NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
MAY 17, 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 Conrad Jacobson
Council Member Stan Porter

EXCUSED: Council Member Matt Jensen

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; Chief Craig Black, City Police Chief; Brent Moyes, Golf Course Director; LaRae Dillingham, City Recorder; Marta Nielsen, Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Marty Peterson, Emergency Preparedness Manager; Patrick Scott, Woodside Homes; Steve Israelsen, Sky Properties.

1. POLICE DEPARTMENT REPORT – CHIEF BLACK

Chief Black presented the NSL Police Department report from 01/01/11 through 4/30/11. He stated that burglaries have increased slightly. Incidents are spread geographically and over time throughout the City, and he added that the perpetrators are actually going into the homes. Thefts are down from last year. Arrests, year to date, have been better. Traffic stops have been revealing other issues. See Chief Black's report for additional details.

Regarding the graffiti removal action item, Chief Black reported that most of the graffiti has been removed. The abandoned building northeast of the post office, however, is still affected as it is on Davis County property.

2. FINANCIAL REPORT – BRIAN PASSEY

Brian Passey distributed financial information for the Eaglewood banquet facility, which showed significantly reduced revenue from this period last year. Mayor Arave suggested a greater marketing effort for the facility, and Barry Edwards agreed to work with Brent Moyes in this regard. Council Member Porter stated that allowing people to rent City Hall so cheaply is not the best idea, since the City is competing with itself.

Mr. Passey stated that cool wet years are not favorable for enterprise or golf or water funds and reported that general fund revenues are still down from previous years. Golf revenue is significantly lower than previous years, attributable to poor weather. Mr. Passey added that although City revenue is down, expenses have decreased even more, so the City is making progress. Mayor Arave complimented staff on their efforts to control expenses.

Council Member Harman asked about planned regular water rate increases to meet loan covenants (as recommended by rating agencies), and when the next one is scheduled. Mr. Passey responded that the next recommended increase is July 1.

Council Member Porter asked if the money donated by Craig Hughes for trails ($20,000) is still available. If so, the City needs to include that money in the trails budget. Barry Edwards stated that the City could amend this year's budget to include the amount for a trail project, or in next year's budget, or both years. This year, the trail would be marked, which would be a minimal expense.

Mayor Arave stated that the Gregerson family has also provided money to the City for a trail on their property, and nothing has been done. Council Member Porter said it would be a waste of money right now until the Springhill landslide issue gets settled.

3. GOLF COURSE REPORT

Brent Moyes agreed with Brian Passey that the golf course is struggling financially, mostly due to weather. However, he is encouraged that they are making some progress, and as of the previous Sunday, revenue is only down 18% from last year. Weather has been decent through the first part of May, and they have been proactive in marketing the course. Mr. Moyes said they used a "Groupon" to sell rounds this week that was very successful. They are also filling the Sunday afternoon golfing with a 2-for-1 special.

Mr. Moyes reported that they worked out a deal with Flexpak, (a local business) and based on a 2-for-1 rate, they will issue incentive certificates so companies will be able to take advantage of the golf they have paid for. The golf course is also offering bounce back cards for tournament participants. Mayor Arave cautioned that the City should not cannibalize itself with too many reduced rates.

4. ACTION ITEMS

The list of action items from May 3 was reviewed; completed items were removed from the list. Incomplete items remained on the carry over list.

The City Council would like to receive the most recent Planning Commission minutes with their binders, or electronically.

Barry Edwards reported that a landscape/park proposal for the Springhill slide area will be brought before the Council.

5. ADJOURN

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

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
MAY 17, 2011

Mayor Arave called the meeting to order at 7:20 p.m. Council Member Porter 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 Stan Porter

EXCUSED: Council Member Matt Jensen (arrived at 10:00 p.m.)

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; Marta Nielsen, Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Andrea Johnson, Mike Taylor, Karma Nielsen, Ivy Peterson, Erin Peterson, Lisa Hemsley, Ted Hemsley, Terry and Dauneen Abel, Valerie Robinson, Becca Taylor, Nate Kershaw, Nicole Kershaw, Lissa Lovett, Courtney England, Evan Gubler, Bill and Kathy Stacks, Thomas and Jennie ?, Steve Moosman, Wes Koga, Marty Peterson (Emergency Preparedness Manager and resident), Kevin Campbell, Allen Tidwell, Michelle Walk, Bill Plowman, Marcia Bohn, residents; Emma Dugal, Bountiful/Davis Arts Center; Chief Jim Rampton and Steve Moss, South Davis Metro Fire; Steve Israelsen, Sky Properties; Patrick Scott, Woodside Homes.

