

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
NOVEMBER 19, 2013

FINAL

Mayor Arave called the meeting to order at 6:01 p.m.

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

EXCUSED: 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, Finance 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: Lewis R. Garrett, Dave Spence, Dennis Keith, Brian Hatch, Davis County Health Department; Patrick Scott, Brighton Homes; JR Hood, Jennifer Hood, residents.

1. DISCUSSION OF DAVIS COUNTY HEALTH DEPARTMENT PRELIMINARY
HEALTH STUDY RESULTS

Lewis R. Garrett, Davis County Health Department, reported that they have been researching soil samples and cancer rates across Davis County. Cancer rates are quite low and are below the State's rates and the national average due to statewide lifestyle factors.

The cancer study encompasses all of the cancer cases reported in Utah in the past 37 years from 1973 to 2010 and includes 42 separate types of cancer. The time period of 37 years was broken into seven analytical periods of roughly five years each. The study included factors such as age and sex and the incident rate for each type of cancers in the analytical period and compared them on a State level. If the resulting number was greater than one for that rate ratio, then the risk of cancer was higher in the study area than in the State. If the number was less than one for the rate ratio then the risk for cancer was lower in the study area than in the State. The study also determined if there was a significant elevated risk with a rate ratio greater than one that persisted in at least two consecutive time periods as cancer rates fluctuate. Using these criteria it was determined that no cancers met the meaningful level of increase in the 37 year period that was reviewed. There were four cancer types that did have a rate ratio greater than one in the last period of data, but it cannot be compared until another cycle of data is met. Mr. Garrett stated that this is not unexpected, and predicted that they will likely not be elevated in the second period as well.

Council Member Horrocks asked if there are certain cancer types that are more commonly associated with air pollution than others. Mr. Garrett responded affirmatively and said that there are some types of cancers associated with dioxin exposure specifically, such as leukemia and blood cancers. Neither of those appeared in this study. The four cancers that were elevated in the last time period were not typically associated with environmental exposures (including prostate and colon cancers). He said that in the 37 year period for this area that the cancer rates were the same for the State as a whole.

Mr. Garrett also reported on the dioxin levels for the soil samples they took several weeks ago. They obtained a stack modeling report that looked at the predicted areas where dioxin would be deposited in the soil at the highest concentration from the stack at Stericycle. They took five samples from those areas and had them analyzed. Dioxin is a possible carcinogen that is a byproduct of burning and is usually one of the substances that people would be concerned about near an incinerator. They submitted the samples and the test results came back very low. There was a countywide study done in 2003 but the sampling was done near the Wasatch Integrated Waste Management burn plant and was not comparable due to the distance. Whatever is being emitted has not accumulated in the soil around Stericycle at any levels that would be a concern to the public.

Mayor Arave asked what the dioxin level was for the Stericycle stack testing as they were over their allowed levels, and if the pollution would show up in the soil. Mr. Garrett responded that whatever was being emitted was not accumulating in the soil at any significant level. He explained that dioxin is a probable carcinogen and the method of exposure is not inhalation but ingestion. Trouble with dioxin levels usually occur when it bio-accumulates in the food chain. The most likely way to come in contact with dioxin is to have cattle that were grazing and digested dioxin, and said cattle then being consumed by humans. This is similar to mercury toxicity in fish which is then ingested.

Council Member Harman asked if children should be kept inside when Stericycle is opening the by-pass stack. Mr. Garrett replied that he wouldn't expect highly concentrated levels of toxins or dioxin toxicity to occur but that there could be other adverse health effects. The first evidence of dioxin toxicity would be chloracne which is a skin condition but is unlikely to occur from short term exposure. Mr. Garrett said these are just preliminary results and that the State would release this report in December and would work with a federal agency to perform additional soil testing. He said dioxin also persists in the environment and doesn't degrade quickly so these levels are a good indication of what has been in the soil for some time. He said the results of these studies are reassuring but they can't completely rule out any adverse health effects.

Council Member Jacobson asked if there was any data on asthma incidents. Mr. Garrett responded that they don't have a lot of data as this is not a reportable condition.

