

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
AUGUST 5, 2014

FINAL

Mayor Arave called the meeting to order at 6:02 p.m.

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

EXCUSED: Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; 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: James R. Hood, resident; McKenzie Romero, Desert News; Andrew Adams, Mike DeBernardo, KSL.

1. FINANCE DEPARTMENT REPORT

Janice Larsen presented the financial information for the month of June 2014. The most significant items to note include court revenue, which was considerably lower than projected, and the building permit revenue which was also lower than estimated but had lower expenditures well. The changes to the General Fund balance show a contribution of \$80,000 versus the original contribution estimate of \$208,000 but balances out as that amount reflected estimated Federal grant money that was not awarded and the lower than predicted court revenue.

No revenues have been collected for the Redevelopment Agency fund yet but there have been some consulting fees and other expenditures. The RAP tax revenue was higher than projected and the \$30,000 transfer from the General Fund to make the debt payment for the RAP tax may no longer be necessary but can be reviewed at the end of the year. The City has spent more in the Parks Capital Fund than was generated in revenue particularly as the impact fees were spent before they were collected. The Enterprise Fund was very close to estimate for the operated budgeting revenues and expenditures with the exception of sanitation. Sanitation showed more revenue collected than anticipated but there were also more expenditures than estimated, attributed to collection fees due to growth.

Ms. Larsen said that she would provide the Capital Project schedule with a cash breakdown for each project and a schedule with the cash balances estimated for the end of the year to the City Council within the next week. The budget adjustment to be discussed later in the meeting will address a \$50,000 adjustment which includes the pickleball restriping and the redesign and remodel of City Hall. Barry Edwards stated that after the public hearing for the budget adjustment is held the City Council could then make suggestions regarding additional budget adjustments.

Council Member Jensen commented that the budget seemed tighter than in previous years. Barry Edwards responded that more of the projects had been incorporated earlier in the year and the percentage of funds transferred into the General Fund had been increased from previous years as well.

2. GOLF COURSE REPORT

Brent Moyes stated that he lives and works in a great City and that the City Council and staff had done a good job of handling the situation with the landslide earlier that morning.

Mr. Moyes then reported that fiscal year 2013-2014 revenue was \$38,153, down 3.3% and rounds were down 3.6%. He said that Eaglewood's numbers are similar to other courses in the area and that the golf market is steady but not growing at this time. He also noticed that nine hole rounds are up 6-8% and fewer people are playing the full 18 holes. There were 16 tournaments held in June, 24 tournaments booked for August and 13 booked for September. The golf course revenue should reach \$200,000 by August and will be back on track for the fiscal year. There were 53 clubhouse events which were down from 62 events in 2013, and year to date food service sales through June were \$156,683 which was down \$21,911 from 2013.

Barry Edwards asked how the Groupon coupon had done. Brent Moyes replied that more people bought the Groupon than were redeemed and that he was looking into doing a Groupon for groups of four.

Mr. Moyes also reported that there is now an automated punch system which keeps track of customers' punches towards free golfing and that the course has been offering more text and email discounts to customers. He commented that he did not want to over discount and undervalue the course but that he did want to be more aggressive on driving revenue.

3. FUNDS REQUEST FOR THE JORDAN RIVER MANAGEMENT PLAN-STATE OF UTAH

Ken Leetham reported that this was a follow-up to the presentation and fund request from Laura Ault with the State of Utah and the request from the City of \$7,727 towards the Jordan River management plan. He said the cost was based on the City's river frontage and population.

Council Member Jensen commented that this is a worthwhile plan but said the cost seemed disproportionate to the small amount of river frontage that the City owns.

Barry Edwards said that it seems like the water quality of the river has improved significantly and that the Jordan River is an asset and would remain that way if the City joined with the other regional groups along the river.

Council Member Jacobson moved to appropriate the requested amount of \$7,727 to the Division of Natural Resources Forestry, Fire and State Lands for a study of the Jordan River and the development of the Jordan River Development Plan. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Jacobson and Mumford. Council Member Porter was excused.

