

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-WORK SESSION
FEBRUARY 2, 2021

FINAL

Mayor Arave called the meeting to order at 6:07 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; David Church, City Attorney; Sherrie Pace, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Melissa Ballard, Utah House of Representatives; Todd Weiler, State Senator Dee Lalliss, resident, and "Zoom User."

1. 2021 LEGISLATIVE SESSION DISCUSSION: SENATOR TODD WEILER AND REPRESENTATIVE MELISSA BALLARD

Melissa Ballard spoke on the current Utah legislative session and said that the majority of the work was done before the session including preparing bills, finding support or opposition for those bills, and finding compromises. She said some of the challenges were finding legislative staff to write bills and meetings via Zoom. Ms. Ballard spoke on the process and said for a bill to pass it had to be reviewed by multiple people.

Melissa Ballard said she was working on some bills related to water and found that the goal was able to be accomplished through training via cities without the need for a bill. She also said she was working on hydrogen use at the airport and the inland port that included uses in warehouses with hydrogen powered generators and other equipment. Ms. Ballard spoke on a pilot program at the inland port with grant funding for other hydrogen projects. She said hydrogen was more efficient than diesel and had zero emissions. Other bills were related to the marriage commission, long term care facilities, sanitation amendments for cosmetology and businesses, and efficiency in government at the State level.

Mayor Arave said his concern was related to policing and that there may be some repeals on laws from last year.

Chief Black commented that the Law Enforcement Legislative Committee met once a week and were tracking approximately 150 bills. He said two of the proposed bills were DUI revisions and thanked Melissa Ballard for standing up for victim's rights in these incidences, particularly in her support for Sarah's Bill. Chief Black spoke on the police reform bills and said there were many things about these bills that were favorable including one related to excessive force that unfortunately did not pass. He mentioned another bill related to an officer that left a department under investigation, which would require that investigation to be completed.

Melissa Ballard asked Chief Black for a two sentence statement that she could quote on the floor. She said some bills were not as well-known so this would allow her the opportunity to stand up and talk about those bills.

Chief Black mentioned Representative Romero's training amendments, which would require that 16 hours of training per year focused on de-escalation, conflict management, mental illness, and reasonable defensive tactics. He said the City's police department already emphasized de-escalation tactics and a uniform standard of critical incident/mental illness training.

Chief Black spoke on several criminal justice type bills and said the problem was misinformation related to these bills including Senator Thatcher's facial recognition bill. He explained that intelligence gathering from public sources would not replace police work and it would still need to be proven that the individual committed the crime. He said the bill addressed only allowing images that were gathered from a public place and would not violate an individual's privacy.

Chief Black stated that Senator Weiler was running asset forfeiture legislation, and said the City rarely used asset forfeiture funds; in fact, the only time they had utilized asset forfeiture funds was through the JAG process (Justice Assistance Grants) administered by the State of Utah through CCJJ. The Chief said this current bill had been agreed to by the stakeholders as compromise, but there were still those who were anti-forfeiture that felt that forfeiture was a benefit to law enforcement. He said that law enforcement did not pay salaries or bonuses of any kind with asset forfeiture funds, but all funds went to drug related enforcement – primarily equipment, rehabilitation, and education. The Chief added that this was not a law enforcement benefit, but an overall public benefit that used drug income to fight drug crimes, not just general tax funds.

Chief Black also spoke on Representative Romero's affirmative consent bill related to rape and sexual assault and said it was a strong piece of victim's rights legislation. He said over 90% of their assault related cases were not unknown predators and how this bill would require affirmative consent in those situations.

Mayor Arave interjected to read the statement required at the beginning of meetings held without anchor locations. "As Mayor of the City of North Salt Lake and Chair of this public body have determined that due to the COVID-19 pandemic and the physical distancing needed to prevent

the spread of infection public meetings presented a substantial risk to the health and safety of those who may be present. That risk could be substantially mitigated by holding City Council meetings through electronic means that allow for public participation without an anchor location. A copy of this determination is available at www.nslcity.org.”

Senator Weiler commented on Sarah’s Bill and said it would probably be amended on the Senate floor. He said a prosecutor who helped write the bill saw it as an opportunity to re-write bail reform law for Utah by using a sympathetic victim, Sarah Frei, who had a desire for change. This would impact bail reform for everyone that was arrested and not just drunk drivers. He felt that the bail would be scaled back without disturbing the intent of the Frei family, which was harsher bail terms for DUIs.

