

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
JANUARY 20, 2015

FINAL

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

PRESENT: Mayor Len Arave
Council Member Brian Horrocks
Council Member Conrad Jacobson
Council Member Stan Porter
Council Member Ryan Mumford

EXCUSED: Council Member Matt Jensen

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; Brent Moyes, Golf Course Director, Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Gary Hatch, Davis County Mosquito Abatement District Director; JR Hood, Jennifer Hood, residents.

1. FINANCE DEPARTMENT REPORT

Janice Larsen presented the Finance Department report. She stated that sales tax consists of direct point of sale and indirect point of sale and clarified that indirect point of sale includes phone and internet sales. The City receives a direct portion of the point of sale tax with the remainder going toward a statewide pool which is then distributed back to the cities, with North Salt Lake receiving 43% of that. She then explained the City's sales tax breakdown which consists of 4.70% to the State, 10% toward the RAP tax, 1.00% for local sales and use tax, .25% for mass transit tax, .25% for county option sales tax for a total 6.60% combined sales tax rate.

Ms. Larsen then reported that use tax is collected on goods or services purchased for use, storage or other consumption in Utah. Use tax only applies if sales tax is not applicable or was not paid at the original time of purchase. The City's sales tax is right on budget for the 2014-2015 fiscal year. She also reported that court fines and building permits were below expectations at the end of the year and that expenditures are monitored very closely and should be in line with the budgeted amount.

2. DAVIS COUNTY MOSQUITO ABATEMENT REPORT

Gary Hatch, Davis County Mosquito Abatement District Director, reported on the district's activities during the past year and the ways they track and test mosquitoes in Davis County. He

said that 159,118 adult mosquitoes from 2011 pools were tested and that 28 of those tests were positive for West Nile. Mosquito Abatement Davis District (MADD) has also been testing chickens throughout Davis County but as federal grant money has been cut, 2014 was the last year for this type of testing. Mr. Hatch then reported that they continually spray for larvae and adult mosquitoes and said that homeowners can request additional spraying via phone or online. Besides insecticide spraying, MADD sets CO² traps to catch live mosquitoes which are individually inspected.

Mr. Hatch talked about the West Nile Virus and stated that there has been an increase in spraying and areas of treatment, and Utah has consistently had the lowest cases of WNV compared to nearby states since 2006.

Mayor Arave asked if MADD has focused on the Foxboro and Legacy Preserve areas. Gary Hatch replied that there have been five positive tests for WNV in the pools at Foxboro and that there is an airplane that sprays those areas during the day with a follow-up truck that sprays at night.

Mayor Arave asked how the spray affects the ecosystem. Gary Hatch responded that the *Bacillus thuringiensis israelensis* spray, known as BTI, only kills mosquitoes and a type of black fly but does not harm anything else in the environment.

Gary Hatch also reported that some mosquitoes can travel up to 25 miles and live approximately 20-30 days with some able to live up to 6 months.

3. ACTION ITEMS

The action items list was reviewed. Completed items were removed from the list.

4. CITY COUNCIL MINUTES-JANUARY 6, 2015

Council Member Jacobson moved to approve the minutes from January 6, 2015 as corrected. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

5. COUNCIL REPORTS

Council Member Horrocks reported that Davis County is very lucky to have Gary Hatch with the Mosquito Abatement District as he is very passionate about his work and is a State and National leader in this area.

Council Member Jacobson had nothing to report.

Council Member Mumford reported that there were a few areas on Center Street where fences and trees had been run over by a vehicle. Chief Black replied that these were due to a police chase involving South Salt Lake Police in pursuit of a stolen vehicle.

Council Member Mumford also reported vandalism and tire tracks in the roundabout by Foxhollow Park. Chief Black commented that past instances have been reported at the roundabout on 900 North. City staff will review these areas for damage.

Council Member Porter reported that the Community Wildfire Prevention Plan meeting was well attended and said that the next step would be to put together public awareness campaigns. He also reported that Thursday night was the Bonneville Shoreline meeting in which they reviewed the alignment plan.

Mayor Arave asked where the alignment for the Bonneville Trail would be located. Council Member Porter replied that they hired a professional to do the alignment but that the plan had been lost. He said there has been a lot of public support and that a group would be formed for those who want to be involved.

6. MAYOR'S REPORT

Mayor Arave commented that Legacy Preparatory Academy, who would present during the regular session, were requesting a donation to be used for artificial turf.

The Mayor reported that he met with GeoStrata engineers regarding the landslide and that this would be discussed during closed session. He also said that Wasatch Integrated Waste Management was considering increasing the commercial rates from \$28.00 to \$30.00 per ton. Mayor Arave then reported that he had met with Scott Hughes, of Hughes General Contractors, and said that Hughes plans to ask the City for an extension on the Monte Thomas gravel pit and also for the installation of a City maintained road to the pit.

Mayor Arave also said that South Davis Sewer reported toxic gas was released into the sewer. The amount was not enough to be harmful but a fine will be issued.