4. ACTION ITEMS

The list of action items was reviewed and amended.

Council Member Mumford commented that there was a resident petition for tennis courts at Legacy Park which would be presented to the City Council in September.

Council Member Jensen reported that the striping for youth tennis courts had already been done at Tunnel Springs Park and that the Parks, Trails, Arts and Recreation Board recommended that the pickleball courts be striped at Hatch Park instead.

Paul Ottoson reported on the morning's landslide and said that piezometers would be installed within a week and that hopefully in two weeks they would have results and recommendations to proceed with a mitigation plan.

5. COUNCIL REPORTS

Council Member Horrocks reported that Highland City was able to provide 33,000 meals for the homeless through the deer management program established in their city. Barry Edwards replied that City staff is still working on a deer management plan but that it would most likely be a combination plan and would include catch and release.

Council Member Horrocks also reported that the Mosquito Abatement District will be slightly raising taxes for their building expansion.

Council Member Mumford asked if the tax increase did not go through if there would have been a decrease in service from the mosquito abatement board. Council Member Horrocks responded that if the increase did not go through then the building expansion would be postponed but that there would not be a decrease in service. He said the county population has doubled and that is the reason for the building expansion.

Council Member Mumford also commented that the residents in his area had noticed a property tax increase as well. Council Member Jensen replied that it seems like taxes in the first year at a new home are lower and tend to increase after that.

Council Member Jensen reported that there would be a Second Sunday Concert this Sunday with a performance by the Alapa family from Woods Cross to be held at the Veteran's Memorial Amphitheater. He also reported that the NSL Reads essays were due August 11th.

Council Member Jacobson reported that the next Youth City Council (YCC) sponsored outdoor movie would be Friday, August 15th. He said they are recruiting new members for the YCC and also reported that the Senior Lunch Bunch will be August 13th.

Mayor Arave reported that there was a news conference earlier that morning about the landslide and that the Red Cross had set up a shelter at the chapel on Lofty Lane. City staff met with Sky Properties, who found housing for those affected and seemed cooperative in helping to fix the problem. The police and fire department have been working with the County sheriff's department and have set up a command post at the site. City engineers have met and compiled a list of immediate suggestions which include building a berm at the top of the landslide, draining swimming pools near the location and installing inclinometers to measure water movement and soil testing.

Council Member Mumford asked how long the families in that area would be displaced. Barry Edwards replied that the issue is that the gas line in the collapsed house is not accessible and that the home cannot be moved at this time as there is a potential to disrupt more homes in the area. There is also a concern that the dirt may still move as the angle of repose for the soil is not at its natural point. The Eagleridge Tennis Club courts suffered severe damage as well, and that going forward there will need to be a plan to stabilize the slope.

6. ADJOURN

Mayor Arave adjourned the meeting at 6:55 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-REGULAR SESSION
AUGUST 5, 2014

Mayor Arave called the meeting to order at 7:05 p.m. Council Member Brian Horrocks 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 Ryan Mumford
Council Member Conrad Jacobson

EXCUSED: Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; 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: Andrew Adams, Jay Dortzbach, KSL; Bryce Johnson, Brycewood Development; Daniel Woodruff, KUTV; Dale Elton, Linda Lewis, Larry Lewis, Jeff Lofgreen, Linda Lofgreen, James Hood, Lisa Watts Baskin, Troy Ferran, John Sather, Eric Klotz, Callie Klotz, Brad Ferrera, Kyle Rummens, M. Peterson, Robert Drinkall, Judy Peterson, residents; Wilford Cannon, Eaglepointe Development; Patrick Scott, Brighton Homes.

Mayor Arave stated that there was a serious tragedy in the City that morning with a massive landslide. No one was hurt and several residents were evacuated from their homes with one home destroyed and others in peril. He said the City would do what it could to help mitigate the problems but a large part will be up to the weather. The Mayor and staff will be declaring a state of local emergency in the City of North Salt Lake. When there is a disaster of this magnitude additional resources will be called in and the City has already started to work with the County and State.