Senator Weiler also spoke on a bill he was running related to obtaining workplace violence protective orders for employees/workplace.

Ken Leetham asked that if a transportation bond or funding bill was proposed, would Senator Weiler and Representative Ballard help the City obtain funding for the 1100 North bridge project. Senator Weiler commented that ironically he drove through that intersection with the Senate president and discussed the Fedex truck incident. He said a transportation bond was difficult in that it was not transparent and would appear at the end of the session with little warning. Senator Weiler felt a bond would be put in place this session and that the City would be included as the City’s lobbyists were doing a good job in that regard.

Mayor Arave asked about Representative Ward’s bill related to Accessory Dwelling Units (ADUs). Melissa Ballard replied that the Committee put the bill on hold and requested that Representative Ward bring back a compromise.

Mayor Arave also mentioned Representative Ray’s bill and said that impact fees were necessary to make communities livable. He said some cities were not as responsible as they should be and consumers needed to be protected with qualified inspections. He also felt the restrictions on the cities were problematic. Ken Leetham said the cities played a consumer protection role.

Mayor Arave explained that the City did have certain restrictions related to building facades, etc. and felt it was important that cities were able to define that to an extent.

Senator Weiler said that there was a Utah Court of Appeals decision related to whistleblower claims for municipal employees. He said the current statute was not working and the League was not interested in helping him to revise the statute. Mayor Arave replied that as he was the secretary for the League that he would be interested in helping Senator Weiler to draw some attention to this.

Ken Leetham commented that it was difficult for municipal employees to file claims.

Council Member Horrocks asked Representative Ballard if hydrogen was safe and referenced the Hindenburg. Melissa Ballard responded that the University of Utah would prefer to have hydrogen generators as they had zero emissions and were less maintenance than diesel generators. She explained that if there was an explosion it would spew upwards versus diesel fuel which would cause a massive explosion. Ms. Ballard also said hydrogen would last longer and was cheaper than electric batteries.

Council Member Porter asked about the main sources of energy that produced hydrogen. Melissa Ballard replied there were two different sources right now including capturing unused electrical power and methane reform as well as removed from coal. She said it also required less water to obtain hydrogen fuel than petroleum.

Mayor Arave mentioned the bill related to billboards and the need for cities to have some restrictions.

Council Member Porter referred to a billboard near the (South Fork) hardware store as well as the Dark Sky initiative. He said that the City had allowed these electronic billboards but said it seemed like there were always complaints. Melissa Ballard said that a bill or an amendment that limited the wattage in these signs/billboards may be a better alternative.

Council Member Porter also said there were individuals who would purchase property near UDOT road expansions and would place storage units and billboards there until the property was purchased by UDOT. He suggested that a provision could potentially be made for that.

2. APPROVE CITY COUNCIL MINUTES

The City Council minutes of January 19, 2021 were reviewed and approved.

Council Member Baskin moved to approve the City Council meeting minutes of January 19, 2021 as amended. Council Member Mumford seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter.

3. ACTION ITEMS

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

Mayor Arave asked about the status of the sidewalk easements along Redwood Road. Sherrie Pace replied that Mr. and Mrs. Paul Hunter needed to sign the documents in the presence of a notary and the other property owner was waiting for clarification on what would be allowed on his property unrelated to the purchase and would also need to sign the agreements. Once the City received the signed agreements the project could go out for bid.

Paul Ottoson commented that the plans and specifications were ready to go out for bid.

Mayor Arave asked about the plans for the Neighbors Market. Sherrie Pace replied that it would be a façade improvement with new signage as well. She said she would send the façade improvements to the City Council.

Council Member Baskin thanked staff for their efforts in cleaning up the property on Highway 89. Mayor Arave asked if there was any update on that parcel. Sherrie Pace responded that the new developers for the property were the ones who facilitated the demolition and cleanup.

Council Member Baskin asked if this was a result of a declaration by the hearing officer and a penalty. Sherrie Pace replied that was correct and said the hearing officer determined that five properties were in violation with the maximum amount fined on each parcel. She also said that three individuals living on the property had to be escorted from the building by police officers so that the demolition could occur.

4. COUNCIL REPORTS

Council Member Gordon reported that the Youth City Council (YCC) would be participating in the Super Bowl of Caring gathering donations for the Food Bank, which would take place at Lee's Marketplace.

