NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
JUNE 7, 2011

Mayor Arave called the meeting to order at 6:16 p.m.

PRESENT: Mayor Len Arave
Council Member Stewart Harman
Council Member Brian Horrocks
Council Member Conrad Jacobson
Council Member Matt Jensen (arrived 6:24 pm)

EXCUSED: 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; Paul Ottoson, City Engineer; David Church, City Attorney; Craig Black, City Police Chief; Brent Moyes, Golf Course Director; Marta Nielsen, Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Wilford Cannon, Sky Properties (6:45 p.m.).

1. PUBLIC WORKS REPORT

Rod Wood reported that the City is working on a Lacey Way storm drain project to put in a series of catch basins, storm drain inlet boxes, and a 15-inch pipe so water can be controlled in this area. He said this was not an originally scheduled project, but a recent small landslide has necessitated it to prevent water from infiltrating the sidewalk. The cost of the project will be approximately $115,000 with engineering, etc., and Mr. Wood said they would like to award the project to Kapp Construction and get started. Most of the costs will be covered with the Storm Water Fund.

Rod Wood reported that the slurry seal street projects would begin this week.

Paul Ottoson provided an update on other projects: Davis County has gone out to bid on the project to fix the flooding situation east of Redwood Road. Water continually backs onto Center Street, and a new box culvert will be installed that will cross on the east side of Redwood Road, and the south side of Center Street to handle larger storms. The project will cause some temporary traffic problems with the open cutting of Redwood and Center Street.
Roads will be kept open during construction, but movement will be restricted with a detour plan using Cutler Drive and 700 West.

Mayor Arave asked Paul Ottoson about the soils report for the Crestpointe subdivision. Mr. Ottoson responded that a soils report was submitted in approximately 2003 or 2004 showing results of cross sections from two test pits and one boring. He has a map showing those locations and reported that Test Pit 6 shows the top two feet as clay, then 11-12 feet below as gravel. Test Pit 7 shows the top six inches as clay and the 15 ft. below as gravel. The bore of 105 ft. showed the top 12 inches as clay, then a couple of feet of topsoil, and gravel down to about 30 feet, and bedrock below that. Mr. Ottoson reported that there are no known springs in the Crestpointe area. There is a finding of springs on the corner lot of Eagleridge Drive and Windsong Lane, however.

2. KEN LEETHAM – COMMUNITY DEVELOPMENT REPORT

Mayor Arave brought up the Crestpointe plan and stated that some of the lots are just not buildable. The City's hillside ordinance requires vegetation to be protected, and he believes Sky Properties is ignoring that and trying to get 49 lots. The conceptual plan shows 44 lots. If Sky Properties wants to come back to the City with a proposed P District with 49 lots, the City could look at that.

David Church agreed with the Mayor. If the Council approves the preliminary plan with 44 lots, then the final decision could be appealable to the Board of Adjustment. He added that it was necessary for City staff to interpret some of the ordinance details.

Ken Leetham said Sky Properties must connect streets in Crestpointe to City streets somewhere, and it is logical to connect to the stub streets. Sky Properties claims that they are just meeting City ordinance requirements and putting in roads that require mass grading.

David Church stated it would be best to approve something (i.e. the 44-lot concept plan) that meets the ordinance, rather than denying everything. The Council can approve the preliminary plat with the condition that lots are removed. The Council has a recommendation from the Planning Commission, and Mr. Church said it is the City's obligation to approve the subdivision if it meets City ordinance. Paul Ottoson reported that Sky Properties resubmitted a plan earlier that day that requires relocating some of the City's main utility lines.

Council Member Harman asked if the City could require the prescriptive easement for the walkway. David Church responded that the City could require it, if it is determined necessary for reasonable pedestrian use.

Ken Leetham distributed a flier being sent to local businesses giving them an opportunity to link to the City's website. It is a low-cost tool called WebQA. City businesses would show up on Google, and other internet searches, providing helpful exposure. Content would be approved by the City. Council Member Jacobson asked about possible liability. David Church said businesses would be responsible for their own content, and obviously, it would be a problem if the City repeated false information.

3. ACTION ITEMS

The action items list from May 17, 2011 was reviewed. Completed items were removed from the list. Incomplete items will remain on the carry-over list.

Council Member Harman asked if the City requires permits for people and entities hosting events that go through NSL. Mr. Edwards responded that staff is currently reviewing park policies.

