

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-SPECIAL SESSION
DECEMBER 16, 2014

FINAL

Mayor Pro-Tem Horrocks called the meeting to order at 6:05 p.m. Council Member Conrad Jacobson offered the invocation and Luis Palomeque, BSA Troop 997, led those present in the Pledge of Allegiance.

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

EXCUSED: Mayor Len Arave

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; Chief Craig Black, Police Chief; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: James Hood, Candace Camilo, Donall Speth, residents; Scott Jones, Access RV; Joe McAllister, Scott Hughes, Lakeview Rock Products; Justin Platt, Alex McClellan, Luis Palomeque, Jackson McClellan, Fletcher Murray, Sam Roberts, Noah Israelsen, BSA Troop 997; Nate Pugsley, Brighton Homes; Troy Ferran, Ferran Construction; Michael Johnson, FedEx; Khaleefah Mohammed, Husain Alkuhaim; Dan Knighton, Rocky Mountain Power; Bryce Johnson, Bryceland; Cory Bice, URS; Paul Warnock, Matt Newbold, JZW Architects; Jonathan Ward, Zions Bank; Brandon Johnson, Chapman and Cutler.

1. CITIZEN COMMENT

Donall Speth, 173 North Valley View Drive, commented that he moved to the City a few months ago and was having a hard time getting rid of the moving boxes. He asked if the City would consider providing large trash and recycling dumpsters throughout the City for the residents' use. He also asked if there was a pick-up for leaves and branches. Council Member Horrocks replied that there is a second Saturday pick-up once a month for most of the year.

2. CITIZENS FOR A RESPONSIBLE PRISON RELOCATION-ALICIA CONNELL

Candace Camilo, 903 South Hampton Drive, thanked the City Council and Mayor for their hard work and dedication to the residents. She commented that she is representing Citizens for a Responsible Prison Location which includes approximately 700 people. This organization was created in response to the Utah State Prison Relocation Commission's

selection of the airport north site as one of the top sites for the new prison. She said this location is one mile from her home in the Foxboro area of North Salt Lake. The goal of Citizens for a Responsible Prison Location committee is to educate the community on the proximity and effects of the prison if it were to be relocated to the proposed airport site. She said the committee's efforts alone are not enough and asked for the support and a resolution from the North Salt Lake City Council in support of Salt Lake City Council's opposition of the airport north site.

3. CONSIDERATION OF RESOLUTION 2014-29R SUPPORTING SALT LAKE CITY'S EFFORTS TO OPPOSE THE POSSIBLE RELOCATION OF THE UTAH STATE PRISON TO THE SITE DESIGNATED NORTH OF THE SALT LAKE INTERNATIONAL AIRPORT

Barry Edwards reported that there would need to be a tremendous amount of political will expended to relocate the prison to the proposed Salt Lake Airport location. He stated that this was not a good location due to the wetlands, infrastructure and utility issues, and access problems. He also said that the prison should be located on the outskirts and not in the middle of an urban area to lessen the impact on a single community.

Council Member Jacobson commented that it seems like the relocation commission looked at county lines and saw that it was north of Salt Lake City without looking at the proximity to North Salt Lake City as well.

Barry Edwards said that the effort that was put into moving Stericycle needed to be applied in this situation and that people need to be educated on the entire impact of the potential prison relocation near the City.

Council Member Jacobson moved to approve Resolution 2014-29R a resolution of the City of North Salt Lake Utah in support of Salt Lake City's efforts to oppose the possible relocation of the Utah State Prison to the site designated north of the Salt Lake International Airport. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

4. CONSIDERATION OF PROPERTY EXCHANGE AGREEMENT BETWEEN BRIGHTON HOMES AND THE CITY OF NORTH SALT LAKE

Ken Leatham reported that this proposed agreement is for a property exchange of 10 acres of City owned property west of Tunnel Springs Park with 28 acres of property, known as the Granite Ridge development site, owned by Brighton Homes. The agreement has been written to acknowledge that the developer would like to rezone the property but does not commit the City to the rezone. The City does agree to process the application in a timely manner. In advance of the entitlement process the City would allow one access road into the project with secondary emergency access through the equestrian parking area. The City would also allow development on the property to drain into the City's storm drain system and allow the developer to make modifications to the Tunnel Springs detention pond.