Mayor Arave then read a proclamation declaring a local state of emergency in the City of North Salt Lake.

1. PUBLIC HEARING TO RECEIVE COMMENT ON RESOLUTION NO 2014-19R AMENDING THE 2014-2015 GENERAL FUND, CAPITAL IMPROVEMENT FUND AND CAPITAL FUND BUDGETS.

Janice Larsen reported that these budget adjustments included a grant from the State to purchase security cameras in the court rooms and would be both an increase in revenue and expenditure.

The second adjustment would be a transfer from the Capital Project Fund to move forward with the design and remodel of the City Hall building and an additional \$45,000 to be used for the structure associated with the new Wi-Fi tower. The third adjustment would be a \$50,000 transfer from the Capital Project Fund to the Park Capital Project Fund to give the City Council the ability to make some park recommendations and changes, and would also include the restriping of Hatch Park for a pickleball court.

Mayor Arave opened the public hearing at 7:13 p.m. There were no comments, and he closed the public hearing at 7:14 p.m.

2. CONSIDERATION OF RESOLUTION 2014-19R ADOPTING THE AMENDED FISCAL YEAR 2014-2015 GENERAL FUND, CAPITAL IMPROVEMENT FUND AND CAPITAL FUND BUDGETS.

Council Member Mumford asked if a location had been chosen for the new Wi-Fi tower. Barry Edwards replied that the City had worked out a location with Bountiful City.

Council Member Jacobson moved that the City Council adopt Resolution 2014-19R adopting the amended fiscal year 2014-2015 General Fund, Capital Improvement Fund and Capital Fund Budgets. Council Member Mumford seconded the motion.

Council Member Jensen commented that he assumed the revenue collected from NSL events was added to the NSL Live budget which is not the case. He then asked if the budget could be adjusted from \$10,000 to \$14,000 to cover all City events.

Council Member Jacobson moved to amend the motion to include a budget adjustment from \$10,000 to \$14,000 for the NSL Live events. Council Member Mumford seconded the amended motion. The motion was approved by Council Members Jensen, Horrocks, Jacobson and Mumford. Council Member Porter was excused.

3. CITIZEN COMMENT

Steve Peterson, 742 Parkway Drive, said that this morning he heard significant noise and that he lives across the street from the Utrilla family who lost their home in the landslide. He said that the land there has been moving for over a year and that the developer has been adding dirt onto three lots which is the precipitating cause of what happened. He then said that the City and the developer need to do the right thing and restore what the family has lost. Mr. Peterson then asked that building permit approvals be reconsidered especially when the developer provides the engineering reports.

Mayor Arave commented that the City Council is sympathetic to the problem and is thankful that no one was hurt. After long discussions with City staff it is determined that this is a complicated problem especially with the amount of earth and movement there and that finding a solution hasn't been easy. Although there have been signs, a majority of the manifestations have been within the last couple of weeks and the City has been looking for a way to fix this.

Steve Peterson then said that the City needs to work with the developer to do what's right for the Utrilla family. Mayor Arave responded that City staff had already met with the developer and that the hill was too unstable to work on at this point. The City has already put up berms and the developer will do the necessary testing once the soil stabilizes at the site. Then the developer will evaluate the soil and come up with a mitigation plan.

Judy Peterson, 742 Parkway Drive, said that five days ago dirt was removed from the top of the hill and that residents were not notified or given the option to remove items from their homes and that 3-4 days ago the trail was also closed and that she did not receive the letter from the City. She said that this is greed and selfishness and that people knew the mountain was not in good shape.

Mayor Arave stated that no one in the City has made any money off of this situation. He also said that he didn't believe that a developer would want a development with a problem like this.

John Sather, 178 South Valley View Drive, commented that he has lived here for twenty one years and that when he purchased his property he was told that no one would be allowed to live above them. He said that the City was aware that there were flowing springs at Springhill Drive and that 13 homes were lost. Mr. Sather then asked at what point the residents and City staff take control of our City and not let it be dictated by developers.

