,000 square feet of asphalt. He said that the existing pipe was not very good and the current standards were for thicker pipe.

This project would replace the existing main line, the laterals to all the homes fronting Centennial Way, and the fire hydrants. Staff received six bids with Construction Material Recycling as the low bidder at \$325,998. There was a wide range of bids from \$325,998 to \$828,563. Mr. Ottoson explained the disparity and said that the construction industry was very busy right now and some companies were still bidding high. He said that the budget for the project was \$460,000.

Paul Ottoson then showed a map of the site and outlined the project area. He said that the location varied along different sides of the road but the contract specified that the road must remain open to local traffic. The contractor would be required to give 48-hours' notice of water shutoff to the area to allow residents to make arrangements. Staff recommended awarding the project to Construction Material Recycling after vetting their references.

Council Member Horrocks commented that this low bid would help the department to get back on track per the budget as they had several projects that had come in over budget.

Council Member Horrocks moved that the City Council award the Centennial Way Water Line Replacement Project to Construction Material Recycling for the price of \$325,998.00. Council Member Mumford seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter via Zoom chat.

6. CONSIDERATION OF RESOLUTION 2020-19R: A RESOLUTION APPROVING AN AGREEMENT BETWEEN DAVIS COUNTY AND THE CITY OF NORTH SALT LAKE RELATED TO THE CITY'S PARTICIPATION IN THE DAVIS COUNTY SMALL BUSINESS GRANT PROGRAM AND AUTHORIZING THE MAYOR TO SIGN THE APPROVED AGREEMENT (AGR 2020-29A)

Ken Leetham reported on the Coronavirus Aid, Relief, and Economic Security (CARES) Act federal funding which was recently passed by Congress. He said the distribution of funds was

being done through the Governor's Office of Economic Development. The City's total allocation of funds was approximately \$1,851,923, which would be distributed in three equal payments or "tranches." The first scheduled tranche of \$617,308 was estimated to be received on July 17th. Mr. Leetham then explained that Davis County had approached each city with the idea of using some of the CARES Act funding to participate in a Countywide Small Business Grant Program. This program was created by the County and they requested that each of the 15 cities in the County contribute 50% of their CARES Act Funding. The County also proposed to share 50% of its funding for an estimated total of \$10 million, which would be distributed to businesses throughout the County that had 49 employees or less with qualified Coronavirus expenses. He said that the City reached out to its businesses and encouraged them to participate in the program. The County has received 462 applications countywide and 53 applications from businesses in the City.

Ken Leetham explained that 50% of the City's first tranche would be \$308,654 and the overall need would be \$885,000, which would equal a distribution of 35% from the City and 65% from the County. He suggested that a change be made to the agreement to state that the City "may participate up to 50%" of their first tranche to clarify that the entire 50% was not being committed.

Mr. Leetham presented a table showing the fifteen cities within the County and their participation status in the program. He said Clinton, South Weber, and Clearfield had decided not to participate.

Council Member Horrocks asked if there was any insight on why these cities were not participating. Ken Leetham replied that he spoke to Clearfield and they believed they would use 100% of their distribution.

Mayor Arave commented that the belief was that the CARES Act funds could potentially be used for payroll expenses for police departments.

Ken Leetham said that it may be possible to use the City's CARES Act funds for public safety payroll expenses between March 2020 through the end of the year. He said due to revised regulations public safety payroll expenses may qualify so the agreement with the County was altered to make the City's commitment to the program voluntary and that the City would only participate for North Salt Lake businesses if the County was willing to participate with an equal contribution.

Ken Leetham then said staff had determined that the City's estimated COVID-19 related expenses were \$230,000 including supplies for the next twelve months. This also included equipment used for sanitizing and cleaning, new equipment in the Council room to assist in conducting accessible online meetings, and the installation of hands-free doors and plumbing in public parks. These estimates also included sharing revenues with the Fire and Recreation

Districts for their COVID-19 expenses. He said the question was whether payroll expenses for police, fire and emergency services would be covered. Mr. Leetham said that the City did not need to make a decision today and staff would continue to research this question.

