

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
NOVEMBER 15, 2011

Mayor Arave called the meeting to order at 6:11 p.m.

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; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Economic Development Director; Rod Wood, Public Works Director; Paul Ottoson, City Engineer; David Church, City Attorney; Craig Black, Police Chief; Brent Moyes, Golf Course Director; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Marty Peterson, Emergency Preparedness Manager.

1. GOLF COURSE REPORT

Brent Moyes presented the most recent golf course report covering September's results as well as October's. He reported that they changed their aerification schedule and lucked out with the weather because the course recovered quickly from that. As the season is almost complete, he reported that golf rounds are up about 5% for the calendar year, and revenue is up 4%. Tournament rounds are up 9% over last year.

Mayor Arave asked if a tow rope could be installed at the course to bring in some winter revenue. Mr. Moyes will research the prospect, and Dave Church will look into liability of winter activities on the golf course.

2. FINANCE REPORT – BRIAN PASSEY

Brian Passey provided a financial summary to the Council, including cash balances, which the City continues to maintain a \$4 million balance. Impact fee revenue is up slightly. Overall expenditures are down quite a bit from last year throughout the City. Barry Edwards stated that the golf course revenue could be better if banquet and room rental sales were up, as they have not kept pace. Court revenue has still been decreasing (and has been continually through the past five years). Mr. Edwards said staff needs to do some analysis in the courts and see how that can be improved.

Mayor Arave stated that something needs to be done with the overhang on the north side of City Hall.

3. PRESSURIZED IRRIGATION SYSTEM UPDATE – CNG REPORT, ROD WOOD.

Rod Wood displayed a map outlining the process to get pressurized irrigation water for the golf course. The pumping starts in Bountiful, at reservoir #2, SDWID (South Davis Water Irrigation District). During the course of designing the plan for the pipeline in Davis Boulevard and Eagleridge Drive, staff received information from Weber Basin that it would allow a turnout, which could take water from the aquaduct at the intersection of Eaglewood and Davis Blvd (Wood Hill Lane). The City would build a pump station by Deer Hollow Park and pump through easements and through the golf course taking it to one of the two lakes on the golf course. The end distribution point would be the same. Staff will be meeting Thursday morning with SDWID and will still be purchasing water from them. Also, the new site is at a lower elevation, so it would require more pumping. If districts with water shares do not use the water, then they have to turn it back to the district, so the City is trying to get some of those shares. There is a difference in water cost for watering public property versus homes. Costs would be less with the new plan since it requires going through less asphalt, although through more golf course. The process could take up to a year to get approved at the Federal level. Once approved, the City can determine how many feet of water can be utilized at this location. The first priority is to get water to the golf course, and then analyze it from there. Mr. Wood added that the line would be designed for future growth.

Rod Wood updated the Council on converting several City trucks to natural gas and said they are ready to begin the process on a small number. They will only do a couple of vehicles at a time because of the snow, and not wanting to tie up too many vehicles at one time.

4. ACTION ITEMS

The list of Action Items was reviewed. Completed items were removed from the list. Incomplete items will remain on the list.

Action: written permission from Earthquake Lady for her DVD. “Be Ready Utah”

Council Member Harman asked about the 4-day workweek and if it is working and if the City is saving money. Barry Edwards that there are some inherent problems of the 4 day-week. Productivity at the end of the day suffers, but there are benefits to the employees, and there may be green benefits as well, as people only drive to the office four days a week instead of five. Council Member Harman said another complaint he heard was the perception of a week like last week (a holiday week) where the City is open for three days and closed for four. Employees are entitled to have those days off; however, he asked if it is possible to keep half of the staff there Thursday, and the other half of the staff to work Monday. Mr. Edwards stated that doing so would not work because inevitably, those needed would be off that day. Five eight-hour-days is more acceptable. There are many weeks when City Hall is only open three days/week. Chief Black stated that the current schedule works well for the Police Department. Mayor Arave stated that in the long run, the City needs to work toward greater productivity, including having more functions available on-line to ameliorate the downside of the four-day week.

Council Member Jensen excused himself from the meeting at 6:55 p.m.

5. ADJOURN

Mayor Arave adjourned the meeting at 7:00 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
NOVEMBER 15, 2011

Mayor Arave called the meeting to order at 7:10 p.m. Council Member Conrad Jacobson offered the invocation and 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; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Economic Development Director; Rod Wood, Public Works Director; Paul Ottoson, City Engineer; David Church, City Attorney; Craig Black, Police Chief; Brent Moyes, Golf Course Director; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Marty Peterson, Emergency Preparedness Manager; Patrick Scott, Woodside Homes; John Evertson, resident and Board of Adjustment member;

1. CITIZEN COMMENTS

Patrick Scott, representing Woodside Homes at 39 East Eagleridge Drive, stated that Woodside Homes was aware of the current moratorium on building, but they were not aware that it included their Foxboro development. They are hoping the moratorium could be removed for their portion. Mayor Arave stated that he believes it does not include the Woodside Homes current construction plan.