Mayor Arave replied that professionals are hired by the developer and that studies are done and it is hoped that they don't make mistakes but that the City and the developers have to rely on the experts that are hired.

Dale Elton, resident, commented that the City Manager is to be the eyes and ears for the City Council and that in his opinion the information is not being passed forward.

4. PUBLIC HEARING ON PROPOSED VACATIONS OF PORTIONS OF
EAGLEPOINTE ESTATES, LOT 1323 AND EDGEWOOD ESTATES, PHASE 2,
PLAT J, PARCEL #1

Ken Leetham reported that the proposed Ordinance 2014-13 would vacate a portion of two existing lots in separate subdivisions near Parkway Drive to be set aside for the trail easement. A public hearing is required any time a portion of a subdivision plat is vacated.

Mr. Leetham also commented that the applicant for the Granite Ridge Subdivision Phase 1 has asked that the consideration for the final subdivision plat be postponed until a future meeting.

Mayor Arave opened the public hearing on the proposed vacation of portions of Eaglepointe Estates Lot 1323 and Edgewood Estates, Phase 2, Plat J, Parcel #1 at 7:44 p.m. There were no comments, and he closed the public hearing at 7:44 p.m.

5. CONSIDERATION OF ORDINANCE 2014-13 VACATING PORTIONS OF EAGLPOINTE ESTATES LOT 1323 AND EDGEWOOD ESTATES, PHASE 2, PLAT J, PARCEL #1

Council Member Jensen moved to approve Ordinance No. 2014-13 vacating a portion of Eaglepointe Estates Lot 1323 and Edgewood Estates, Phase 2, Plat J, Parcel #1 located in the City of North Salt Lake, Davis County, Utah. Council Member Mumford seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Jacobson and Mumford. Council Member Porter was excused.

6. CONSIDERATION OF ORDINANCE NO. 2014-12: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CITY'S LAND USE ORDINANCE PERTAINING TO THE MAXIMUM LENGTH OF CUL-DE-SACS.

Ken Leetham reported that this ordinance would amend the maximum length of cul-de-sacs and would also include a few other minor code changes. This amendment to the City's Land Use Ordinance has been proposed during the course of development of the Eaglewood Cove subdivision above the existing Eaglewood Development. It became clear that the best design to preserve the City's objective for minimal cuts and fills on the property would require a cul-de-sac in excess of 600 feet. The ordinance would allow the City Engineer to propose cul-de-sacs longer than 600' in cases where such an exception would better preserve the natural terrain and vegetation in the area.

Eaglewood Investment has also asked that the consideration for a proposed concept plan for Eaglewood Cove, Phase 13- 15 be delayed until a future meeting.

Ken Leetham said that the second code change is related to restricted lots as the current code states that a restricted lot is a conditional use and City staff feels this is redundant as a restricted lot requires approval by the Planning Commission in order to receive a building permit. Staff feels that there is a very specific definition in the City Code as to what a restricted lot is and that all subdivision lots go through a conditional use process when they are approved by the Planning Commission and the City Council.

The third change to the City Code is the current restriction in the code that lots should not be three times longer than they are wide. When creating lots there is normally a traditional shape but the design on some of the lots could better preserve the hillside if the length could be longer than the lot is wide.

Council Member Jacobson asked how many existing lots in the City are longer than they are wide. Ken Leetham replied that there are only a handful of these irregular lots and that they are located mostly along Main Street and Orchard Drive and are not in planned subdivisions.

Council Member Jensen asked how the code amendments would be put into practice as the developer buys land and works to maximize the number of lots that would fit onto the property.

Ken Leetham replied that in both cases presented in the code amendments that the City Engineer would need to have a purpose in recommending these types of changes.

The Mayor recommended some changes to the wording of the code amendments. He also recommended that the fire department also review the proposed cul-de-sac length.