1. CITIZEN COMMENTS

There were no citizen comments.

2. CONSIDERATION OF ORDINANCE NO. 2011-09: AN ORDINANCE CREATING THE GOOD LANDLORD PROGRAM IN THE CITYOF NORTH SALT LAKE

Ken Leetham stated that this ordinance, if approved, would establish a Good Landlord Program in NSL. It is a program authorized by State statute for several years now, and implemented by many Utah cities. One of the reasons that NSL is considering this ordinance is to enable the charging of a disproportionate fee. The program has many benefits, including an increased coordination with City personnel, landlords, management companies and owners of rental units in the City. Participating landlords would agree to do several things such as property management training, sponsored by the State of Utah. The owners and managers would also be submitting to requirements relating to their tenants, including background and credit checks, income verification, etc. Non-complying tenants would be evicted. In exchange for that, the City would also work more closely with owners and managers responding to police calls, etc. The City would offer a reduced license fee for participation in the program. It would apply to all major apartment complexes, as well as duplexes, triplexes and four-plexes. The City would have discretion on the way the ordinance is written. Mr. Leetham added that the ordinance does not apply to mobile home parks.

Council Member Harman asked if the City has consulted any landlords for feedback. Ken Leetham responded that they did speak to Randy Cassidy, who supports the program.

Council Member Horrocks stated that Council Member Jensen had strong opinions about the Good Landlord Program. Mayor Arave said he spoke with Council Member Jensen who asked if this item could be tabled so he could participate in the discussion.

Mr. Leetham reported that the program does need to be in place before the disproportionate fee schedule can be implemented, which they would like to do next January (2012). Mr. Leetham will provide a copy of the State statute regarding the Good Landlord Program to the Council for review. He added that some of the City's poorly managed apartments are more costly to the City. The discount would be $75 per unit, from $100 to $25/unit, if they participate in the program.

Council Member Horrocks asked Chief Black about his experience with apartments and the Good Landlord program in West Valley City. Chief Black responded that it makes a big difference, and there are significantly fewer problems.

Council Member Jacobson said he would like to wait and hear from Council Member Jensen. **Council Member Horrocks moved to continue the discussion of Ordinance No. 2011-09: An Ordinance creating the Good Landlord Program in the City of North Salt Lake. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.**

3. PUBLIC HEARING TO REOPEN THE 2010-2011 FISCAL YEAR BUDGET

Mayor Arave opened the public hearing at 7:39 p.m. There were no public comments, and he closed the public hearing at 7:39 p.m.

4. PUBLIC HEARING TO CONSIDER THE 2011-2012 FISCAL YEAR BUDGET

Mayor Arave opened the public hearing at 7:40 p.m. There were no public comments, and he closed the public hearing at 7:40 p.m.

5. CONSIDERATION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY CITIES AND DAVIS COUNTY FOR UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) GENERAL PERMIT

Rod Wood stated that North Salt Lake is required to maintain its major waterway, which is the Jordan River, and he said it would be beneficial to become a member of the coalition. If the City had to meet the requirements independently, it would be costly. North Salt Lake's share is about $2,300 per year. Part of the program educates local fourth graders about the drainage system and what should not go into the drains.

Council Member Jacobson moved to enter into an Interlocal Cooperation Agreement between Davis County Cities and Davis County for Utah Pollutant Discharge Elimination System (UPDES) General Permit. Council Member Harman seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

6. CONSIDERATION OF APPROVAL FOR AN ENGINEERING CONTRACT FOR THE SECONDARY WATER SYSTEM

Rod Wood and Paul Ottoson distributed a memo showing bids for a secondary water transmission line contract. After reviewing the proposals, they recommend the City hire Gilson Engineering, Inc. Rod Wood added that after determining the final scope of work, there may be some additional engineering needed. If so, staff would like the opportunity to extend this contract based on Gilson's proposal. The bid submitted gets the main design documents done.