4. APPROVE MINUTES

The City Council minutes of May 17, 2011 were reviewed and amended. **Council Member Horrocks moved to approve the work session and regular session City Council minutes of May 17, 2011 as amended. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Harman and Jacobson. Council Member Jensen had to step out at 6:45 p.m. and was excused at this point, and Council Member Porter was excused for the entire evening.**

5. ADJOURN

Mayor Arave adjourned the meeting at 7:05 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
JUNE 7, 2011

Mayor Arave called the meeting to order at 7:11 p.m. He then offered the invocation and 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

EXCUSED: 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; Paul Ottoson, City Engineer; David Church, City Attorney; Craig Black, City Police Chief; Brent Moyes, Golf Course Director; Marta Nielsen, Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Tom and Andrea Johnson, Ted and Lisa Hemsley, John Herndon, Paul Tanner, Kevin Andersen, Jennie Jelsma, Nate and Nicole Kershaw, Scott and Karma Nielsen, Michelle Walk, Kim Jensen and Mike Taylor, residents; Steve and Annette Israelsen, Scott Kjar, Sky Properties; Wilford Cannon, Eaglepointe Development; Judd Lawrence, Bingham Engineering; Steve Cox, South Davis Metro Fire.

1. CITIZEN COMMENTS

There were no citizen comments.

2. SWEAR IN NEW POLICE OFFICER, LIEUTENANT TROY R. JOHNSON

Lieutenant Troy Johnson introduced himself briefly, and Mayor Arave performed the swearing in of Lieutenant Johnson to his new position.

3. LANDSCAPING PROPOSAL FOR FRONTAGE ROAD AND WILSON/COBBLECREEK – PAUL TANNER, RESIDENT

Paul Tanner, 144 Wilson Drive, stated that he and his neighbors would like to approach the Council about some funding to assist with planting trees and keeping the area of Wilson and Cobblecreek clean and attractive. Mr. Tanner stated that Rod Wood put out a request for proposals/designs for that area, and although it looked great, it was excessive in cost, and the residents did not think it would be reasonable for the City to expend those costs.

Rod Wood stated that irrigation is needed for anything to survive in that area.
Mr. Tanner said the residents are willing to volunteer hours, and Barry Edwards stated that Orbit Sprinkler Supply offered to help the City with some type of project, although he is not sure this is what they had in mind. Mr. Tanner and Rod Wood will speak with Orbit about this.
Mayor Arave asked Mr. Tanner to coordinate this project with his neighbors and bring the project back to the City with a more reasonable cost estimate.

Council Member Harman thanked Mr. Tanner stating that he appreciates residents who take the initiative to make their neighborhood a better place. (Funds for this project would come out of the General Fund.)

4. CONSIDERATION OF A PRELIMINARY DESIGN PLAN FOR CRESTPOINTE LOCATED GENERALLY EAST OF RIDGETOP CIRCLE AND WINDSONG LANE AND BETWEEN EAGLEWOOD GOLF COURSE AND INDEPENDENCE WAY. SKY PROPERTIES, APPLICANT

Ken Leetham displayed the preliminary design plan for Crestpointe and reviewed the Planning Commission's action of May 31, 2011. The Commission made a recommendation to the City Council that differs slightly from the concept plan the City Council approved May 17, 2011. The City Council approved the concept plan with the elimination of specific lots 2003, 2011, 2106 (areas in dark red on the plan) due to the existence of slopes in excess of 30%, preventing the lots from having a 5,000 square foot building pad. Lots 2124 and 2125 also did not meet the required building pad.

After reviewing Sky Properties' new grading plan on May 31, 2011, the Planning Commission recommended that the plan be approved, including the five lots, except for Lot 2202, the middle lot at the end of Gary Way that did not meet the 5,000 sq. ft. building pad. The new grading plan essentially grades out the five lots in question, or at least three, and by grading those lots takes them out of the 30% slope. The Planning Commission agreed with the developer that the location and elevation of the streets would be heavily impacted by grading. That change now makes the building pad of Lot 2202, formerly 2125, compliant with the City's development code.

Paul Ottoson said the City has a 10-inch water line that Sky Properties is proposing to move. This move would change the angle of the pipes and could affect the pressures in the line. (Staff just received this plan in the last day or two.) The additional friction would cause the pumps more stress, but he said staff has not had a chance to evaluate it completely.

