

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
MAY 3, 2011

Mayor Arave called the meeting to order at 6:12 p.m.

PRESENT: Mayor Len Arave
Council Member Stewart Harman
Council Member Brian Horrocks
Council Member Matt Jensen
Council Member Conrad Jacobson
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; Dave Church, City Attorney; Chief Craig Black, City Police Chief; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

1. SECONDARY WATER CONCEPT – BARRY EDWARDS

Barry Edwards addressed the possibility of acquiring secondary water for portions of the east side of the City. He stated that although it is tight economically, it could be done. Mr. Edwards displayed slides/maps with information for the Council showing pump stations, tanks, and water lines. To meet fire code and peak flow demand, a number of houses would be removed from the culinary system, and there would be two lines going up the hill. Pumping could be done during the night taking advantage of time-of-use pumping savings. He distributed a map and made the following points:

- NSL would finance the construction of an 8.83-acre foot pond fed by Weber Water.
- Pond and infrastructure would be held in an undivided interest with South Davis Water.
- NSL would provide construction funds of \$1.8 million.
- South Davis Water would provide NSL up to 800-acre feet of water annually for 30 years as compensation.

- NSL would pay power costs and a premium for using Weber Water for recreational purposes at a cost of \$29,000 annually.
- Water used to pay back capital would come at a rate of \$30 per acre-foot.

- The proposal is to provide secondary water to the golf course and approximately 200 homes in order to abandon, for culinary use, one of the tanks at the elevation 5480 feet.
- Golf course has only three connections (shown on the map.)
- Cost to develop this phase is estimated at \$2.5 million.

Phase 1 would allow the City to eliminate a number of capital facility water projects.

Operational savings would include:

- Electrical per year costs of about \$100,000
- Chemical costs of about \$10,000
- Other savings and benefits include increasing water supply by 800-1100 acre-feet, decreasing wear and tear on culinary pipes and facilities, and a savings to homes and golf course of \$107,000 annually.

At this point, City staff believes this is the most reasonable approach to take. Assumptions made are the same with or without the secondary water, and in the third year, the City would receive a stronger buildup of debt service.

Rod Wood stated that this is the first time in 20 years the City has had an opportunity to receive Weber Basin irrigation water at that elevation.

In the end, the City would be saving a lot of money. Barry Edwards stated cities never regret putting in a secondary water system after ten years.

There are expenses for capital projects that have to be done whether or not the City moves forward with this secondary water project, at an amount of \$1,666,000. Some waterlines, a tank, and pump station can be eliminated by doing the secondary phase 1 (saving \$1.9 million).

Barry Edwards said the next step is to negotiate a contract with South Davis Water and Bountiful Subconservancy District and to negotiate a design contract with an engineering firm.

David Church stated that communities charge for the secondary water whether they use it or not, when it is made available on their property.

If the City chose to expand the secondary water service area, more people would have water. Culinary rates would remain the same; the City would receive more outdoor water for the same money.

2. ACTION ITEMS

The action items list of April 19, 2011 was reviewed and amended. Completed items were removed from the list. Incomplete items remained on the carry over list.

David Church provided the Council with some proposed rules of parliamentary procedure and civility, which are being required for adoption.

3. ADJOURN

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

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
MAY 3, 2011

Mayor Arave called the meeting to order at 7:15 p.m. Council Member Stewart Harman offered the invocation and Bruce Tukuafu, BSA Troop 1036, led those present in the Pledge of Allegiance.

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; Dave Church, City Attorney; Chief Craig Black, City Police Chief; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Mike and Jan Iftiger, Kristine Rhodes George, Louise and Curt Kofford, David Ogden, Tilomai Sellesin, residents; John Otis, Koby Lewis, Justin Hall, Dylan Hall, Bruce Tukuafu, Jacob Peck, Alex Lopez, Sebastian Lopez, Alesio Deterline, Brayden Brooks, Jared Jacobson, Ryan Peck, Cameron Condie, BSA Troop 1036; and Jordan Ogden, BSA Troop 1637.

1. CITIZEN COMMENTS

There were no citizen comments.

2. YOUTH PROCLAMATION WEEK

Mayor Arave invited Tilo Sellesin from the NSL Youth City Council to come forward, and he thanked her and the rest of the Youth City Council for their efforts with the annual Easter Egg Hunt.

Mayor Arave then read the “Youth Week Proclamation” from the Elks Lodge #2442.

3. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE CITY’S LAND USE DEVELOPMENT AND MANAGEMENT ACT, SPECIFICALLY REGARDING DOMESTIC FARM ANIMALS, BUILDING PERMITS FOR MODEL HOMES, AND SITE PLAN REVIEW

Mayor Arave opened the public hearing at 7:20 p.m.

