

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
FEBRUARY 4, 2014

Mayor Arave called the meeting to order at 6:05 p.m.

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

EXCUSED: Council Member Conrad Jacobson

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; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Todd Weiler, Utah State Senate; Jen Hood, JR Hood, residents.

1. TODD WEILER UPDATE

Todd Weiler, Utah State Senator, addressed the Council and addressed the City's request for additional funding for the Springhill landslide project. He said he is not on the committee that awards those funds but that he was available to help if he could.

Senator Weiler also reported that Davis County could raise sales tax which would be a .25% sales tax increase on everything and the County could designate that increase to go towards road funds if they chose to do so.

Mayor Arave commented that North Salt Lake, and the other cities in the area, should have access to CID funds due to the proximity of the five refineries and the impact of those refineries on the cities. David Church said that the members of the CID board choose how to distribute the money. The CID board members are appointed and are mostly southern county elected officials so those funds usually go to help the southern cities they represent.

Senator Weiler commented that the CID board is made up of the rural county members and they have a greater need for funds due to their smaller populations.

Barry Edwards commented on the problems with the Flying J well and said this would be a perfect project for CID funds. Senator Weiler replied that he would see what he could do to help.

Mayor Arave commented that former Davis County Commissioner Dan McConkie was able to get the South Davis Metro Fire Agency a loan in the past. He said the City has other needs for funding including installation of a bridge on 1100 North.

Senator Weiler reported that the road situation in rural Utah is so bad, due to the oil boom, that they will be installing a toll road to help maintain their roads. He also reported that Tesoro is considering construction of a 173-mile pipeline in 2016 that will transport waxy crude oil for all the refineries. This pipeline will take 250 semi trucks off the road daily and help with the air quality in the area.

Council Member Porter asked Senator Weiler about felons voting or running for public office. Senator Weiler responded that a felony could be expunged after a certain amount of time which would allow them to vote again.

David Church said that the statute currently says someone who is a convicted felon may have their right to hold elective office restored when the convictions have been expunged, or 10 years have passed, all fines have been paid and probation has been granted, etc with some exceptions.

Barry Edwards commented that there is a pending bill relating to Stericycle. Senator Weiler said that Stericycle has hired more lobbyists and that this bill will not pass. The State cannot shut down Stericycle unless there is a continuing pattern of violations, or if they are unable to show that they can stay in compliance; however, neither of these currently apply. He also said that there has been only one state that has banned medical waste incineration and that if the State passed a law to ban Stericycle, they would most likely sue the State and win. Senator Weiler also said that Stericycle will most likely be moving and that a sale has been approved for new land.

2. FINANCE DEPARTMENT REPORT-JANICE LARSEN

Janice Larsen reported on the goals of the water rate study and the intended outcome of the proposed recommendations. These recommendations include increasing cash balances in the utility funds, improving the City's bond rating coverage ratios, eliminating inter-fund loans, having equity in rates among customers, and reviewing current punitive charges to reduce water demands and continue education. The water fund includes all the culinary water City wide and the pressurized irrigation water on the east side. After reviewing every customer amount versus usage she noticed that residents on the east side in the top two tiers are paying a lower penalty rate than the residents on the west side but that this needs to be switched as pumping costs are higher on the east side. She recommended an increase to the top two tiers to balance this out. She also noted that homeowners in an HOA are in the same base as all other single family residences and recommend that they be moved into the same category as Foxboro residents as the usage is similar.

Ms. Larsen reported that 58% of City water used is for commercial use. She reported that Big West Oil uses 25% of the City's water and is paying a small fraction of the cost. There was an agreement made with the previous city manager as they looked at the Flying J well but did not implement billing according to contract in the correct way. Barry Edwards has met with Big

West Oil, and they have agreed to pay a higher share. It is recommended that the City add two new tiers to the commercial rates. The other issue is that commercial accounts that were classified under "outdoor watering only" and were paying a simple flat rate instead of a base rate, resulting in lower than average rates. There will be a 3% increase on the base but will reflect as a 1.4% increase for most homeowners overall.

Barry Edwards stated that the City gave Flying J the option to fix the well or be billed the straight rate.

Mayor Arave said he could understand adding an increase to discourage wasting water when residents use excessive amounts, but when a commercial operation is charged punitive rates, this give the impression that the City is trying to discourage large business operations from locating to North Salt Lake. Ms. Larsen responded that the top tier is not a penalty rate and is not anywhere near the residential rates. When staff examined all of the accounts, there were large separations of usage, not just based on the meter size. She added that Big West Oil is using almost 30% of the City's water.