Steve Israelsen addressed the City Council stating he would like to submit certain documents to be included with the public record. He then read the list of documents to be included (given in a manila file to Linda H., and subsequently to Marta N.) He said he brought fellow Sky Properties partners and staff, as well as engineers from Bingham Engineering, and their best R1-10 plan.

Mr. Israelsen displayed a slide showing the Council's conditions of approval, including the stray ball easement, vegetation overlay, pedestrian trail easement, and a fence along the golf course. In addition, Sky Properties was to combine or change certain lots to allow the 5,000 square ft.

building pad. He reported that they have included, as in other phases, the stray ball easement and a fence along the golf course. They are willing to have the fence installed along the south boundary between Crestpointe and the golf course at the time of road improvements installation. He displayed a picture showing the Crestpointe property from the east. The one significant feature is the ravine at the end of Gary Way which will remain undisturbed. The undulations in the rest of the property would create roads like a roller coaster, creating the need for significant grading.

Mr. Israelsen addressed the non-conforming lots, where there are at least 30% slopes and less than a 5,000 sq. ft. building pad. He stated that "buildable area" in Section 1.43.2.6 of the City code is totally subjective and open to interpretation. He said that "average slope" is a defined term. Mr. Israelsen then showed a slide for each of the lots and their grade. Mayor Arave asked about the brown areas on the map and if they have slopes up to 29%. The response was that they do slope up to 29%.

Mr. Israelsen said the benefits of lot shaping include achieving properly engineered drainage and less erosion, a reduced need for retaining walls, fewer dump trucks on City roads, and lessened future impact to neighbors (referring to City code on grading 1.43.19.35).

Mr. Israelsen then introduced Judd Lawrence, from Bingham Engineering. Mr. Lawrence addressed Paul Ottoson's comment about losses in the pump line to the storage tank. Mr. Ottoson indicated that HDPE piping could be a solution, and Mr. Lawrence said they had already considered that type of pipe. Second, Mr. Lawrence indicated that on the option with Parcel A, the diagonal line is the existing water line. The line would remain as is, if the City would make an exception for Lot 2202. Mr. Lawrence believes there is adequate building space, and added that large homes will not be built on those lots. More than likely, homes in this area would be less than 2,000 sq. ft. Mr. Lawrence stated that buildable area is a matter of interpretation, especially if the City wants the trail easement there.

Mr. Lawrence also wrote down the slopes and discussed his interpretation of the term "perpendicular." Council Member Jensen said if you take the high and low points in the lot, that gives the average slope; he added that it is "academic." Mr. Lawrence said Council Member Jensen's method would determine the steepest slope. The engineer/developer uses a method for the least steep slopes.

Mr. Israelsen said he covered the critical engineering items and believes Crestpointe to be a safe-and-sound development. Sky Properties and their engineer have looked at multiple alternatives over the last ten months, and they believe they have a great plan. The road grades all meet City requirements for slope. For Constitution Way up to Ridgetop, there is a ravine that requires filling; they have some constraints for sewer, drainage, etc. The plan leaves the steep grade undisturbed at the end of Gary Way, which retains trees and the steepest slope. Sky Properties has solutions to utility and drainage issues and proposes to put storm drains on the upper lots. The rear lot lines will drain into storm drains with proper shaping. Mr. Israelsen stated they would like to start grading immediately, as it needs to be done before it gets too hot. There is still good soil moisture right now, and they need to take advantage of that.

Steve Israelsen said Paul Ottoson, during the last Planning Commission meeting, said there is a certain level of difficulty to development in the City, and he asked Mr. Ottoson to repeat his comments from that night. Mr. Ottoson said that one of the Planning Commissioners asked him about the level of difficulty for Crestpointe, compared to other City developments. He responded that some are steeper than this, and some have required more cutting and filling. This project is right in the middle of the spectrum, as far as amount of cutting and filling.

The Mayor asked Paul Ottoson to address the 5,000 ft. pad and average slope issue.He responded that staff has always used the same steps to determine if a lot is buildable. They look at existing slopes, not proposed slopes, and the contour maps, to determine slope percentages. You cannot average every one-foot area. Restrictive lots allow you to reduce setbacks, up to 20 feet.