Jan Iftiger, 960 East Foxhill Road, approached the Council and stated she just wants to be able to keep her chickens. Having chickens is no different from a parakeet, and raising chickens is not what it was 10 years ago. She said there was a recent chicken coop tour held in Salt Lake City. Chickens are allowed in Seattle, Chicago, New York and Portland. She stated that it is a waste of City resources to have inspections, and a waste of residents' time to acquire a chicken permit. If there is a problem regarding someone's chickens, it should be reviewed on a case-by-case basis. She added that she is against chicken slaughtering.

Kristine George, resident, stated that neighbors on both sides of her keep chickens. There are no odor or noise issues. She does not mind hearing them cluck and enjoys the gift of eggs. She said there is certainly a resurgence in the country of backyard chickens.

Curt Kofford, 238 N. Oakleaf Lane, does feel that chickens need to be regulated. In every case, someone will go overboard and not take care of them.

Mayor Arave closed the public hearing at 7:21 p.m.

4. CONSIDERATION OF ORDINANCE NO. 2011-03 ALLOWING DOMESTIC FARM ANIMALS IN THE CITY'S RESIDENTIAL ZONING DISTRICTS

Ken Leetham said this began as a request by Mrs. Iftiger to change City regulations to allow chickens in her area. The City prepared an ordinance several months ago and began to review it. The DRC (Development Review Committee) reviewed the ordinance and on March 22, a public hearing was held with the Planning Commission for a draft ordinance. Several changes were made, and on April 5, 2011, the City Council reviewed the draft, made changes to the ordinance, and instructed staff to hold a public hearing.

The license fee could be approximately \$35-40 per year. Council Member Harman asked how many residents keep chickens and whether they are allowed to slaughter animals. Mr. Leetham stated that yes, under that ordinance they would be able to.

Council Member Porter moved to adopt Ordinance No. 2011-03 amending Chapters 1.43, 10.3 and 10.7 of the North Salt Lake City Land Use Development and Management Act allowing domestic farm animals in the City's residential zoning districts with the changes to Table 10.7.1.4 as suggested by Mayor Arave. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, and Jacobson. Council Member Harman voted in opposition to the motion. The motion passed.

5. CONSIDERATION OF ORDINANCE NO. 2011-06 AMENDING THE LUDMA PROVISIONS RELATED TO THE ISSUANCE OF BUILDING PERMITS FOR MODEL HOMES

Ken Leetham stated that this ordinance would allow model homes to be built sooner, saving homebuilders time in situations where they are trying to complete a home before winter months, etc. and to commence sales from an on-site location.

The DRC is proposing some restrictions: before a permit is issued, it would be determined if the improvements will be completed within 45 days of permit issuance. In addition, there are two other specific conditions required. First, water service needs to be available to the building site. Second, hard surface roads would have to exist to get to the building site so inspections may be performed. The proposal does not affect the certificate of occupancy requirement which exists today. No occupancy permit would be issued until all improvements, on and off site, are completed.

Council Member Porter suggested that the model home should meet all zoning requirements for the area. In addition, "proof of ownership or title" should be an included requirement as well as a builders risk acknowledgement.

Mayor Arave asked about requiring sidewalks. Mr. Leetham stated that sidewalks have to be in before occupancy. The Mayor also asked about the description of a development phase. Model homes are a good way to sell product, and builders will want to build out as little as possible. Foxboro North, for example, is one development, stated Mr. Leetham.

Council Member Porter moved to approve Ordinance No. 2011-06 amending Chapters 1.43.13.10 and 3.6.13 of the North Salt Lake City Land Use Development and Management Act regarding model homes and providing an effective date with the inclusion to require proof of ownership, 1.43.1.10, requiring zoning ordinances be in compliance, and also to include with the application, a "builders at risk" agreement. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

6. CONSIDERATION OF ORDINANCE NO. 2011-07 AMENDING THE LUDMA PROVISIONS RELATED TO SITE PLAN REVIEW

Mr. Leetham stated that nothing links the application requirements to City code. This is a housekeeping issue. The City has been receiving some commercial site plans recently, so he believes this provision needs to be codified. In the ordinance, the application requirements come right off the site plan checklist, so the City has been following this process anyway.

The new portion of the ordinance begins in Section 20.1.5, site plan review process. Staff had to create a process for this, and time was spent discussing it. The City Council should not have to review all site plans, but only those of significant size or intensity. The proposed ordinance has a specific size threshold that will trigger City Council review. It was a number picked by staff, and the Council can choose if they would like to adjust that number. For non-residential building, staff suggests the following: for proposals on lots greater than five acres, it would require review by the Planning Commission and City Council. For lots less than five acres, and less than 30,000 sq. ft., it would only go to the Planning Commission.

