NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
OCTOBER 1, 2013

FINAL

Mayor Arave called the meeting to order at 6:03 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; Ken Leetham, Assistant City Manager and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Financial Director; Chief Craig Black, Police Chief; Brent Moyes, Golf Course Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Eric Klotz, NSL Planning Commission.

1. RECOGNITION OF ERIC KLOTZ FOR HIS SERVICE ON THE PLANNING COMMISSION

Mayor Arave presented Eric Klotz with a plaque and thanked him for his six years of service on the Planning Commission, and most recently as chairman. The Mayor also expressed his appreciation for Mr. Klotz' involvement with the Parks and Trails Advisory Board and the community.

2. PUBLIC WORKS REPORT

Paul Ottoson reported that the secondary water from Weber Basin has been shut down as of today. There were high water usage issues earlier this summer, especially within the Foxboro area, but due to conservation efforts, the City was able to stay within its water allotment for the year.

Mr. Ottoson also commented on the land and $20,000 that Art Gregerson donated to the City for the improvement of the park and trail east of the Springhill landslide area. The trail has been designed and will cost approximately $13,000, and could be started this fall. The trail will be accessed from a service road to be built as a separate project, using a FEMA grant.

Barry Edwards commented that this trail plan was being presented to the City Council for conceptual approval and any suggestions. Mayor Arave suggested the trail be extended to the northeast, where there is a knoll, and install benches on the knoll.

Mr. Ottoson reported that there will be a water audit at Foxboro South Park this week, then sod will be laid, and the majority of the park will be finished next week with the exception of the picnic shelter, scheduled to be done in late October. City staff would also like to finish the fencing around the park, including the area by the undeveloped properties, at the cost of $10,000. City Hall Park will also have a water audit done, with sod being laid on October 3rd if the water audit passes.

Mr. Ottoson also reported that the walls of the Deer Hollow Park detention basin should be stained within the next couple of weeks. He updated the Council regarding all the new subdivision progress including: Foxboro North 13 Subdivision where all the curb and gutter have been laid with asphalt to be poured next week. Water lines are being installed in Stone Haven East, and they would like to get asphalt in before winter. Utility lines are in at Crestpointe Phase 3 but the concrete flatwork has not been started. Eaglepointe Phase 17 is basically complete except the street lights, and Eaglepointe Phase 18 is just starting.

Mr. Ottoson commented that the annual fall clean up would be October 18-20th this year with dumpsters being placed in Hatch Park, Foxhollow Park and at the Eaglewood club house.

Council Member Horrocks commented that Elk Hollow Circle seemed to have significant dips or a sink hole. Mr. Ottoson responded that repairs to this street were on the budget and would be repaired in the spring.

3. FINANCIAL REPORT

Janice Larsen reported that the current fiscal year shows one month of sales tax revenue which looks very optimistic so far, including building permit and plan check fees. Property tax revenue and other taxes that have been collected are allocated to the previous year with no expenditures of note. On the current fiscal year the general fund balance is $2,050,000. The Parks Fund will be in the negative numbers after all the planned park projects are funded. Ms. Larsen commented that if the City Council wants to go ahead with all the planned projects, funds could be used from the Capital Improvement Fund, or other projects could be delayed including water and irrigation projects. However, these water projects were planned to save the City money so it may not be best to postpone them. Impact fee revenue will continue to come in for the parks which could be used to pay back what is borrowed from other funds to finish the park projects.

Mayor Arave asked what the total for the 1100 North Roadway project would be. Barry Edwards responded that the City would need to borrow money from the Capital Improvements Fund and pay it back with Roadway Impact Funds. He commented that the project may be delayed a year due to the interchange project and wouldn't know if it was delayed until the project bid is awarded near Thanksgiving.

Mayor Arave asked if the 2014 culinary water balance was decreasing from 2013. Janice Larsen responded that Zions Bank is working on a rate study, and City staff will look into whether rates need to be raised.

Barry Edwards commented that last year the City went over on secondary water and had to pay more to Weber Basin this year. He said that City residents were able to conserve this year so they paid extra for nothing.

Janice Larsen commented that the City's Finance Department recommends an ordinance change to extend projects from one year to the next. Other cities budget their capital projects for the full amount in the year they initiate the project and the budget automatically carries over to the next year.