Steve Israelsen stood again, and stated that the Planning Commission approved the plan, and reminded the Council that Lot #2202 is compliant if it is not dedicated to pedestrian traffic. The three lots are compliant without the trail at the end of Gary Way. They provided those easements to allow the City to put utilities in that area, so they want to give the parcel to the City, but they could develop those lots without the easement.

Council Member Jensen said the Council is hearing consistent issues from the residents. Some do not want anything built on that property. Some residents do not want Constitution Way to go through, and the other common concern is that drainage and erosion may affect their homes. If the Council can work through those issues and determine that drainage and erosion can be prevented, the plan could possibly work.

Council Member Harman asked about the trail easement. He does not believe it is the City's place to say whether it is a prescriptive easement, and that the court should decide that. He sees Sky Properties trying to compromise in terms of Lot #2202 to allow that easement. It is in everybody's interest to allow that easement and walkway. Therefore, he asked if there is any way the City can provide a variance for the developer to allow that compromise, and have that walkway easement at the end of Gary Way. Barring that, Sky Properties could legally say they are not going to give the City that pedestrian easement, and it would have to be handled separately by a court.

Council Member Horrocks said that most likely, the footprint of the home on Lot #2202 would be less than 5,000 sq. ft., but there may be other variables to consider, and he asked Paul Ottoson to address it. Mr. Ottoson stated that people (homeowners, builders, and designers) often come in to the City and want a variance because they cannot fit their designed home on their lot. Mr. Leetham stated that if he understands this proposal, the developer is asking for a variance on the small portion of the buildable pad (Lot #2202), that is less than 50 ft. He added that City staff needs to be consistent in its interpretation of the code, i.e. to say that the section less than 50 ft. wide does not count toward the 5,000 sq. ft. required. Sky Properties is asking the City to leave the lines in place in exchange for a variance to build on that lot.

David Church said this board (City Council) would not grant that variance, but would be the role of the Appeals Board. He added that if it does not burden City easement or use, the landowner might have the reasonable right to move the water line in that area. Therefore, the stronger position for Sky Properties is to say, "We are proposing to move your line, and we will have a buildable pad that meets the City ordinances."

Barry Edwards stated that he is not sure he likes the agreement. If you change it from a dedicated parcel to an easement, Sky Properties would have the 5,000 sq. ft. they need, and the City would not have to grant a variance.

David Church stated that if the City insists on a trail, it should be a dedicated trail not an easement. It is not a good idea to have a trail across private property. As with any sidewalk or walkway easement, if the City feels it is necessary and required, then we are in the job of providing public access.

Council Member Jensen stated that if the walkway goes along that space, all the easements line up. You could put the sidewalk over where the easement is. Paul Ottoson stated that the lots have to meet the set backs, and they do. However, the lots are now only 20 ft. apart, with a trail between them.

Mayor Arave opened the meeting for public comment at 8:46 p.m.

Mike Taylor, 352 Constitution Way, said that he would like to reopen the issue of completing the connection of Constitution Way. He believes the decision to connect the road was based on information that was inaccurate and wrong. They measured the property, and the cul-de-sac area on Constitution is the same as Freedom Circle. Therefore, the cul-de-sac issue is incorrect. He is very frustrated, and at least until this point, the residents affected by this development, have had a united voice in their concerns. As far as Constitution, he has not heard anyone else besides staff and Council recommend Constitution going through. As you look at how water flows down a road after a hard rain, there is absolutely no way this area can be engineered to prevent water from creating a small river and running down Constitution. We have all seen the water going down that street where it dead-ends now. It has already done a lot of damage below as it runs down the hill and jumps the curbs. Where it jumps the curbs, is often where the storm drains are. Constitution is a narrow street, and safety should be considered.

Mr. Taylor addressed the issue of mass grading, or "shaping." He believes there is a reason the City has an ordinance requiring the 5,000 sq. ft. building pad. He does not understand the compatibility between mass grading and the 5000 ft. Any piece of dirt could be graded to make it buildable. He hopes the people he voted for will please listen to him. He is begging that they will be heard.