Council Member Jensen said he worries when the Council passes legislation that allows individuals to be gatekeepers. Council Member Mumford replied that if the City Engineer recommends something the Planning Commission and City Council can still reject a proposal.

Council Member Horrocks moved to table Ordinance 2014-12. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Jacobson and Mumford. Council Member Porter was excused.

Council Member Horrocks commented that he had some concerns on how the subdivision was originally proposed and asked that the City Council travel to the site prior to approval.

7. CONSIDERATION OF A CONCEPT PLAN FOR A RESIDENTIAL DEVELOPMENT AT 99 N. HIGHWAY 89, BRYCEWOOD DEVELOPMENT, LLC, APPLICANT.

Ken Leetham reported that this project is located on U.S. Highway 89 on the southwest corner of North Towne Lane. The plan consists of ten (10) condominium units which is allowed in the Highway Commercial (C-H) zoning district. The Development Review Committee (DRC) recommends approval with no conditions.

Council Member Horrocks commented on the adjacent private road and asked if there was any reason that the City should not take over that road. Barry Edwards replied that the issue is that the road is in disrepair and has not been maintained. City staff has made a proposal to the homeowners association (HOA) that since the road has not been maintained, the funds that should have been used to maintain the road must be committed by them, and the City will pay the remaining balance towards the road. The estimated cost to fix the road to City standards is approximately \$105,000 with \$40,000 of that to be paid by the HOA for their portion. The City Council can also recommend takeover of the road with no funding to be provided by the HOA.

Mayor Arave asked that City staff discuss the payment options with the HOA and bring this item back before the Council.

Council Member Jensen asked what would happen if the City did not take over the road. Ken Leetham replied that the next step would be preliminary design approval and that they would have to have an access agreement in place.

Council Member Jacobson commented that he has difficulty approving this item due to the fact that when the original development was approved there was a stipulation that there would not be

residential development on Highway 89 and that other requests for residential there were denied in the past.

Council Member Jensen moved that the City Council approve the concept plan for the Brycewood Development located at 99 North Highway 89 with no conditions. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, and Mumford. Council Member Jacobson voted in opposition to the motion. Council Member Porter was excused.

8. DISCUSSION /ACTION REGARDING REPLACING SAND WITH SOFT FALL IN
FOXBORO PLAYGROUNDS.

Paul Ottoson reported that the ULGT auditor reviewed the City's playgrounds and found that the playground sand does not meet safety guidelines as it has gotten too hard. City staff received a cost estimate to replace all the sand in the parks with a type of playground mulch for the cost of \$35,000. This would only include the cost for materials. The removal of the sand would be up to City staff and volunteers.

Council Member Mumford commented that his neighbors had volunteered to replace the sand at the park on Boston Dr. He also asked if City staff could provide the cost of other materials besides the bark mulch. Paul Ottoson replied that staff would obtain pricing on other options and what materials were used in other parks throughout the City.

9. CONSIDERATION OF ORDINANCE NO. 2014-11 REPEALING PORTIONS OF
THE NORTH SALT LAKE CITY CODE RELATING TO ANIMAL CONTROL,
REFINING DEFINITIONS AND ADDING SECTIONS FOR COMPLIANCE WITH
THE UTAH STATE LAW.

Barry Edwards reported that this was a follow up to the presentation by Clint Thacker with Davis County Animal Control. Mr. Thacker recommended the City adopt Davis County's animal control ordinance, as the City's animal control ordinance is no longer in compliance with State law (as of the most recent Utah State Legislature session). City staff felt that the County's animal control policy was excessive and has added and revised portions of the City's ordinances so that it is in compliance with State law and consistent with Davis County. Barry Edwards said the old rules allowed four (4) of any kind of animal and the new law allows three (3) animals as long as one is from an animal shelter. The number of dogs owned by an individual would be determined by the number of active dog licenses.

Lisa Watts Baskin, resident and Planning Commission member, addressed the Council and recommended that the language be revised or that the City adopt the County ordinances to come into compliance.

Council Member Jensen asked if there was a State code. Barry Edwards replied that there is not a State code and that the City ordinance could not be breed specific.

