

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
NOVEMBER 16, 2010

Mayor Len Arave called the meeting to order at 6:05 p.m.

PRESENT: Mayor Len Arave
Council Member Stewart Harman
Council Member Brian Horrocks
Council Member Conrad Jacobson
Council Member Matt Jensen (was excused at 6:50 p.m.)
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; Chief Craig Black, Police Chief; Dave Church, City Attorney; Ryan Rhees, Golf Course Director; Marty Peterson, Emergency Preparedness Manager; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Preston Kirk, George K. Baum.

1. ACTION ITEMS

The list of action items from October 19, 2010 was reviewed. Completed items were removed from the list. Incomplete items will remain on the carry-over list.

Cutler Drive and its lack of lighting was discussed. It was decided to review this issue as a mid-year budget amendment, and if it is not an option for this year, then it is to be put on next year's budget.

2. BRIAN PASSEY – FINANCE REPORT

Brian Passey discussed financial information pertaining to the City as of October 31, 2010. He reported that key general fund revenues are trending upward slightly. These include taxes (up), building related (down) and court revenue (down).

Sales tax has increased slightly over last year's quarter, and is equal to approximately FY2007 levels. While still early, it appears it is going in the right direction. While golf revenues held steady in 2006, 2007 and 2008, they have slipped in 2009 and 2010, due in part to economic conditions. October 2010 showed some modest improvement.

Outdoor culinary water usage declined in October as expected. Overall revenue is significantly improved, given the March 2010 rate increase.

Mr. Passey reported that City cash balances have leveled to approximately \$3.5 million as of this report. This has been expected due to City Hall construction and occupancy. Significant cash balance milestones include: (1) January 2007 Weber Basin water line down payment, (2) City property sale to SLC & SLCO (June then September 2007), and (3) City Hall land acquisition and building construction (May 2009 to the present).

Dave Church noted that court revenues have changed significantly through the years. He suggested determining if the court is handling as many matters, or if there has been a change in court procedures. Revenue has decreased consistently about 18% per year. Barry Edwards and Chief Black agreed to look into this matter.

Mr. Passey stated that payments to Woodside Homes for the Foxboro North Park land purchase (October 2008 agreement) were made current in October 2010. A majority of automatic radio meters have been installed now per the budget. Nearly \$330,000 has been spent in the past ninety days towards this goal.

Mr. Passey noted that the annual audited financial report is scheduled to be presented at the December 7, 2010 City Council meeting.

The combined (culinary-secondary-storm) water enterprise fund condition is improving slowly and steadily month by month. Preliminary water bond ratings are in from the City's recent NYC bond ratings trip the first week of November 2010. The City received an A+ rating from one of the rating firms, and is waiting for the other rating.

Mayor Arave asked about the lawsuit with Woodside Homes. Dave Church responded that the lawsuit is going forward, and Mr. Church disclosed to the auditors that there is some risk of a fee refund. Depositions have been rescheduled with Brian Passey and Jerry Thompson.

2. MARTY PETERSON - EMERGENCY PREPAREDNESS UPDATE

Marty Peterson provided an emergency preparedness summary to the Council. He discussed procedures in the event of an earthquake. He reported that all four LDS stakes in the City have operating Emergency Preparedness programs including communications, and the programs are fairly consistent with City plans. All LDS stakes in the City were represented at the last two Uniting Neighbors meetings.

The Springhill Landslide area has a preliminary evacuation plan, and the City has done work to adapt to the changing conditions. The landslide is still moving slowly, but according to the geologists, is still in early stages and will continue to develop and enlarge. The vacant structures continue to deteriorate, and that issue will become more pressing. Further guidance is required by City Leadership to address this entire issue. The private foundation that can assist these residents is still in existence although does not have any fund surplus. Kevin Eubank (who heads up this foundation) is willing to do more as part of a coordinated effort.

North Salt Lake was well represented during Emergency Communications drills in October and November. Mr. Peterson stated that the City also had a chance to communicate with Church representatives during the November drill.