7. ADJOURN

Mayor Arave adjourned the meeting at 6:58 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-REGULAR SESSION
JANUARY 20, 2015

FINAL

Mayor Arave called the meeting to order at 7:03 p.m. Council Member Ryan Mumford offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave
Council Member Brian Horrocks
Council Member Conrad Jacobson
Council Member Stan Porter
Council Member Ryan Mumford

EXCUSED: Council Member Matt Jensen

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; Brent Moyes, Golf Course Director, Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: JR Hood, Jen Hood, Jason Burgess, Kristi Burgess, Lisa Putnam, residents; Scott Cruze, Quail Hollow Condominiums; Jill Poulsen, Jennifer Townsend, Legacy Preparatory Academy; Jocelyn O’Niones, NSL Employee Association.

1. CITIZEN COMMENT

Kristie Burgess, 298 Parkway Circle, commented that she had come to address an amendment that was passed in September of 2014 regarding preschools and her hope to be grandfathered in under the previous requirements. Mrs. Burgess explained that she began her preschool in 2009 and requested a conditional use permit from the City at that time to allow 12 children to attend the preschool. She moved in March 2014 and when her business license renewal arrived in December 2014 she renewed online and filled in her new address. She was then contacted by City staff to reapply for a business license as it was now considered a new business due to the change of address. She applied and her request was denied as the new City amendment only allows eight children per preschool.

Ken Leetham commented that the ordinance was changed in September and that he was unaware that the Burgess’s had moved prior to the ordinance changing. He said that it may be possible to grandfather her in with the prior requirements if she was operating her business at her new address before September 2014.

Barry Edwards asked that the City Council give City staff discretion to resolve the issue. The City Council agreed to give staff responsibility to work through this with Mrs. Burgess.

2. REAPPOINT ROBERT DRINKALL TO NSL PLANNING COMMISSION

Mayor Arave reported that Robert Drinkall has been doing a great job on the Planning commission and asked that he be reappointed.

Council Member Mumford moved to ratify Mayor Arave's reappointment of Robert Drinkall to the City of North Salt Lake Planning Commission. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

Council Member Mumford commented that Mr. Drinkall is an asset to the City and that he is currently serving as the Commission Chairman and has done an excellent job.

3. DISCUSSION OF TURF REQUEST FOR LEGACY PREPARATORY ACADEMY

Barry Edwards report that the City received a request from Legacy Prep to see if the City would provide assistance due to the issues with the current turf. He recommended that the City grant the school \$500 towards replacing the turf.

Jill Poulsen, Legacy Preparatory Academy, commented that the school provides a lot to the community and is gaining recognition. There are approximately 500 children who attend school there and the back field is very hard to maintain. They have replaced and reseeded the sod numerous times but grass is unable to withstand the constant use. They would also like to fix the playground area which would include replacing the wood chips, fixing the benches and basketball areas and burying the edges of the playground equipment. Ms. Poulsen said that they are considering synthetic turf for the 1/3 acre which would cost approximately \$150,000 and that they would like to fund this through donations.

Mayor Arave commented that it would be hard for the City to contribute much more but that the City could help by advertising for donations and possibly assisting with fundraisers. The Council was in agreement to donate \$500 to the school, with the condition that it be used specifically for this project.

4. PUBLIC HEARING TO RECEIVE COMMENT ON ORDINANCE NO. 2015-03 VACATING THE QUAIL HOLLOW CONDOMINIUMS SUBDIVISION PLAT

Ken Leetham reported that the Quail Hollow subdivision plat is a set of 22 multifamily units in four buildings that were originally constructed as condominium units. The applicant is requesting that the subdivision plat be vacated so the buildings can be assessed as apartments through Davis County. The properties have been owned by a single owner and were never sold to individuals.

Council Member Mumford questioned if apartments were taxed at a lower rate than a townhome or condominium. Ken Leatham replied that apartments are valued at a lower rate.

David Church commented that as Davis County already approved the property tax assessment there was nothing further the City would need to consider. He said it was unusual for a property owner to convert condominiums to apartments.

Mayor Arave opened the public hearing at 7:34 p.m.

Scott Cruze commented that he was representing the owner of the Quail Hollow Condominiums and that the reason the owner had opted to turn these into apartments was due to the consecutive appeal to the County to avoid a property tax increase every year. He said that the condominiums are also surrounded by apartment communities and it would be difficult to sell them as condos to private individuals due to loan restrictions and other factors.

Mayor Arave closed the public hearing at 7:36 p.m.

5. CONSIDERATION OF ORDINANCE NO. 2015-03 VACATING THE QUAIL HOLLOW CONDOMINIUMS SUBDIVISION PLAT

Council Member Jacobson asked if the project was vacated if it would revert to standard zoning. David Church replied that instead of being a condominium project with units that could be sold this would be one parcel.

Ken Leatham commented that there would not be a considerable tax difference to convert this from condominiums to apartments.