Barry Edwards asked the Council if water rates should be subsidized for Big West Oil. He said that they should be paying 25% of the cost and that this rate corresponds with the amount of water that they use. Mayor Arave responded that the City should not be discouraging businesses that want to be located in North Salt Lake.

Council Member Mumford asked why the City couldn't just increase the flat rate from what it is currently so that it corresponds with what they are using instead of adding a penalty rate. Ms. Larsen responded that the operating cost plus infrastructure cost divided by the number of actual users amounts to around \$1.96. She said it was not a penalty rate because they are paying what it costs to produce the water that they use.

Mayor Arave asked if there were bonds that would be paid off soon. Barry Edwards commented that there is a PCE component that staff has not addressed because they are hoping to receive funding from the federal government. The cost is \$1.6 million and would result in an increase if the funding does not come through, as the City would then need a 5-10 year bond.

3. ADJOURN

Mayor Arave adjourned the meeting at 7:12 p.m. to begin the City Council regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-REGULAR SESSION
FEBRUARY 4, 2014

Mayor Arave called the meeting to order at 7:20 p.m. Council Member Mumford offered the invocation and led those present in the Pledge of Allegiance.

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

EXCUSED: Council Member Conrad Jacobson

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; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Steve Aase, Camille Thorpe, Jen Hood, JR Hood, residents; Chris Faulhaber, Granite Construction; Patrick Scott, Brighton Homes.

1. CITIZEN COMMENT

There were no citizen comments.

2. CONSIDERATION OF MAYOR AND COUNCIL APPOINTEES TO THE PARKS,
TRAILS, ARTS AND RECREATION ADVISORY BOARD

Council Member Mumford commented that he would like to recommend appointing Steven Aase to the North Salt Lake Parks, Trails, Arts and Recreation Advisory Board as he was very involved in the Foxboro South Park including community organizing, discussions with other residents and researching similar parks.

Steve Aase, 911 West Somersby, addressed the Council and stated that he moved into the City in 2010 and that he is very happy with the results of the South Foxboro Park and everything the Council has done to make that a great park.

Council Member Mumford moved to appoint Steven Aase to the North Salt Lake Parks, Trails, Arts and Recreation Advisory Board. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Porter, Mumford and Horrocks. Council Member Jacobson was excused.

Council Member Porter reported that he would like to recommend the appointment of Camille Thorpe to this board as well. He said she is well-rounded in each of the areas constituting the new board and believes she would do a good job.

Camille Thorpe, 80 North Main, addressed the Council and said that she works in Human Resources and also as a designer and is happy to volunteer.

Council Member Porter moved to nominate Camille Thorpe as a member of the North Salt Lake Parks, Trails, Arts and Recreation Advisory Board. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Porter, Mumford and Horrocks. Council Member Jacobson was excused.

3. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR THE PROPOSED GRANITE RIDGE SUBDIVISION LOCATED WEST OF EDGEWOOD ESTATES-BRIGHTON HOMES, APPLICANT

Ken Leetham reported that this project has been brought before the City Council once before and the Planning Commission several times. This area is currently zoned Special Use Restricted (SR) which allows for gravel mining/extraction. It is also located within a Sensitive Lands Overlay zone which adds another layer of environmental and geotechnical review. Brighton Homes is proposing to have this rezoned to a P District which is a two step process. The Council would approve a general development plan first and the second step would be a traditional rezoning process. There were some concerns discussed with City staff and the Planning Commission including how close this subdivision would be to the mining activities. There will be property mined to the south and southwest portion of this subdivision including the portion formerly owned by UDOT. Granite Construction and Brighton Homes proposed that if possible, they would have the areas closest to the subdivision mined first and then Brighton Homes would begin their development but leave the area next to the south side to be developed later to reduce the conflict. The recommendation from the Planning Commission includes a condition that a phasing plan would be included in the agreement providing for the mining immediately adjacent to Granite Ridge on the south and west to be completed first, and the south and southwest portions of the subdivision to be completed in later phases to avoid conflicts with mining activities. The second condition of approval is the streetscape, and that architectural standards are established that would vary the street appearance. This could include varying the setbacks and home styles allowed next to each other. The third condition is to insure that there is proper notification for future residents of the blasting and mining activities occurring adjacent to the subdivision. The proposed zoning provisions for this project are similar to the City code for an R1-10 zoning but vary in the following aspects: the minimum lot area for the large and regular lots, the setbacks for the front yards, and the minimum buildable area of 2, 500 to 3,500 square feet versus the 5,000 for the R1-10 Zoning.

Council Member Porter asked if the trail in this area would be a decent grade. Ken Leetham responded that the trail would be located on Edgewood Property and Granite Ridge Property and that the more width on the trail corridor would result in a better grade.