Tom Johnson, 623 Ridgetop Circle, stated that after listening tonight, he has come up with some ideas that can solve all the issues. He stated that the golf course has signs around the perimeter stating that only paying patrons are allowed on the golf course. If the proposed easement goes right onto the golf course, then it violates the golf course's signs. He suggested making the pedestrian easement from Constitution Way to Ridgetop and not putting the street through. Mr. Johnson then brought up some other code issues, specifically in section 7.7.24, and said Mr. Israelsen neglected to include the rest of the section where it talks about keeping the natural slope and terrain. Section 7.7.25 again mentions keeping natural slope and terrain and minimizing grading. Steve Israelsen has said that everything will be affected, so therefore, they are only preserving a tiny portion. Mr. Johnson proposes that as many trees as possible be maintained. He spoke with Steve Bauman, Utah Geological Survey, and they talked about a conference the governor held and discussed landslides etc. throughout Utah. At that time, cities were encouraged to implement a mass grading plan, and Mr. Johnson urged North Salt Lake to do so. He said mass grading can potentially disturb and move springs, and there are many throughout the City with constant water running and moss growing. Regarding storm water runoff, he again urged the City to prohibit Sky Properties from building on those 30% grade lots. This last week, Sky Properties had people in the area testing the soil (no results back yet). Mr. Johnson said to make sure the City looks at those issues very clearly. Mr. Johnson asked Paul Ottoson about the difficulty about building in this area. Paul Ottoson responded that from the geotech studies, there are no springs in this area. Mr. Johnson asked the Council again to consider moving the easement from the end of Gary Way. Let Sky Properties build, but develop it under the current code and safety guidelines.

Mayor Arave said the reason they want the pedestrian connection at the end of Gary Way is to access the Bonneville Shoreline Trail. However, Mr. Johnson stated again that there are signs keeping people off the golf course.

Mr. Nate Kershaw, 345 ConstitutionWay, said he does not want Constitution connected. He said that when Sky Properties had the drilling done recently, they talked to the drillers about the layer of impervious clay. There is a drainage line on Talon Court, and what is happening, is that water hits that clay level and runs along the clay. Grading or changing that land will not affect water that is still going to hit that impervious clay and just run across it. He asked if the City should look at this a little more closely.

Paul Ottoson responded that City staff looks at these studies at the preliminary point in the project. The 2003 study shows three borings found clay in the top 6 inches, the top 2 ft. and top 1 ft. Below the clay is gravel in all situations. Mr. Kershaw said the person doing the bores this week told Marty that as they drilled through certain layers, they would come to impervious clay layers. Mr. Kershaw asked about the grading required to connect Constitution Way to Ridgetop. He asked if eliminating that grading and not connecting those two roads would reduce some of the impact to the area. Mr. Lawrence said it would reduce some of the fill, so there is a slight benefit; however, Lot #2203 would still have to be built up to enable construction on the lot.

At 9:11 p.m., Mayor Arave ended the public comment period.

Mayor Arave said his only comment is about clustering, and stated that the original Sky Properties plan was denied largely because of the number of lots (55). The count is still around 44 lots, and although City ordinance does allow this, it still makes sense to use clustering in the area, in which case, more lots would be reasonable.

Council Member Jacobson said he has trouble with the number of lots, the 30% slopes, etc. He said the City has always evaluated slope prior to grading, and he does not know why the City should approve this development. The developer says it is needed to put the roads in, but the developer puts in the roads where necessary to allow the maximum number of lots.

Council Member Harman asked about Parcel A and the walkway. It appears Sky Properties is compromising with citizen concerns from the last meeting, and he asked if there is some way to achieve the interests of the developer and the residents. Also, if we cannot come to an agreement in terms of Phase 3, and the easternmost three lots, then he suggested they bifurcate the preliminary plan and address the other phases separately. In terms of the Constitution Way issue, he understands the desire to put the road through, and he does not know if the Council can reopen an issue that was previously decided. The problem is, we have a developer with a plan, ready to move forward, and if we put this on hold to find out what Mr. Gregerson can do, we put the developer in limbo. He is curious about the discussion with Gregerson and the cul-de-sac.

Jenny Jelsma, 372 Constitution Way, said (to Mr. Israelsen) that if Mr. Gregerson does not build on the lots at the end of the cul-de-sac, it is a very straight line and leaves two lots that do not seem large enough to build on. Part of their concern as a community is that there is a new beautiful development, and then a 50 ft. field of weeds in front of them to become a fire hazard. Steve Israelsen stated that if the road goes through, the lots could potentially become buildable. He said they would shape the back end of the west lot. Mr. Kershaw said his understanding (from talking to Mr. Gregerson) was that the east lot would only be buildable with a variance.

