

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
JUNE 5, 2012

Mayor Arave called the meeting to order at 6:14 p.m.

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

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

OTHERS PRESENT: Jason Burningham, Lewis Young Robertson & Burningham (LYRB).

1. CLOSED SESSION

At 6:15 p.m. Council Member Jacobson moved to go into closed session to discuss pending litigation and the sale of property. Council Member Harman seconded the motion. The motion was approved by Council Members Horrocks, Harman, Jacobson, Porter and Jensen.

At 6:49 Council Member Jacobson moved to go back into regular session. Council Member Harman seconded the motion. The motion was approved by Council Members Horrocks, Harman, Jacobson, Porter and Jensen.

2. CONSIDERATION OF WOODSIDE SETTLEMENT OFFER OF MAY 31, 2012

Council Member Porter moved to approve the offer presented by Woodside Homes dated May 31, 2012. Council Member Harman seconded the motion. The motion was approved by Council Members Horrocks, Harman, Jacobson, Porter and Jensen.

3. APPROVE MINUTES

The City Council minutes of May 15, 2012 were reviewed and amended. **Council Member Harman moved to approve the work session and regular session City Council minutes of May 15, 2012 as amended. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Harman, Jacobson, Porter and Jensen.**

4. 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
JUNE 5, 2012

Mayor Arave called the meeting to order at 7:10 p.m. Council Member Brian Horrocks 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
Council Member Matt Jensen

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

OTHERS PRESENT: Jim and June Allen, Mel Banner, Marty Peterson, Liz Schultz, April Ito, Rachel Christensen, Nate Wickizer, Pele and Pele Puefua, Jeremy Budd, Jeremiah Burns, Leigh Okleberry, Ken Nelson, Jeff Hurst, Larry Groves, Luke Larsen, Sean and Brittany Booth, Shane Moser, and Ashley Jensen residents; Patrick Juhlin, CBRE; Peter Evans and Garrett Seely, Woodside Homes; Patrick Scott and Nate Pugsley, Brighton Homes; Brad Nelson, Spectrum Academy; Robert Bagley, Dave Marshall, and Kevin Harcourt, Marshall Industries.

1. CITIZEN COMMENTS

Jim Allen, 902 Romsey Court, stated that one issue that keeps coming up is the walkway around the wetlands in south Foxboro. He had to get Tom Blanchard to get T.J. Riley a call to cut the weeds that are four feet tall. According to City code, weeds over six inches high are supposed to be cut, and he noted that some weeds are real pests.

April Ito, 983 Berkshire Drive, stated she is concerned about the rezoning of land along Redwood Road to allow apartments to be built. She does not want apartments.

2. PRESENTATION TO SPECTRUM ACADEMY

Barry Edwards reported that Marshall Industries, a business in North Salt Lake, has developed a radio frequency tracker that they use to track falcons and other species. Marshall Industries has modified that application and created a bracelet that can be worn by people who may have a tendency to get lost. They have been focused on Alzheimer patients, but have introduced the concept for autistic children who could also benefit from this technology.

Chief Black introduced Brad Nelson from Spectrum Academy, and Robert Bagley, Dave Marshall and Kevin Harcourt from Marshall Industries. Mr. Bagley stated that this is Project Lifesaver, using things they have learned with falconry. They have placed units on many kinds of drones and aircrafts, and on boy scouts, and birds, but nothing is more important than being able to track children. Police agencies are trained to respond, and search time is only about 30 minutes with this technology, as opposed to hours without it. Mr. Bagley presented the equipment to Chief Black, NSL Police Chief, who then presented the technology to Spectrum Academy.

Brad Nelson thanked the City and Marshall Industries for this gift and expressed gratitude to the North Salt Lake Police Department for their assistance in the past with finding students.

3. CONSIDERATION OF PROPOSED POLYNESIAN CULTURAL CELEBRATION DAY – PELE PUEFUA, APPLICANT

Mr. Pele Puefua, a Samoan recording artist, presented a proposal to the City for a Polynesian Cultural Celebration Day to promote their concerts to the community.

Barry Edwards stated that staff had several questions, and it was not clear from his letter which park they wanted to use. Mr. Puefua said there is a gentleman who has been helping with this project, but was not in attendance.

Council Member Jensen said Pele's group has done this in Beaver when they lived there, and he believes they are looking for funding assistance for the event, and sponsors.