North Salt Lake has been represented at the local emergency planning committee meetings where issues, concerns and resources are discussed. A brief, but important, amount of training is also given. This meeting also provides contact with governmental and business representatives.

The companies with pipelines in the City have formed an alliance for education and information. Training classes have been scheduled.

Mr. Peterson reported that he has studied potential grant programs for which the City may qualify. The time required to adequately research and request consideration is extensive in most cases, which will be an ongoing challenge.

Council Member Harman stated that one of the challenges for emergency preparedness is to coordinate the existing groups (church, neighborhood, etc.) within the City so that efforts are not duplicated, but are working together.

3. ADJOURN

Mayor Arave adjourned the meeting at 7:00 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
NOVEMBER 16, 2010

Mayor Len Arave called the meeting to order at 7:09 p.m. He then offered the invocation and Neil Hansen, BSA Troop 748 led the Pledge of Allegiance.

PRESENT: Mayor Len Arave
Council Member Stewart Harman
Council Member Brian Horrocks
Council Member Conrad Jacobson
Council Member Matt Jensen (joined meeting at 7:23 p.m.)
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; Chief Craig Black, Police Chief; Dave Church, City Attorney; Ryan Rhees, Golf Course Director; Marty Peterson, Emergency Preparedness; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Kaye and Bob Donahoe, Zachary and Jocelyn O’Niones, Joey Onig, Corinne Hals, Harold Altenes, Matt Hardy, Bill and Kathy Starks, Fernando and Wilson Lara, Mario Posso Andrea Johnson, residents; Tyler Reed, Neil Hansen, BSA Troop 748.

1. CITIZEN COMMENTS

Kaye Donahoe, 1036 East Fairway Drive, approached the Council stating that she was disappointed with the choice the Council made to develop a park rather than leave the Bonneville Trail as is. She brought forward a petition to show the Council.

Council Member Horrocks stated that when he ran for City Council two and a half years ago, there was a common theme of, “Why don’t we have parks?” He explained to Mrs. Donahoe that the decision of the Council was simply that some day the City will have a park there. Residents voted in favor of the RAP tax, with the understanding that those funds would be used in part for a large east bench park.

Mrs. Donahoe said there needs to be more input from a committee. If you read the *Clipper* article, it stated that the Council had decided that this would be a park, and she believes that the majority of the people at the open houses stated that they want the land left as is.

Council Member Harman asked if the *Clipper* article noted all of the e-mail comments, and other forms of communication, that were also submitted.

2. SWEARING IN OF TREVOR HALLS, NEW POLICE OFFICER

Mayor Arave introduced Trevor Halls, newly hired police officer for NSL. Officer Halls stated that he has lived in NSL for 13 years, has owned a business for seven years, and he expressed his desire to give back to the community that has given him so much.

LaRae Dillingham, City Recorder, performed the swearing in of Trevor Halls.

3. CONSIDERATION AND POSSIBLE APPROVAL OF A STORM DRAINAGE CREDIT AND REIMBURSEMENT AGREEMENT BETWEEN EAGLEWOOD VILLAGE, INC. AND THE CITY OF NORTH SALT LAKE

Ken Leetham stated that this is part of an agreement that reimburses the developer for storm drain impact fees, and the City feels this is a better use of dollars and method of using these fees. By approving this agreement, we are completing or taking a part of the obligation and fulfilling it in a different way. This is for reimbursement of infrastructure improvements using tax increment financing and instead using another method of funding. The City is repaid for its investment, and the developer is repaid for its investment. Mr. Leetham added that the CDA funds that will come later can be used to incentivize growth for the area. This should help it grow faster.

Dave Church stated that the City set impact fees from the Eaglewood Village area based on the idea that it could collect those fees, and this agreement anticipates that these improvements benefit a larger area, so the developer is getting credit against their impact fees, and the City is getting reimbursement from what it contributed to land costs. The storm drain improvements benefit a large area.

Mr. Church stated that the developers are not entitled to reimbursement from impact fees AND profit from tax increment fees. The CDA agreement needs to be amended showing that Compass Development and the City will be reimbursed through impact fees rather than waiting for the taxes.

