NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
OCTOBER 21, 2014

FINAL

Mayor called the meeting to order at 6:03 p.m.

PRESENT: Mayor Len Arave
Council Member Matt Jensen
Council Member Brian Horrocks
Council Member Ryan Mumford
Council Member Conrad Jacobson
Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Finance Director; Troy Johnson, Police Lieutenant; Brent Moyes, Golf Course Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: James Hood, resident.

1. FINANCE DEPARTMENT REPORT

Janice Larsen reported that one month of sales tax has been received so far in the fiscal year with the revenues as expected. Impact fee revenue was higher than expected, attributed mainly to the Eaglewood Lofts development. No C Road revenue has been collected in the current year to date, but she added there will be a large payment of property taxes in December.

David Church commented on the gas tax and said that it is a flat tax distributed through the State based on population and road miles. It is basically a user tax with the amount of funds dependent on the number of gallons sold and that currently the percentage is not adjusted to account for inflation. The tax is 24.5 cents per gallon and has not increased since 1997.

Janice Larsen reported on the cash balances in the General Fund and said that October and November are at the lowest point of the year due to property tax. In the Capital Project Fund there is cash but $100,000 of the unrestricted cash is from Woodside Homes for impact fee revenue. She then reported that the golf course year to date (YTD) revenue was $1,027,593 with the expenditures at $488,988 for a fund balance change of $538,605.
Council Member Mumford asked for clarification on the Redevelopment Agency (RDA) Fund. Janice Larsen replied that the $28,991.88 amount shown was everything combined and would reflect as a negative number until revenue started to come in during 2016.

Mayor Arave asked when Plat 11 Park was expected to be started and finished. Ken Leetham responded that it will be a spring 2015 project to be completed in 60-90 days once the park design is approved by the City Council.

2. GOLF COURSE REPORT

Brent Moyes reported that rounds were down 3% from last year and that in general public golf in Utah is down 5% from last year. August and September had more rain that usual which accounts for part of the decreased revenue. The range revenue is around $60,000 excluding the month of October and merchandise is around $134,000 and should reach the goal between now and the end of the year. The fiscal YTD comparison from 2013/2014 for rounds in September was 7606 with 7207 in 2014/2015. The comparison for revenue is $160,709 in the 2013/2014 fiscal year to $167,295 in 2014/2015.

Council Member Jacobson asked how much revenue was lost when the City held the landslide benefit at the golf course. Brent Moyes replied that as the tournament was only held in the morning and the course was re-opened to the public in the afternoon, there was not much lost revenue.

3. ACTION ITEMS

Mayor Arave asked City staff to check the soils reports and survey the areas along the east bench especially The Views at Eaglewood Village.

4. COUNCIL REPORTS

Council Member Horrocks reported on the Annual Mosquito Abatement meeting and said that the Arizona and Colorado representatives were impressed that Utah has never had a West Nile Virus death.

Council Member Mumford commented that the ordinance amendment for architectural standards relating to metal buildings would be presented to the City Council tonight.

Council Member Porter reported that the Jordan River clean-up had been very successful with approximately 300-400 volunteers. The Jordan River Commission had also seen success with introducing worms that eat the puncture weeds which grow along the river. Council Member Jacobson reported that the Youth City Council (YCC) was sponsoring a coloring contest at Orchard Elementary School. There will also be a YCC event at Thanksgiving Point in November which is for all youth leaders in the State.

Council Member Jensen reported that the Halloween 3K was a fun event with great weather this year. The October Second Sunday Concert included a blind musician who sang and played the piano. The November Second Sunday concert will be a choir performance November 9 at the LDS church on Center Street.

Council Member Jensen asked if the "No dogs" sign at Fox Hollow Park could be removed or the wording changed. He also requested a traffic study be done or that a solution be found for the left turn issue at Foxboro Drive near Legacy Preparatory Academy.

5. MAYOR'S REPORT

Mayor Arave reported that the retaining walls on the Warner property were completed and that the sidewalks and grading still needed to be done. He then provided an update on the landslide and said that the lower portion of the slide had move about one inch and that a western portion had moved 1.3 inches. The preliminary remediation plan would be completed this week and shared with the City Council. He also said that Ty Weston and the neighbors had formed a landslide committee and asked that staff facilitate a meeting with the neighborhood landslide committee and the Planning Commission.

6. CITY ATTORNEY'S REPORT

David Church reported that the City had received a letter from Tesoro Pipeline and that when the permits are granted from the Forest Service, Tesoro will be proposing a franchise agreement of a payment of .80 cents per linear foot to the cities to build along public roads.

Mayor Arave asked staff to explore the cost and benefits of Tesoro laying the pipeline under Legacy Trail and taking over trail maintenance.

David Church also reported that there were no new lawsuits on previous claims and that the insurance adjuster had formally denied the pending claims.