Mayor Arave asked if blood work could be done on individuals to determine the presence of dioxin. Mr. Garrett replied that a case control study would be difficult and expensive to do as they would need to test individuals who weren't in the test area to compare to those who were.

He said that if it was a high enough concern they would try to partner with someone to get the testing done but due to the environmental testing that has already been done it would be unlikely to show anything.

Mayor Arave asked how indoor air quality in the area compares to national air quality, as well as indoor air quality versus outdoor air quality. Dennis Keith, Air Quality Bureau Manager, commented that if individuals are not maintaining their home by changing filters, etc. or if the home has mold then the indoor air could be more dangerous than outside air.

Council Member Horrocks commented that when the City Council toured Stericycle they noticed that employees were sweeping up ash and debris and were not wearing any type of respirator. When questioned why they weren't wearing protective gear they replied that it wasn't required as Stericycle had tested their employees for the first ten years of operation, and no ill health effects were presented. Council Member Horrocks commented that perhaps a long term Stericycle employee should be tested to determine if there were overlooked health issues.

Mr. Garrett commented that there are so many variables such as smoking or genetics that make it hard to attribute cancer rates to one specific thing. He said that this report would be available by the end of December and the sample soil testing would be published in six months.

Council Member Porter remarked that Stericycle mainly burns anatomical waste and that crematories regularly burn similar items with no real controls or regulations.

2. DISCUSSION OF GRANITE SITE

Patrick Scott, Brighton Homes, presented a development plan for an area adjacent to the Thomas pit and the Bella Vida development. They are proposing a "P" district with City roads and two different lot sizes of 6,000 square feet and larger lots of 12,000 square feet on the bench. Hughes (Lakeview Rock Products) would start mining the area as quickly as possible with blasting to be completed in two to three years. There would also be a 100 foot buffer for the blasting zone near the home sites.

Barry Edwards commented that City staff would be meeting with Hughes to discuss mining of the land, including the Thomas piece. He said that Brighton's proposal for homes fits the nature of the area better than most and that the City doesn't want to stop development of the Granite site.

Council Member Horrocks asked if during the marketing of the lots Brighton would disclose the mining operations nearby. Paul Ottoson responded that the disclosure is required on the plats.

3. ACTION ITEMS

The list of action items was reviewed. Completed items were removed from the list, and incomplete items will remain on the carry-over list.

Mayor Arave asked if the water study was ready. Barry Edwards responded that it will be a five-year plan but as new projects are added, maintenance and other costs have to be factored in. He recommends that the base rate be adjusted as it will need a constant source of revenue.

4. ADJOURN

Mayor Arave adjourned the meeting at 7:00 p.m. to begin the City Council regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-REGULAR SESSION
NOVEMBER 19, 2013

FINAL

Mayor Arave called the meeting to order at 7:08 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

EXCUSED: 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, Finance 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: JR Hood, Jennifer Hood, Ryan Mumford, Steve Aase, Nola Lucke, Craig Lucke, residents; Nefi Garci, Blynn Siemmons, Verizon Wireless; Ty Cragun, Tom Stuart Construction; Jennifer Brown, Tesch Law Offices; Michael Warner.

1. CITIZEN COMMENT

Nola Lucke, 492 Cynthia Way, addressed the Council and expressed her concern with the trail and park being built on the Springhill landslide parcel. She commented that when she bought her home she was told that the trails would not be built due to the steepness of the area. She then asked why the trail was not put in at the time of the donation from Art Gregerson and said that it would have caused less disruption then. Mrs. Lucke asked what will be done to prevent animal displacement and how the trail would be maintained including public safety, parking and if the neighbors would have a chance to express their opinions. Mayor Arave responded that the reason the trail was not built earlier is that it was difficult to access that area. Recently the area has become more accessible and the City was able to install the trail. There is also a Springhill re-vegetation plan in place.

Council Member Porter commented that the trail was marked 8-10 years ago but that the Springhill landslide caused the City to put off installing the trail. He stated that there were public hearings held at that time as well.

Council Member Harman asked if anyone had gone out to survey the wildlife impact in the area before the trail installation was started, and stated that the City should be cognizant of issues like

this. Council Member Porter commented that there isn't usually a policy or an environmental impact study done before a trail is installed, but that Troy Duffin, who installed this trail, is well experienced and has built quite a few trails and has worked with the forest service.