Council Member Porter moved to accept the Gilson Engineering Inc. bid to engineer the secondary water line for the City, with some flexibility to work on some of the residential lines, if needed. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

7. CONSIDERATION OF A PROPOSED PRELIMINARY DESIGN PLAN, FINAL PLAT AND ESCROW AGREEMENT FOR FOXBORO NORTH, PLAT 9A, WOODSIDE HOMES, APPLICANT, REPRESENTED BY PATRICK SCOTT

Ken Leetham stated that 17 lots out of the 35 are being submitted for approval. The plat includes 6,000 square feet lots and is designated as an R1-6 overlay zone within the P District zoning. The lots in Plat 9 are located along Danby Drive and Sanford Drive between1100 North and 900 North. The preliminary and final plats have been submitted together. Space improvements must be completed within 12 months, but the developer says that will not be a problem.

Council Member Horrocks expressed concern about doing business with Woodside Homes due to the history with them and the current lawsuit they have with the City. David Church stated that in speaking with staff, they will make sure that no plan check fees will be accepted unless they have paid the right fee and are in agreement to it.

The Mayor asked Mr. Scott who the owner of the property is. Mr. Scott responded that Foxboro Estates LLC owns the property.

Council Member Jacobson stated that irrespective of Woodside Homes' actions subsequent to the original agreement, the City has to proceed in good faith. Council Member Harman asked Patrick Scott about Plat 9A and the lack of variety in home plans being built. Mr. Scott stated that fewer lots were available in the past, but going forward, there will be different lot sizes and greater flexibility in home plans.

Council Member Porter moved to approve the proposed preliminary design plan and final plat for Foxboro North Plat 9A with the condition that the improvements be complete within 12 months and with a review by the City Attorney. Council Member Harman seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

8. CONSIDERATION OF A PRELIMINARY DESIGN PLAN AND FINAL PLAT FOR FOXBORO NORTH, PLAT 10A, WOODSIDE HOMES, APPLICANT

Ken Leetham stated that the lots for this plan are 4,800 square feet. Plat 10A includes lots on both sides of Cambria Drive between Norfolk Drive and 900 North. Plat 10A is in compliance with the approved concept plan for Foxboro North as proposed, including thirty-two lots at a minimum of 4,000 square feet each, and two (2) open space parcels. Improvements include piped storm drains, which will be City-owned. The plat and construction plans have been reviewed and approved by the City Engineer.

The Mayor stated that all open space parcels being turned over to the City are becoming a lot of work for the Parks Department to maintain. He stated that typically, areas like this are HOA owned and maintained.

Council Member Porter moved to approve a preliminary design plan and final plat for Foxboro North, Plat 10A and the escrow agreement with the amendments as discussed previously, that improvements have to be in by 12 months and reviewed by the City Attorney. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

9. CONSIDERATION OF A CONCEPT PLAN FOR CRESTPOINTE, TO BE LOCATED GENERALLY EAST OF RIDGETOP CIRCLE AND WINDSONG LANE AND BETWEEN EAGLEWOOD GOLF COURSE AND INDEPENDENCE WAY. SKY PROPERTIES, APPLICANT

Ken Leetham showed aerial pictures of the property being discussed. The property is a challenge because of the downward slope crossing the property, but also an undulating pattern going east to west. He stated that there really is not a flat spot on it. He showed some of the prior concept plans submitted. The Planning Commission discussed relevant code requirements including environmental issues, such as the required environmental impact report. City staff determined that an environmental impact report has been done.

The second concern includes the aesthetic character and mountainous areas, sedimentation and soil slippage, the natural terrain/grading, and dust/soil treatment during construction. The Development Review Committee (DRC) is of the opinion that when streets and subdivisions are built to today's standards, there is an overall reduction of dangers, including capturing drainage, controlling erosion, and they believe there is less risk in these areas by subdividing it than leaving it in the condition it is currently.

Regarding slopes and grading, Mr. Leetham showed topographical maps and highlighted sections of the code on natural terrain/grading. The developers need to build roads in a safe way so residents can travel without danger of steep roadways. If a site is graded and left for a long period of time, code requires that ground cover is planted and areas are not left in dirt for long periods of time. Topsoil should be saved and used in the refilling of the area. Regarding the construction of roads, streets in mountain terrain shall be designed at less than a 12% grade.

Regarding the stub streets, Mr. Leetham stated that City code is discretionary based upon the language that connections are required "where needed." The Planning Commission had to make a recommendation about the need for the connection to Constitution Way.

Council Member Harman asked what the basis was for the Planning Commission to recommend the connection of Constitution Way. Council Member Horrocks said all Planning Commissioners agreed with staff's recommendations that good planning requires the road to go through. Council Member Horrocks addressed Mr. Israelsen and stated that if Constitution Way did not go through and Sky Properties picked up another lot, then perhaps they could leave the walking trail easement for the trail at the end of Gary Way.

Steve Israelsen said there is a liability with a trail, and who carries it? He reminded the Council that in the previously submitted plan, there would have been trails and an HOA to handle that.

David Church said if the trail was turned over to the City, it would be a public trail owned and maintained by the City. Homeowners would not be liable for that easement.

Steve Israelsen then said that the undevelopable vacant property at the end of Constitution would remain weed patches.

Mayor Arave asked about putting in a cul-de-sac . Part of the design issue is where the water comes from and goes to, and Mr. Israelsen stated that it is designed to go out Ridgetop and Windsong.

Mayor Arave allowed public comment at 8:26 p.m. Council Member Jacobson said the Council has seen a lot of e-mail traffic already, and asked the residents to only discuss new, relevant material.

Andrea Johnson, 623 Ridgetop Circle, said her concern is the Constitution Way connection. She said no one has asked for it to go through, so she asked that the Council listen to the people it affects. She asked about grading over 30%, and Ken Leetham said there is no explicit prohibition of grading over 30%. Council Member Jacobson said the City does have prohibition on building on a lot of steeper than 30%. Lots must have a 5,000 square foot building area on less than a 30% grade.

Bill Starks, 325 Constitution Way, stated that it seems like a common sense approach to the Council's decision tonight. It is a narrow street, and if cars are parked on both sides, two cars cannot pass each other. He added that there is no legal basis for requiring it be punched through. He said the Council should listen to the citizens that elected them to office. It seems to make economic sense to the City, the developer and the people's property it will impact.

Ken Leetham stated there are two specific reasons for completing Constitution Way. Traffic circulation patterns in the City have been designed to use connecting streets. NSL has minor collector streets, i.e. Eagleridge Drive. In the periphery of these neighborhoods, you see neighborhoods where streets are connected. There could be an overuse of cul-de-sacs, but there is not. As he looks at the hillside developments, he sees many more streets connected than cul-de-sacs. Good traffic circulation is good planning philosophy. Originally, it was thought that neighborhoods should be connected whenever possible. Because of the stubbed streets into this property, it seems that the intention was to make these connections. The other reason is the public safety issue. He personally timed driving routes to the fire station, and said there was a slight, 30-second time saving to get to some of these neighborhoods. Mr. Leetham added that he feels obligated in his position to recommend the connection of Constitution Way; however, the Council does have discretion in this regard.

Karma Neilsen, 755 Independence Way, said there are many residents who use the access at the end of Gary Way as it is the only way to access the upper hill. She also expressed her concern over the lack of City parks.

Council Member Porter stated that at one time, developers were required to put in parks with new development. However, now homeowners are required to put park impact fees into the City, and those funds are used for parks.

Mike Taylor, 352 Constitution Way, said he is pleased that the plan is being considered not to put Constitution Way through. He said residents can usually depend on local government to listen to their constituents. However, if the plan connecting Constitution is the one approved, then connection from Constitution to Ridgetop Drive becomes the fastest route to Eagleridge drive off the hill, so it will attract a disproportionate amount of traffic into that tiny connection.

Council Member Horrocks asked for clarification from Steve Israelsen on the storm drain system in the area. Mr. Israelsen stated that having Constitution Way go through is irrelevant.

Council Member Harman asked about the weed patch at the end of Constitution Way, and if there would still be a weed patch there with the current plan. Mr. Israelsen stated that it is not owned by Sky Properties, but that they are anxious to do something there and have spoken with the property owners.

Paul Ottoson stated that the developer who owns that property was not able to develop those two lots, and he has talked to him about creating a cul-de-sac. Staff is in favor of connecting the road; however, if it does not go through, staff believes that the cul-de-sac needs to become permanent.

Barry Edwards asked if a hammerhead cul-de-sac could be created there to enable vehicles to turn around, including emergency vehicles, allowing them to do a three-point turn. It is not a preferred methodology, but an acceptable way to prevent backing up completely. Paul Ottoson said with full curb, gutter and sidewalk, there would not be enough room for a full City standard cul-de-sac.