Council Member Mumford reported that the initial Hatch Park redesign meeting went well and the Committee would meet again February 8th, February 22nd, and March 8th. The Committee, comprised of City staff, Parks and Arts Committee, a planning commissioner, and Council Member Mumford, would discuss concepts and design elements for the park. This information would be sent to the consulting firm who would create two to three concepts. He said the Parks and Arts Committee was very diverse which would help to provide useful feedback to meet the needs of residents.

Council Member Mumford reported on odor events from the sewer plant. He said there was a big burn-off recently. Mayor Arave replied that they were working on the burner and had also installed the system along the fence line to help reduce odors.

Council Member Porter said his power was off lately which sometimes caused flare-ups at the refineries.

Council Member Mumford also reported on a requested zone change from a property owner on Highway 89. Ken Leetham replied that staff had met with the property owner.

Council Member Mumford explained that the property owner owned the luggage company and wanted to lease out space to other businesses but found that those businesses did not meet the

code in that zone. The property owner said the code was too restrictive and felt that these businesses would not have a negative impact at this location. He said that while he sympathized with the business owner's struggle, especially during COVID, and that the City would not want vacant buildings, but a zone change could have ramifications particularly for long-term development.

5. ADJOURN

Mayor Arave adjourned the meeting at 7:07 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
FEBRUARY 2, 2021

FINAL

Mayor Arave called the meeting to order at 7:07 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; David Church, City Attorney; Sherrie Pace, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Dee Lalliss, Kent Kirkham, Lela Machado, residents.

1. CITIZEN COMMENT

There were no citizen comments.

2. RECOGNITION OF STEPHEN GARN AND KENT KIRKHAM, OUTGOING
PLANNING COMMISSION MEMBERS

Mayor Arave recognized Kent Kirkham for his service on the Planning Commission. He said he first met Kent through Uniting Neighbors and was impressed with his efforts. He added that the Planning Commission had achieved a lot during the last several years and that Kent had done a marvelous job.

Kent Kirkham commented that it had been a real privilege to serve on the Planning Commission for six years. He said staff had been great to work with including Ken Leetham and Sherrie Pace.

Commissioner Gordon said it was a joy to serve with Kent and Steve on the Commission. She said they were very dedicated and really helped to make great decisions for the City.

Commissioner Baskin thanked Kent and Steve and said it was a great opportunity to work with them.

Mayor Arave said he met Steve Garn 25-30 years ago when they worked together at Woodside Homes. He said Steve and Kent were in construction and also built relationships. He thanked them for their wisdom and hard work.

Council Member Porter also thanked Kent and said he worked with him on Uniting Neighbors. He said Kent was a solid citizen of the community.

Council Member Mumford thanked Kent and Steve as well and said they did a fantastic job.

3. CONSIDERATION OF RESOLUTION 2021-06R: A RESOLUTION APPROVING AMENDMENT NO. 6 TO INTERLOCAL COOPERATION AGREEMENT FOR ANIMAL SERVICES WITH DAVIS COUNTY (AGREEMENT 2021-03A)

Ken Leetham reported that the City approved this resolution each year. He said Davis County Animal Services had a new director that staff had not met in person. He said the City's calls for service went down last year so the cost was lower. The contract would be for \$57,799 compared to \$58,134 from the prior year. Staff recommended approval of the resolution.

Council Member Horrocks spoke on a potential bill to fund these services a different way. He asked how that would affect this agreement. Ken Leetham said he had a briefing the following day on an initiative related to creating a new countywide taxing district with a low mill levy for animal control. The bill would allow taxing authority for that district and then Davis County would create a district with each City to continue to use animal control services through the County.

Council Member Horrocks said the Division of Wildlife Services (DWS) stated that deer and other wildlife were theirs. He asked if the City ever billed DWS for wildlife cleanup on Highway 89. Ken Leetham replied DWS did cleanup wildlife on Highway 89. He said the County was doing wildlife cleanup but it would now be relegated to the DWS.

Chief Black said DWS would not deal animals like raccoons so the City had to call a pest control company in those instances.

Council Member Mumford asked about the special district for animal control and asked if it would have the same governance as the Fire District with representatives. Ken Leetham replied that he would find out more information at their meeting. He said the concern was for cities to have more representation in animal control services.

