

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
JULY 19, 2011

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

PRESENT: Mayor Len Arave
Council Member Stewart Harman
Council Member Brian Horrocks
Council Member Conrad Jacobson
Council Member Matt Jensen
Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Economic Development Director; Rod Wood, Public Works Director; David Church, City Attorney; Craig Black, Police Chief; Brent Moyes, Golf Course Director; LaRae Dillingham, City Recorder; Marta Nielsen, Administrative Assistant; Linda Horrocks, Minutes Secretary.

1. GOLF COURSE REPORT

Brent Moyes stated that June's golf course revenue was up from prior months, and they finished the fiscal year with an increase in revenue of \$38,000 from last year. There were 1,925 more rounds played than in 2010. Tournament rounds also increased by 112 from 2010. In spite of the weather, this is the third highest revenue for the month of June.

Mayor Arave asked about e-mail and text notifications. Mr. Moyes responded that they are still working on those.

2. FINANCE REPORT

Brian Passey distributed the financial report for the fiscal month ending June 30, 2011, which is also the end of the fiscal year. Building permit revenues increased somewhat, with an increase in single family building permits as well as the submittal of Ridgeview and Bella Vida apartment developments. Court revenue also exceeded expectations. The only fund that slightly overspent was recreation. There is a surplus of \$816,000, which will be transferred to golf and RAP funds. Revenues relating to impact fees exceeded expectations. The water fund revenues were higher because development impact fees were much higher than budgeted. The City struggled in the user fee areas because of the wet months.

Mayor Arave said there is too much detail in the financial report and asked Mr. Passey for a one-page summary. Mr. Passey said he normally does provide a one-page report, but because this is the end of the fiscal year, he included more information.

Council Member Jensen asked why police benefits had increased where salaries had gone down. Mr. Passey said some unemployment wages were paid which would account for the change.

3. POLICE REPORT

Chief Black distributed crime statistics and noted the most prevalent information for the Council. He stated that the Part 1 crimes are the ones someone might review if they were considering moving to, or evaluating, a City.

Mayor Arave asked if there is a way to see information based on crime location in the City. Chief Black said their records management system is not yet able to track that specifically, and it is frustrating for Chief Black as well. Within the next six-twelve months, he hopes this will be available. Chief Black noted several crime incidents, including the stealing of scrap metal, which is becoming more prevalent. There was some discussion about railroad crossings. Trains are blocking City intersections for extended periods, and Chief Black said he is not sure who can be held responsible, but he will continue to look into this.

The Chief reported that they are considering applications for a Community Liaison Officer.

4. ACTION ITEMS

The list of current action items was reviewed. Completed items were removed from the list; incomplete items will remain on the list.

Chief Black said he is still working to have Utah Communications install the antenna/tower on the building; however, the equipment is still out of stock.

Mayor Arave asked about the piece of property on Skipton in Foxboro. Barry Edwards stated that Rasim Sabic and Sanja Petrovic, who own the home at 1147 West Haworth do not want the parcel, so one option would be to put gravel over it. The Mayor suggested making this parcel another community garden. Mr. Edwards said he thought it was the direction of the Council, in past discussions, that they did not want to spend the money. He added that the people who should have taken the parcel are the ones complaining about it. If the Thomes (709 North Skipton) took the parcel, they would only have the responsibility to landscape the front portion. It has very little value to the City and would be expensive to maintain. Council Member Porter stated that if the City could provide material, the neighboring LDS stakes could probably provide the labor to create a drought tolerant sitting area with benches. Mr. Edwards said the City should first determine if the Thomes are still willing to take and maintain the parcel.

5. ADJOURN

Mayor Arave adjourned the meeting at 7:06 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
JULY 19, 2011

Mayor Arave called the meeting to order at 7:16 p.m. Council Member Jacobson offered the invocation, and Brad Lat? (*didn't sign in*), BSA Troop 997, led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave
Council Member Stewart Harman
Council Member Brian Horrocks
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STAFF PRESENT: Barry Edwards, City Manager; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Economic Development Director; Rod Wood, Public Works Director; David Church, City Attorney; Craig Black, Police Chief; Brent Moyes, Golf Course Director; Marta Nielsen, Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Kelianna Crapo, Alliance Residential Company; John Koew, BSA Troop 997; Lisa Slater, Spencer Slater, Bryson Slater, BSA Troop 1637; Steven Gregerson, Gekko; Ben Lowe, Compass Development; Steve Rush, Gary Davis, Karen Anderson, Lisa and Ted Hemsley, residents; Kevin Watkins, Lakeview Rock Products; Fred Philpot and Cami Slate, Lewis, Young, Robertson & Burningham (LYRB).