Barry Edwards stated that staff would meet with Mr. Puefua to get additional information on this request.

Council Member Harman moved to amend the agenda to move the consideration of Foxboro North General Development Plan and Conditional use permit agreement item from the 8:40 p.m. time slot to the present time of 7:31 p.m. Council Member Jensen seconded the motion. Council Members Jensen and Harman voted in favor. Council Members Horrocks, Porter and Jacobson voted in opposition. The motion failed.

4. AWARD BID FOR CENTER STREET RECONSTRUCTION

Rod Wood addressed the Council and distributed reconstruction bid tabulations which showed ACME as the low bid with \$658,267.10. He reported that staff had visited and viewed some of their work and recommended the Council approve their bid. **Council Member Porter moved to approve the bid for ACME Construction of \$658,267.10 for the Center Street Reconstruction project. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

5. APPROVE BUDGET FOR UNDERGROUND POWER ON CENTER STREET

Rod Wood reported that the fees to bury the power lines underground along Center Street would cost approximately \$247,000. Staff recommends burying all of the power lines from the west side of Highway 89 to I-15, or none at all. Burying them all would use up the engineer's contingency on the project and could potentially cost another \$70,000. The total price of the project is \$119,000, of which \$66,000 goes to Rocky Mountain Power.

Council Member Jacobson said it only makes sense to bury the lines now, as it would most likely be wanted, and possibly necessary, in the future. Paul Ottoson said this amount also includes the cost of relocating, so it would definitely cost more in the future.

Council Member Jacobson moved to authorize the budget increase for the underground power on Center Street. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Harman and Jacobson. Council Member Porter abstained.

6. PUBLIC HEARING FOR CONSIDERATION OF A PLAT AMENDMENT AND VACATION OF A PUBLIC UTILITY EASEMENT FOR A PORTION OF EAGLEPOINTE ESTATES PHASE 12, PLAT C LOCATED ON SUGAR PLUM COURT – NATHAN AND HEATHER WICKIZER, APPLICANTS

Ken Leetham stated that this is one of several plat amendments and public utility easements on this project, most of which have been caused by the Kern River pipeline. This area consisting of two lots is being combined into one lot. Mr. Leetham said there are two conditions on this approval, noted in the staff report, including the utility companies consenting to the vacation, and also that Kern River must allow a driveway to be located on top of their easement to provide for vehicular access to the proposed lot.

Mayor Arave opened the public hearing at 7:54 p.m. There were no comments, and he closed the public hearing at 7:54 p.m.

Council Member Harman moved to approve the proposed plat amendment and utility vacations for Eaglepointe Estates Phase 12 Plat C, subject to the following conditions: a) the utility companies affected by the vacation of public utility easements must consent to the vacation of the easement by either submitting letters of consent to the vacation, or signing the final plat, and b) Kern River Gas must allow a driveway to be located on top of their easement to provide for vehicular access to this lot. Proof of Kern River's consent to a driveway must be submitted to the City prior to granting a building permit. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

7. CONSIDERATION OF PROPOSED AMENDMENTS TO THE FOXBORO NORTH GENERAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT AGREEMENT FOR THE FOXBORO NORTH PROJECT – WOODSIDE HOMES, APPLICANT

Ken Leetham stated that at the previous Council meeting on May 22, 2012, the City Council identified several concerns related to this proposed amendment. Staff has prepared development agreement amendments (provided to the Council) which address each of the concerns, with conditions noted.

Mayor Arave noted that the City is currently involved in some litigation with Woodside Homes, and settlement of this litigation is contingent upon approval of the project being discussed.

Council Member Horrocks asked if this proposal includes the south apartments. Ken Leetham stated that this plan includes the apartments, and if approved, would require rezoning. This also removes the Thurston piece from the Development Plan.

Council Member Jensen asked about the back side of the Thurston property and the contaminated soil. Mayor Arave stated that there have been Phase 1 and 2 environmental studies done. Council Member Porter said the developer did confirm contaminated soil, probably from truck oil, etc., and that some cleanup had been done.

The Mayor invited Patrick Scott to address the contamination issue. Mr. Scott stated that the Phase 2 environmental study was done on the project adjacent to the site that was given a clean bill of health. The Thurston property was not given a clean bill of health.