Council Member Horrocks questioned if the splash pad fence would qualify for this funding. Ken Leetham replied that he did not include the cost of the fencing in the \$230,000 estimate but felt that the fence may qualify if staff was also provided to monitor the capacity at the splash pad.

Council Member Porter asked what types of businesses had applied. Ken Leetham responded that several manufacturing businesses were interested and explained that these were businesses with less than 49 employees. He commented that he had been asked to serve on the committee that would review and make recommendations on these applications.

Council Member Mumford asked if the safety partitions for employees was covered. Ken Leetham replied that the partitions were part of the \$230,000 estimate and he would be meeting with the contractor tomorrow.

Council Member Mumford also asked if the golf course cleaning was included. He also asked if FMLA was covered. Ken Leetham replied that the cleaning equipment and supplies for the course were covered. He said that staff had tracked the FMLA hours at less than \$8,000 but the cost had not yet been added to the estimate.

Council Member Mumford commented that as there were many businesses, particularly in the food industry, that were hurting he felt the City should participate. He said the remaining funds should then go towards public safety. Council Member Horrocks was in agreement.

Council Member Mumford moved that the City Council adopt Resolution 2020-19R: a resolution approving an agreement between Davis County and the City of North Salt Lake related to the City's participation in the Davis County Small Business Grant Program and authorizing the Mayor to sign the approved agreement. Council Member Horrocks seconded the motion.

Ken Leetham asked that the motion include the change to the agreement that the City "may participate up to 50% of the first tranche of CARES Act funds."

Council Member Mumford amended the motion to include the change that the City "may participate up to 50% of the first tranche of CARES Act funds." Council Member Horrocks seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter.

7. UPDATE ON UDOT TECHNICAL PLANNING ASSISTANCE GRANT

Ken Leetham reported that the City had the opportunity to obtain funding through the UDOT Technical Assistance Grant. This funding could be used to create a traffic circulation strategy for a portion of the Town Center including addressing problems along Main Street and Center Street as well as Highway 89 and Center Street. One potential option was the possibility to dead-end Main Street and how to evaluate whether this was a viable solution. He suggested that the City apply for funding to obtain a traffic consultant to review this issue including the possibility of temporarily closing off Main Street and evaluating the impact. Mr. Leetham said there were several issues including high volumes of traffic, congestion, speeding, and trucks making left turns onto Center Street, which resulted in problems at the four way stop.

Ken Leetham said that UDOT had encouraged the City to expand the scope of the grant to the entire Town Center. He commented that there were concerns with the roundabout at Eaglewood and Highway 89 and funding would allow the City to explore other alternatives in that location. Mr. Leetham said there was approximately \$9,000 available with a match from the City. He also mentioned that staff would like to study future bus rapid transit (BRT) locations with UDOT and this would provide the perfect opportunity to further that discussion.

Ken Leetham commented that this funding and study would help the City to finalize the questions of how to improve pedestrian and bicycle circulation in the Town Center as well as planned walkway improvements. He felt that this would be a good catchall study for the Town Center area.

Council Member Mumford asked for the opinion of the police chief on closing a portion of Main Street. Chief Black replied that there were legitimate complaints for the Main Street corridor. He said the department had written over 100 tickets on Main Street since 2015 but this did not mitigate the speeding problem as only one third of those were issued to residents. Chief Black said the majority of drivers were passing through on their way to work, etc. He felt strongly about the benefits to closing Main Street off Highway 89 especially if the City wanted to promote Hatch Park as a walkable area.

Council Member Mumford suggested that the study include vacating the land at the end of Main Street and allowing for the small parcel of unusable land to be useable again.

8. APPROVE CITY COUNCIL MINUTES

Council Member Gordon moved to approve the minutes of the City Council Special Session from June 30th as presented as well as the City Council minutes from July 7th as presented. Council Member Porter seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter.