2. 2013 GENERAL ELECTION CANVAS

Barry Edwards reported that the election was held November 5th, 2013 with the results as follows:

For City Council there were 1,146 ballots cast. 909 ballots were for Ryan Mumford. 894 ballots were for Matt Jensen and 285 ballots were for James Emory Hill. There were 1,146 total ballots for Mayor with 348 ballots for Ryan Mcfarland and 774 ballots for Len Arave.

City staff recommends that the City Council accept the Canvass and that Ryan Mumford and Matt Jensen be duly elected to the City Council of North Salt Lake with Len Arave as Mayor.

Council Member Jacobson moved to accept the 2013 General Election Canvass as presented. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

Council Member Horrocks asked if early voting was required, as only a few people voted early this election. David Church responded that early voting is required by law and recommended that the City could do a mail in ballot option for the next election.

3. CONSIDERATION OF SURPLUS LAND DECLARATION

Paul Ottoson reported that the City Council approved Foxboro North Stonehaven a year ago and at the time that was approved and recorded the City had to sign the plat as an owner along with Foxboro. There was an oversight of two small parcels of land east of Legacy Parkway which were deeded to the City by UDOT. These parcels were deeded to the City in case a cul-de-sac was constructed. These two parcels are now encompassed in portions of Lot 1525 in Foxboro North Plat 15 and Lots 86 & 87 of Foxboro North Stonehaven West Phase 2, PUD. The two lots combined total about 5, 400 square feet. Foxboro Estates has requested that the City deed these parcels to them because of the inability for potential homeowners to close on their home lots without these portions. They have also requested that the parcels be transferred at no cost as they helped to facilitate the properties being deeded from UDOT and they previously donated a parcel of land, Parcel B, to the City for a detention basin.

Mayor Arave asked if Foxboro Estates was given any credit for the parcel of land which they donated to the City. Paul Ottoson responded that it was done for approval of the Castleton apartments.

City Staff recommends that the City Council approve a Quit Claim Deed of land from North Salt Lake City to Foxboro Estates, LLC as shown in Exhibit "A" for a price of not less than the appraised fair market value.

Council Member Porter moved that the City Council authorize the execution of a quit claim deed from North Salt Lake City to Foxboro Estates, LLC for Partial Lot 1525, Foxboro North Plat 15, and Partial Lots 86 & 87, Foxboro North Stonehaven West Plat 2 PUD for a price not less than the fair market value of the property. Council Member Jacobson seconded the motion.

Council Member Horrocks asked if it would be fair to meet the developer in the middle as they had raised some valid claims and to work out a percentage of the market value to charge for the parcels.

Council Member Harman also commented that the City basically got the land for nothing and that this was an unintentional oversight for both parties so a reduced market value for the land would be fair. He also inquired if a public hearing needed to be held for the sale of these parcels. David Church responded that on the sale of the property there did not need to be a public hearing as it is not a significant piece of property.

Council Member Porter commented that the City owes money to Woodside for Legacy Park and that a credit could be issued in exchange for the parcels. Garrett Seely, Woodside Homes, asked that the credit be issued for the impact fees for the park. Barry Edwards recommended that Woodside be given a 50% discount on the fair market value because the parcels are landlocked and of no value to the City.

Mayor Arave commented that the discussed prices were between \$7,500 and \$15,000 for the property and asked that a new motion be made.

All motions were withdrawn.

Council Member Harman moved that the City Council authorize the execution of a quit claim deed from North Salt Lake City to Foxboro Estates, LLC for portions of Lot 1525, Foxboro North Plat 15, and portions of Lots 86 & 87, Foxboro North Stonehaven West Plat 2 PUD for a price of \$7500 to be applied to the impact fee for the Foxboro North Legacy Park property. Council Member Jacobson seconded the motion. The motion was approved by Council Members Porter, Horrocks, Harman and Jacobson. Council Member Jensen was excused.