Ken Leetham also clarified that there would be a public process that would need to be followed in order to make a zone change from the current R-1-12 zone to a Planning (P) District zone and that the City Council still has the right to approve or deny all zoning change applications. David Church commented that it was expressed to Brighton Homes that it was not guaranteed that the City Council would approve the contract. Brighton Homes had responded that if the land exchange occurs the proposed property would be developed as residential housing regardless of the zoning.

Council Member Jensen asked if an independent assessment had been conducted for the land values for the Granite Ridge site. Ken Leetham replied that there had not been enough time to have the property value assessed.

Council Member Jensen said that it seemed like the developers were pushing the Council to make decisions faster than what was responsible to do. He also said that even though the City would be getting more land in the exchange, less of it would be useable.

Barry Edwards commented that the value has decreased because of the landslide but post slide this may or may not be a great deal for the City. He said that City staff has not had enough time to analyze the concerns that have been raised but could probably have answers in the future.

Council Member Horrocks commented that he also feels like the process is being rushed and the City should determine if we would want the land even if it was never used. Conceptually he likes the idea of a community near Tunnel Springs Park but the density seems similar to the Foxboro north area.

Council Members Mumford and Jacobson expressed that it was necessary to know the value of the land as it belongs to the City's residents.

Nate Pugsley, Brighton Homes, commented that they also felt rushed and did not want to force the City's hand. He said they would accept the current zoning at Tunnel Springs Park if necessary and could address the issue of density if the agreement was accepted. He also said that the contract expires at the end of the month but that they could ask Granite Construction for an extension.

At 6:38 p.m. Council Member Jensen moved to go into closed session to discuss the acquisition or sale of real property. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

At 6:49 p.m. Council Member Jacobson moved to go back into regular session. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

Council Member Jacobson commented that the City Council could not proceed with the property exchange agreement at this time until values of both parcels of property had been received and other issues considered.

Council Member Jacobson moved that the item be tabled until such an evaluation had been obtained. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

5. DISCUSSION OF 2600 SOUTH INTERCHANGE LANDSCAPING BETTERMENTS

Barry Edwards reported that several months ago UDOT had discussed betterments to the 2600 South interchange with the City Council and asked for aesthetic and landscaping options. City staff worked with Woods Cross on a landscaping plan and has divided the allocated funding based on the City's percentage of the improved area. City staff is recommending committing to \$56,789 or 17.49% at this time until the plan is reviewed and approved by the City Council. A portion of the funds would come from the Orbit EDA for public infrastructure improvements.

Council Member Jensen asked for clarification on the funds. Barry Edwards replied that the City's allotment of the betterment was \$100,000 which was spent on form liners and paint. There is approximately \$21,000 left for landscaping and the City will need another \$56,000 for the landscaping improvements.

Council Member Horrocks asked if the City was working independently with Woods Cross on this project. Barry Edwards replied that the improvements had been coordinated with Woods Cross but that the City's improvements would be done regardless if Woods Cross agreed to do their portion or not.

Council Member Porter moved to accept the improvements to the 2600 South Interchange landscaping betterments as explained. Council Member Jensen seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

6. CONSIDERATION OF RESOLUTION 2014-28R AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,300,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS OF THE CITY; AND PROVIDING FOR RELATED MATTERS

Barry Edwards reported that based on the bond market today, the City's water revenue bonds could be refunded to save some interest costs over the life of the bonds and private placement. This is a flexibility that the City currently does not have and would help the City pay down the bonds quicker.

Council Member Mumford asked what the total savings would be. Jonathan Ward, Zions Bank, replied that it would be approximately \$58,000 on a net present value basis over the remaining seven year life of the loan. He also said that interest rates were very low right now which

presented a very good opportunity.

Council Member Mumford commented that this was in line with the budget meetings in finding ways to lower the City's overall debt.