1. CITIZEN COMMENTS

There were no citizen comments.

2. DISCUSSION OF CITY PARKS

Rod Wood stated that some plans have been prepared for the property on which the former City Hall was located, as well as the east bench park. These are concept plans that can be modified somewhat as the Council sees fit. The Council expressed concern over the excessive amounts of the proposed bids. There is decorative concrete proposed for the intersection of Center and Main Streets. Barry Edwards said staff has recommended redoing Center Street in concrete in the future, so if the Council wanted concrete in that intersection, the City could do that.

Mayor Arave said the Council should determine if they want this area as a gathering place, or as an extension of Hatch Park. Council Member Harman said he likes the amphitheater concept, but suggested cutting some of the high cost items. Council Member Jensen suggested larger shade trees on the western edge to cool the area in the afternoon. Barry Edwards added that the plantings could be varied, with faster growing trees planted first, and then larger, more stable trees would take over as they matured. The Council felt the amphitheater should be larger, but

the total cost must be decreased. If a library is slated for the future, Mr. Edwards said it could be put on the south section of the triangle property (to the south of City Hall), if the City purchases that property.

The other design the Council was shown was for the east bench park. There was some discussion about providing a trail to access the top of the park. Council Member Porter will address it with the Parks and Trails Advisory Board Wednesday night. It was noted that the police need access to the south end. If you move the road to the middle, then the Bonneville shoreline trail could run its course, rather than through a road. Council Member Jensen expressed concern over having the trail follow the road. Mayor Arave does not think people will have a problem with the road along the top (east edge of the park). It was decided that the Parks and Trails Advisory Board should review this plan. Mr. Edwards stated that the grading plan had been submitted to Kern River Gas, but that additional grading could be done by the City later, if needed. A cemetery discussion will be held in the fall after more information is acquired.

3. CONSIDERATION OF THE PROPOSED PRELIMINARY DESIGN PLAN AND FINAL PLAT FOR ORCHARD HILLS EAST PLAT IV LOCATED AT THE SOUTH TERMINUS OF CONSTITUTION WAY. GEKKO CORPORATION – STEVE GREGERSON, APPLICANT

Ken Leetham displayed a slide showing the proposed final plat. He said it follows the concept plan approval for the creation of two lots. There is a zoning issue on this plan, as it is R1-10 in this area. The previous zoning, when the Orchard Hills original subdivision was created, allowed lots smaller than 10,000 square ft. Since the City's actions are creating the non-conformities in lot size, the City Attorney and the Development Review Committee (DRC) believe that the property owner is entitled to use the remaining properties as single-family building lots. In addition, the City Attorney believes that the City has a legal obligation to allow the owner a substantial use of the property.

The public improvements for this property will be included with the Crestpointe Phase 1 improvements. Mayor Arave then stated that if the Council grants approval before the extension of Constitution goes through, there is not turnaround access. Therefore, it should be a condition that the Crestpointe subdivision has to be recorded showing Constitution going through prior to this plat being recorded.

Council Member Jensen asked about anticipated grading plan for these two lots. Ken Leetham said these lots were included in the Crestpointe grading plan and will have grades less than 30%.

Council Member Porter moved to approve the Orchard Hills East Plat IV preliminary design plan and final plat with the condition that the recordation of the plat is allowed only after the recordation of the Crestpointe Phase 1 final plat, and that off street improvements cannot be made on this lot except in series with the improvements in Crestpointe that will complete the road to Eagleridge Drive. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

4. **CONSIDERATION OF ORDINANCE NO. 2011-09: AN ORDINANCE
CREATING THE GOOD LANDLORD PROGRAM IN THE CITY OF NORTH
SALT LAKE**

Ken Leetham stated that since this ordinance was last discussed, staff has removed business license language contained in this ordinance, including the elimination of Sections 6 and 7. Staff has included definitions defining business licenses, owners, managers, etc. and included “program participant” for people participating in the Good Landlord Program.

For businesses required to have a business license, the method for revoking a business license has not changed since this is set by City ordinance. Mr. Leetham said he also made some clarification for property maintenance language in Section 8 of the last draft of the ordinance. Mayor Arave thanked Mr. Leetham for the changes and said it is much easier to understand.