Mayor Arave stated that if this change is unclear to the developer, the City Council should perhaps wait on approval, or approve it with an amendment for signature, or continue this for two weeks.

Barry Edwards recommended that whoever makes the motion should include language to reflect that the signature of the agreement is subject to working out the differences between the tax increment agreement and this agreement, such that the reimbursement does not equal double reimbursement. It should not be signed if it is unclear.

Mayor Arave asked about the warranty agreement. Paul Ottoson stated that the storm drain pipe has been in two years, but some of the dedications are still taking place. The whole warrantee needs to begin after the City completes its final inspection.

The issue of attorney fees was raised, and the City asked if the line stating that the City would reimburse the developer's attorney's fees could be removed. Ben Lowe nodded his head in agreement.

Council Members Horrocks and Jensen both stated that they may feel more comfortable waiting on this agreement.

Ben Lowe addressed the Council stating that the bank has paid for the improvements, and they have been putting off their bank because of delays due to changes in City staff changes, etc. He said he needs to go back to the bank and have something to report; however, obviously, an equitable solution needs to be reached. Mr. Lowe agreed and acknowledged that Compass will not be paid twice for the same thing.

Council Member Porter moved to approve the storm drainage credit and reimbursement agreement between Eaglewood Village, Inc. and the City of North Salt Lake with the condition that Mayor Arave not sign the agreement until the City and developer have both come to a clear understanding of the agreement, which outlines that the developer will not be reimbursed for the tax increment agreement in addition to the storm drain credits (doubling their reimbursements), but that the costs will be subtracted from the tax increment agreement. It is also understood that the line will be removed regarding the attorney's fees provision. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen voted in opposition to the motion.

4. DEER CONTROL DISCUSSION

Many residents have contacted Mayor Arave about reducing the deer population in NSL. Council Member Porter researched what Bountiful City has been doing, and Barry Edwards stated that they are not targeting the migrating deer, but those that never go east of Bountiful Boulevard.

Council Member Harman stated that the DWR (Division of Wildlife Resources) has talked about cutting down on deer hunting permits because of the disparity of bucks versus does in the population. He believes homeowners should do what they can to control the deer on their own property.

The Council opted to not take action on this matter.

5. DISCUSSION OF GREEN WASTE RECYCLING SURVEY RESULTS

Barry Edwards stated that the threshold to enroll in the green waste recycling survey is 20%. The City could allow people to sign up, with the understanding that enrollment by 20% of the residents is required. The City could roll out the program in spring 2011, and residents would stay enrolled the entire season. The contract with the hauler would be negotiated and signed on a season by season basis.

It was noted that the City owns a portion of the burn plant and should keep it profitable.

Some concern was raised about cans being lined up in front of homes and becoming an eyesore.

When the Council Members were asked how many of them would use the green waste recycling program, Council Member Harman was the only one who said he would use it.

It is an opt-in program, and Barry Edwards stated that Centerville allows residents to put normal trash in that can November through March.

Council Member Harman asked about having the same can for a 1-2 day/month green waste pickup similar to what the City does for the extra Saturday pickup.

Barry Edwards suggested bringing this back to the City Council on a future agenda with official guidelines, rules and rates.

6. APPROVAL OF CONTINUING PARTICIPATION IN TREE CITY USA

There is a cost associated with this program, but it is not necessarily an out-of-pocket cash cost. Volunteer hours can be included as well as trees already being planted and taken care of in the parks, on the golf course, etc.

Council Member Jacobson moved to continue the Tree City USA program in North Salt Lake. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

7. APPOINTMENT OF KEN LEETHAM AS AN ALTERNATE REPRESENTATIVE TO THE JORDAN RIVER COMMISSION

Council Member Jacobson moved to approve the appointment of Ken Leetham as an alternate representative to the Jordan River Commission. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

8. AUTHORIZING THE CITY MANAGER TO GRANT AN ADDITIONAL MERIT INCREASE TO CHIEF CRAIG BLACK

Barry Edwards stated that Chief Black has done a great job in his six months with the City, and as was agreed to at his hiring, the City needs to try and bring him into line with where his compensation was with West Valley City. Mr. Edwards suggested giving Chief Black an additional merit step, which would bring him in line with his prior salary over a three year period. This could equate to \$133,000 in seven years.