Council Member Porter moved to adopt Resolution 2014-28R authorizing the issuance and sale of \$2,300,000 aggregate principal for the Water Revenue Refunding Bonds. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

7. CONSIDERATION OF RESOLUTION 2014-27R APPROVING THE 2015 CITY COUNCIL MEETING SCHEDULE

Council Member Porter moved to adopt Resolution 2014-27R the annual City Council meeting schedule for the City of North Salt Lake. Council Member Jensen seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

8. CONSIDERATION OF A NEW STREET SWEEPER PURCHASE

Barry Edwards commented that there had previously been a problem with the procurement process but said that three bids had been obtained for a new street sweeper. Jon Rueckert reported that an advertisement was published in the paper for the street sweeper and that City staff recommended purchasing the 2015 Tymco sweeper for the price of \$241,087 which includes a scanning tool and manuals for a chassis. He said staff had a chance to try the less expensive sweeper from the bid results and found several issues including sweeper ability and maintenance access difficulties, etc.

Council Member Mumford asked for clarification on the trade-in value for the current sweeper. Jon Rueckert replied that Intermountain Sweeper offered \$35,000.00 for the used sweeper which would be applied to the \$241,000.00 cost of the new sweeper.

Council Member Mumford moved to approve the purchase of a new 2015 Tymco 600 Street Sweeper from Intermountain Sweeper for the price of \$241,087.00. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

9. PUBLIC HEARING ON ORDINANCE NO. 2014-18 VACATING A PORTION OF THE NORTH TOWNE STATION PUD

Ken Leetham reported that this item is one of several agenda items related to The Loft @ 99 PUD and that it was the former Brycewood project. There is a small piece of property in the North Towne Station subdivision adjacent to the corner where The Loft @ 99 will be built. This ordinance will vacate a portion of the North Towne Station subdivision and allow it to be recorded in the new Loft @99 subdivision. Mr. Leetham explained that a public hearing is

required by State law whenever a portion of a subdivision is vacated.

Mayor Pro-Tem Horrocks opened the public hearing at 7:08 p.m. There were no comments, and he closed the public hearing at 7:08 p.m.

10. CONSIDERATION OF ORDINANCE NO. 2014-18 VACATING A PORTION OF THE NORTH TOWNE STATION PUD

Council Member Porter moved to adopt Ordinance No. 2014-18 an ordinance vacating a portion of North Towne Station PUD. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

11. CONSIDERATION OF A PRELIMINARY DESIGN PLAN AND FINAL PLAT FOR THE LOFT @ 99 PUD LOCATED AT 99 NORTH HIGHWAY 89. PRESTON WOOD, APPLICANT

Ken Leetham reported that this project is located on the southwest corner of Highway 89 and North Towne Lane and would be attached condominium/townhome buildings.

Council Member Porter asked for clarification on which direction the buildings would face. Ken Leetham replied that the first building faces Highway 89 and the second building would face west. He explained that this would be a compact design on a half acre lot and was consistent with the General Plan for Highway 89.

Council Member Jensen commented that the buildings at North Towne Station were 26' feet from window to window. Council Member Mumford replied that there were 31' feet from building to building on this project.

Council Member Porter asked if there was an allowance for visitor parking. Ken Leetham replied that the project meets the parking requirements and that there were a few parking spaces in addition to residents' garages.

Troy Ferran, Ferran Construction, commented that he is a General Contractor who just built a similar project in the Marmalade project in Salt Lake City. The Marmalade buildings were 27' feet apart and that the proposed Loft @99 project is a little larger and has 4 additional parking stalls in addition to the two car garages for each condo. He said that the Marmalade building has been successful and that all the condo units had been sold.

Council Member Jensen asked if any of the residents had expressed concern with the proposed plan for The Loft @ 99. Ken Leetham responded that the neighboring North Towne Station HOA was familiar with the proposed building plan.

Council Member Jensen moved that the City Council approve the site plan for The Loft @ 99 PUD located at approximately 99 North Highway 89 to the City Council with no conditions. Council Member Mumford seconded the motion.

Ken Leetham explained that this motion should be for the preliminary design plan and final plat for The Loft @ 99. Council Member Jensen rescinded his motion. All motions were withdrawn.

Council Member Jensen moved that the City Council approve the preliminary design plan and final plat for The Loft @ 99 PUD located at approximately 99 North Highway 89 with no conditions. Council Member Mumford seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Horrocks and Jensen. Council Member Porter voted in opposition to the motion.

12. CONSIDERATION OF A SITE PLAN FOR THE LOFT @ 99 PUD LOCATED AT 99 NORTH HIGHWAY 89. PRESTON WOOD, APPLICANT

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

Council Member Porter explained that he voted in opposition to the motions as he did not read the ordinance or recall the changes in zoning that were different from the when the original area was zoned.

Ken Leetham commented that the zoning district in this area today allows multi-family dwellings.

13. PUBLIC HEARING ON ORDINANCE NO. 2014-19 VACATING CERTAIN PUBLIC UTILITY EASEMENTS AND ACCESS EASEMENTS LOCATED WITHIN THE OUTDOOR RECREATION OUTLETS-LOT 1 AMENDED SUBDIVISION PLAT

Ken Leetham reported that this development also requires a public hearing and that the property is located south of I-215. The proposed property will be used for recreational vehicle sales and leasing. As this property consists of internal lot lines the vacation of a portion of the public utility and access easements will be adjusted to create one complete parcel. The Development Review Committee (DRC) recommends approval with the condition that the applicant receive release letters from all the affected public utilities granting their consent.

Dan Knighton, Rocky Mountain Power, addressed the Council and stated that the utility easement there contained a three phase power line and that if it was not re-routed they would not grant consent to abandon the easement as this was the sole feed for that area. He said that the power line runs underground north to south and feeds in from Redwood Road.

Mayor Pro-Tem Horrocks opened the public hearing at 7:30 p.m.

Barry Edwards commented that as Rocky Mountain Power was unsure of where the power line was located at this time, that the City Council could vacate the easement as long as the power line was not located in that spot.

Dan Knighton commented that he had received a different map than was shown to the Council, but that anytime an established public easement is vacated Rocky Mountain Power would fight to keep that easement.

Mayor Pro-Tem Horrocks closed the public hearing at 7:33 p.m.

14. CONSIDERATION OF ORDINANCE NO. 2014-19 VACATING CERTAIN PUBLIC UTILITY EASEMENTS AND ACCESS EASEMENTS LOCATED WITHIN THE OUTDOOR RECREATION OUTLETS-LOT 1 AMENDED SUBDIVISION PLAT

Council Member Porter commented that the Council did not want to abandon a public utility easement but that Rocky Mountain Power seemed unsure of where the power line was located. Barry Edwards replied that it was staff's recommendation that the Council approve the vacation provided there were no active utilities within those utility easements.

Scott Jones, Access RV, commented that the current plans show the power line running through the two acre lot to the south and to the north of his property. He said that one of Rocky Mountain Power's transformers would need to be moved but that this would not conflict with the easement vacation.

Council Member Jensen asked if the easements were vacated if they could be put back in place if the project fell through. Ken Leetham replied that the ordinance would not be recorded until consent was received from Rocky Mountain Power. Once the ordinance was recorded the lot lines would be eliminated and there would no longer be easements there. If the property was ever subdivided again the easements could be put back in place.

Council Member Jacobson moved to approve Ordinance 2014-19: An ordinance to vacate a portion of the public utility easements and access easements located within the Outdoor Recreation Outlets dependent upon determination of where the current utility line actually runs. Council Member Jensen seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

15. CONSIDERATION OF SITE PLAN FOR ACCESS RV LOCATED AT 550 SOUTH REDWOOD ROAD. SCOTT JONES, ACCESS RV, APPLICANT

Ken Leetham reviewed the location of the office and sales buildings, display locations and fenced storage areas for Access RV, a full service RV dealership which sells and leases new and used RV's. The proposed buildings conform to the new metal building ordinances.

Barry Edwards commented that he had driven through the current Access RV location in Salt Lake and said that it was the type of business the City would like along Redwood Road and would be a great asset to the community.