Paul Ottoson said that when Mr. Gregerson submitted the original plat, he made the lots the same size. He was required to put in a temporary turn around cul-de-sac, with the understanding that when the road went through, he could build on those lots. David Church said when the road goes through, they will be buildable lots for Mr. Gregerson. Paul Ottoson said if it does not go through, Mr. Gregerson would have to sign the plat, because he is an owner.

Mayor Arave asked about how this project would affect storm water on Constitution Way. Mr. Lawrence said the only area draining into Constitution, because of the inlet boxes, is just that water that would fall on the ground and go down. A detention pond on #2204 would be released into curb and gutter at a controlled release rate.

Council Member Harman asked to look again at the slide showing the existing slope plan, or grades prior to development. In looking at Lots #2011 and #2010 -- if you go to the southern most point on #2011, there would be a big hole after cutting and filling for the road.

Council Member Jensen said that this is a tough piece of land; there are larger lots on the west side, the golf course, some older, smaller homes on the north edge, and the topography is rough. He believes the developer has done a good job trying to create an acceptable transition. He believes the project will be within the City's cut and fill requirements. Council Member Jensen said he feels bad for the residents on Constitution Way, and the residents on Ridgetop Circle, whose street will go through.

Council Member Harman then asked if the water line easement has to be 20 ft. Paul Ottoson responded that it has to be 20 ft. because there are three lines. With the 20 ft. easement and pedestrian trail over the top, the developer would not have the side setbacks. Mr. Lawrence responded that this is correct.

Council Member Harman then asked with an easement on the two properties, could the homeowners be allowed to put fences on the easement. Mr. Church stated that the easement gives the City the underground right, not a surface right.

There was some discussion, and Steve Israelsen and Paul Ottoson stated they think they can create a skinny portion of the easement on Parcel A and then widen it as they go back.

It was suggested to go forward with Phases 1 and 2 as designed, but approve Phase 3 later to work out setbacks, etc. to City staff's satisfaction.

Council Member Jensen moved to approve the Crestpointe Preliminary Design Plan phases 1 and 2 as submitted. Council Member Harman seconded the motion.

Council Member Harman then stated that he agrees with staff that the shortest distance possible for people to travel is safer, and therefore he believes Constitution Way needs to go through. They spend so much time on these much smaller streets, which are never as safe as the larger collector streets such as Eagleridge, and that weighs heavily for him. Seeing no reasonable alternative, this is his logic to approving this plan.

The motion was approved by Council Members Harman, Horrocks and Jensen. Council Member Jacobson voted in opposition. Council Member Porter was excused.

Council Member Harman moved to approve Phase 3 of the preliminary plan with the condition that there is an inclusion of Parcel A at whatever is deemed appropriate with City staff and Sky Properties. Council Member Jensen seconded the motion. The motion was approved by Council Members Harman, Horrocks and Jensen. Council Member Jacobson voted in opposition. Council Member Porter was excused.

5. CONSIDERATION OF ORDINANCE NO. 2011-10 ADOPTING RESTRICTIONS FOR THE DISPLAY OR DISCHARGE OF CLASS C FIREWORKS, AND RESTRICTING OPEN CAMPFIRES IN NORTH SALT LAKE

This ordinance is a result of the legislature approving a new type of firework that has not been allowed previously. These restrictions would give the City a safe fire zone. Mr. Cox referred to the map provided and said he has some concern about the boundaries.

Barry Edwards stated that staff checked with Chief Rampton. The area Mr. Cox is concerned about is a green space, a defensible fire space. Ken Leetham said they believed everything south of Eagleridge Drive should be a no fireworks zone. As they looked further at the map, there was some misunderstanding about the area in question, and Mr. Cox said they would like to discuss it with additional information (which they did). Fireworks do not go on sale until approximately June 26th. This ordinance is to create a no fireworks zone in the red zone on the map. Council Member Harman asked about the definition of an approved fire pit. Mr. Cox responded that an approved fire pit is something constructed by park personnel or forest service, and is built in-ground, etc. Mr. Cox said there is a fireworks demonstration scheduled for Tuesday the 21st.

Council Member Harman moved to approve Ordinance No. 2011-10 adopting restrictions for the display or discharge of Class C fireworks, and restricting open campfires in North Salt Lake as amended, specifically with paragraph 1 ending after the first sentence. Also throughout the ordinance, it should say "agency", not "district." Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman, and Jacobson. Council Member Porter was excused.

