

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – SPECIAL SESSION
NOVEMBER 27, 2012

Mayor Pro Tem Horrocks called the meeting to order at 7:06 p.m. Council Member Stan Porter offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Council Member Brian Horrocks, acting as mayor pro tem
Council Member Matt Jensen
Council Member Conrad Jacobson
Council Member Stan Porter

EXCUSED: Mayor Len Arave
Council Member Stewart Harman

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Paul Ottoson, City Engineer; Rod Wood, Public Works Director; Craig Black, Police Chief; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Dale and Gaylyn Broderick, Broderick Subdivision; Steve and Annette Israelsen, Sky Properties; Patrick Scott, Brighton Homes; Patrick Moffat, Crestpointe Development; Wilford Cannon, Eagle Holding; Nathan Rich, Wasatch Integrated Waste Management.

1. CITIZEN COMMENTS

There were no citizen comments.

2. AWARD CONTRACT FOR PARKS DEPARTMENT CNG VEHICLE

Rod Wood stated that in this year's City budget, they have included money to replace a 1998 Chevrolet truck for the Parks Department. They have chosen to replace it with a Dodge Ram 2500, a natural gas vehicle with the tank in the bed. Hinckley Dodge has the contract for this truck for \$33,893.46.

Council Member Jensen moved to approve the purchase order for a 2013 Dodge Ram CNG truck for the amount of \$33,893.46. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

3. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 2012-25R: A RESOLUTION SUPPORTING AN APPLICATION TO CREATE A RECYCLING MARKET DEVELOPMENT ZONE IN NORTH SALT LAKE CITY.

Barry Edwards reported that this zone was in place previously, but did not get renewed. This allows businesses to receive tax incentives by utilizing this program, so it is an incentive to entice expansion in NSL. The entire industrial park is included in this designated area.

Mayor pro tem Horrocks opened the public hearing at 7:16 p.m. There were no comments, and he closed the public hearing at 7:16 p.m.

Council Member Jensen moved to approve Resolution No. 2012-24R: a Resolution Supporting an Application to Create a Recycling Market Development Zone in North Salt Lake City. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

4. RESOLUTION NO. 2012-25R: ANNUAL MEETING SCHEDULE, CITY COUNCIL OF THE CITY OF NORTH SALT LAKE, DAVIS COUNTY, UTAH, CALENDAR YEAR 2013.

Council Member Porter moved to adopt Resolution No. 2012-25R: Annual Meeting Schedule, City Council of the City of North Salt Lake, Davis County, Utah, Calendar Year 2013. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

5. CONSIDERATION OF A PRELIMINARY DESIGN PLAN AND FINAL PLAT FOR THE BRODERICK SUBDIVISION LOCATED GENERALLY ON THE SOUTHWEST CORNER OF THE INTERSECTION OF 150 NORTH AND MAIN STREET. DALE AND GAYLYNN BRODERICK, APPLICANTS.

Ken Leetham stated that this proposal is to create a four-lot subdivision, with each of the lots containing a duplex. There are existing duplexes on the proposed lots 1 and 4. There is also an existing home and shed on the subject property, and this proposal includes the demolition of those buildings. All the proposed lots are in conformance to City standards regarding lot size, width, and frontage.

Staff recommends approval with the condition that the South Davis Sewer District approve the easement running through lots two and three, and that a maintenance agreement for that line be prepared and recorded prior to site plan approval. The City Engineer has reviewed the plat and construction drawings.

Council Member Jacobson said that this may prohibit the development of different type of development for this surrounding area. Council Member Jensen said the Council cannot deny this proposal just because the City wants to expand the park.

Barry Edwards said the real issue is that the City is not in a position to purchase those parcels. Council Member Jensen asked if staff could still ascertain a potential purchase price for those parcels.

Council Member Jacobson asked about public safety access. Ken Leetham stated that the fire marshall has been involved in the meetings.

Council Member Porter moved to approve the preliminary design plan and final plat for the Broderick Subdivision located generally on the southwest corner of the intersection of 150 North and Main Street with the condition that the South Davis Sewer District approve the easement running through lots two and three, and that a maintenance agreement for that line be prepared and recorded prior to site plan approval. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

6. CONSIDERATION OF A FINAL PLAT FOR CRESTPOINTE, PHASE 2 LOCATED ALONG WINDSONG LANE AND RIDGETOP CIRCLE. PATRICK MOFFAT, CRESTPOINTE DEVELOPMENT, APPLICANT.