Council Member Jacobson moved to approve Ordinance No. 2015-03 vacating Quail Hollow Condominium subdivision plat. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

6. CONSIDERATION OF ORDINANCE NO. 2015-01 VACATING A PORTION OF THE OVERLAND DRIVE PUBLIC RIGHT OF WAY

Ken Leatham reported that this item had previously been discussed. The City would be vacating the public right of way in preparation for a property trade which would be discussed during the next agenda item.

Council Member Porter moved to adopt Ordinance 2015-01 vacating a portion of the Overland Drive Public right of way as presented. Council Member Jacobson seconded the motion.

Mayor Arave asked what would occur if the right of way was vacated but the real estate exchange did not occur or the agreement was not signed. David Church replied that the effectiveness of the ordinance would need to be contingent upon the transaction being approved.

All motions were withdrawn.

Council Member Porter moved to adopt Ordinance 2015-01 contingent upon the agreement being signed for the property exchange. Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

7. CONSIDERATION OF PROPERTY EXCHANGE AGREEMENT WITH CALDER BROS.

Ken Leetham reported that the City had entered into a short letter agreement with Calder Brothers Co., who owns the property west of the current Overland Drive. This agreement would shift overland far west of their property and they would be able to assemble property to the east of the new Overland Drive. This agreement was put together with the idea to trade properties between Calder Brothers and the City. Calder Brothers would then own a large piece of useable property, approximately 150' that would no longer be dissected by Overland Drive. This agreement also commits the City to remove the existing road improvements and possible underground improvements that would interfere with future developments. The City will also construct a sidewalk on the east side of Overland Drive, and Calder Brothers will grant the City a 9' easement along the street.

Paul Ottoson stated that City staff has reviewed the blind spot at the Colonial Woods trailer park driveway. There is a six-foot chain-link fence that follows the road and causes a visibility issue for southbound cars. When the new road is installed, 170 feet of that fencing will be removed which may help with visibility.

Mayor Arave commented that he was concerned about exchanging quit claim deeds and asked if a preliminary title report had been done. Ken Leetham replied that title work would be done on the portion of property that the City receives in the agreement.

David Church commented that Calder Brothers had not approved the language of this version of the agreement and that the motion should reflect that.

Council Member Horrocks and Jacobson commented that this exchange seems like a win for the City as well as the applicant as it solves many of the Overland Drive issues.

Barry Edwards stated that City staff would present several options for funding this project including adding this to the 1100 North project and negotiating with the State.

Council Member Porter moved to accept the property exchange agreement with Calder Brothers as it has been presented allowing for adjustments by the City attorney and review

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

8. CONSIDERATION OF EAGLEWOOD GOLF COURSE RESTAURANT CATERING CONCESSIONS AND RECEPTION CENTER MANAGEMENT AGREEMENT

Barry Edwards asked that this item be tabled for two weeks until staff hears back from the concessioner.

Council Member Jacobson moved to continue this discussion to a later meeting. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

Mayor Arave clarified that the City is currently on a month-to-month agreement with Carmack's until a new agreement is signed.

9. CONSIDERATION OF RESOLUTION NO. 2015-01R AMENDING THE PERSONNEL POLICY AND PROCEDURES MANUAL RELATING TO GRIEVANCE PROCEDURES

Barry Edwards reported that four or five years ago the City Council amended the personnel rules to take employee appeals to the Appeal Authority. As the grievance procedure was not modified at that time it is recommended that it be updated to also reflect the Appeal Authority for the final appeal rather than the City Council. He also stated that this amendment also includes limitations would be placed on what could be grieved including verbal reprimands, written reprimands or employee evaluations.

Jocelyn O'Niones, with the City's Employee Association, commented that the employees were in agreement with the changes to be made.

Council Member Porter moved to pass Resolution 2015-01R amending the Personnel Policy and Procedures Manual relating to the Grievance Procedures as presented with the change from "City Council" to "Appeal Authority." Council Member Jacobson seconded the motion. The motion was approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

10. CITY MANAGER'S REPORT

Barry Edwards proposed that the 2015 budget overview be held Saturday, March 21st from 8:30am-12:30pm.

11. CLOSED SESSION TO DISCUSS POTENTIAL OR PENDING LITIGATION

At 8:02 p.m. Council Member Jacobson moved to go into closed session to discuss potential or pending litigation. Council Member Horrocks seconded the motion. The motion was

approved by Council Members Horrocks, Jacobson, Porter and Mumford. Council Member Jensen was excused.

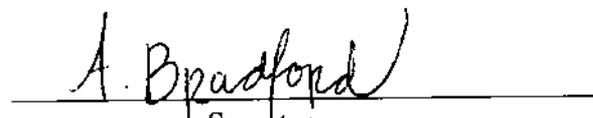
12. ADJOURN

At 8:56 p.m. Council Member Jacobson moved to go out of closed session and back into regular session. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford and Jacobson. Council Member Jensen was excused.

Mayor Arave adjourned the meeting at 8:57 p.m.



Mayor



Secretary