6. LACEY WAY STORM DRAIN BID AWARD

Rod Wood reported that staff has received bids for the Lacey Way Storm Drain project, and would like to award the contract to Kapp Construction for $99,438.50.

Council Member Horrocks moved to accept the bid of $99,438.50 from Kapp Construction for the Lacey Way storm drain project. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman and Jacobson. Council Member Porter was excused.

7. CONSIDERATION OF MEETING PROCEDURES FOR THE NORTH SALT LAKE CITY COUNCIL

Barry Edwards stated that some of the packets were distributed with part of the procedures missing. Discussion of procedures will be continued until next meeting.

Council Member Horrocks moved to continue the adoption of procedures for the North Salt Lake City Council until next meeting. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman and Jacobson. Council Member Porter was excused.

8. CONSIDERATION OF A SOLICITATION LETTER REGARDING THE CURBSIDE GREEN WASTE RECYCLING PROGRAM

Barry Edwards stated that staff finally received information on implementing a green waste recycling program for the City. He distributed a proposed letter to mail to the residents and stated that the program is cheaper than owning a second can. Twenty percent of North Salt Lake households would have to opt in to the program. Barry Edwards would like permission to send out the letter.

Council Member Jacobson moved to approve the City Manager sending out a letter to petition residents of North Salt Lake regarding a green waste recycling program. Council Member Harman seconded the motion.

Council Member Jensen asked how much the blue recycling can costs. Barry Edwards responded with $3.85. Council Member Horrocks suggested they act quickly with summer being upon us.

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

9. APPROVE IN PRINCIPLE AN AGREEMENT BETWEEN SOUTH DAVIS WATER IMPROVEMENT DISTRICT AND NORTH SALT LAKE CITY FOR CONSTRUCTION OF A PIPELINE AND IRRIGATION POND

Council Member Harman moved to approve the term sheet for the agreement between South Davis Water Improvement District and North Salt Lake City as amended. Paragraph 6 - per irrigation season, and paragraph 9 - 400 acre feet, or actual amount, if less. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman and Jacobson. Council Member Porter was excused.

10. CONSIDERATION OF AN AGREEMENT BETWEEN DAVIS COUNTY AND NORTH SALT LAKE CITY TO ADMINISTER THE CITY ELECTIONS

Barry Edwards reported that the cost to administer a City election is about $7,000. Mayor Arave asked what if there are county items, such as a bond, etc. Mr. Edwards said he did not know how that affects the cost, although there have been times when the City has split costs with the state, etc. He noted that there will be requirements on the electronic voting, and the City does not have electronic voting machines. To run an election in-house costs about $4,000; to have the County run it is $7,000.

Council Member Harman moved to approve an agreement between Davis County and North Salt Lake City regarding municipal elections, with the condition that an analysis be done showing value and cost effectiveness. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman and Jacobson. Council Member Porter was excused.

11. APPOINTMENT OF CITY RECORDER

Barry Edwards stated that appointing him as City Recorder would save the City $108,000 annually in salaries. Marta Nielsen would serve as the Deputy City Recorder and assume the ordinance and minute function. All other duties will be spread out through different personnel in the City. It would take about six months for this to be fully implemented, as some staff members are retiring.

Council Member Harman moved to appoint the City Manager as the City Recorder. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman and Jacobson. Council Member Porter was excused.

11. REVIEW AND SUBMIT FINAL CHANGES TO THE NEXT TENTATIVE FISCAL YEAR 2011-2012 BUDGET

Brian Passey stated that the City is nearing the end of the approval period. The City Council had previously received an e-mailed copy of the budget. Barry Edwards reviewed the impact of increased personnel cuts. He explained that salary and benefits were rising 1.1% of operating budgets. Council Member Jensen asked about merit increases. Mr. Edwards stated the maximum was 4.8%. The final report will be brought back to the Council for adoption in two weeks.

12. CITY MANAGER'S REPORT

Barry Edwards reported that staff has interviewed four different firms/individuals for IT services, and background information is currently being reviewed by Brian Passey. A decision will be brought before the Council at the next meeting.

City staff has met with UDOT, and is making progress on acquiring a flashing yellow light for Hwy. 89 at the Camelot crossing.

Mr. Edwards said staff is about a third of the way through the codification. The Council will receive a copy when complete, and will be able to see the changes, and who made them, etc.