Paul Ottoson said that when the Edgewood property was surveyed some sections were up to 16' which is quite steep. If the trail meanders over both properties the grade would be approximately 12'.

Council Member Jensen asked how committed the City was to the plan at this time. Ken Leetham said that approval of the general development plan does grant concept approval including the number of lots and the general layout. The formal entitlement would come when the property is rezoned and a development agreement is approved.

Barry Edwards commented that the City Council still has the ability to approve or deny a rezone which must take place before it becomes a P District.

Council Member Jensen commented that he is concerned about the steepness of the roads, the steepness of the lots, the stability of the land and how crammed in the lots appear. He said he does not want to commit to the number of lots at this point until he received more information on the property.

Mayor Arave commented that the Edgewood subdivision nearby has approximately the same size or smaller lots and that the widest lots in Foxboro are also similar in size. He also asked whether parcels A, B and C, would be landscaped or not. Patrick Scott, Brighton Homes, responded that this had not been decided yet but that parcel A would be dictated by what the pipeline companies would allow. They would like to landscape the parcel and have an entry monument there. Parcels B and C are too steep to do much with, but they may do some landscaping there if possible.

Mayor Arave asked how far away the subdivision could be from the mining. Chris Faulhaber, Granite Construction, responded that it needs to be 100' from a property line and 50' from a permanent roadway.

Council Member Horrocks commented that he feels like this location is risky with the proximity to the gravel pit.

Barry Edwards said that gravel has a known value and they can predict how much money they can make off of an area. If a developer comes in they have to compete with that value. City staff has looked at the value of putting homes there versus extending the mining cut in the hill, and they feel that homes look better there visually.

Council Member Jensen asked what size homes would be in the subdivision. Patrick Scott responded that they will vary starting at single story plans with a finished basement at 2,800 to 3,000 square feet. The price range would be \$325,000-\$350,000 with two to three car garages.

Mayor Arave asked if these would be City streets and if they would be difficult to maintain and plow. Paul Ottoson responded that the developers have met City standards with a maximum slope and curvature of 12%.

Council Member Jensen commented that he would like a tour of the area to get a feel of the topography. Mr. Faulhaber said that the Council was more than welcome to tour the property.

Council Member Porter asked about dust control in the area and if it would be a concern. Mr. Faulhaber responded that Granite operates in a developed community in Cottonwood Canyon with minimal complaints and that they provide adequate water and meet State requirements. Granite Construction is a Clean Utah partner in association with the Division of Air Quality which is a voluntary program.

Council Member Jensen asked if there was concern for the stability on the hillside. Paul Ottoson said that the geotechnical report said that the land is suitable to be built on. In regards to landslides, the Wasatch Fault line is several hundred feet away from the nearest home.

Council Member Jensen also asked if there was a concern that future residents would be upset that there is a gravel pit next to their homes. Council Member Mumford commented that there should be permanent signs nearby that specify that the area is a blasting/mining zone.

Mayor Arave asked how far away the mining will be when the south area of the development is started. Patrick Scott responded that it sounds like Granite should be around 300' away by the end of the summer.

Chris Faulhaber commented that they hope to provide Brighton Homes with construction material for their roads and basements. It will be a balancing act because they do not want to blast too much because of the dust and water concerns.

Council Member Jensen moved that the City Council continue this discussion in two weeks so that those who want to can walk the land and get a better feel before they vote. Council Member Mumford seconded the motion. The motion was approved by Council Members Jensen and Mumford. Council Members Horrocks and Porter voted in opposition. Council Member Jacobson was excused. Mayor Arave voted in opposition as the deciding vote.

Council Member Mumford asked if the three recommended conditions provided by the Planning Commission could be included in the motion.

Council Member Porter moved to approve the proposed general development plan for Granite Ridge with the following conditions:

- 1) That the phasing plan be adopted as part of the development agreement for this project that provides for the mining of the property immediately adjacent to Granite Ridge on the south and the west to be completed first and the south and southwest portions of the subdivision to be completed in later phases to avoid conflict with mining activities.
- 2) That the development contains architectural and design standards that apply to the small lots for the purpose of providing an interesting and varied streetscape where those lots are located.

- 3) **That the future development agreement contains acceptable methodology for notification of project residents of the proximity and frequency of mining activities adjacent to the project.**
- 4) **Recommendation that lot 101 be downsized to include actual trail width adjacent to the road.**

Council Member Horrocks seconded the motion.

Council Member Jensen asked that the motion include that this approval does not commit the City to 64 lots in this subdivision.

Council Member Porter moved to amend the motion and add that this approval does not commit the City to 64 lots in this proposed subdivision. Council Member Horrocks seconded the motion. The motion was approved by Council Members Mumford, Porter, and Horrocks. Council Member Jensen voted in opposition. Council Member Jacobson was excused.