2. BUSINESS LICENSE FEES FOR 2012: UPDATE AND POSSIBLE ACCEPTANCE

Barry Edwards stated that staff was directed to develop a fee schedule (distributed to the Council); however, staff would like the Council to consider a different fee schedule, as the one requested falls significantly short of the amount put into the budget. Staff recommends a third option, which includes a recommendation for a Good Landlord Program for mobile home parks. It is a cost recovery fee. (This will be discussed in greater detail later in the meeting.)

3. 2011 GENERAL ELECTION CANVASS

Barry Edwards distributed the official election results from the November 8, 2011 general election. He reported that nine precincts submitted results, and he believes these to be accurate and recommended the Council accept the canvass of the voting.

Council Member Jacobson moved to accept the 2011 General Election Canvass. Council Member Porter seconded the motion. The motion was approved by Council Member Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

4. RE-APPOINTMENT OF MAYOR LEN ARAVE TO THE SOUTH DAVIS RECREATION CENTER BOARD

Council Member Horrocks moved to reappoint Mayor Len Arave to the South Davis Recreation Center Board. Council Member Harman seconded the motion. The motion was approved by Council Member Horrocks, Porter, Harman and Jacobson. Council Member Jensen was excused.

5. ORDINANCE NO. 2011-20: AN ORDINANCE EXTENDING THE EXISTING TEMPORARY ZONING REGULATIONS PROVIDING FOR A MORATORIUM ON ALL NEW CONSTRUCTION, DEVELOPMENT OF SUBDIVISION APPROVALS

Barry Edwards stated that City staff would like to extend this moratorium three more months since the new General Plan has not been completed. Ken Leetham added that staff does not have issue with the single-family residences; however, more time is needed on the multi-family residences. Land use entitlements and development agreements will not be affected, but staff does have a concern that aesthetically, design standards may affect construction along Highway 89 and Redwood Road.

Patrick Scott, Woodside Homes, stated that they do have properties abutting Redwood Road next to the Pick N Go, and he added that there are no architectural guidelines in the development agreement.

Staff recommends the Council elect to continue the moratorium on everything but single family homes. Barry Edwards said the time-frame could possibly be decreased.

David Church stated that the City is bound to whatever was agreed to in the development agreement.

Council Member Jensen rejoined the meeting at 7:37 p.m.

Mr. Edwards then stated that staff could get some issues resolved in 60 days, but would require more time to resolve other issues, not related to the General Plan.

It was determined that Woodside's Courtyard Homes are single-family homes and are not included in the moratorium.

Council Member Harman moved to adopt Ordinance 2011-20 an ordinance extending the existing temporary zoning regulations providing for a moratorium on all new construction, development or subdivision approvals for 90 days. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

6. REVIEW AND ACTION ON A CLASS A BEER LICENSE FOR PICK N GO
LOCATED AT 985 NORTH REDWOOD ROAD

Chief Black reported that there is nothing from the perspective of the Police Department that indicates any illegal activity taking place at the Pick N Go location at 985 North Redwood Road. They have no evidence based on any investigations that there is drug paraphernalia at this location.

Council Member Harman stated that the actual license application has a number of requirements that he does not believe have been met. He asked that the City make sure that everything is within compliance.

Ken Leetham stated that he is not aware that a bond has been posted, as required. David Church said they would be required to get a bond before a beer license is granted.

Council Member Harman asked about background checks and the actual owners of the business. Chief Black responded that the background check run by police only checks local records, and is not a comprehensive background check; they did not go to BCI, or other records.

Council Member Porter stated that the City's ordinance is lacking. If Pick N Go is going to be considered a grocery/food establishment, perhaps at least 70%, of their items should be food items. Ken Leetham reported that the Mayor has already signed the permit, and they are already selling beer. Barry Edwards said this is not happening in the correct order. The ordinance was not followed as it should have been.

Council Member Harman said that is a very dark section of Redwood Road at night, and he has some safety concerns. Barry Edwards stated that parking lot illumination could be part of the conditions of approval. Chief Black stated that the interior lighting is fine; the exterior seems dim, but that is subjective. He added that their signs were an issue originally. They have made substantial improvements, but there is still one sign out of compliance.

Conditions of approval could include exterior lighting, and having a bond in place. Ken Leetham stated that the City has a written commitment from the property owner to go through the site plan process, including landscaping, lighting, etc. Council Member Harman asked if there was some way to ensure that lighting is improved in the parking lot.