Council Member Mumford commented that he liked the general concept but said it was difficult for residents to be taxed but to not have representation. Ken Leetham said there were two structures that were possible including representation on a board or the three County commissioners could be the representatives with levels of service.

Council Member Porter moved to approve Resolution 2021-06R approving Amendment #6 to the Interlocal Cooperation Agreement for Animal Services between the City of North Salt Lake and Davis County. Council Member Horrocks seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter.

4. CONSIDERATION OF RESOLUTION 2021-07R: A RESOLUTION APPROVING ENTERING INTO AGREEMENT 2021-05A: AN INTERLOCAL COOPERATION AGREEMENT FOR MUNICIPAL ELECTION SERVICES WITH DAVIS COUNTY

Linda Horrocks reported that 2021 was a municipal election year and voters would be voting for mayor and two council positions. She said the City had contracted with the County for several years, as they had the expertise and personnel to handle elections. The estimate for 2021 was \$16,298.87 compared to the previous amount of \$15,584.14. This increase was due to the requirement for vote by mail, an increase in new registered voters, and administrative cost increases. She said if a primary election was needed it would be held August 10th with the general election to be held November 2nd. City Hall would still be a polling location and residents could vote in person on that day or send in a mail-in ballot. She added that voters could also vote in-person four days prior to the election at the Davis County Administration building.

Mayor Arave asked for clarification on the cost. Linda Horrocks replied that it would cost \$16,298.87 per election for a total of \$32,597, if a primary election was needed.

Council Member Mumford asked if Davis County was still opposed to rank choice voting. Linda Horrocks replied that the County informed city recorders that they would not facilitate rank choice voting at this time as the process was too different and there were still many unknowns.

Council Member Mumford said he had been researching rank choice voting and said there could be at least three candidates for mayor and five candidates for city council and said this would allow for one election instead of a primary. He also said that it seemed like people were more stressed due to COVID with increased roughness online and he felt rank choice voting promoted kindness. He said he would like to investigate rank choice voting for this election. Council Member Baskin was in agreement and said she was disturbed the County would not even consider it.

Linda Horrocks commented that she could forward the statement from the County. She said that the County was not adamant against rank choice voting but needed more research and wanted a say on how it was administered.

Mayor Arave asked if there was an entity that could run a rank choice election for the City. Linda Horrocks replied that she would be happy to research this option.

Ken Leetham said that the group that presented the information on rank choice voting could assist the City. He commented that in his research it seemed that most of the opposition came from county clerks and county government. He said staff could do some research and present some options to the Council.

Mayor Arave suggested tabling the item and reviewing more options.

Council Member Baskin asked why the county clerks/administration opposed rank choice voting and if it could be the potential that more work was required. Ken Leetham replied that the County's clerk auditor viewed rank choice voting as a complete retooling of a large effort that would cost a lot of money. The auditor also felt that there would not be public support for rank choice voting.

Council Member Baskin said that maybe four years in the future the County may be more open to rank choice voting. Linda Horrocks replied that the County said there may be some merit and an alternative voting method may be helpful in the future. She said two Utah County cities had tried rank choice voting in the last election and she would reach out to them.

David Church said that he thought Payson and Vineyard had rank choice voting and were happy with the results. He said the process had strong support from the Utah County Clerk's office. He said the City could run the election in house if they wanted to do rank choice voting.

Council Member Porter asked if it would still be a mail-in ballot or if new machines would be required for rank choice voting. David Church replied affirmatively and said the County did not want to run two systems if some cities wanted to do rank choice voting and some did not.

Council Member Baskin moved to table the measure to have the County re-contracted for election services, and in the interim she moved that the City examine rank choice voting and solicit advice from Utah County and consider a pilot program for the City for the next election.

Mayor Arave clarified that the motion was to table this item and research rank choice voting. He asked if there was a deadline for the agreement with the County. Linda Horrocks replied that the deadline was March 1st and said she would add this item to the next Council agenda.

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

5. CONSIDERATION OF ORDINANCE 2021-01: AN ORDINANCE AMENDING
TITLE 3-BUSINESS LICENSING FOR ALCOHOLIC BEVERAGES

David Church reported that this ordinance was generated when Ken Leetham asked what standards did or did not apply to the City granting a license for beer sales. He said in Utah the licensing for all alcoholic beverages was controlled by the State and in some instances they would request local consent or allow the cities to issue licenses. Mr. Church said as the City's ordinances only refer to State code he felt some clarification could be added particularly as State code did not have standards for local consent. He suggested adding the exact language from the State code, which had the disqualifying provisions and the definition of local consent on how they would evaluate a licensing applicant.

