

NORTH SALT LAKE CITY
CITY COUNCIL REGULAR SESSION MEETING
MARCH 16, 2010

Mayor Arave called the meeting to order at 7:08 p.m. Council Member Porter offered the invocation, and Spencer Thompson BSA Troop 1379 led those present in the Pledge of Allegiance.

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

STAFF PRESENT: Barry Edwards, City Manager; Blaine Gehring, Community Development Director; Jerry Thompson, Building Official; T. J. Riley, Parks Superintendent; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Dave Church, Attorney for the Utah Local Governments Trust; Karen and Spencer Thompson, BSA Troop 1379; J. R. Hood, Alex Buttars, Allen Tidwell, Keb Brady, Kyle and Alice Roberts, residents.

1. KEB BRADY – COMMUNITY GARDEN UPDATE

Mr. Brady provided community garden information to the Council including a handout with its mission statement, goals, upcoming events and financial information.

There will be a grand opening event Saturday April 17 (Saturday before Earth Day). Information is at www.orchardgardens.blogspot.com.

2. RECOGNITION OF KYLE AND ALICE ROBERTS FOR SERVICE AS YOUTH COUNCIL ADVISORS

Mayor Arave thanked Alice and Kyle Roberts for their years of service as Youth Council advisors and presented them with a gift.

3. CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 2010-07R ADOPTING A MINIMUM GENERAL FUND BALANCE

Barry Edwards stated that one of the things that helps keep a favorable bond rating is to have a policy establishing a minimum general fund balance. His recommendation is to establish it as 15% of the balance, not to go below 12%.

Council Member Jacobson moved to adopt Resolution No. 2010-07R Adopting a Minimum General Fund Balance. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

4. CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 2010-08R ADOPTING GUIDELINES FOR EXCEPTIONS TO DEVELOPMENT IMPACT FEES

This resolution is basically a blanket policy to make sure the City is covered and adhering to law. Council Member Horrocks asked if the City already has something like this in place, and if passing the resolution might affect any possible lawsuits. Barry Edwards said this would not have any impact on that, and added that it is set by State Statute.

Council Member Porter moved to adopt Resolution No. 2010-08R Adopting Guidelines for Exceptions to Development Impact Fees. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

5. CONSIDERATION OF RESOLUTION NO. 2010-09R ADOPTING THE AMENDED 2009-2010 GENERAL FUND, WATER UTILITY FUND, GOLF ENTERPRISE, AND CAPITAL PROJECTS BUDGETS

Since there is no increase, a public hearing does not need to be held, as it's a reduction across the board in order to balance the budget.

Council Member Jensen moved to adopt Resolution No. 2010-09R adopting the amended 2009-2010 General Fund Water Utility Fund, Golf Enterprise, and Capital Projects budgets. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

6. PUBLIC HEARING TO TAKE PUBLIC COMMENT REGARDING AMENDING SECTION 1.42 OF THE NSL LAND USE MANAGEMENT AND DEVELOPMENT ACT DEALING WITH THE MAINTENANCE, CONDITION AND APPEARANCE OF PROPERTIES

Mayor Arave opened the public hearing at 7:30 p.m.

J.R. Hood, resident of 80 South Main #8, addressed the Council. He reported that this is a problem in the City, and a group of residents have even created Facebook page about this topic. He and another citizen, Chris Burns, have been talking about certain properties in the City that are hazardous to children, or limbs that might cause problems to power and light cables. There is a tree near the post office on 350 North where the limbs have fallen and taken out power lines.

There were no other public comments, and Mayor Arave closed the public hearing at 7:33 p.m.

7. CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE NO. 2010-03 AMENDING SECTION 1.42 OF THE NSL CITY LAND USE DEVELOPMENT AND MANAGEMENT ACT REGARDING MAINTENANCE, CONDITION AND APPEARANCE OF PROPERTIES

Blaine Gehring reported that as he was drafting this ordinance, he became aware that the abandoned vehicle issue is also in the City Code, so he amended it, repealing Section 10-350 of the City Code. He then placed the guidelines all into the LUDMA, rather than City Code, taking the enforcement out of the Police Department jurisdiction, and back under the ordinance officer.

This will be a complaint driven ordinance. Mayor Arave suggested that someone (Ordinance Officer) work to get important thoroughfares cleaned up, i.e. Hwy. 89, Redwood Road, etc.

There was much discussion about the ordinance, and the Council expressed concern about the subjective terms included in the ordinance, i.e. "offensive use, distracting." They then asked what problem is being fixed with this ordinance.

Blaine Gehring responded that the problem has been not having any type of ordinance, outside of Foxboro, that requires landscaping.

Dave Church, Attorney for the ULCT, advised that the Council choose the level of intrusiveness and coerciveness that can still get things accomplished. It is critical to deal with serious health hazards, like noxious weeds on one side, and then there is the other end of the spectrum, trying to require the entire City to be pristine and beautiful. A line has to be drawn somewhere in the middle. He encouraged the Council to decide that level, and then it is just a matter of definitions and procedures.