Council Member Jacobson moved to grant a class a beer license for Pick N Go located at 985 North Redwood Road with the conditions that all requirements in the City's Municipal

Code are met. Council member Porter seconded the motion. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

7. ORDINANCE NO. 2011-21: AN ORDINANCE AMENDING AND CLARIFYING THE TERMS OF THE GOOD LANDLORD PROGRAM TO INCLUDE OWNERS AND OPERATORS OF MOBILE HOME PARKS

Mayor Arave stated that staff analyzed the disproportionate costs to the City of mobile homes and proposed an increase in fees, but will offer a discount for participating in the program. He added that these disproportionate costs are a drain on the city.

Council Member Porter moved to approve Ordinance No. 2011-12: An Ordinance amending and clarifying the terms of the Good Landlord Program to include owners and operators of mobile home parks.

Ken Leetham said this ordinance, mandated by State statute, allows the City to implement a Good Landlord Program. The ordinance adopted fits very well for apartment buildings; however, it may not be as precise in a mobile home park where owners may own their mobile home, and lease their pad. Mayor Arave said the City has flexibility in the ordinance where the City Manager can work with the owners to work toward solutions.

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

8. BUSINESS LICENSE FEES FOR 2012: UPDATE AND POSSIBLE ACCEPTANCE (CONTINUED FROM EARLIER)

Council Member Porter asked about being able to address people's concerns individually. For example, could a business, such as Lifeline, show that they provide a substantial service to the community, etc. and receive a fee reduction? Does the City have the ability to reduce, or address fees? Chief Black stated that the calls measured (specifically to Lifeline) are legitimate cases. Lifeline's cases often require a lot of work on the Police Department's part; however, Lifeline is very cooperative.

A representative from Lewis Young Robertson Burningham addressed the Council. He said reevaluating license fees is becoming more common, especially as Good Landlord Programs are becoming more common. Provo City and South Salt Lake are recent examples of cities adopting new fee schedules, and there are probably at least ten other cities in the area adopting disproportionate fees.

Barry Edwards suggested keeping the pawn shop fees where they are (at \$1,000) since they help the police solve crimes. Officers go and check with them regularly.

Council Member Harman suggested raising #12 and #13 another 10-15%, and dropping everything else proportionately to the break-even point.

Council Member Harman moved to adopt the plus 35% business license fee schedule for 2012 with the following amendment: line item 12 to be increased to \$4,500, line 13 increase to \$1,015; 16 lowered to \$1,000, and reduce everything else proportionately to get the NSL budget over/under number to an even balance \$250,000. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

Council Member Porter moved to amend the motion to adopt the plus 35% Business License Fee Schedule for 2012 with the following amendment: line item 12 to be increased to \$4,500, increase line 13 to \$1,015, lower line 16 to \$1,000, and decrease line 11 from \$1,015 to \$800. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, and Jacobson. Council Member Harman voted in opposition.

9. MERRILL SHERIFF LIQUIDATED DAMAGES

Council Member Harman moved to go into closed session to discuss pending litigation at 8:52 p.m. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

At 9:18 p.m. Council Member Harman moved to leave closed session and return to regular session. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

Merrill Sheriff addressed the Council and stated that he felt there has been a lack of communication between his firm and the City, and wanted to explain what happened on the job site (Foxboro North). He said he is tired of being “thrown under the bus.” He said the staff has some great guys, whom he calls friends, and believes the City had a good architectural firm, MHTN.

Merrill Sheriff received a notice of award on July 6, 2010. Shortly after that, they got notice not to start on the splash pad or restroom. They saved the city \$8,000 since the parking lot cost less than the allowance provided. On August 24, they received information by email on the new site plan from MHTN. On the 25th, they put together a new schedule – it had been six weeks, and he stated there was not much they could have done on the site. Merrill Sheriff lost 48 days of beautiful building weather because of the architects and engineers. Those 48 days hurt and forced them into the winter and created the problems being addressing currently. He stated that sub-contractors were then tied up on other jobs because of the delay, and they lost two months by the time they put together a new schedule and organized subs. The tough part of the park was the splash pad and restroom building, and they did not have enough time because they were pushed into winter work. Mr. Sheriff stated that their original schedule was such that they would be done November 15th, but they lost two months. It was not their fault they were delayed, but they went to work. On November 8, it snowed, and this November was the third snowiest on record. Everyone had to shut down, concrete, etc. Change order 004 included costs for cold

weather, as cold weather work was not in their original bid. The changes done, for basically free, were trying to save the City costs (on papers distributed to council). In May, they tried to begin again, but spent half a day trying to pull trucks out of mud. June was when they could bring trucks in without getting stuck. June 6th brought another half inch of rain, putting them out another week. They made a big push to get the City in there for the July 3rd celebration. In July, everything was done but the fields.