Council Member Porter moved that the City Council approve Ordinance No. 2020-01, an ordinance amending Title 3, Chapter 2 concerning licensing and regulation of alcoholic beverages in the City. Council Member Horrocks seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter.

6. CONSIDERATION OF BID AWARD FOR EAGLERIDGE DRIVE
RECONSTRUCTION FROM VISTA VIEW LANE TO EAGLEWOOD LOOP,
ADVANCED PAVING AND CONSTRUCTION, LLC, IN THE AMOUNT OF
\$188,357

Paul Ottoson showed a map of Eagleridge Drive with the areas that would be repaired this year. The project area would start at Vista View Lane to the southern part of Eaglewood Loop. The project would be completed in phases with the first step of pre-lowering the manholes and water valves to protect the milling machine. The project would start on a Friday evening with road closures at both ends of the project. Only Mont Clair residents would be able to access the road at that time, and the area would then be roto-milled and the soft spots would be excavated and filled. The small section between Eaglepointe Drive and Vista View Lane would then be asphalted to allow resident access. Mr. Ottoson stated that on Monday they would then start on the soft spots in the longer section from Eaglepointe Drive to Eaglewood Loop. The residents of Mont Clair would have access and be kept up to date on the project.

This project would be a priority for the contractor but would be weather related as a minimum 50-degree temperature would be necessary. He said the contractor would have 14 days to complete the work in the event there were weather delays or additional soft spots. When the asphalt was completed the manholes and water valves would be raised and the road striping would then be completed. The contractor would need to present a traffic control plan for when the road was closed. Mr. Ottoson showed images of the bad areas of asphalt that would need to be excavated.

Paul Ottoson said there were nine bidders for this project with competitive pricing. He said he was hopeful that this year would be better for bids. The low bidder for this project was Advanced Paving and Construction who did an excellent job on the previous Eagleridge Drive project. The

budget for this project was \$325,000 and the low bid was \$188,357. He said the price could increase based on the depth of the cracking.

Mayor Arave asked about crack sealing. Paul Ottoson replied that it would need to be around 60 degrees for sealing.

Council Member Horrocks moved that the City Council award the Eagleridge Drive Street Overlay (Vista View Lane to Eaglewood Loop) project to Advanced Paving and Construction, LLC for the price of \$188,357.00. Council Member Mumford seconded the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks, Mumford and Porter.

7. MAYOR'S REPORT

Mayor Arave reported that the Sewer District was now selling gas, which should help with their budgetary issues. He said the District was out of compliance in both the north and south plant related to discharges, which resulted in an \$8,000 fine.

8. CITY MANAGER'S REPORT

Ken Leetham reported that the budget meeting would be held March 6th. A discussion was held and a determination was made that the budget meeting would start at 9 a.m.

Ken Leetham said that the City had received seven applications for the City attorney position. He proposed a selection process and committee comprised of the West Bountiful City Manager, the Mayor, and several City Council members to review the applications. Mr. Leetham explained that Council Member Baskin was one of the applicants and felt that this hiring committee would provide a more objective view of this important position.

Mayor Arave asked if he should ask for volunteers or appoint Council members to the committee. David Church replied that the Mayor could ask for volunteers or make appointments. He said technically the Council as a whole should make a recommendation.

Council Member Horrocks recommended narrowing it down to two or three applicants for consideration by the entire Council.

Council Member Horrocks and Porter volunteered to serve on the committee.

Council Member Gordon commented that she knew several of the applicants and was happy for the Mayor and Council Members Porter and Horrocks to review the applicants. Council Member Mumford was in agreement.

Mayor Arave said he would set up a meeting to go over the applications.

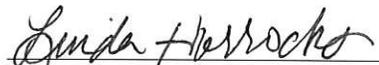
9. CITY ATTORNEY'S REPORT

David Church commented that it had been one year since he advised the City to find a new attorney but would continue to serve until the selection and hiring process was complete

10. ADJOURN

Mayor Arave adjourned the meeting at 7:59 p.m.

The foregoing was approved by the City Council of the City of North Salt Lake on Tuesday March 2, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder