

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – SPECIAL SESSION
MARCH 28, 2012

Mayor Arave called the meeting to order at 8:04 a.m.

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

EXCUSED: Council Member Stewart Harman

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; David Church, City Attorney; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

1. AWARD OF BID FOR THE CENTER STREET-ORCHARD DRIVE WATERLINE

Paul Ottoson stated that the City received six bids for the Center Street-Orchard Drive waterline project, with Green Construction being the low bidder of \$373,616.00. The City has worked with Green Construction on several projects, and has been pleased with their work. This project was included in the City's last water bond and was a planned expense.

Mr. Ottoson then stated that as part of the project, there would be a slip line installed in the first 300 feet along Center Street. As Whittaker Construction is already in that area working for (*South Davis Water?*), the City has hired them to do that small section, for another \$20,000.

Council Member Jacobson moved to award the Center Street-Orchard Drive waterline project to Green Construction for \$373,616.00. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

2. CONSIDERATION OF ORDINANCE NO. 2012-07: AN ORDINANCE AMENDING THE CITY'S LAND USE ORDINANCE REGARDING APPEAL AUTHORITIES

Ken Leetham stated that this ordinance, if approved, will establish a hearing officer as the appeal authority rather than the Board of Adjustment. This change is authorized by State law.

Petitions are usually requests for appeals from decisions City staff may make regarding land use, and applicants may assert that staff has made a mistake. Another type of appeal could be related to a fee deemed incorrect.

Council Member Jensen stated that if the City had a situation similar to the last appeal to the Board of Adjustment, and the Council did not like what the hearing officer decides, would we have to sue ourselves to change what the hearing officer decides. Barry responded, yes, but that would be the case no matter what method of appeal authority is established by the City. The Council's relationship with the appeal authority does not change. The only thing that changes is rather than a five or six layperson board, it would be a trained person who understands and makes decisions within the narrow parameters of the law.

Ken Leetham added that if the right person is appointed, the City would not need to pay outside counsel, as has been done in the past with the Board of Adjustment.

Mayor Arave said there is no provision to have the City Council as the ultimate appeal authority. The allowed appeals are very specific in state statute.

Council Member Porter moved to adopt Ordinance 2012-07: An ordinance amending the City's Land Use Ordinance regarding appeal authorities. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

3. APPOINTMENT OF A HEARING OFFICER AS THE NORTH SALT LAKE APPEAL AUTHORITY

Mayor Arave stated that he would like to appoint Glenn Bronson as the Hearing Officer for North Salt Lake. Mr. Bronson has been serving as the Chairman of the Board of Adjustment for the City, and is a trained attorney by trade.

David Church stated that it is up to the City to decide the form of the appeal authority, whether it is a Board of Adjustment, or hearing officer. Some municipalities do not have a specific person named, and use a different person for each type of appeal.

Council Member Jensen asked about recourse if the City does not like the way appeals are handled. Ken Leetham stated that the way the ordinance is written, the Mayor would appoint or remove the officer at any time, with approval of the Council.

Council Member Porter moved to ratify the Mayor's appointment of Glenn Bronson as the North Salt Lake Hearing Officer. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman was excused.

4. ADJOURN

Mayor Arave adjourned the meeting at 8:25 a.m.

Mayor

Secretary