Valerie Robinson, 291 Gary Way, stated that when Eaglewood was developed, the amount of traffic got very frightening, and she is in support of not having Constitution Way go through. Regarding the easement at the end of Gary Way, there has always been heavy use on that trail. Since it has been there for 34 years, that easement needs to be available. She stated that the neighborhood is losing more property, and all possible park property. An understanding for easements and walkways has always been there, and yet the parks get further and further away. We have nothing in the way of parks. She encouraged the Council to require the developers to leave the access easement at the end of Gary Way.

Ted Hemsley, 332 Constitution Way, said he drove various routes in the neighborhood. Driving from the corner of Gary Way and going the long way around, the drive times were very close, and he was driving at the safe speeds in the neighborhoods. Emergency vehicles would go faster, and this is not the route they would take. Their route would be quicker on the wider, approved streets. He asked that the Council require the trail easement as that is all the residents have left there.

Mayor Arave closed the public comment period at 8:50 p.m.

Council Member Porter said that he does not know what the grades would be on Constitution to Eagleridge Drive. Paul Ottoson said it would be at least 12%. There is a safety issue here, and Council Member Porter said he would be considered a hypocrite if he did not speak in favor of the road going through. Over the years, the City has had meetings similar to this where people have come and expressed disappointment, but the City has had to punch through certain streets, like 350 East and David Way. He said he could not imagine what the City would be like without the David Way connection. It affected a lot of people, and many were opposed to it; however, in all fairness to everyone involved, he cannot justify saying Constitution Way does not have to go through, but these other streets did. He does not believe it would be as bad as the residents think, as the residents on David Way and 350 East have found. He believes it is good City planning, and he would support staff in connecting neighborhoods for good circulation.

Mayor Arave said that traffic is a zero sum game. When someone leaves your neighborhood, you have to go in front of somebody's house. In opening Constitution, it would reduce traffic on the streets that are the same width as theirs.

Council Member Harman said he would like to speak to the easement issue. He said everybody would prefer to have that trail there; however, everyone of us knows that it was on the table in a previous proposal, and the City cannot require Sky Properties to keep it open. That option was rejected with the P-zone.

Council Member Porter said there are at least two lots that do not have the 5,000 square foot buildable footprint, and he would not approve the plan with those lots in place. Because this trail easement has been there for a very long time, it takes an implied or prescriptive easement. David Church stated that if the trail has been used by the public, without interruption for ten years, the public's rights remain. If the landowner has cut off access for even one day during that time, the ten years starts over. A public right could have been established, but if the landowner can say he has blocked it for even one day, it would have to be proven.

Steve Moosman said the trail has not been blocked at all during the last 20 years. Council Member Porter said he will not approve the Sky Properties plan without that trail easement in place.

Council Member Porter said lot #2011 does not have a 5,000 square foot building pad available and would have to be combined with another lot, probably 2012. Paul Ottoson said the developer has done a grading plan that removes those steep grades, and they cannot just grade in lots. The City allows some grading on the roads and connection to lots. One thing that is often not discussed is that the minimum lot size of 10,000 square feet is required. He added that lot #2106 does not have a sufficient building pad, and he is concerned about vegetation. Lots #2124 and 2125 would have to be combined to get the 5,000 minimum sq. ft. pad, but these can be looked at during the next phase.

Mayor Arave then expressed concern and suggested that several lots (adjacent to the golf course) include a stray ball easement notice. Paul Ottoson suggested placing the notice on every lot. Ken Leetham said those would be placed on the final plat.

Council Member Horrocks said he recognizes Council Member Porter's point, and there have been many areas where stubbed streets have gone through. However, as he looks at Constitution Way, the connection just does not seem critical, and in light of the residents' wishes, he asked to discuss that further.

Paul Ottoson stated that one of the other reasons for the connection of Constitution Way is the effort to get traffic onto major collectors as soon as possible for safety reasons. Right now, the people who live there, go down Constitution and Coventry, and remain on the small streets for a longer time-period. Staff has discussed this in detail, and they believe Constitution should go through; it is good transportation planning.