7. 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
OCTOBER 21, 2014

FINAL

Mayor Arave called the meeting to order at 7:10 p.m. Council Member Stan Porter offered the invocation and Dallin Grubbs, BSA Troop 358, led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave
Council Member Matt Jensen
Council Member Brian Horrocks
Council Member Ryan Mumford
Council Member Conrad Jacobson
Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Finance Director; Troy Johnson, Police Lieutenant; Brent Moyes, Golf Course Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Beth Holbrook, Waste Management; Rob Sant, LYRB; Eileen Rencher, Kent Kirkham, Chris Kirkham, David Atwood, James Hood, Robert Drinkall, residents; Robert Beall, Benton Beall, Sam Lynch, Lawrence Knight, BSA Troop 358; Steve Israelsen, Sky Properties; Ben Lowe, CDG.

1. CITIZEN COMMENT

There were no public comments.

2. CONSIDERATION OF MAYOR ARAVE'S APPOINTMENT OF NEW PLANNING COMMISSIONER

Mayor Arave reported that Bruce Oblad's term on the Planning Commission had expired and that he would like to appoint Kent Kirkham.

Kent Kirkham said that he has been a long time resident of the City and that it was a great place to live. He has been involved with the Uniting Neighbors Committee for the last several years and is looking forward to serving on the Planning Commission.

Council Member Jacobson moved to approve the Mayor's appointment of Kent Kirkham as a member of the Planning Commission. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

3. CONSIDERATION OF RESOLUTION: RDA-2014-03R A PROPOSED AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF NORTH SALT LAKE AND THE NORTH SALT LAKE REDEVELOPMENT AGENCY RELATED TO THE EAGLEWOOD VILLAGE CDA

Barry Edwards reported that City staff had done an analysis of the original assessed valuation for the Eaglewood Village Community Development Area (CDA) which was approximately $160 million. The difference could be anywhere from $86,000 to $273,000 and the money comes from the balance of taxing entities. He recommended that this item be tabled until another meeting so City staff could consult with the County.

Rob Sant, Lewis Young Robertson & Burningham, commented that by changing the base year value it would add tax increment every year which would be offset by administrative fees. The net difference from the base year value would be $8,600. He said that the reason the County did not administer this on time was because it was the first CDA to be created in the County.

Barry Edwards said that two actions to be done included changing the trigger date and then extending it. He said that the administrative fee is independent of the time extension of the agency.

Council Member Porter moved to table the amendment to the interlocal agreement pertaining to the Eaglewood CDA until the next meeting. Council Member Jensen seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

4. CONSIDERATION OF AN EXTENSION OF TIME TO RECORD THE FINAL PLAT FOR PHASE 3 OF THE VILLAS AT BELLA VIDA AND TO FINISH FOUNDATION SITE WORK ON BUILDING 2, THE VILLAS AT BELLA VIDA, SKY PROPERTIES, APPLICANT

Ken Leetham reported that the City approved Phase 3 of this development in July of 2014 and gave the developer 60 days to record the plat. The developer then came back and asked the City for additional time to develop the plat. The Development Review Committee (DRC) has two concerns whether the plat is extended or not. This includes additional soils testing which the developer has agreed to do and the City's right to change the plat if those geotechnical reports show any issues with the soil. The second request is related to a foundation hole that was dug and currently remains unfilled. The City Council has granted one extension of time to fill in the hole which expires this November. The developer is now asking for a second extension of time to fill that hole.

Council Member Jacobson asked why the developer needed a second extension as the original hole was dug approximately five years ago. Steve Israelson, Sky Properties, said that the reason for this second extension is that the attention has been diverted to the landslide at this time. He then said that the first extension was due to a delay with the development of the ground and the geotechnical studies.

David Atwood, 307 Bella Vida Drive, said that he has lived in the neighborhood for two years and that his lot overlooks this hole. He met with Sky Properties when they discussed the redesign of Phase 3 but does not see how filling in the hole is contingent on development as they could fill the hole back in with the dirt that was originally dug out.

David Church commented that the process to force Sky Properties to fill the hole would consist of a notice to Sky Properties to restore or fix within 30 days. If after the 30 days, the developer failed to complete the work, the City would then be able to take action to abate the problem.

Eileen Rencher, Bella Vida HOA, said that she had lived in the development for five years and that the hole was there when she moved in. She commented that she loves living there but that the hole needs to be filled in correctly so that there is no more mud or dust on the surrounding homes.