4. CONSIDERATION OF ORDINANCE 2014-02 AN ORDINANCE PROHIBITING THE FEEDING OF CERTAIN WILDLIFE WITHIN THE CITY OF NORTH SALT LAKE

Barry Edwards reported that the Division of Wildlife Resources (DWR) would like to help the City get a deer removal program in place by spring. This is the first step towards that removal plan which would include trapping and culling of the deer. He commented that wild turkeys are another problem for the City.

Council Member Jensen asked why this excludes the feeding of other wild birds. Barry Edwards responded that some people have the hobby of feeding other types of birds which they don't want to discourage.

David Church commented that the City's Police Chief, Chief Black has asked that the penalty is an infraction with no jail time and a fine up to \$500.

Council Member Horrocks moved to adopt Ordinance 2014-02 prohibiting the feeding of certain wildlife and establishing an effective date 30 days from February 5, 2014. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Porter, Mumford and Horrocks. Council Member Jacobson was excused.

Council Member Jensen commented that this ordinance needs to be announced so that residents are aware of the fines and violations.

5. CONSIDERATION OF RESOLUTION 2014-04R: A RESOLUTION AMENDING THE CITY'S COMPREHENSIVE FEE SCHEDULE RELATED TO CERTAIN DEVELOPMENT FEES

Ken Leetham reported that this item has been on the action list for quite some time as the City had hired a consultant in 2011 to look at the development fees. The recommended fee changes are an assigned per minute cost per staff members. This includes how long staff, the City Council and the Planning Commission spend on an application type. The study suggested several recommendations that staff has not included for various reasons including conditional use permits, including free standing, accompanying a site plan and exception to the code. The recommended fee is \$250 and the current charge is \$50 with the current charge being adequate as the applicants are generally small businesses including family-owned or home-based businesses. The other fees not recommended for change are subdivision fees including general plan, amendment/zoning and site plan review which seems adequate now as well.

Council Member Porter asked what the difference between a variance and an exception would be. Ken Leetham responded that a variance is uncommon and are quasi-judicial which can take many hours to go through the criteria in the code.

Council Member Mumford asked what type of impact this fee increase would make and what the amount of revenue generated would be. Ken Leetham commented that if these fees had been collected last year it would have amounted to less than \$20,000.

Council Member Horrocks asked if the City was double charging people or charging too many fees. Barry Edwards responded that on these development processes some of the applicants do not reside in the City and do not always follow through on the plans they propose. City staff spends time on the application regardless if the plan is completed or not. He said that in the future if an applicant brings in a plan for review the City could collect a deposit up front.

Council Member Jensen moved to continue Resolution 2014-04R until the next City Council meeting so that the items discussed can be considered and revised. Council Member Mumford seconded the motion. The motion was approved by Council Members Jensen, Porter, Mumford and Horrocks. Council Member Jacobson was excused.

6. CITY ATTORNEY'S REPORT

David Church reported that the collection issue with the City's former telephone company was settled for the \$3,000 that the City Council had authorized. The collection amount originally sought was \$18,000.

Mr. Church also reported that the City received a notice from a lawyer representing a former IT contractor who claims that the City owes him \$28,000 in unpaid invoices. Many of the invoices are for equipment in 2011 and 2012.

Barry Edwards commented that there was no contract and that there may be some money owed, but more backup is needed. Council Member Porter offered to help review the invoices and equipment.

7. POLICE DEPARTMENT REPORT

Chief Black reported that since the department was authorized to fill vacant spots that they are now almost at full staff and will be swearing in the new officers at the next City Council meeting.

8. CITY MANAGER'S REPORT

Barry Edwards reported that there was a fire in the Colonial Woods mobile home park and that a couple driving by stopped to notify the homeowner that there was a fire on the porch. South Davis Metro Fire reported that the home was a total loss and that the woman was able to help the resident.

9. COUNCIL REPORTS

Council Member Porter reported that there would be a CPR refresher course on February 12th. He also commented that Cami Knight is taking care of the City's community garden. Council Member Porter also met with Wasatch Energy to discuss rates and the upcoming possibility of generating electricity with steam for Hill Air Force Base.

Council Member Horrocks reported that there is a school bus stop on the corner of Eaglewood and Foxhill Road where a homeowner is not keeping the sidewalk clear (most likely because he has a heated driveway). There is a buildup of ice, causing many children to slip and fall. Chief Black responded that he would send the code enforcement officer to analyze the area.

Council Member Jensen reported that the February Second Sunday Concert is cancelled. The next concert will be held in March.

10. ADJOURN

Mayor Araye adjourned the meeting at 9:12 p.m.



Mayor



Secretary