Paul Ottoson commented on the Water Fund as it relates to the 100 North reconstruction project and said that there are a few areas along that street where the water line is old cast iron and they do not recommend completing an expensive street reconstruction with old water lines. City staff would like to fix this area and the lines under 2600 South, and add these water line projects to the budget.

4. ACTION ITEMS

Mayor Arave asked that a meeting with the Wasatch Front Regional Council be set up to determine what would be done regarding the freeway interchanges. Ken Leetham said he is working to set up a meeting.

Council Member Harman asked if the issue with Stericycle had hurt Woodside Homes' sales. Ken Leetham responded that they are still gathering data but Garrett Seelly, with Woodside Homes, said they had not seen a negative impact in sales so far.

Barry Edwards said the City tracks building permits in Foxboro on a weekly basis and have not noticed a decrease.

Mayor Arave commented on the Wi-Fi tower discussion held during the Planning Commission meeting. Council Member Horrocks responded that from the neighbors near the proposed location, there could not be a worse spot for the tower in that area.

Jon Rueckert is looking for other options including camouflage towers, and is meeting with First Digital to look at other possible sites. Barry Edwards commented that they have looked into adding trees around the tower and that the City needs to present the reasons why an updated Wi-Fi system would be a benefit for residents.

Mayor Arave recommended reviewing and revising the statute and responsibilities for the Parks and Trails Advisory Board and changing it to a Parks and Arts Committee.

Mayor Arave also asked that a full time volunteer be found for the community garden. Council Member Jacobson suggested that the manager be given a free plot as an incentive to run the garden.

5. COUNCIL REPORTS

Council Member Jensen reported that the Second Sunday Concert would be October 13th at 6pm at City Hall. October 19th will be the Halloween 3K Fun Run at Tunnel Springs Park at 9am.

Council Member Porter reported that the paver design for City Hall Park is not complete. He said that the ideas he is considering include honoring the fallen NSL police officer, or something to represent the history of the City.

Council Member Jacobson commented that tonight they would be swearing in the new Youth City Council and that around 24 youth would be signing up. He also commented that there is graffiti on the Legacy Trail under the overpass.

Council Member Harman asked if the City had put together FAQs for Stericycle and if anything more was going to be done by the City regarding this situation. Barry Edwards replied that they have meetings set up, but that Stericycle is within the guidelines that the EPA has set. He suggested that the County Health Department should be brought in to discuss the area and determine if they have any extraordinary issues in that area. He also commented that those that have the ability to do something to Stericycle will most likely only issue fines. Stericycle has appealed, and the State said it would take two years before anything would happen.

David Church commented to revoke a business license, the City would have to allege that Stericycle was in violation, set up a hearing, and call similar witnesses to those the State would

call. This process may be quicker than two years but would cost money to try and prove violations, and a judge would have to be convinced as well to revoke Stericycle's business license.

6. ADJOURN

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

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
OCTOBER 1, 2013

FINAL

Mayor Arave called the meeting to order at 7:18 p.m. Council Member Harman 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; Ken Leetham, Assistant City Manager and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Financial Director; Chief Craig Black, Police Chief; Brent Moyes, Golf Course Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Timothy Vaspar, Tim Fowler, Diane Fowler, Dennis Fox, Terri Fox, Stephen Garn, Sterling Preston, Tiffini Preston, Makenzie Vance, Tyson Vance, Lisa Baskin, Paul Baskin, Jennifer Coleman, Jennesa Coleman, Blake Wilson, Shawn Ferrin, residents; Steve Israelsen, Sky Properties.

1. SWEARING IN OF DAVIN FOX, NSL POLICE OFFICER

Chief Craig Black introduced Davin Fox as the newest police officer for North Salt Lake City. He reported that Officer Fox worked for West Valley Police Department before taking a break from law enforcement. He recently went through the police academy and is now finishing the training and has come to the City highly recommended. Mayor Arave performed the swearing in of Officer Fox.

2. SWEARING IN OF 2013-2014 NORTH SALT LAKE YOUTH CITY COUNCIL

Council Member Jacobson reported that he has been the City Council advisor for the Youth City Council for the last four years and expressed how proud he is of the youth and the service they provide to the City. Mayor Arave then performed the swearing in of Paul Baskin, Emily Israelsen, Kat Marsh, Blake Wilson, Daniel Cho, Becca Hodge, Allie Eyring, Jennessa Coleman, Spencer Coleman, Makenzie Vance, Preston Vance, and Hunter Jensen as the Youth City

Council Mayor. Other Youth City Council members include: Matt Bronson, Jacob Cho, Ryan Choi, Taylor Dillon, Jon Evans, Keaton Farrell, Allison Harden, Josh Stratford, Alex Tufts and Nathan Williams.