Ken Leetham stated that Paul Smith, Utah Apartment Association, had raised some concerns via e-mail. He was not in attendance. One of Mr. Smith’s concerns is that he believes it is unfair to not license single units, duplexes and triplexes. He also was concerned about the fees and told Mr. Leetham that it is not good practice to begin the program by raising fees, and that the fees were high. Mr. Leetham reminded him that the fee schedule had not yet been adopted. Mr. Smith also expressed concerns about the portion of the ordinance relating to felons. He recommended deleting the paragraph stating that landlords will not rent to felons who were convicted during the last three years, and believes that decision should be left to the property owners.

Kelianne Crapo, from Alliance Residential Company, approached the Council stating that her company also has a problem with the felon issue and believes it should be left to the landlord or people managing the assets, as many of them already have high standards in this regard.

Chief Black said Mr. Leetham has done a tremendous amount of work on this proposal and has talked with him several times. Apartment complexes that abide by these basic principles have fewer problems. Council Member Porter said it would be helpful if violent felonies could be separated from non-violent felonies.

Council Member Jensen stated that felons could still have options for renting a place to live, including single family homes, duplexes, triplexes, etc. He added that he has had reservations about this program stemming from his experience as a landlord in Ogden, but he appreciates Ken’s efforts and believes he has done a good job in developing a program for North Salt Lake.

Council Member Harman said that on the west side of the City, there were some landlords who decided to raise standards on their own, and crime decreased dramatically.

Council Member Porter asked if mobile homes apply to this program. Mr. Leetham stated that the pads on which most mobile homes are placed do not count as rental units.

Council Member Jacobson asked about the numbering in the agreement. Mr. Leetham said it will be re-numbered, and consecutive numbers will be in place before the Mayor signs it.

Council Member Horrocks asked about the drug and alcohol related crimes. He wondered if they should all be included, as some are obviously more serious than others are. Council Member Jensen said it could be written more lenient at first, with “more teeth” put in it later. Either way, the program should be easily interpreted and easily enforced.

Council Member Harman suggested including wording in the agreement for the gang crowd, who are often younger, and may not rise to the level of a felony, but are still involved in violence, crimes, weapons, etc.

Chief Black said his department is not in the position, nor do they have the manpower to contact landlords and inform them of who is a felon, etc. Mayor Arave asked about enforcement. Mr. Leatham stated that there are two occasions where this is addressed. First, the program participant makes a determination based on the requirement that potential tenants 18 and over have to provide a criminal background check. The second time is after someone is here in the City renting a participating unit, and they commit a crime, then our own police department would be involved. The City would notify the participant immediately, and the criminal would be evicted.

Council Member Harman moved to adopt ordinance 2011-09 adopting a Good Landlord Program. Council Member Horrocks seconded the motion.

Council Member Jensen moved to amend Council Member Harman’s motion as follows: to strike sentence 2 or Section 4.3.2.2 any drug, or of any kind... Council Member Porter seconded the motion.

The Council then voted on whether to allow the amendment to the motion.

Council Members Horrocks, Jensen and Porter voted in favor. Council Members Harman and Jacobson voted in opposition to the motion.

The Council then discussed the amended motion. Council Member Harman said they had now taken the teeth out of the program. Sure, we have good landlords now who do this voluntarily, but by removing Section 4.3.2.2, this now says they do not have to evict someone who pleads down to a misdemeanor, or a landlord can now rent to anyone they deem acceptable.

Barry Edwards stated that taking out line 2 really does in some respects, minimize the effectiveness of the ordinance in dealing with those types of issues in these types of complexes. He agrees with the Mayor that Section 4.7 can be widely interpreted, so staff could come up with language to allow for a waiver to 4.3.2.2, sentence 2, and consider that separately by itself, allowing for exceptions.

Council Member Porter made a substitute motion to adopt Ordinance 2011-09 with 4.3.2.2 as is, with an additional paragraph (to be numbered and worded by the City Attorney later) that would allow items 1, 2 or 3 of 4.3.2.2 to be waived upon a request to the City Manager. Council Member Harman seconded the substitute motion. The motion was

approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen voted against the motion.