Mr. Edwards reported that Rand's Auto Sales has asked to expand their dealership, which would require removing some cottonwoods in the landscaped parkway along Hwy. 89.

13. CITY ATTORNEY

David Church reported that they have finished the last staff deposition on the Woodside Homes lawsuit. Woodside will inform the City if they are retaining an expert (*witness?).*

14. MAYOR'S REPORT

Mayor Arave reported that he met with individuals from Big West Oil regarding their purchase of the Fox Valley Tannery property and the potential of Wasatch Integrated Waste Management using part of the property for staging.

Mayor Arave stated that the recent General Plan workshop (Finding True North) went well.

Mayor Arave stated that in Council Member Porter's absence, he asked the Mayor to mention the fee schedule and the community garden. The garden plots have been rented for $20 per year, and Council Member Porter would like to continue with that same rate. The Council agreed to maintain the $20 fee.

15. COUNCIL REPORTS

Council Member Jacobson asked about graffiti on the property just south of Bird World. Chief Black reported that it is on County property. He talked to the County Sheriff, and they are going to speak with management of Bird World about the graffiti removal. He added that Davis County does not have the same ordinances as the City about graffiti removal.

Council Member Jacobson thanked Marta for the fact sheet on the senior program in Woods Cross. He said he has been thinking again about creating a seniors program for North Salt Lake. He spoke with Kay and Evelyn Jensen about heading up the program, to which they declined; however, they suggested a couple of names.

The annual "Movies in the Park" sponsored by the Youth City Council , need equipment for showing the movies. Mayor Arave suggested Council Member Jacobson contact the South Davis Recreation Center, as NSL is a member of that district.

Council Member Harman stated he needs to get with Council Member Jacobson about the Youth City Council's assistance with the July 2nd activities, 5K and breakfast. Council Member Jensen added that he would also like their help with the Three Kings cycling event.

Council Member Harman asked about the status of tearing down the old building on Foxhollow. Ken Leetham stated that staff is working on it, and first needs a bona fide owner, but it is in the works.

Council Member Harman reported that there is a Uniting Neighbors meeting the following evening, and in July, they will have a field trip to the Springhill area and use that example to discuss communications.

Council Member Harman received e-mails about parking problems on Odell Lane, and specifically the side of the street on which parking is allowed. Paul Ottoson stated that it is too dangerous to park on both sides. Council Member Harman said the email he received said it would solve the problem if the designated parking was moved to the other side of the street. Mr. Ottoson stated that the Safety Committee could look at it.

Council Member Harman reported on the Service Learning fair at Wasatch Peak Elementary. He stated that the school did a fabulous job, including some great service projects throughout the year.

The weeds along Legacy Trail need to be cut. Barry Edwards will discuss this with T. J. Riley.

Council Member Horrocks stated that there is a large frost heave in the sidewalk on the lower section of Eaglewood Drive.

Council Member Jensen stated that the June 12 Second Sunday Concert will be presented by Doug Stone's a cappella choir. He then asked about signage for the Three Kings cycling event on June 25. They had two large signs last year. He stated that they also need some police assistance on that date at 7:30 a.m. On July 1, there is a car show being planned for the parking lot of the Eaglewood clubhouse; however, there is a reception that same evening. The NSL Live committee will discuss this with Brent Moyes.

16. AJOURN

Mayor Arave adjourned the meeting at 11:26 p.m.

Mayor	Secretary

New Action Items – June 7, 2011

____ 1. Action: Ken – Coordinate with Big West Oil and Wasatch Integrated Waste Management facility (on using property for staging).

____ 2. Action: Barry/T.J./Staff – Review park policies, i.e. rental fees, permits, etc.

____ 3. Action: Rod (with Mr. Tanner) - determine Orbit's interest in donating materials for landscaping project for Wilson and Cobblecreek area.

____ 4. Action: Mart - Audio/Visual equipment for City activities - Youth City Council Movies in the Park, PA system at races, etc.

____ 5. Action: CM Harman to forward e-mails about Odell Lane parking issues to Chief Black. Safety Committee could look at it.

____ 6. Action: T.J. - Weeds along Legacy Trail need to be addressed.

____ 7. Action: Update and hang signs for Three Kings race.

____ 8. Action: Brian P. – cost analysis of administering elections in-house versus the county.

____ 9. Action: Rod/Paul – large frost heave in sidewalk in lower section of Eaglewood Drive.