3. CITIZEN COMMENT

There were no citizen comments.

4. CONSIDERATION OF MAYOR ARAVE'S APPOINTMENT OF LISA BASKIN TO THE NORTH SALT LAKE PLANNING COMMISSION

Mayor Arave introduced Lisa Baskin and reported that due to the end of Eric Klotz' term on the Planning Commission, he would like to ask that the City Council ratify the appointment of Lisa Baskin to the Planning Commission.

Council Member Porter moved that the Council ratify the appointment of Lisa Watts Baskin to the Planning Commission. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Porter, Harman, Horrocks and Jacobson.

5. PUBLIC HEARING TO RECEIVE COMMENT ON RESOLUTION NO. 2013-16R ADOPTING THE AMENDED FISCAL YEAR 2013-2014 GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUND, INTERNAL SERVICE FUND, AND ENTERPRISE FUNDS BUDGETS.

Janice Larsen reported that City staff recommends approval or Resolution 2013-16R. Council Member Porter asked if the funds for the Deer Hollow Park Detention pond were on this report. Ms. Larsen responded that this adjustment was done the previous year.

Council Member Harman commented that there were some items that were later on this meeting's agenda but had not yet been approved and asked if the entire budget should be approved now, or at the end of the meeting after all the items had been discussed. Council Member Jensen suggested that the consideration for Resolution 2013-16R be moved to the end of the agenda.

Mayor Arave opened the public comment at 7:34 p.m. There were no comments, and he closed the hearing at 7:34 p.m.

6. AWARDING BID FOR SPRINGHILL LANDSLIDE SOIL STABILIZATION PROJECT

Paul Ottoson reported that the City recently completed the Springhill landslide site restoration project which included removing all the asphalt, curb and gutter and sidewalk. The last phase of work includes diverting the water through the storm drain system and re-vegetation of the area. The bid requests went out six months ago as the City wanted to finish the entire project before winter. Prices came back too high, and new bids were requested with the re-vegetation work to be started in March of 2014. Mr. Ottoson stated that M.C. Green came back with the lowest bid and recommends they be awarded the project for $188,086.60.

Council Member Jacobson asked how much water would be in the channel along the maintenance road and if it could be made into a water feature. Paul Ottoson said the channel would have minimal water and the maintenance road would be a gravel road.

Council Member Harman asked what funds would be used for this project. Paul Ottoson replied that it would come from the Parks Fund and a FEMA grant which would pay 75% of the cost of the project.

Council Member Porter moved to accept the bid from M.C. Green and Sons for $188,086.60.Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Porter, Harman, Horrocks and Jacobson.

7. CONSIDERATION OF APPROVAL OF PRELIMINARY DESIGN PLAN AND FINAL PLAT FOR EDGEWOOD ESTATES PHASE 2, PLAT J-SKY PROPERTIES, APPLICANT

Ken Leetham reported that this is the final plat for Edgewood Estates Phase 2, Plat J with five duplex lots, and that the improvements have been installed with no additional improvements to be made excluding a trail. There is a 40-foot wide area on the plat establishing a trail right-of-way and this trail segment runs through the Edgewood neighborhood on the west side to the Eaglewood Village trail system and the Eaglepointe trail system. As this is a critical piece of trail for the City, which starts in a central part of the City and goes up into the mountains, City staff has included a condition of approval related to a trail agreement to cover the installation of a trail through this neighborhood. City staff recommends approval with the conditions that the required changes by the City engineer must be made and that the City Council approves an agreement to install a trail prior to the recording of the final plat. Mr. Leetham commented that the trail agreement was not final because it would be best to wind the trail through the easement and for the consideration of using Parcel 1, which was created in anticipation of using that parcel as a

future public road to access the Granite parcel as an access point and to use lot 1322 to connect to Parkway Drive.

Council Member Harman asked if Sky Properties was in agreement with the conditions. Ken Leetham responded that they were.

Council Member Harman moved that the City Council approve the proposed preliminary design and final plat for Edgewood Estates Phase 2, Plat J with the aforementioned conditions. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Porter, Harman, Horrocks and Jacobson.