After some discussion, Council Member Jacobson stated that it is not really a matter of discussion since the commitment was made when the City hired Chief Black.

Council Member Jensen stated that he wants to point out that the Council agreed that salary adjustments are to be discussed and approved on a yearly basis, rather than just have foregone conclusions that the Chief, or any other employee, gets the maximum increase year after year.

Council Member Porter moved to authorize the City Manager to grant an additional merit increase to Chief Black by moving him to grade 35 step 3. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

9. APPROVE MINUTES

The City Council minutes of October 19, 2010 were reviewed and amended. **Council Member Harman moved to approve the October 19, 2010 work session and regular session City Council minutes as amended. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

10. CITY MANAGER'S REPORT

Barry Edwards reported that he and Brian Passey recently completed a ratings trip to New York City where the City received an A+ rating from Fitch (and are waiting for the rating from S&P). During these meetings, the City was encouraged to maintain rate structures, and keep covenants. City staff assured rating agencies that they would encourage the Council to raise rates in appropriate increments, and also build up cash reserves in utility funds.

The City is accepting RFPs from engineering firms to develop an upper pressurized irrigation system that would serve the golf course. There is an opportunity to work with South Davis Water and work out an agreement. Barry Edwards stated that it would be less costly water, and it may be that the City can alter the type of irrigation system improvements needed, so they are continuing to look into that.

Mr. Edwards reported that they are also bringing a contract back for the feasibility of the east bench park/cemetery. They have concluded that Jerry Brown Associates who did the initial feasibility study would be the best one to continue at this point. He added that they have sought permission from Kern River Gas to do a soils test with a backhoe in that area, and have not yet heard back from them.

Additionally, Mr. Edwards stated that the City has fielded a couple of phone calls about damage experienced as a result of blasting by Lakeview Rock Products. He contacted DOGM, and was told that LRP is required to blast in segments, rather than all at once, to prevent damage. A meeting will be set up with all parties involved.

11. CITY ATTORNEY

Dave Church stated that he has been asked to encourage the City Council to pass an ordinance that would allow trash grabbing. He added that this request has been made by private investigators.

Council Member Jacobson stated that if the City does not have an ordinance that prohibits trash grabbing, why should the City write a specific ordinance that grants people this access. The Council felt no need to act on this item.

Dave Church then stated that City needs to have an ASCAP license – a contract that allows the City to play commercial music. The Council agreed to have Mayor Arave sign the contract to obtain this license.

12. MAYOR'S REPORT

Mayor Arave reported that the City now has an agreement in place with Weber County that allows construction and demolition waste to be sent to their landfill at a cheaper rate. Until now, all waste had to go to the landfill in Layton.

Mayor Arave received an invoice for \$50 from the Utah Taxpayers Association wondering if we want to subscribe to their service. It may have some value; however, he was not intending to participate unless the Council wanted to have this service. Barry Edwards stated that membership in this association was probably worthwhile and that the City should subscribe to this service.

13. COUNCIL'S REPORTS

Council Member Jensen stated that they had a good Economic Development Committee meeting last week. He reported that this group will facilitate the west side of the City General Plan Board and will call meetings as needed.

Council Member Jensen also reported that they had a great Community Development meeting as well, with a lot of great participation. They will work out calendars and budgets which will come before the Council.

Council Member Horrocks stated that there are 20 mph temporary road signs on Orchard Drive as you enter the City from the north that need to be removed.

Council Member Horrocks referred to the petition brought to the Council by Kaye Donahoe, and stated that there were not relatively many names on the petition, where the area involved takes in hundreds of homes. He still maintains that most residents support a park with improvements, especially with the RAP tax in place.

Barry Edwards noted that the Foxboro North Park is going to be a great facility.