Council Member Harman asked for confirmation that the developers would pay the cost to complete the roads, 900 North to Redwood Road, Cutler Drive between 900 North and 1100 North, and the connection of Cutler Drive between 900 North and the terminus of Cutler Drive (located in Foxboro South adjacent to the Foxboro Terrace Apartments). Mr. Leetham said the developers have agreed to pay for the completion of those roads.

Council Member Horrocks asked if this proposal is approved tonight, would they be committing this Council, or future councils to rezone that property. Mr. Leetham stated that yes, rezoning would become part of that agreement.

Council Member Jensen said it is worthwhile to note that Woodside Homes has had a lawsuit for some time against the City, and that the City and Woodside have come to an agreement on the lawsuit, contingent upon approval of the agreement before the Council tonight.

Council Member Harman then stated that as we discussed at the last meeting, he used to live in Foxboro South, and now lives in Foxboro North. He has dealt with neighbors, friends, and Woodside through this process and has gone from the differing extremes of being in opposition to and in favor of the proposal. It affects him personally and others he deals with regularly. He said he intends to vote in favor of the proposal for the following reasons: There is a density issue, and this plan decreases the density, which will affect those concerned with schools, etc. It also increases home values in Foxboro North to be surrounded by single-family homes. He said he will benefit from the HOA improvements, as will most residents of Foxboro North. There are valid concerns, especially with apartments. He could not honestly say that any apartments are

perfect. They have made great strides with the Foxboro Terrace Apartments, but there are still issues. Proper management and ownership, and participation in the Good Landlord Program are certainly factors. While recognizing that this will cause contention, it would be impossible to please everyone.

Council Member Porter stated that one of the requests he had was to build the apartments to condominium standards, and he still would like to ask the builder to determine what it would take to convert them to condominiums in the future. The demand for apartments will change, and he is sad that the City has to build more apartments.

Council Member Harman wanted mention the lawsuit with Woodside and wanted to clarify that as he worked through the issues with this proposal, his vote did not change with the information provided only tonight to the Council.

Mayor Arave stated that they cannot please everybody, but the Council has to do what is right for the good of the City.

Council Member Harman moved to approve the proposed amendment to the Foxboro North General Development Plan and Conditional Use Permit Agreement for the Foxboro North project as amended in Addendum No. Five. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter and Harman. Council Members Jacobson and Jensen voted in opposition to the motion. The motion passed with a three to two majority vote.

8. PUBLIC HEARING TO REOPEN THE 2011-2012 FISCAL YEAR BUDGET

Brian Passey stated that revenue estimates were raised slightly in the reopened budget, but there has not been much change with it since the budget meeting.

Mayor Arave opened the public hearing at 8:23 p.m. There were no comments, and he closed the hearing at 8:23 p.m.

9. PUBLIC HEARING TO CONSIDER THE 2012-2013 FISCAL YEAR BUDGET

Mayor Arave opened the public hearing at 8:25 p.m. Jim Allen, resident, stated that there was a note that the City Engineer budget had changed. He also wanted to know if there is money available to cut weeds along the walking trail in Foxboro. Barry Edwards stated the City has the ability to maintain that area down either side of the trail to the toe of the slope, (as noted from the Army Corp of Engineers), and there is not much you can do with property designated as "wetlands."

Council Member Porter said the Parks and Trails Advisory Board wanted to hire a professional to look at wetland improvements so the public can enjoy the wetlands. Mr. Edwards said the City should manage expectations, as it will not be made into something besides wetlands; there is only so much the City can do.

Council Member Jensen said he would like to see something done with that space, too, not just adding more water, but make it usable space for the residents to enjoy.

Mayor Arave closed the public hearing at 8:36 p.m.

10. PUBLIC HEARING AND CONSIDERATION OF VACATION OF STORM DRAIN
EASEMENT ALONG 900 NORTH

Paul Ottoson reported that after the Council approved Foxboro North Plat 11, it came to staff's attention that there is a storm drain easement in place from 2009. The City had originally requested Woodside get an easement affecting some LDS church-owned property. This easement needs to be vacated now because in Foxboro Phase 11, they decided to put the storm drain system into 900 North rather than develop the plan with the swales.

Mayor Arave opened the public hearing at 8:38 p.m. There were no comments, and he closed the public hearing at 8:38 p.m.