Council Member Jacobson asked what snow removal would be like in that area as all the driveways seem close together. Steve Israelsen, of Sky Properties, commented that as the original subdivision design was discussed they left a gap between lots 35 and 36 for snow to be piled.

8. CONSIDERATION OF APPROVAL OF A PROPOSED AMENDED SUBDIVISON FOR THE CUDAHY TRACT SUBDIVISION AMENDED PLAT "B" – JOHN MGEE, APPLICANT

Ken Leetham reported that this item relates to the property owned by Marv Hendricks just south of City Hall. The City recently vacated the right-of-way on Main Street to the property owner and the applicants are now requesting to eliminate the property line between Lot 15 and 16 and consolidate the two lots into one lot. The Planning Commission recommends approval to the City Council and approved the lot size.

Council Member Jensen moved to approve the proposed amended subdivision for the Cudahy Tract Subdivision Amended Plat "B" with the following conditions:

1) **The applicant must receive approval from the Planning Commission for the site plan prior to the recording of the quit-claim deed and subdivision plat.**

2) **Prior to recording of the quit-claim deed and subdivision plat, the property owner must be in compliance with the development agreement with the City.**

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

Mayor Arave asked if the property owner had fulfilled their end of the agreement. Ken Leetham responded that the agreement included fixing or bonding the retaining wall, which they have done, and to vacate the right-way back to the City if necessary.

9. CONSIDERATION OF APPROVAL OF LANDSCAPE PLAN FOR FOXBORO PARK STRIPS ADJACENT TO THE WETLANDS

Paul Ottoson reported that this topic was discussed about a month ago in regards to the Foxboro Wetlands area and involves the west side of Cutler Drive, all of Fox Hollow Drive and all of Foxboro Drive on the west. This would only include landscaping the entire City owned property that fronts these streets. The cost for this project would be $66,000 and includes about an eight-foot wide park strip with trees and grass.

Mayor Arave asked where the funds for this project would be coming from. Janice Larsen responded that City staff would like to see where the Impact Revenue Funds end up later this year, or they will pull from the General Fund.

Mr. Ottoson commented that this project would not go out for bid until early spring of 2014.

Council Member Jensen commented that he lives in the area and did not see this project as a huge priority, especially if the City would need to borrow money to complete it this upcoming year.

Barry Edwards replied that this could be a Capital Project within the General Fund and could come out of that fund which would not be considered borrowing money. He commented that it is a lot of money but at least that area would be more attractive even if there was not a lot that could be done with the wetlands.

Barry commented that around 800 more home lots are still to be developed, and more parks will be built, and impact fees will be taken in. The City will have the funds; it is just a question if the City Council approves this project.

Council Member Harman asked if it was enough to just complete the park strips and if that would be achieving what the City hoped to accomplish in that area. He said that the trail and the trailhead in that area should be improved as well.

Council Member Porter commented that he agrees with Council Member Harman and that the City Council should consider what to do with the wetlands as well, whether it is to include grass or to design around the area so that it could be expanded in the future. Council Member Porter

suggested the Council table the discussion until City staff could come back with an expansion plan with phases that would detail the grass park strips and grass or landscaping around the trailhead.

Council Member Jensen moved to continue this issue in February when there is a better idea of funding and a decision to determine if the project will be started in the spring. Council Member Jacobson seconded the motion.

Council Member Porter moved to amend the motion to continue this issue in February when there is a better idea of funding and how the project could be phased and a decision to determine if the project will be started in the spring. Council Member Jensen seconded the motion. The amended motion was approved unanimously and the motion was approved by Council Members Jensen, Porter, Harman, Horrocks and Jacobson.

10. CONSIDERATION OF RESOLUTION NO. 2013-16R ADOPTING THE AMENDED FISCAL YEAR 2013-2014 GENERAL FUND, SPECIAL REVENUE FUNDS, CAPITAL PROJECTS FUND, INTERNAL SERVICE FUND, AND ENTERPRISE FUNDS BUDGETS

Paul Ottoson reported that the Freda Well project is under the secondary water account and that the well had exceeded the limits but with rehabilitation the Freda well could be used for secondary water in the City and that the State may help clean the water to a certain level.

Barry Edwards reported on the Flying J Well and that it is not producing water at levels expected under the agreement with Flying J. The city had discussed modifying the agreement with Flying J, but they have not responded to modification requests. The City could give the well back to Flying J to maintain, but Flying J is not highly motivated to do this as they are getting a good deal on water now.