Mr. Church also stated that by moving the ordinance out of the criminal section into the civil section, you can set up an administrative side with the ordinance officer, and people can appeal to a certain board, but the City will not be criticized by a district court judge that the ordinance cannot be interpreted reasonably. He suggested the Council determine how aggressive they want to be.

Council Member Harman moved to adopt Ordinance 2010-03 Amending Section 1.42 of the NSL City Land Use Development and Management Act regarding Maintenance, Condition and Appearance of Properties as amended. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

8. CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE NO. 2010-02 PROVIDING FOR THE PROCUREMENT OF SUPPLIES,

**MATERIALS, EQUIPMENT AND CONTRACTUAL SERVICES AND
DISPOSAL OF PUBLIC PROPERTY**

The suggested changes from the last discussion have been made to the ordinance. Barry Edwards also noted a couple of corrections in letter designations.

It was also suggested that the ordinance include a notice on website publication. Council Member Jensen said he does not believe the City should require accepting the lowest bid.

Regarding public improvements, Mr. Church said there is a provision that allows cities to reject the lowest bid.

Council Member Horrocks moved to adopt Ordinance No. 2010-02 providing for the Procurement of Supplies, Materials, Equipment and Contractual service and disposal of public property as amended. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

9. CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE NO. 2010-04 AMENDING NSL CITY ORDINANCE 9-326(K) GENERAL DUTIES – THE CITY MANAGER

Barry Edwards stated that this is consistent with what has been discussed, but has not been codified.

Council Member Harman moved to adopt Ordinance 2010-04 Amending NSL City Ordinance 9-326(K) General Duties – The City Manager. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

10. MOTION TO CONTINUE EMPLOYEE APPEAL PROCESS

Council Member Jensen moved to continue the adoption of changes to the Employee Appeal Process. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

11. RATIFICATION OF THE MAYOR'S APPOINTMENT OF A REPRESENTATIVE TO ATTEND THE DAVIS COUNTY TRAILS MEETINGS

Mayor Arave stated that he would like to appoint Daniel Cottam, a member of the City's Parks and Trails Advisory Board, as the City's representative to attend the local and state trails meetings. Council Member Porter clarified that Mr. Cottam will be attending the Davis County Trails meetings.

Council Member Harman moved to ratify the Mayor's appointment of Daniel Cottam as our representative to attend the Davis County Trails meetings. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman, and Jacobson.

12. CLOSED SESSION

At 8:50 p.m. Council Member Porter moved to go into closed session to discuss pending or reasonably imminent litigation. Council Member Harman seconded the motion. The motion was approved individually by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

At 9:45 p.m. Council Member Harman moved to go out of closed session and back into regular session. Council Member Jacobson seconded the motion. The motion was approved individually by all Council Members.

13. CITY COUNCIL REPORTS

Council Member Jensen reported that he is looking for more people to get involved with economic development. Mayor Arave suggested Linda Fox.

Council Member Jensen put together a rough budget for the bike ride he would like to organize (as was discussed during the budget planning session). He is hoping to have the ride in August. The Council was in a consensus to support the bike ride.

Council Member Horrocks asked about the Waste Management agreement for extra Saturday pickups May through September as the 2nd Saturday. LaRae Dillingham reported that the pickups have been scheduled. Also, the spring cleanup has been scheduled for April 16 and 17.

Council Member Porter reported that he will be meeting with the Jordan River Committee this week and will tell them that the City could come up with some minimal funding to join the group. Council Member Porter reminded the Council that the City does have actual footage along the river.

Council Member Harman stated that in discussions with the Uniting Neighbors, they asked about the July 3rd Celebration and the need for security. At one point in time the celebration organizers had used members of the CERT for public safety at the event, and they wondered if we want to do that again. George Watanabe heads the committee over that celebration this year, and Council Member Harman agreed to contact him to discuss this.

Council Member Harman then asked about Emergency Preparedness and if there was a staff person to act as the liaison. He was told that the Police Chief serves as this liaison.

Council Member Harman brought up the Ham radio discussion (mentioned during previous meetings) and the desire to have antennae on the new building. Proponents showed Council Member Harman a small, 4 ft. high, black, thin, antenna that would not be noticeable on the roof, and only cost about \$100 each. They would like two antennas that would each need to be put on two-foot risers. Barry Edwards asked Council Member Harman to get the PDF specs of the antennas. They would also like an antenna analyzer.

Council Member Harman asked if the City currently has an emergency plan in place. Barry Edwards stated that it is required, and he asked LaRae Dillingham to provide a copy to Council Member Harman.

Council Member Jacobson reminded the Mayor and Council Member Jensen of the Youth Council banquet in Logan that they are to attend this Friday.

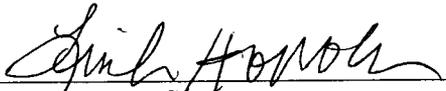
Council Member Jacobson reported that the Youth Council has been making preparations for the annual Easter Egg Hunt, to be held March 27th at 10:00 a.m.

14. ADJOURN

Mayor Arave adjourned the meeting at 10:15 p.m.



Mayor



Secretary