5. CONSIDERATION OF AN AMENDMENT TO THE EAGLEWOOD VILLAGE DEVELOPMENT AGREEMENT

Ken Leetham stated that Eaglewood Village has submitted a request to amend their development agreement to allow for the construction of 214 apartment units. Currently, the agreement only allows residential units to be developed as condominium units, and would prevent Compass from developing this phase as apartments. Staff does not have a recommendation for the Council on this issue, although staff would generally affirm the terms of the development agreement and do not believe that there is a substantial benefit to the City in making this change. Staff has performed some preliminary financial analysis on this matter and it appears that the City's fees and charges are very similar under either development scenario. However, they have not made any projections regarding the property tax implications of this proposal.

Council Member Horrocks asked, generally speaking, if a condominium constructed to a higher standard than apartments. Ken Leetham said that generally, they are constructed to a higher standard, and Ben Lowe stated that the units would not change, regardless of the platting. Mr. Lowe said they have submitted full plans and are moving ahead with their project. He assured the City that their request does not make this an "if/then scenario." They will move ahead either way. There will be full separation on all walls. It is just that the plat is different. On a condominium plat, the developer has to define all the air space, and it would cost them about \$30,000 more. Compass Development does not believe there is any downside to the City in making the change.

Council Member Horrocks referred to a previous discussion at the ULCT that the demand for apartments is skyrocketing. If one individual owns all 214 condominium units, he could still choose to rent them, so essentially they become apartments.

Council Member Porter said the City passed an ordinance some time ago applying to converting an apartment into a condominium.

Council Member Jensen stated that this feels like a bait-and-switch.

Barry Edwards said this project was negotiated in its entirety, so there were many things that were considered. If the developer is taking something off the table, they should put something back onto the table. He stated the Council could table this item and look into additional information.

Council Member Harman moved to table the discussion for further information. Council Member Porter seconded the motion.

Council Member Porter questioned the construction standards for condominiums and apartments and if there is a difference. Mayor Arave said parking still needs to be addressed, as there have been problems in the past in other developments.

The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

6. REVIEW AND DISCUSSION OF BUSINESS LICENSE BASE AND DISPROPORTIONATE FEES

Brian Passey introduced Fred Philpot and Cami Slate of Lewis, Young, Robertson & Burningham (LYBR), who performed the license fee study for the City. Mr. Passey stated that the last time this study was done was ten years ago, and it took twelve months to adopt the fees after the study was completed. This is the first draft for review and discussion. There are ten fee categories, based on three components – the base fee itself, the cost to administer it, and the disproportionate fees relating to public safety (the impacts of that business category of police and fire needs and demands on City resources). There are almost 900 licenses now, a 30% increase since the study was done last.

After meeting with the City Manager and licensing staff, Mr. Passey put together a two-page chart showing fee recommendations. Maximum fees permitted by the study were shown, and defined as recovering the City's licensing costs at the full 100% level. There are 28 potential business license fee categories. For simplicity, the City recommends combining certain fee categories down to 15 total overall. The 15 recommended categories are an increase of five over the current 10 categories the City is utilizing. The original recommended fees generate a total of \$281,685 before penalty revenues. The City later recommended a budget of \$240,000 for the current Fiscal Year 2011-2012 budget.

Mayor Arave suggested reviewing the warehouses versus storage unit fees. The Council discussed increasing fees 40% across the board, rather than raising everybody disproportionately, like mobile home parks.

Council Member Jensen recommended increasing beer, tavern and pawn to 100% of maximum allowable. Chief Black stated that pawn shops are helpful for the police. Council Member Porter said businesses were recently charged for SWPP (storm drain mandates), and he could see the businesses being upset at further increases. Staff will continue to look at this. The Council was asked to forward comments to Brian Passey and Barry Edwards.

7. APPROVAL OF THE ROCKY MOUNTAIN POWER FRANCHISE AGREEMENT

Barry Edwards said the City has a franchise agreement with Rocky Mountain Power to provide electric utilities to the City. They operate on a franchise that is close to expiring. Since North Salt Lake has no way to provide electricity to its residents, it is necessary to participate in this franchise. The City Attorney has reviewed the agreement and finds it acceptable.

Mayor Arave asked about burying power lines if Center Street is redone. Barry Edwards said if the City builds that right-of-way, Rocky Mountain Power would move the lines out of the way if necessary, as part of the franchise agreement. The City would have to pay to bury the power

lines. Likewise, if the City requires a business to redo a street, etc, then the business has to move the lines.