Council Member Porter moved to approve Resolution No. 2013-16R adopting the amended fiscal year 2013-2014 General Fund, Special Revenue Funds, Capital Projects Fund, Internal Service Fund, and Enterprise Funds Budgets. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Porter, Harman, Horrocks and Jacobson.

Mayor Arave commented that the discussion regarding landscaping at Foxboro in the Wetlands area would be brought back before the Council in February.

11. CONSIDERATION OF ORDINANCE 2013-17 AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE NORTH SALT LAKE CITY CODE RELATED TO REVOCATION OF BUSINESS LICENSES AND ESTABLISHING AN EFFECTIVE DATE

Barry Edwards reported that this is an ordinance that was previously brought before the Council and now has the added provision that if the City Council feels that the decision by the administrative law judge is incorrect that the City Council can repeal that decision.

David Church commented that the wording on the old code makes it difficult to give someone a fair hearing when the City Council is involved in the initial decision. If the ordinance is changed as suggested, the hearing would go before the appeals officer. This way the City and the licensee could then appeal the decision to district court. This would allow the City Council to be advocates, politicians, prosecutors or not involved at all in the revocation of business licenses.

Council Member Harman moved to adopt Ordinance 2013-17 adopting certain amendments to the North Salt Lake City Code related to the revocation of business licenses and establishing an effective date. Council Member Jacobson seconded the motion.

David Church commented that Layton and Salt Lake City have a similar ordinance and that it used to be that the City Council hear all the ordinances including firing, appeals, etc and that most cities are changing this so that the Mayor and City Council don't have to hear the appeals for two main reasons; one is that the cases involve long trials and the second is due to allegations that people don't receive a fair hearing so to avoid this the City would have a professional hearing officer for these cases. If there is a revocation the first step would be an informal meeting with the City manager.

Mayor Arave asked how the City Council would stay informed of revocations and in the event that the Council believes that a revocation was done in error. David Church responded that this is why there would be an informal meeting with the City Manager first who could then receive guidance from the Mayor and Council. The City Council could also be inserted into the ordinance at any point except in the role as the hearing officer.

Council Member Jensen moved to amend the motion approve Ordinance 2013-17 an ordinance adopting certain amendments to the North Salt Lake City Code related to the revocation of business licenses and establishing an effective date and to add to Exhibit "A" Section A "Revocation: Any license issued pursuant to the provisions of this code or of any ordinance of the City may be revoked or not renewed by the governing body because of:"

Council Member Harman seconded the motion.

Issues including a public hearing for a business revocation, being responsible for hearing all the facts of a revocation, adjusting the wording on Exhibit A and whether there should be a hearing on nonpayment of a license led to a motion of tabling the issue.

Council Member Jacobson moved to table the ordinance until the City attorney could redraft the ordinance. Council Member Harman seconded the motion. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Porter, Harman, Horrocks and Jacobson.

12. DISCUSSION AND ACTION ON THE CITY'S POSSIBLE CONTINUED PARTICIPATION IN THE URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM WITH DAVIS COUNTY

Barry Edwards reported that City staff would like to cancel this agreement as the amounts granted are not worth the effort to participate and because of the high amounts that have to be spent to qualify. He said the funds go to the county based on the population of those participating and that the City has not been paid for the last year they participated. He commented that the decision did not need to be made tonight and that City staff would do more research to see if it would be worth participating this year.

Mayor Arave commented that when the City participates, even if it gets no money, it gives the County more money to fund shelters and food pantries which serve residents of the city.

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

13. CITY ATTORNEY'S REPORT

David Church reported that in the case against Mr. Warner that the judge has set an oral argument in two weeks so he will be able to report back to the City Council at the next meeting.

14. MAYOR'S REPORT

Mayor Arave reported that the Erin Brockovich team is gathering data for possible litigation against Stericycle. The Mayor is planning to prepare a letter to be posted on Facebook regarding his position on this matter. He has talked to the Department of Air Quality and will meet with

Becky Edwards and Todd Weiler to discuss possible legislative strategies or new possible locations for Stericycle.

15. CITY MANAGER'S REPORT

Barry Edwards had nothing to report.

16. ADJOURN

Mayor Arave adjourned the meeting at 9:29 p.m.

Mayor

A. Bradford
Secretary