Council Member Harman said he would prefer not to require the connection of Constitution Way, if there was a feasible way to work around it. However, what do you do with it? Create a hammerhead, or regular cul-de-sac? Do you still lose those two lots? He is just not sure about the feasibility, but he can see the value in both points. He has a concern that there will be a small wasteland with which nobody can do anything, so without some alternative solution, he would be in favor of completing the Constitution connection.

Council Member Horrocks said the City and its residents have lived with Constitution as a stubbed street for this long without a problem.

Council Member Jacobson said he cannot tell you how much he has hated driving in West Valley City and Taylorsville where there are stubbed streets that do not go anywhere and you cannot get from one subdivision to another. However, that said, North Salt Lake has had this stubbed street for over 30 years, and it is not going anywhere.

Council Member Porter said the City had to build a large retaining wall at the end of Coventry Way to increase traffic safety when the roads become slippery. Mike Taylor responded from the audience that the wall was to direct water, not traffic.

Paul Ottoson said the steepest grade on Eagleridge Drive is 8%, but the older area of NSL has roads steeper than 12%, and even an area with an 18% grade.

Lissa Lovett, 385 Constitution Way, stated that for traffic traveling to Eagleridge, in a prior plan, there was a cul-de-sac to slow things down, but now it is a straight shot. She asked if anyone asked the fire marshall which way public safety vehicles would go.

Council Member Porter moved to approve the concept plan for the Crestpointe subdivision with the elimination of lots 2011, 2003, 2106, 2124, 2125 as they are of inadequate size to allow for the 5,000 square-foot building pad. Also, a stray ball easement from the golf course must be included as well as a vegetation grading plan in place. The pedestrian easement would have to be shown at the end of Gary Way allowing access to the Bonneville Shoreline Trail, and the developer should be put on notice that a fence is required along the golf course.

There was not a second to the motion.

Council Member Jacobson moved to approve the concept plan for the Crestpointe subdivision with the elimination of the connection of Constitution Way and lots 2011, 2003, 2106, 2124, 2125 as they are of inadequate size to allow for the 5,000 square-foot building pad. Also, a stray ball easement from the golf course must be included as well as a vegetation grading plan in place. The pedestrian easement would have to be shown at the end of Gary Way allowing access to the Bonneville Shoreline Trail, and the developer should be put on notice that a fence is required along the golf course. Council Member Horrocks seconded this motion.

Mayor Arave asked about required soil studies. Barry Edwards said that according to Paul Ottoson, the developers do have valid soil studies on file with the City including an acceptable geotechnical study and results of borings on this land. The Mayor said he does not feel comfortable having one soil study for the whole Eaglewood/Eaglepointe area. Council Member Horrocks stated that some of the Planning Commissioners walked this property after a lot of rain, and found that the land drains well, and he asked Ken Leetham to address this.

Ken Leetham stated that there is a complete geotechnical study for this property. Road plans and construction techniques and recommendations will be reviewed at that point. Two borings were done, and Mayor Arave again said he is not comfortable with just two borings.

Mayor Arave asked for a vote on Council Member Jacobson's motion. **Council Members Horrocks and Jacobson voted in favor of the motion, and Council Members Porter and Harman voted against the motion. Mayor Arave voted against the motion, so it did not pass.**

Council Member Harman said he would like to offer a second to Council Member Porter's original motion. He added that he could not support a plan that does not push Constitution Way through.

Mr. Israelsen asked about the 5,000 square foot building pads. Council Member Porter stated that the lots to be eliminated are the ones that do not have 5,000 square feet outside of required setbacks and 30% grades.

Council Member Porter made his original motion again. Council Member Harman seconded the motion. Council Members Harman and Porter voted in favor of the motion. Council Members Horrocks and Jacobson voted against the motion. Mayor Arave voted in favor of the motion to break the tie. (Council Member Jensen was excused.) The motion was approved with a three to two vote.

(Added this 6/7/11 @ 3:54 p.m.: **When Barry asked Stan to repeat his motion, Stan used the word "eliminated" in his motion about the lots that weren't large enough. This "repeated" motion was voted upon and approved.)**

Council Member Porter invited the public to look closely at the situation and try to be amenable and understanding of the decision.

Council Member Harman said without more information, he could not support a plan that did not show Constitution going through.

10. BOUNTIFUL/DAVIS ARTS CENTER, EMMA DUGAL

Council Member Horrocks spoke in favor of supporting the Bountiful Davis Arts Center. Council Member Porter questioned whether NSL receives adequate benefit or recognition from its contribution.