Ken Leetham stated that staff has one condition of approval for this development, and that is related to secondary water. The developer needs to install and connect an off-site secondary water line from the subject property to the City's new secondary water main line to be located within the golf course. The exact location, size and methodology for cost participation must be approved by the City Engineer.

Council Member Jensen moved to grant final plat approval for Crestpointe, Phase 2, located along Windsong Lane and Ridgetop Circle, with the condition that the developer needs to install and connect an off-site secondary water line from the subject property to the City's new secondary water main line to be located within the golf course. The exact location, size and methodology for cost participation must be approved by the City Engineer. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

7. CONSIDERATION OF A SITE PLAN FOR THE SOUTH PARCEL OF THE HAMPTON PLACE APARTMENTS LOCATED GENERALLY ON THE SOUTH SIDE OF 900 NORTH BETWEEN REDWOOD ROAD AND CUTLER DRIVE. PATRICK SCOTT, BRIGHTON HOMES, APPLICANT.

Ken Leetham stated that the south portion of the Hampton Place Apartments project is proposed to be developed on Lot 2 of Foxboro North Plat 16. The property is located along the south side of 900 North between Redwood Road and Cutler Drive.

The Safety Committee was asked to review this project, specifically pertaining to pedestrians crossing 900 North. The suggested compromise was to have a walkway on the west side of both

driveways on the north and south apartment parcels, and direct pedestrians to cross 900 North at that mid-block location using a crosswalk rather than at the roundabout. The proposed plan conforms to this recommended solution.

The plans have been reviewed and approved by all members of the Development Review Committee. The plans were checked for fire safety and crime prevention, and the grading and drainage plans were approved by the City Engineer.

Council Member Porter asked about Lin Distributing and other businesses and potential environmental issues. Ken Leetham stated that as conditions have changed in that area, Lin Distributing has been more impacted by road widening, and they are becoming less-compatible with surrounding uses. City staff will work with Lin Distributing to clean up their site, as it does need attention.

Council Member Jensen asked about the connection of Cutler Drive. Mr. Leetham responded that there is a trigger in the Foxboro North development agreement that will require the connection of that road. Council Member Jacobson said he thought the City put some restriction on apartments. Barry Edwards said he reviewed it, and it had more to do with the number of apartments. Mr. Edwards was asked to send agreement details about this trigger for getting Cutler Drive completed.

Council Member Jacobson moved that the City Council approve the site plan for the Hampton Place Apartments located on Lot 2 of Foxboro North Plat 16 with the condition that the settlement agreement be signed before site plan approval is granted. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

8. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 2012-24R: A RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 BUDGETS.

Barry Edwards distributed information pertaining to this resolution. Under cash and cash and cash equivalents, you'll find a zero balance under water funds. There is nothing that can be done to change the 2012 Financial Statements; any action taken tonight will be reflected in the 2013 statements. The recommended action is intended to provide an explanation of what has happened and provide a financial action plan before the City is reviewed further by S&P. Barry recommends changing the amount in the "Due to Other Funds" to a "Note Payable," and stipulate that payments on the note would not commence until the funds reach the following cash levels: the Water Fund at \$550,000, and the P.I. Fund at \$70,000, and the storm water fund at \$45,000. These are cash amounts that meet industry standards and are desired by the rating agencies. Once those funds reach those amounts, then the \$169,000 can be paid off. He recommends the Council consider a rate increase to be effective if cash balances do not materialize in the next two years. The City wants to send a message to the rating agencies that we're taking positive steps to improve the water funds.

City Staff recommends the following action: convert loan to a note payable; defer payments on note payable until the water funds reach the before mentioned cash balances; and finally authorize a rate increase some time near the first quarter of next year.

Council Member Jensen said he does not think the City should increase the rates just to have a surplus. Fees should be actual costs.

Barry Edwards suggested the Council make a statement indicating that by the end of the next fiscal year, the City believes the rates would be adjusted if progress on cash balances has not been met. That would take care of the concerns from the rating agencies.

9. ACTION ITEMS

The list of action items was reviewed. Completed items were removed from the list. Incomplete items will remain on the carry over list.

10. CITY MANAGER'S REPORT

Barry Edwards reported that staff is making progress to attract a "big box" customer to the Kimball property, and they hope to have something for the Council in January.

The City received approval for the transfer of water from South Davis Water to the City from the Bureau of Reclamation; however, due to a small glitch, there is some discussion about not wanting to transfer as much.