Council Member Porter said he would like to know about the Planning Commission site plans that are approved. Barry Edwards said they could be sent electronically to the Council, and staff could provide a written report.

Barry Edwards said the City could include requiring notification of a site plan, and then if warranted, the Council could include a right of appeal.

Council Member Jacobson stated that the Council receives the Planning Commission agenda, and if they see something that raises a red flag, Council Members could attend the meeting and take a greater interest. He felt Mr. Leetham's proposal was sufficient.

Dave Church said the City Council does not need to be involved in the minutia of site plans. The DRC and the Planning Commission have already gone through each plan. The only thing that would be affected is that developers would be delayed and frustrated.

The following changes were suggested:

20-1.4.1 remove the word, Final, and the word site after conceptual.

20.1.5.1 change the second "or" to "and"

20.1.5.6 remove reference to the Council being able to modify a plan.

Council Member Jacobson moved to adopt Ordinance No. 2011-07 amending the LUDMA provisions related to Site Plan Review and providing an effective date with the changes mentioned above. Council Member Harman seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.

7. REVIEW AND ACCEPT THE TENTATIVE BUDGET FOR THE FISCAL YEAR 2011-2012 AND SET A DATE FOR THE PUBLIC HEARING TO REOPEN THE 2010-2011 FISCAL YEAR BUDGET AND CONSIDER THE 2011-2012 FISCAL YEAR BUDGET

If the Council wants to discuss the budget, Barry Edwards said the Council could do it after the public hearing. Council Member Horrocks said he would rather hash things out prior to a public hearing.

Council Member Jensen said the City Council and staff are a system of checks and balances, and they should review what staff has proposed. Not doing that is negligent on the Council's part.

Council Member Harman moved to hold a public hearing at the next City Council meeting May 17, 2011 (with the Council discussion at the next meeting). Council Member Porter seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.

Council Member Porter moved to accept the tentative budget for the fiscal year 2011-2012 and set a date for the public hearing to reopen the 2010-2011 fiscal year budget and consider the 2011-2012 fiscal year budget. Council Member Jensen seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.

8. REAPPOINTMENT OF DANIEL COTTAM TO THE PARKS AND TRAILS BOARD

Council Member Porter moved to ratify Mayor Arave's reappointment of Daniel Cottam to the Parks and Trails Advisory Board. Council Member Jacobson seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.

9. APPROVE MINUTES

The City Council minutes of April 19, 2011 were reviewed and amended. **Council Member Horrocks moved to approve the April 19, 2011 work session and regular session City Council minutes as amended. Council Member Harman seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.**

10. CITY MANAGER

Barry Edwards reported that the owners of the new Family Dollar store met with him. He and Mayor Arave put out a letter about incentives; Family Dollar asked for a fee waiver specific to water, and the City tentatively granted them a fee waiver of \$5,000.

The proposed transfer station property (mentioned in previous meetings) is not zoned for what Nathan Rich (Wasatch Integrated Waste Management) wants to do. Therefore, it may give the City an opportunity to direct Wasatch Integrated to a place where zoning is appropriate, and preserve the Utah Paperbox property for a better use.

Mr. Edwards reported that the City is seeking proposals for IT services, which should be coming in soon.

Mr. Edwards said they spent some time at Jerry Thompson's deposition with the Woodside Homes lawsuit. Mr. Edwards also received a call from John at Woodside who stated it might be time for some settlement.

Staff has been spending a lot of time on the secondary water report that was presented to the Council during work session.

11. CITY ATTORNEY

Dave Church stated that the Rules of Order he distributed earlier are only a suggestion for the Council and Planning Commission, and they should feel free to edit them for the City's purposes. This does not have to be adopted until July 1.

12. MAYOR'S REPORT

Mayor Arave reported that at a recent COG meeting, they reviewed and approved a list of projects to recommend to the Wasatch Front Regional Council. The City's 1100 North project is

included and fully funded. The City's portion is \$2.5 million, so the City needs to plan on that expense.

Mayor Arave stated that the City held a tabletop meeting with Qwest, Questar and South Davis Metro Fire Agency to assess risk in the Springhill Slide area and looked at several things that need to be done to help.

There is a Service Learning Fair at Wasatch Peak Academy on May 18 from 6:00 until 8:30 p.m. Council Member Harman offered to represent the Mayor.

Mayor Arave stated that the City needs someone to run the Orchard Gardens Community Garden, and he asked Council Member Porter and the Parks and Trails Board to find someone to run this program.