Mayor Arave asked that the County's ordinance be sent to the City Council for review. **Council Member Horrocks moved to table Ordinance 2014-11. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Jacobson, and Mumford. Council Member Porter was excused.**

10. CONSIDERATION OF ORDINANCE NO. 2014-20R AMENDING THE PERSONNEL POLICY AND PROCEDURES MANUAL RELATING TO AUTOMOBILE USAGE AND THE SHARING AND/OR DISTRIBUTING OF SEXUALLY ORIENTED IMAGES

Barry Edwards reported that the City's personnel manual states that sharing and distributing inappropriate images is only prohibited when it is shared or viewed on City owned computers. It is recommended that this be extended to all electronic and other forms to diminish a hostile work environment. The second policy change relates to IRS code and the use of City vehicles in that if City employees are required to take City vehicles home, they are required to pay taxes on that vehicle. The third change relates to mileage reimbursement for City employees who receive a monthly car allowance and travel outside of the Wasatch Front. The travel and City vehicle policy need to be revised so that it is consistent with the IRS guidelines.

Mayor Arave asked which vehicles and employees this would pertain to. Barry Edwards replied that police officers were exempt and that it applied to approximately five employees.

Council Member Jensen asked for clarification on determining when an employee would be breaking the proposed code for sending and viewing sexually-oriented material. Barry Edwards replied that it would be during normal business hours or on non business hours when the employee was being paid or if it was on City property.

Mayor Arave commented that sometimes the police have to review this type of material. Chief Black responded that the City code does or should exempt those in law enforcement or if it is necessary within the scope of an employee's work.

David Church commented that there is a portion of the policy that lists several things that an employee should not be doing and this is just an addition to that list. The intent is to put employees on notice of what they could be disciplined for. He said that he will review the language and the personnel exceptions with the police chief.

Council Member Jacobson moved to approve Resolution 2014-20R amending the City's Personnel Policy and Procedures Manual relating to automobile usage and the sharing and/or distribution of sexually oriented images with the changes that have been suggested. Council Member Mumford seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Jacobson, and Mumford. Council Member Porter was excused.

Mayor Arave clarified the suggestions to be made per the motion which include: a change to paragraph 1 to reduce redundancy, a change to paragraph 1A excluding actions in the course of

duty, and changing the wording in Section 7 item A to “including but not limited to” in regards to printed or electronic forms of pornography or sexually explicit material. This will also include a revision to Section 7 item 1 with the heading of “Professionalism” with the opening sentence to be shortened to “The City of North Salt Lake is an institution whose purpose, among others, is to provide professional services to its citizens.”

Council Member Horrocks commented that in reference to the events of today that the City Council took some heat tonight and some of it may have been deserved. The Council has their professional lives and come to the City a few nights to make decisions. One of the things that the Council has been charged with is protecting the rights of property owners. If the owner comes to the Council and experts say that what the owner is proposing is safe and meets all requirements, the Council has no choice but to approve it. There are times when the Council approves things that they personally don't like and their personal opinion doesn't matter. He said that the City needs to make sure it does everything it can to help those people and do the right thing. The City had zero obligation on the Springhill landslide; however, they worked to assist those residents as much as possible. Council Member Horrocks said that he feels comfortable that the decisions the Council makes are what the citizens of the City would make.

Mayor Arave commented they he spent a long time up at the landslide area today and was impressed with City employees, fire department and everyone else who were trying to fix the problem.

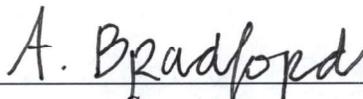
Barry Edwards said that one of the unsung heroes in a disaster like this is the City's Public Works department. It always comes down to them to finish the clean up and fix the problem and that he would like to express appreciation to them.

11. ADJOURN TO REDEVELOPMENT AGENCY MEETING

Mayor Arave adjourned the meeting at 8:49 p.m. to begin the Redevelopment Agency Meeting.



Mayor



Secretary