4. CONSIDERATION OF PROPOSED LAND LEASE OF GOLF COURSE PROPERTY FOR A VERIZON CELL TOWER

Barry Edwards reported that Verizon is proposing a water tower type cell phone tower near the restroom facilities on the golf course. Verizon would construct a new restroom facility as part of the arrangement. The height of the water tower would be 70 feet tall. City staff could not

determine the acceptability of this proposal and asked that the applicant present the idea to the Council.

Nefi Garcia, Technology Associates/Verizon Wireless, asked if the water tower was lowered what the ideal height would be and that perhaps a sign could be affixed on the tower with "Eaglewood Golf Course" or similar wording.

Council Member Horrocks suggested that a public hearing be held with depictions and an idea of the size and view of the water tower.

Barry Edwards stated that they would create some renderings for how the tower would look for the public to view at a hearing with the Planning Commission and would then bring the proposal back to the City Council.

5. CONSIDERATION OF A SITE PLAN FOR HANDI-QUILTER LOCATED AT 501 NORTH 400 WEST. TY CRAGUN-TOM STUART CONSTRUCTION, APPLICANT

Ken Leetham reported that the applicant is proposing to build a 68,660 square foot building with 75% to be used by Handi-Quilter, which is a current North Salt Lake business that is expanding. The site meets the City's parking and 10% landscaping requirements. The Development Review Committee (DRC) recommends approval with the conditions that an access easement and lot line adjustment both be recorded with Davis County prior to issuance of a building permit.

Council Member Jacobson asked how many employees Handi-Quilter currently employs in North Salt Lake. Ty Cragun, Tom Stuart Construction, responded that they currently employ around 70 people with around 100 people at peak hours.

Council Member Jacobson moved that the City Council approve the site plan for Handi-Quilters located at 501 North 400 West with the following conditions:

- 1) **An access easement must be recorded with Davis County prior to the issuance of a building permit.**
- 2) **A lot line adjustment must be recorded with Davis County prior to the issuance of a building permit.**

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

6. CONSIDERATION OF A VALVE EXERCISER PURCHASE

Jon Rueckert reported that the water department budgeted to buy a valve exerciser for a trailer that the City already owns. This valve exerciser is \$26,055 and is a computer operated hydraulic that logs the torque readings on whether a valve is getting old or needs replacement. It can be used on everything from a 2" to an 18" valve which is the largest valve size in the City. It can also be used on the fire hydrant valves.

Mayor Arave asked if the fire hydrants have been checked recently. Jon Rueckert replied that the Fire Department does not check these and that the City has checked around 40% of the hydrants in the City.

Council Member Horrocks moved to purchase the Wachs ERV-750 valve exerciser from Intermountain Sales, Inc for the price of \$26,055.00. Council Member Porter seconded the motion. The motion was approved by Council Members Porter, Horrocks, Harman and Jacobson. Council Member Jensen was excused.

7. CONSIDERATION OF A NEW PUBLIC WORKS TRUCK

Jon Rueckert reported that this truck will be bought on State contract from Salt Lake Valley Dodge. It is a 2014 Dodge Ram CNG (compressed natural gas) truck that will be replacing a 2001 Chevy S10 in the Parks Department. The Dodge Ram is the only truck that comes from the factory CNG ready.

Mayor Arave asked if CNG is the best option for these vehicles. Mr. Rueckert responded that it cost less than \$200 a month for fuel and that it cost more than \$400 a month on the same type of truck before.

Council Member Porter moved to approve the purchase of the Public Works 2014 Dodge 2500 CNG truck for the price of \$38,657.87. Council Member Jacobson seconded the motion. The motion was approved by Council Members Porter, Horrocks, Harman and Jacobson. Council Member Jensen was excused.

8. CONSIDERATION OF APPROVAL FOR EMPLOYEE HOLIDAY GIFT CARDS

Barry Edwards reported that in the past the City had given employees gift cards and financed those through points earned on a Visa credit card and is recommending that the Council approve the purchase of approximately fifty five (55) \$125 gift cards.

Council Member Harman moved to approve the purchase of the holiday employee gift cards at \$125 each. Council Member Porter seconded the motion. The motion was approved by Council Members Porter, Harman and Jacobson. Council Member Horrocks abstained. Council Member Jensen was excused.