Barry Edwards stated that staff submitted a new list of vehicles to convert to natural gas for funding from Big West Oil.

Staff has made application to the county for traffic funds for possible projects such as completing Davis Boulevard, building a natural gas plant, and making improvements to the trails and to Center Street.

Mr. Edwards reported that Granite Construction wants to know if the City is interested in purchasing their south parcel for a cemetery.

(8. – Continued from above) - PUBLIC HEARING AND CONSIDERATION OF
RESOLUTION NO. 2012-24R: A RESOLUTION AMENDING THE FISCAL YEAR 2012-
2013 BUDGETS

Mayor Pro Tem Horrocks opened the public hearing at 8:12 p.m. There were no comments, and he closed the public hearing at 8:12 p.m.

Council Member Jensen moved to approve Resolution No. 2012-24R: A Resolution Amending the Fiscal Year 2012-2013 Budgets by declaring that the water, pressurized irrigation, and storm water funds will be contributed to a note payable, that as a policy, the

City Council agrees not to pay off the notes payable until the water funds achieve a cash balance of \$550,000, the pressurized irrigation has a cash balance of \$70,000, and the storm water fund has a cash balance of \$45,000, and adopt a policy that the City Council will adjust rates as necessary, consistent with costs and a timely achievement of these cash balances. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

11. ORDINANCE NO. 2012-18: AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE NORTH SALT LAKE CITY LAND USE ORDINANCE RELATED TO HILLSIDE DEVELOPMENT AND DEVELOPMENT PROPOSALS WITHIN THE SENSITIVE AREA DISTRICT; PROVIDING A MECHANISM TO SEEK EXCEPTIONS TO THESE PROVISIONS AND ESTABLISHING AN EFFECTIVE DATE

Ken Leetham stated that staff was asked to look into this ordinance to bring greater clarification to the ordinance. Staff met with Sky Properties about the provisions, and they raised some important issues about the foothill ordinance that staff believes requires some time to consider their input. Knowing that the City is at the end of a moratorium, we discussed that with Sky properties. Sky Properties, and all other companies associated with these same developers, has agreed to submit in writing, that they will not submit applications for development until, or after March 1, 2013.

Mr. Leetham recommends not approving this ordinance until it is reviewed in greater detail, and also as it pertains to the Garbett Homes development area as well. Staff will take a second look at these provisions and allow more time for input from developers.

The area that Garbett Homes wants to develop has never received serious development consideration.

Council Member Porter asked if phases 13 and 14 have been brought before a public body.

Wilford Cannon, Sky Properties, said it was in 2010. He added that there was a concept and preliminary plan approved as part of the agreement when the golf course was laid out. They brought it before the Planning Commission in 2010 with a revised road plan. They were revising the road because their engineering firm determined that road layout could not hit those elevations, so they redesigned a road system that met the elevations and slope constraints of the City. The Planning Commission reviewed it for discussion only, not for approval.

Council Member Porter said he thought the ordinance seemed pretty generous.

Council Member Jacobson directed staff to review the hillside ordinance and bring recommendations back by March 1, 2013. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

12. GENERAL PLAN SCHEDULE

Ken Leetham stated that the Planning Commission has gone through two work meetings on the General Plan amendments and directed staff to make some changes. The Commission will then make the recommendation to the City Council in January, and at that point, the Council will be ready to take action on the plan.

13. COUNCIL REPORTS

Council Member Jacobson reported that the Youth Council's last activity was the coloring contest for Adelaide Elementary for Thanksgiving. The next activity is a Sub or Santa, sponsoring gifts for some children. Beginning at the first of the year, the Youth Council will participate in the Public Official's Day at the Legislature, and their youth leadership training in March at USU.

Council Member Porter said he did not have anything to report.

Council Member Jacobson stated that a resident, Juan Arce-Larretta, is putting up Christmas lights for elderly residents, or other people who might need it.

Council Member Jensen reminded the Council about the next Second Sunday Concert, and stated that his NSL Live group is also putting together a calendar for next year. He would like the City to host a kite festival in 2013 and would like to have an artist, or graphic designer in the community create a kite festival poster for advertising purposes. He said it would be nice to have businesses donate small items/goodies to give kids who are seen flying kites.

14. ADJOURN

Mayor Pro tem Horrocks adjourned the meeting at 8:50 p.m.

Mayor Pro Tem

Secretary