Council Member Jensen moved that the City Council extend the time to record the Villas at Bella Vida Phase 3 subdivision to the date of July 31, 2015 subject to the following conditions:

1) **Additional geotechnical reports must be submitted and approved by the City Engineer prior to the recording of the subdivision plat.**

2) **The City reserves the right to require changes to the final plat if needed, based upon new geotechnical information submitted.**

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

Council Member Jensen moved that the City Council approve an extension of the time to fill and repair the foundation hole for Building No. 2 within the Villas at Bella Vida until July 31, 2015. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

5. CONSIDERATION OF ORDINANCE NO. 2014-16: AN ORDINANCE AMENDING THE NORTH SALT LAKE LAND DEVELOPMENT CODE ADDING ARCHITECTURAL STANDARDS TO NON-RESIDENTIAL BUILDINGS AND ESTABLISHING AN EFFECTIVE DATE

Ken Leetham reported that City staff has been working on design and architectural standards and revisions to the City ordinances for the industrial park. During the last few months the City has received several applications for non-residential buildings with metal exteriors. He then commented on the changes which include removing the requirement to allow a metal building with a 4' wainscot of rock, stone and replaced the requirement that the façade of the building could be metal. This would also allow more metal if it is proposed and created in a way to be an architectural accent. Other changes include limiting metal to 20% of the building on primary structures unless it is an architectural accent. There would also be an exemption for publicly-owned and operated utility buildings per the Planning Commission and City Council. Metal would be permitted on accessory structures with a 4' wainscot finish on any visible façade and would be compatible with the primary structure. Any addition to non-complying non-residential structures would need to be in full compliance with the new code with no retrofitting required if it is not part of an addition. Damaged or destroyed structures may be re-built as originally constructed.

David Church commented that there is a specific State statute for rebuilding buildings. They have to meet current safety codes but a municipality may not prohibit or terminate the non-conforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned. A municipality may prohibit the reconstruction or restoration of a non-complying structure or terminate the non-conforming use of a structure if the structure is allowed to deteriorate and is not repaired or restored within six months, or the property owner has voluntarily demolished a majority of the non-conforming structure that houses the non-conforming use.

Ken Leetham clarified that this would address all outside surfaces on a primary structure and on an accessory structure it would be the surfaces that are visible from the street. The Planning Commission discussed the 20% versus the 50% allowance and determined that the code would not count metal doors, roofs or windows.

Council Member Jacobson moved to adopt Ordinance No. 2014-16 related to architectural design standards for non-residential structures. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

6. CONSIDERATION OF A PROPOSED LEASE AGREEMENT WITH BOUNTIFUL CITY FOR THE PURPOSE OF ALLOWING A WI-FI ANTENNA ON PROPERTY OWNED BY BOUNTIFUL CITY

John Rueckert reported that the DRC recommends approval of the proposed agreement for a wireless communications tower that the City would construct. This site meets the City's criteria including: a line of site from City Hall to the golf course, access to a power source and ease of access. After surveying the City it was determined that the location in Bountiful would best meet the City's needs. The proposed agreement is a lease agreement between North Salt Lake and Bountiful City consisting of a 15x15' area to construct a 50' tall tower with a cabinet to house the equipment. Bountiful City's lawyer made a few changes to the agreement which included: any renewal must be approved by Bountiful City Council and that no co-location of equipment would be allowed without the approval of Bountiful City in writing. This tower may also work for the water meter reading radios that the City is considering using.

Council Member Jacobson moved that the City Council approve the proposed lease agreement between North Salt Lake and Bountiful City for the construction and operation of a Wi-Fi tower. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

7. CITY MANAGER'S REPORT

Barry Edwards reported that City staff met with the Division of Natural Resources, along with Centerville and Bountiful, for the purpose of creating a community wildfire protection plan and said that the City would refer this to staff and Uniting Neighbors to educate the public.

8. CLOSED SESSION TO DISCUSS THE ACQUISITION OR SALT OF PROPERTY

At 8:34 p.m. Council Member Jacobson moved to go into closed session to discuss the acquisition or sale of property. Council Member Jensen seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

Mayor Arave adjourned the meeting at 8:34 p.m. to begin the closed session.

9. RECONVENE AND POSSIBLE ACTION ON ACQUISTION OF FUTURE RIGHT-OF-WAY FOR OVERLAND DRIVE RELOCATION

At 8:45 p.m. Council Member Horrocks moved to go out of closed session and back into regular session. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

Barry Edwards reported that the form of the transaction will be to obtain federal funding through UDOT to trade City-owned land for a parcel of land, which includes a house, and will be used to re-align the right-of-way for Overland Drive. This would basically be a fee simple acquisition.

David Church commented that this agreement outlines the intent of both sides to exchange parcels of land.

Council Member Porter moved to allow the Mayor and City Engineer to sign the North Salt Lake right-of-way agreement concerning parcel #060940007. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

Council Member Jacobson moved to approve the letter of interest between the City of North Salt Lake and Calder Brothers Inc. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

10. ADJOURN

Mayor Arave adjourned the meeting at 8:56 p.m.

Mayor	A. Bradford Secretary