Council Member Harman moved to vacate the storm drain easement along 900 North. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

11. RESOLUTION 2012-07R: APPROVING APPLICATION FOR A STATE OF UTAH
HAZARD MITIGATION GRANT

Barry Edwards stated that this approval would allow the City to apply for the State of Utah Hazard Mitigation Grant and assist with building the Springhill Park. The City submitted a pre-disaster mitigation grant to the Federal Emergency Management Agency (FEMA) last year that covered the estimated acquisition and demolition costs for the majority of the properties impacted by the ongoing landslide in the Springhill area. The property located at 141 South Valley View Drive, within the landslide area, was not included in that grant proposal due to cost constraints. City staff has identified an additional FEMA grant program that would cover the acquisition and demolition of this property and is proposing to submit a grant application for this property.

The terms of the grant are the same as the previous submittal; that is, the City would be obligated to share 25% of the actual costs of the project. The estimate and resolution has identified that obligation as \$53,241. The grant is due June 15.

Mayor Arave recommended applying for the grant, but asked that during the process, staff should review the project and find out if it is in the public's best interest. There were concerns that property owners had knowingly purchased distressed property and may be profiting at the City's expense.

Council Member Porter moved to approve Resolution 2012-07R: Approving Application for a State of Utah Hazard Mitigation Grant. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

12. CONSIDERATION OF AN INTERLOCAL COOPERATION AGREEMENT WITH WEBER BASIN WATER CONSERVANCY DISTRICT AND SOUTH DAVIS WATER DISTRICT

Barry Edwards said the City has finally been able to negotiate with the Weber Basin Water Conservancy District and South Davis Water District in an agreement that will last fifty years.

Council Member Porter moved to enter into an Interlocal Cooperation Agreement with Weber Basin Water Conservancy District and South Davis Water District, and allow the Mayor to sign those agreements. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

13. ORDINANCE NO. 2012-08: A PROPOSED ORDINANCE ENACTING A TEMPORARY DEVELOPMENT MORATORIUM, NOT TO EXCEED SIX MONTHS, FOR CERTAIN HILLSIDE LOCATIONS FOR THE PURPOSE OF REVIEWING THE CITY'S LAND USE ORDINANCE PROVISIONS RELATED TO HILLSIDE DEVELOPMENT

Barry Edwards stated that this ordinance is designed to better manage hillside development going forward. Council Member Porter said the concern arose when the City began planning a trails system, and rather than allowing construction to go forward unsystematically, better language could be put into place to ensure the City's land interests are protected.

Ken Leetham said he has discussed this with Council Member Porter, and staff will look at new wording. There is language in the code now, and based on the Crestpointe development, and issues brought up with that, the language needs to be more direct.

Council Member Porter moved to approve Ordinance No. 2012-08: A Proposed Ordinance Enacting a Temporary Development Moratorium, Not to Exceed Six Months, for Certain Hillside Locations for the Purpose of Reviewing the City's Land Use Ordinance Provisions Related to Hillside Development. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

Mayor Arave said he remembers discussions with developers who agreed to pay for trails to be built along their property, and specifically Walt Plum. Staff agreed to look into this.

14. RESOLUTION 2012-08R: A RESOLUTION ADOPTING FEES, CHARGES, AND COSTS AND INCLUDING IN A COMPREHENSIVE SCHEDULE

Chief Black said local police departments are required to register sex offenders, which is beneficial as local officials become familiar with who is in the community. It takes about 25 minutes for one clerk to complete this registration. The Chief would like to propose a \$25 registration fee to sex offenders. There is a \$125 fee, the City does not benefit from, but if a convict moves into our city, they are required to do a DNA swab, and the \$125 covers processing this.

The second fee is for a BCI criminal history report. The NSL Police Department is only authorized for criminal investigations of a known suspect, or if they are applying for a position within the police department itself. This authorization has been extended so people can get this report for other purposes. If the NSL Police Dept can do this, they become a right-of-access agency. With the Good Landlord Program requiring individuals to get their histories and give them to potential landlords, they would be able to do this locally for \$15 and save them a trip to Taylorsville. (The fee would be \$20 for non-residents.)

Council Member Harman moved to adopt Resolution 2012-08R: A Resolution Adopting Fees, Charges and Costs and Including in a Comprehensive Schedule. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

15. RESOLUTION 2012-09R: ADOPTING 2011-2012 FISCAL YEAR BUDGET

Council Member Jacobson moved to adopt Resolution 2012-09R: Adopting the Amended 2011-2012 Fiscal Year Budget. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

16. RESOLUTION 2012-10R: ADOPTING 2012-2013 FISCAL YEAR BUDGET

Barry Edwards stated that he recommends the Council authorize a \$250,000 expenditure from the Road Fund to get the frontage road repaired for Lakeview Rock Products (LRP).