Steve Rush, Customer Communications for Rocky Mountain Power stated that if they are changing the radius of a curve, or widening a road by the City, they move the lines. If the City wants to widen the road and bury the power lines, Rocky Mountain Power would come up with an estimate to move the lines; however, the City would have to pay to bury the lines.

Council Member Porter asked about the power pole outside the City offices. Mr. Rush said it was supposed to be moved and he would look into it.

Council Member Harman moved to approve the Rocky Mountain Power Franchise Agreement. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

8. CONSIDERATION OF ANNUAL SALARY INCREASE FOR CITY MANAGER

Barry Edwards stated that annual salaries of City Managers in the area range from \$109 – 115,000 per year. The Council acknowledged Mr. Edwards' abilities and accomplishments as well as the discussions upon hiring him about increasing his salary appropriately. Council Member Jensen noted that the City Manager compensation will have been increased 17% with this proposed action.

Council Member Jacobson moved to increase the City Manager salary by 5%. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

9. CONSIDERATION OF WEBSITE DESIGN AND DEVELOPMENT BID FROM CIVIC PLUS

Marta Nielsen said she did an extensive analysis of why Civic Plus would be a good choice to develop the City's new website. A change in the City's website needs to be made to service the public as well as staff. Upfront costs are high, but she believes it will be worth it over time.

Council Member Porter stated that he looked at several other websites Civic Plus has done, and he believes their firm is a good choice.

Mayor Arave pointed out that someone designed the current website and thought it was effective, and another person might design a new one and think it is great. It would be very difficult to have a website that every person thought was perfect.

Council Member Porter moved to contract with Civic Plus and let Barry Edwards decide the best way to pay for it. Council member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

10. APPROVE MINUTES

The City Council minutes of July 5, 2011 were reviewed and amended. **Council Member Harman moved to approve the work session and regular session minutes of July 5, 2011 as amended. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

11. CITY MANAGER

Barry Edwards stated that UDOT will be performing traffic studies along Highway 89 in the area of Camelot Mobile Home Park.

12. COUNCIL REPORTS

Council Member Jensen said NSL Live is planning a family golf tournament with foursomes of parents and kids. He asked that thank you letters on the Mayor's letterhead be sent to performers of the Second Sunday Concert Series.

Council Member Jensen said that the City should have bios of the candidates for City Council on the website, and that a "meet the candidates" night should be scheduled. He also is concerned about the grass situation at the Foxboro Regional Park and how long it will take to get that area of the park usable.

Council Member Horrocks said that he was contacted by a LDS ward in the Edgewood area looking for service projects. Council Member Jacobson said that a Spanish ward was also looking for projects.

Council Member Harman said that this Thursday, Marty Peterson is holding a Neighborhood Watch meeting in his ward/neighborhood. Chief Black is having Lt. Troy Johnson there from the police department. It will be held at the LDS Coventry building, 7 pm.

Council Member Harman reported that August 20 is another Ham Cram allowing people to be trained, tested and licensed for ham radio. It will be held at City Hall beginning at 8 am.

The LDS Legacy Stake is holding an emergency preparedness fair on August 27 from 10-2 at the Legacy Stake Center on 1100 North.

Council Member Jacobson said the Youth City Council had 12 people participating in the Relay for Life. Their next event is a Movie in the Park, July 30, and they need a projector and sound system. He also mentioned that they are looking for additional youth to participate in the Youth City council and asked that it be put on website.

13. ADJOURN

Mayor adjourned the meeting at 11:40 p.m.

New Action Items – July 19, 2011

- _____ 1. Action: Marta/staff – Next meeting’s agenda - Foxboro resident that has parking issues - (CM Jensen’s item). Staff - Look into a permit based parking program, cost associated with.
- _____ 2. Action: Barry/Rod – plan for former City Hall property – give direction to designers to do the amphitheater – increase size of it, but decrease costs. Make this a gathering place, rather than an extension of the park.
- _____ 3. Action: Information on candidates for website – Get form to candidates.
- _____ 4. Action: Schedule a “Meet the Candidates Night.”
- _____ 5. Action: Thank you letters on Mayor’s letterhead to performers of the Sunday Concert Series.
- _____ 6. Action: Appreciation plaques for sponsors of Three Kings/5K/Car Show.
- _____ 7. Action: Barry/LaRae - Photos from last Council photo-shoot?