Ms. Dugal had to leave the meeting before the item was discussed, so this will be included in next meeting's agenda.

11. AWARDING OF THE SLURRY SEAL BID

Rod Wood reported that the City received two bids for slurry sealing City streets for $60,000 and $67,000. City staff recommends awarding the bid to Intermountain Slurry seal for $60,000.

Mayor Arave asked what areas are scheduled for slurry seal this year. Mr. Wood responded that Orchard Drive from Center Street to Eaglewood Drive, and Foxboro from Redwood Road to just past the roundabout, and the 725 East road past the fire station, as well as the Public Works building parking lot and the bottom part of the golf course parking lot. Mayor Arave asked if $60,000 would cover what needs to be done. Paul Ottoson stated that the City would need to triple this amount to catch up the areas that should be done. The City would need to spend $300,000 per year to maintain every street every five years as recommended. Slurry seal extends the life of your streets.

Without rebidding the contract, it could be increased up to $125,000. Mr. Edwards said there are sufficient funds, and the City may want to consider increasing the amount to one hundred thousand dollars and slurry seal a few more streets. The intersection of Fairway and also Eaglewood Dr. would be good additions. Council Member Porter said it seems like good practice, and all other Council Members agreed to increasing the amount.

Council Member Porter moved to accept the bid of Intermountain Slurry Seal with an addition to allow the Public Works Department to slurry seal additional roads as needed up to an amount of $100,000. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

12. AUTHORIZE THE CITY MANAGER TO PURCHASE AND SIGN ALL NECESSARY DOCUMENTS FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 103 NORTH MAIN FOR $236,000

Barry Edwards reported that the property being discussed is GregWashburn's. The two pieces have become separated without much access. Two appraisals have been done on the property, and the $236,000 is a short sale amount, but the bank wants to know if staff has authorization to make the purchase. Council Member Jacobson said the property does need a new roof. Extending the park received high marks in our general plan meetings with the public. The property is almost an acre, and another access into the park could be created.

Council Member Horrocks asked what the driving motivation and long term plan is for this. Barry Edwards responded that more than likely, it will be to acquire the property and expand the park from street to street, which is better for access and safety purposes.

Council Member Horrocks asked if the structures have value, and Mr. Edwards responded that they do not know for sure. Council Member Horrocks stated that he does not know that this is a bargain for the City, and that as a Council, they have a fiduciary responsibility to the residents. Council Member Porter said the property does have appraisals.

Barry Edwards said with a corner like this without access to the street, it is not very family-friendly, and access is limited. A secure way to build a park is with access roads along the whole perimeter. People can see from one side to the other and feel safe and can walk all the way around it. If you can acquire all the property, it becomes a real asset to the City, a showpiece, a center community for the City. It links both halves of the City. He added that beautification was also a priority for the residents. Funds for this purchase would come out of the park development fund. (The City received approximately $280,000 from the RAP tax.)

Council Member Porter moved to allow Barry Edwards to enter into negotiations and sign all necessary documents for the acquisition of the property located at 103 North Main for $236,000. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jacobson, Porter and Harman. Council Member Horrocks voted in opposition to the motion. The motion was approved with a vote of three to one. Council Member Jensen was excused.

13. DISCUSSION OF USES FOR THE CITY CENTER PROPERTY

Some suggestions for the old City building property were: an amphitheater, a park, or a water feature. The Davis County Commission and the Davis County Library Board of Directors would like to put a new branch in NSL in the future. Barry Edwards will discuss a design plan with the landscaper being used for other current City projects.

14. APPROVE MINUTES

The City Council minutes of May 3, 2011 were reviewed and amended. **Council Member Jacobson moved to adopt the work session and regular session minutes of May 3, 2011 as amended. Council Member Harman seconded the motion. The motion was approved by Council Members Jacobson, Porter, Harman and Horrocks. Council Member Jensen was excused.**

15. CITY MANAGER'S REPORT

Barry Edwards reported that he and Ken Leetham met with Albertson's about a store in the Foxboro area. They have a person in charge of it, and they will continue discussions.

Mr. Edwards stated that he met with Granite Construction on a possible property exchange with the State, and they are selling the property.

The franchise agreement is up with Rocky Mountain Power.