Mayor Arave asked about abandoning the road. Mr. Edwards stated that the City cannot because it is state-owned land, even though it is our road. Hughes (LRP) is the only one that uses/benefits from the road. Rod Wood said there is the City-owned trail along that road.

Council Member Horrocks stated that Hughes might want to discuss their lawsuit with the City in conjunction with the repair of the road and possibly look at some concessions or compromise. Staff will look into this.

Rod Wood said the main problem is there is no drainage along this road, and for \$250,000, they will improve the drainage and get approximately 15 years out of the road. Barry Edwards stated that Hughes will manage the project and provide the City with equipment.

Council Member Porter also asked to put money in the budget for the wetlands/trail area in Foxboro. He said the City also needs to build a few more trails, and he would like to see the City include at least \$25,000 for more trails, including flow trails for mountain bikes. Council Member Harman said he has received e-mails pleading for more trails along the City's benches.

Mayor Arave suggested looking at the property Gregersons gave to the City for a trail. Council Member Porter said they had Troy Duffin (trail designer) mark the trail, but as soon as the homes in the area (Springhill) started sliding, it was not pursued.

Council Member Jensen moved to adopt Resolution 2012-10R: Adopting the 2012-2013 Fiscal Year Budget with the addition of up to \$100,000 to the Park Development Fund to hire a consultant and make improvements to the urban open space in Foxboro (\$20,000 for a consultant and \$80,000 for the improvements), and an additional \$250,000 for the Hughes frontage road to the General Fund, and \$25,000 to the Park Development Fund for trail construction and Wild Rose Trail extension.

Mayor Arave said the City does have a financial commitment for the Springhill hazard area, and was going to use a portion from the Park Fund for that. If the Council allots the above-mentioned money for other areas, and still wants to help and develop the Springhill area, that will affect what the City is able to do. He noted that \$2.5 million would be required for the 1100 North construction in two years.

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

17. CITY MANAGER'S REPORT

Barry Edwards said he got a call from the Washington lobbyist informing him that the EPA approved Big West Oil's settlement, and that money has been approved, so it is a matter of working through the details (on natural gas truck conversions).

18. COUNCIL REPORTS

Council Member Jensen said this Sunday's concert in Legacy Park at 6:00 p.m. will be provided by the Davis Symphony. The Three Kings bicycle race is on for the 16th; he did not know if there would be a helicopter following the racers, but he noted that was fun last year. Mayor Arave stated that people do not like helicopters that early in the morning.

Council Member Porter said that Salt Lake City will be having a ribbon cutting ceremony for their section of the Legacy Trail Thursday at 11:30 a.m. (The Legacy Trail is now completed from North Temple/Redwood Road to Farmington.)

Council Member Harman stated that he was recently in another City, and he had a chance to attend their council meeting to give a litigation update. He said they were discussing budget

items, and the Council and staff were butting heads about everything, and it made him very thankful for the NSL staff, and the trust between staff and Council.

Council Member Harman said there are issues with Legacy Park. There may be too much water on the east side of playing fields – quite soggy in some areas. Also, there are only three benches around the playground, and he asked if there is some way to get additional benches for that area. Barry Edwards said it could be a good Eagle Scout project, and he would have T. J. Riley put it on his list.

Council Member Harman said everything is moving forward with the annual 5K. The course has been certified by USA Track and Field, which will help attract additional runners. The race begins at 7am June 30th (could use volunteers to help at 6am).

Council Member Harman then asked if there is anything the City can do at the parks, and other areas, with the vole infestation. Staff will look into this.

Council Member Jacobson said the Youth Council will help with the Three Kings bicycle race on June 16, and will participate in the South Davis Relay for Life on June 22-23 at the Bountiful Park. On the 30th is the City's annual 5K, at which they are also volunteering. The first "Movie in the Park" is scheduled for July 27th, and they are hoping to show "Tangled." The second movie will be shown Friday, August 17th.

19. ADJOURN

Mayor Arave adjourned the meeting at 10:09 p.m.

Mayor

Secretary