9. ACTION ITEMS

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

10. COUNCIL REPORTS

Council Member Mumford reported that the chair of the Parks and Arts Board was moving and a new chair would need to be appointed. He said the next events included NSL Reads in September and the Halloween fun run in October.

Council Member Mumford said that he also received comments from his neighbors that they were unaware of the second Saturday pickup.

Council Member Mumford reported that there were no recent odor complaints but the problem was not fixed yet. He said there were still smell events but it seemed like South Davis Sewer felt like the problem was resolved.

Mayor Arave commented that the trickling filter was installed and modifications were being made by the Sewer District. He also thought the problem was taken care of. Council Member Mumford replied that he would talk to his neighbors but felt like the City should advertise that if there were still issues that the time and location be reported to South Davis.

Ken Leetham said that he did not think that the consultant's study was completed. Mayor Arave responded that the primary issue was thought to be the trickling filter so if there were still odor issues the City needed to follow up with South Davis.

Council Member Baskin asked when the City Council would provide feedback on the branding and wayfinding signage. She commented that she did not like the gateway signage with the sideways wording. She asked about the timeline for providing comments. Sherrie Llewelyn said that feedback needed to be provided right away as the consultant was bringing the package for approval in August. She asked that any comments be sent to her and she could provide direct contact information for the consultant as well. Mrs. Llewelyn also suggested a meeting could be setup with the consultant and any Council members that were interested.

Council Member Horrocks commented that he liked the sideways signage. Council Member Baskin responded that the sideways wording looked like freemason symbols.

Council Member Baskin reported that she met with the police chief and appreciated the conversation. She said the Chief sent her the Interpol training to review and suggested implicit bias training for the Council.

Council Member Baskin then asked about touring the Wasatch Integrated Waste and Resource Recovery facilities. Ken Leetham replied that he would setup a tour for those interested.

Council Member Gordon commented that she was in agreement with Council Member Baskin on the signage and felt the wording should be vertical and not horizontal.

Council Member Gordon asked if staff could research the potential cost in offering a green waste program through Ace. She also asked that staff reach out to ecclesiastical leaders and the senior lunch bunch about the curbside can service for the elderly and disabled.

Council Member Porter commented on the odor issue with South Davis Sewer and asked if City employees, including the police on patrol, could report on any incidents as well.

11. MAYOR'S REPORT

Mayor Arave had nothing to report.

12. CITY ATTORNEY'S REPORT

David Church had nothing to report.

13. CITY MANAGER'S REPORT

Ken Leetham reported that the City had all the release of claim documents from the parties involved in the Eaglepointe landslide litigation. He said the funding for the repairs would be obtained soon and staff was meeting with the affected property owners and the contractor. Staff would meet with the contractor every week and repairs would begin on July 27th.

David Church asked if the contractor had signed the contract. Ken Leetham replied that he would make sure the City had a signed contract soon.

Ken Leetham reported that he had a proposal for the Hatch Park redesign and would like to have it reviewed by the Parks and Arts Board as soon as possible. He said G Brown Design would bring the proposal before the City Council.

Ken Leetham spoke on the implicit bias training and said staff was researching product as it was different from the training the police department received. He suggested that the City Council, Planning Commission, and staff receive this training.

Council Member Porter asked about the poles and the demolition at the tennis facility. Ken Leetham replied that there was a plan for the removal of the poles due to the underground tension. He said the Tennis Club wanted to salvage and redesign portions of the property. Mr. Leetham said there would be a revised site plan for expansion of the existing tennis court, the rearrangement of the parking lot, and the redesign of the property.

Sherrie Llewelyn commented that she would follow up with the developer for the Hepworth project, as well as Camille Thorpe, regarding the street lighting as it should be directed downward.

14. ADJOURN

Mayor Arave adjourned the meeting at 7:42 p.m.



Mayor



City Recorder