Barry Edwards said he and the Mayor had been working on assessments for the Metro Fire Agency. Based on some information with assessments and the correct value on Chevron, they struggled to find a formula that did not completely benefit North Salt Lake, so with that, they agreed not to pursue an alternative formula.

Mr. Edwards reported that he met with Chief Black and Troy Johnson, new police lieutenant.

Mr. Edwards reported that he attended a landslide meeting Monday, and it was not very eventful. It was determined that a lot of water would be coming down the canyon.

Mr. Edwards talked to South Davis Irrigation District and got deal points hammered out with them. They will begin crafting an agreement shortly.

16. MAYOR'S REPORT

Mayor Arave reported that with all of the recent moisture, a new gap opened up behind the Christiansen's home in the Springhill Slide area.

Council Member Jacobson reported that Trevor Wilson, current NSL Youth City Council Mayor, has been selected as Youth Citizen of the Year by the Bountiful Elks Lodge.

17. COUNCIL'S REPORT

Council Member Jacobson reported that the Youth City Council is planning activities for the summer. They will be meeting the following day to go through the calendar. He added that he attended the recent NSL Live second Sunday concert, and it was wonderful.

Council Member Jensen (who arrived about 10:00 p.m.) said he and Becky Edwards are working to select dates for the summer concert series.

Council Member Harman said the Uniting Neighbors met last week, and Chief Black talked about emergency management; how they set up and manage incident command, and how emergency preparedness groups can get involved and effectively communicate. Also, there is another "ham cram" this Saturday at 9:00 a.m. for people interested in acquiring their ham radio license. The cost is $15.

Council Member Harman reported that thanks to efforts of residents, staff and elected officials, UTA bus route 460 is off the chopping block. He thanked everyone for their efforts.

Council Member Harman said they had a meeting with the Springhill landslide fundraising committee (consisting of ten individuals). They are trying to raise $10,000 from the July 2 breakfast for the residents, and their biggest objective is to raise awareness. He added that he would like to discuss media outlets for this with Marta Nielsen.

Council Member Harman said that he sent a letter to Kern River inviting them to be one of the sponsors of the July 2nd 5K race, and give them an opportunity to improve their relations with the City. They declined.

Council Member Porter reported that Kern River has kept the trail opened. Construction is proceeding all around it, but people can still use the Wild Rose Trail. Council Member Horrocks stated that the trail is open; however, Kern River has created an "attractive nuisance" with such a large trench. He said that during the Arbor Day activities, there were several kids walking and playing in the trench. Barry Edwards said staff will look into the situation.

Council Member Horrocks asked about the Davis County Mosquito Abatement Board, on which he had agreed to serve. He said he had not heard anything regarding this assignment. Barry Edwards said he and/or LaRae Dillingham would find the information and forward it to him.

Council Member Jensen thanked Council Member Jacobson for supporting the most recent NSL Live second Sunday concert. He also reported that this last Saturday there was a garbage cleanup along the trails and marshlands, and T .J. Riley instructed the group to leave the trash bags along the trail. He wanted to make sure the City removed them. Rod Wood reported that they were removed.

Council Member Jensen then gave the money/proceeds from the NSL Live Eaglewood 5K to LaRae Dillingham.

18. ADJOURN

Mayor Arave adjourned the meeting at 10:41 p.m.

Mayor	Secretary

May 17, 2011
New Action Items

___ 1. Action: Barry/Brent – more marketing efforts for the Eaglewood banquet/reception facility.

____ 2. Action: Craig Hughes $20,000 fund for trails. Council Member Porter asked if the money is still available. We need to put it in as a budget expenditure for trails.

____ 3. Action: Marta/Linda - get Planning Commission minutes to the Council.

____ 4. Action: Chief B. - graffiti at end of Gary Way.

____ 5. Action: Ken - get Good Landlord program statute to the Council for review.

____ 6. Action: Barry/LaRae - Mosquito Abatement Board information to CM Horrocks.

____ 7. Action: Staff - look at Kern River pipeline trench and see if something needs to be done regarding the "attractive nuisance."

____ 8. Action: Ken - get statute of Good Landlord program to the Council for review.

____ 9. Action: LaRae – put Bountiful/Davis Arts Center and Ms. Dugal on next meeting's agenda.

____ 10. Action: Barry – design for old City Hall property – (get bid below the level requiring approval).