13. COUNCIL REPORTS

Council Member Jensen thanked the Police Department and everyone else for their help with the NSL Live 5K. He reported that this Sunday is the Mother's Day concert, performed by Melou Cline. The Mayor suggested moving it to the clubhouse where there is already a piano.

Council Member Jensen asked about a new date for the regional park dedication since it is behind schedule. Council Member Porter said June 4 is not an option, and the eleventh was the next possible date. Rod Wood said the third weekend in June (June 18) would work best; however, they will aim for June 11. Rod Wood was asked to put pressure on the contractor to get the top soil in.

Council Member Jensen asked about the Arbor Day celebration and the City's plans. Rod Wood stated that people are meeting near the frontage road by Abundant Life church. Council Member Jensen said their LDS stake already has plans for service that day and could participate in this project instead of collecting garbage on the Legacy Trail. Rod Wood said he would coordinate this with Council Member Jensen.

Council Member Horrocks asked about Deer Hollow Park and if the parking lot is being patrolled regularly. He said there is some activity going on after 10:00 p.m. Chief Black said there is documentation about when it is being monitored, and he will review that.

Council Member Horrocks reported on the last Planning Commission meeting where Woodside Homes brought in a new proposal for Foxboro. He stated that he felt it was important to provide those present at the Planning Commission meeting with a bit of the history between the City and Woodside Homes. He made a case that it has been a one-sided relationship, and stated he does not know how to move forward with Woodside and their new plans. Historically, the City had agreed on fees, etc. and Woodside homes sued the City.

Council Member Porter asked about the dirt in front of City Hall, and he and Council Member Jacobson suggested using the dirt and property for a City amphitheater. Council Member Porter said he talked to the nearby neighbors, who were mostly in favor. Barry Edwards responded that

staff was planning to wait until the full demolish was complete, then collect some input and have something designed.

Barry Edwards also stated that the east bench park property should be on the agenda when Kern River is done with their project.

Council Member Porter asked about sandbags and if the City is ready for the anticipated spring flooding. Sandbags and sand are available at the Public Works building.

Council Member Harman said the next Uniting Neighbors meeting is May 11. He and Chief Black will discuss communication between the City and local neighborhoods or church groups, so that in the event of emergency, we can communicate the best possible way.

In terms of the July 3rd 5K and Springhill slide benefit breakfast, Council Member Harman is hoping to have 500 people attend (between race and breakfast). The El Nino Foundation is putting together a committee to run the breakfast in conjunction with the City's race. Kevin Eubank is getting scout troops from the LDS stakes involved, and they hope the City will have a plan for the property if he accomplishes the necessary fundraising. Mr. Eubank wants to purchase the property, move the people, and donate the property to the City.

Mayor Arave stated that if the City ever has control of that property, we should address possibilities to stabilize the land. He asked about removing large amounts of dirt and stated that an engineer should evaluate this prior to making a plan.

Kevin Eubank plans to do targeted press releases to the media who have reported on the landslide, and it is his feeling that these news organizations will do a story on the fundraising breakfast, etc., and it will be helpful if the City has a plan. Council Member Harman added that it would help the City's image as well. We need a concept/use plan for that parcel.

Barry Edwards said the City could instruct the park designers currently working with the City and have them create a concept plan. Mayor Arave agreed. Staff will pursue this.

Council Member Harman said we could go back to Kevin Eubank and ask him to offer ideas, but we need a vision. Two proposals could be drawn up, and the City could ask for input at the breakfast.

Council Member Jensen asked if the scouts could be used for the El Niño project. Council Member Harman responded that their LDS stake president has already planned to get the scouts involved.

Council Member Jacobson stated that this year's Easter Egg dash was successful. He suggested that the City (and Youth City Council) might want to evaluate the event and possibly look at having activities before and/or after the dash. He added that it might be helpful to address park use and how they are scheduled. Prior to the Egg Dash, baseball players showed up wanting to occupy both ball diamonds, as well as a women's football team wanting space to play.

Council Member Jacobson then stated that there are gang tags on the side of the park pavilion.

14. CLOSED SESSION

At 10:07 p.m., Council Member Horrocks moved to go into closed session to discuss the character, professional competence or physical or mental health of an individual. Council Member Harman seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.

At 10:29 p.m., Council Member Harman moved to go out of closed session, and Council Member Porter seconded the motion. The motion was approved by Council Member Jensen, Horrocks, Porter, Harman and Jacobson.

15. ADJOURN

Mayor Arave adjourned the meeting at 10:30 p.m.

Mayor

Secretary