Council Member Porter expressed frustration that Kern River removed many more trees (large ones), that what they agreed to, even with their own overlay. He stated that the City needs to get with them and come up with a solid agreement in writing ensuring they get vegetation, trails, etc. replaced in a manner acceptable to the City.

Barry Edwards stated that Doug Gibbons (Kern River) has agreed to come to the City Council and discuss this issue, and the Council agreed that they would like him to come back and talk to them. Council Member Porter stated that Compass Development committed to repair the trail in their area at a cost of \$7,600. He will contact Troy Duffin to fix the trail in the spring. Mayor Arave stated that Kern River moved onto the City's property five months earlier than agreed, and the City should be compensated for it.

Council Member Harman stated that he heard some individuals making presentations were not treated very fairly during the last Planning Commission meeting. Ken Leetham stated that he felt Sky Properties had ample opportunity to make their presentation. The general mood was somewhat hostile toward them, but it was fairly tame, with the exception of a few comments. Sky Properties has gone back to regroup, and they are deciding whether or not to revise their plan. Staff gave them some feedback.

Council Member Harman asked Council Member Jensen about the Community Development meeting because he already has committee in place for the 2nd of July 5K. He expressed concern about duplicating the same effort. Council Member Jensen stated that they will not duplicate these efforts. Mayor Arave also stated that because NSL is a member of the South Davis Recreation District, the City should work with them and not in competition with them on events such as 5Ks, etc.

Council Member Jacobson stated that there are many community activities that are natural leads for the Youth City Council to be involved with as well. He mentioned that they sponsored a Thanksgiving coloring contest at Foxboro Elementary School.

Council Member Porter reported that on Friday, November 19th at 2:00 p.m., there will be an open house at the Pony Express to celebrate the finished portion of the Chevron Mile of the Jordan River Parkway Trail in that area.

14. ADJOURN

Mayor Arave adjourned the meeting at 9:30 p.m.

Mayor

Secretary

**New Action Items
November 16, 2010**

- ___ 1. Action: Review mid-year budget amendment - put lights for Cutler Drive on next year's budget, if doesn't work for this year. (*Six lights needed, assuming they are wanted where the trail meets the road at a cost of \$10-12,000.*)
- ___ 2. Action: Chief/Barry – look at court revenue numbers and identify reasons for 18% decreases each year.
- ___ 3. Action: put green waste pick up on future agenda outlining more details.
- ___ 4. Action: Paul – Look into temporary road signs on Orchard Drive, right as you enter the city from the north, that have been there for some time and don't seem to be there for a purpose.
- ___ 5. Action: Have Doug Gibbons with Kern River come talk to the Council about agreements to replace trees and also moving on our property five months early.
- ___ 6. Barry – set up a meeting with Hughes, Dogm and residents.
- ___ 7. Stan – Have Troy Duffin fix the trail that Eaglewood Village messed up. (Spring) – (\$7,600).

Carry Over Items

- ___ 1. Action: Ken - set up an email network of businesses in the city. (*E-mail requests on payment forms*).
- ___ 2. Barry Edwards said they should probably look at the situation (Foxboro parking – all over the place) and see if there are any possible solutions.
- ___ 3. Action: Staff - look into possible crosswalk at Eagleridge (617 E.) and Ridgetop Circle – flashing lights on Lofty Lane? (*Safety Committee met – have not come to a conclusion.*)
- ___ 4. Council Member Harman – prepare a proposal for the Council on the Community Council reporting at the Uniting Neighbors Meetings.
- ___ 5. Action: Stan - update on web advisory board and social media. (*Barry Edwards stated that the City is waiting to hear from the woman at Deseret News who is going to make a proposal for the City.*)
- ___ 6. Action: Ken Leatham - work to get important thoroughfares cleaned up, i.e. Hwy. 89, Redwood Road, etc.

- _____ 7. Action: Rod – Landscape Eagleridge water tank - (*Rod says budget needs to be increased – discuss in budget meeting.*)

- _____ 8. Action: Ken and Stan - look into getting the City’s assessment as part of the Jordan River coalition reduced.