9. CITY ATTORNEY'S REPORT

David Church reported that Mr. Michael Warner was present with his attorney Jennifer Brown to discuss the judge's order that the City could force Mr. Warner to evict his tenant. Mr. Warner was required to work with the City's engineer to resolve the issue. A new bond of guaranteed compliance was to be obtained and a plan set up to satisfy the City's engineer. The City will not press Mr. Warner to evict his tenant unless the City Council decrees. Ms. Brown commented that her client would like to come into agreement on the engineering of the retaining wall and that

most of the materials have already been purchased. Mr. Warner is prepared to go forward with all the conditions and is asking that the tenant not be evicted.

Mayor Arave asked if a new agreement needed to be made. David Church responded that this would need to be done and the timeframe adjusted. He asked for permission from the Council that the residents not be evicted at this time.

Mayor Arave recommend that the issue be reevaluated at the December 3rd City Council meeting.

David Church also reported on the Gates litigation. He said that through mediation both sides were convinced that a settlement be issued for \$350,000 to be paid through the City's insurance. The initial demand was for more than \$1,000,000.00 but the medical bills were around \$350,000.

Council Member Harman asked if there was an insurance deductible that applied to the settlement amount. David Church replied that the deductible was zero for liability coverage.

10. MAYOR'S REPORT

Mayor Arave reported that the Fire Agency has proposed the fees for 2014 with a 2% increase for North Salt Lake which seems reasonable.

11. COUNCIL REPORTS

Council Member Jacobson reported that the Youth City Council prepared a Thanksgiving coloring contest for the three charter elementary schools in the City. The next activity will be a Sub for Santa activity in December. The Senior Lunch Bunch will be December 11th with the Wasatch Peak Elementary Children's Choir performing.

Council Member Harman reported that 900 North in Foxboro and Skipton Drive are becoming streets that have problems with individuals speeding in their vehicles. He commented that the Eagleridge round-about is also an area that needs to have police monitoring and asked Chief Black how many accidents had occurred there. Chief Black responded that he could get the number of accidents as the department keeps a daily accident log.

Council Member Harman also said that the Uniting Neighbors committee would like to update the emergency preparedness handbook as the last book was done in 2009. This project would need approval to spend budget funds and the committee would work with the police department to make sure all items were up to date. Other events that will be held in 2014 will include CPR and first aid training, emergency shake-out, and a night out with the police department. He also commented that it had been a pleasure to serve on the City Council and with City staff as this was possibly his last meeting.

Council Member Porter reported that the Springhill area trail is mostly finished and recommended that the trail be named the Art Gregerson Memorial Trail. Barry Edwards

responded that he would create some graphics to reflect the trail's new name and invite the family to view this.

Council Member Porter also reported on the Jordan River Commission meeting and a trash collection system that the State was proposing to be set up on the Center Street bridge.

Mayor Arave commented that Wasatch Integrated Waste Management would like to enter into a ten- year contract with Hill Air Force Base to provide a significant amount of steam to power generators that would run off natural gas. Barry Edwards responded that the City's obligation to Wasatch Integrated was expiring and that the City would be going out for bids for a trash company in about a year. Mayor Arave responded that a residential fee would be charged for every household that would need to be paid. Mr. Edwards suggested that the City should find out what the obligation to Wasatch Integrated would be.

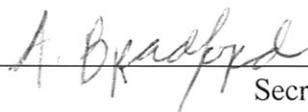
Council Member Horrocks reported that the Hampton Place open house was very nice and that the high-end apartments are a nice asset for the City. He also commented on the Mosquito Abatement District and said it has been very effective in that there have been no deaths due to West Nile Virus in the area. Utah as a whole has done very well. South Dakota does not have mosquito abatement and has had one in 25 people affected and a high death rate. The district has not raised tax rates in ten years; however, they are discussing doing so, to purchase land to expand the current building, buy a new truck, and hire additional employees. There will be a public hearing on December 12th to discuss raising the tax rates for the mosquito abatement district.

12. ADJOURN

Mayor Arave adjourned the meeting at 9:09 p.m. to begin the Redevelopment Agency meeting.



Mayor



Secretary