Council Member Mumford asked about the storage area and if it would be presentable. Barry Edwards replied that it was storage of inventoried vehicles for sale and that it would be presentable. Ken Leetham commented that the area would be heavily landscaped and screened from street view.

Council Member Jensen moved that the City Council approve a site plan for Access RV at 550 South Redwood Road subject to the following condition:

- 1) The applicant receive City approval for the lot line adjustment and provide proof to the City that the lot line adjustment has been recorded with Davis County prior to issuance of a building permit and also that it is verified that there not a power utility across the vacated utility easements.**

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

16. CONSIDERATION OF A SITE PLAN FOR PHASE 2 OF THE FEDEX BUILDING EXPANSION LOCATED AT 720 NORTH 400 WEST. FIRYAL KASSIM, FEDEX, APPLICANT

Ken Leetham reported that the applicant will be completing a large expansion of several buildings, the addition of a number of truck bays and new access to the site. The hub expansion building will be approximately 125,000 square feet; the maintenance garage will be 12,655 square feet and the guard house will be 200 square feet and as this application was submitted prior to the new metal building ordinance they will only be required to install a 4' wainscoting on the exterior of the building.

A traffic impact analysis was requested for each phase of this project and the DRC recommends approval of the site plan with two conditions related to the analysis of traffic circulation on the property. The applicant will be required to submit plans to the City for roadway improvements of roto-milling and providing an asphalt overlay on Franklin Parkway and to complete those improvements once they have been approved by the City's Engineering Department.

Council Member Jacobson moved to approve the site plan for the FedEx building expansion Phase 2 site plan subject to the following conditions:

- 1) A plan for the roadway improvements including roto-milling and an overlay on Franklin Parkway must be submitted and approved in writing by the City's Engineering Department prior to issuance of a building permit.**

- 2) Improvements on Franklin Parkway, as approved by the City's Engineering Department in writing, must be completed prior to a certificate of occupancy for any building in Phase 2.**

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

17. CONSIDERATION OF ORDINANCE NO. 2014-20: AN ORDINANCE AMENDING TITLE 4, CHAPTER 2 OF THE CITY CODE RELATING TO NUISANCES

Barry Edwards reported that it had been requested that City staff present the nuisance ordinance to the City Council for its applicability. After his review of the ordinance, David Church has recommended several changes which would make the ordinance better conform to State law.

David Church commented that in 2011 the State changed a section of the State code on how to give notice and to receive reimbursement when the City was forced to fix a nuisance. Mr. Church then read through the nuisance ordinance and pointed out the changes that had been made in order to bring the ordinance into agreement with State law. The changes included fixing grammatical and numbering issues, clarifying responsible parties and enforcing bodies, simplifying definitions, and adjusting items to comply and conform to State law. Section I was added to address the aforementioned State code addition regarding giving notice and reimbursement for all expenses incurred by the City in remedying a nuisance at the City's expense.

Council Member Mumford asked how the City's Enforcement Officer would notify the responsible individual of a nuisance. David Church replied that the responsible party would receive notice within 10 days in person or by certified mail. Within those 10 days the responsible individual could abate or contest the nuisance and request a public hearing with the City's Hearing Officer.

Council Member Mumford moved to approve Ordinance No. 2014-20: An ordinance amending certain sections of the City code regarding nuisances and cleaning of property. All changes including the change from "Public Works Department" to "Community Development" and typos will be fixed as discussed. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Mumford, Porter, Horrocks and Jensen.

18. CLOSED SESSION FOR THE PURPOSE OF DISCUSSING POTENTIAL OR PENDING LITIGATION

Barry Edwards reported that Mayor Arave requested that the closed session be postponed until a future meeting when he would be in attendance.

Council Member Porter moved to cancel the public hearing on Thursday, December 18th based on the discussion and motion from this evening. Council Member Jensen seconded

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

19. ADJOURN

Mayor Pro-Tem Horrocks adjourned the meeting at 8:15 p.m.

Mayor Pro-Tem

Secretary