On August 4, one of their subs decided to quit when he found he was upside down on the job. August 6, he had a second landscaper there to repair lines, and they took another 12 days to finish. The City got a substantial completion on the 22nd. During that time, on the 12th of August, there was a grading issue. The storm drains on the east part of the field were higher, although the plan showed the drains as being level. That was not correct, and was discovered by Bingham engineers. They spent one day moving material and then another day grading the east field, and a third day, there was a meeting, and they redesigned the field and moved the ridge. This cost them another three days. Mr. Sheriff said he would do several things differently, if he were doing the project again. Had the plans been in place in July, 2010, he would have been done on November 15, 2010. He said they came in under budget by \$10,000; they did not charge for winter work; they saved \$8,000 on fill, and they feel they are getting salt rubbed in their wounds. He stated that the City ended up with a great park, and should not feel justified in penalizing Merrill Sheriff for things not under their control.

On August 8, 2011, a liquidated damages letter was received.

Mayor Arave stated that in order to get the park done, the City also had to incur costs. One issue is that the City has been notified that there are bond claims on the project now, and the City cannot release any funds until permission is granted from the bonding company. Once that is taken care of and the City receives permission make payment, attorneys from the City and Merrill Sheriff can talk.

Mr. Sheriff addressed the bonding claim and stated it is from Westrock Trucking. There is a dispute on what they brought and where they brought it. Mr. Sheriff said the other claims on the bond have been taken care of.

Mayor Arave asked Mr. Sheriff to have the bonding company give the City permission to release funds as we want to get a resolution without a battle.

10. CONSIDERATION OF APPEAL TO THE BOARD OF APPEALS DECISION FROM NOVEMBER 9, 2011

Ken Leatham addressed the Council and showed information that the Board of Adjustment addressed on November 9, 2011. The City received a variance request from Mr. and Mrs. Woodbury for an addition at 271 North 700 East. They began construction on an addition to their home (without a permit), and they have encroached into the setback. A property owner to the west on the lot behind the Woodbury's contacted the City and expressed concern about the proximity of the structure to the property line.

The criteria for granting a variance is very strict, by State Statute. In evaluating this application, staff came to the conclusion that the variance the owner was seeking did not fit into any of the criteria. Mr. Woodbury attended and made a presentation to the Board of Adjustment and indicated that there was a condition on the property – excessive fill on the property - that would prohibit him from putting the addition at the other side of his house. The Board of Adjustment approved the variance. One thing that helped sway the board of adjustment was a petition signed by all surrounding neighbors brought to the Board of Adjustment meeting by the Woodbury's (including the plaintiff).

The contractor knew a permit needed to be obtained. He could be reported to the State Division of Professional Licensing for not obtaining a building permit.

Any party has 30 days to challenge the decision in district court if they feel the Board of Adjustment made a mistake.

John Evertson, Board of Adjustment member, addressed the Council. He said he was not there to defend or condone the lack of a building permit. He has been on the Board of Adjustment for 20 years, and has seen petitions granted and some denied. The point he wanted to make, which conflicts with City staff, is that anyone who adds to their home does it at the location that does increase the usefulness of the home, usually the kitchen/family room. It negates the value of an addition to just stick it anywhere. The house to the side of Mr. Moffatt added on, and they were granted a 10-ft. variance by the City, not the Board of Adjustment. Another neighbor has a 5-ft. setback and was approved a variance. He said common sense should prevail, and he would not like to be part of a City that tells homeowners they cannot do anything with their homes.

Mayor Arave stated that he and staff felt they should bring this to the Council. The Council discussed it somewhat and asked about costs involved, although none of the Council Members agreed with the variance due to additional costs. It was determined not to take action on this matter. Council Member Porter suggested the City change its process for variances and appeals.

11. APPROVE MINUTES

The City Council meeting minutes of October 4, 2011 were reviewed. **Council Member Jacobson moved to approve the October 4, 2011 minutes as written. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

The City Council meeting minutes of October 24, 2011 were reviewed. **Council Member Haman moved to approve as written. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

The City Council minutes of November 1, 2011 were reviewed and amended. **Council Member Harman moved to approve the November 1, 2011 minutes as amended. Council Member**

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

The City Council special session minutes of November 2, 2011 were reviewed and amended. **Council Member Harman moved to approve the special session minutes of November 2, 2011 as amended. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Arave, Porter, Harman and Jacobson.**

12. CITY MANAGER'S REPORT

Barry Edwards reported that December 6, 2011 is the City Council Christmas dinner. He asked if the Mayor would like to meet briefly before and review Planning Commission applications. Mayor Arave stated that they should address the Planning Commission vacancy that night.

13. MAYOR'S REPORT

Mayor Arave reported that he will be meeting with Kern River and touring the area to be re-landscaped.

The Mayor then read letter from the Unified Police Department thanking the NSL Police officers for their cooperation with apprehending a suspect.

14. CITY COUNCIL REPORTS

Council Member Jensen reported that the last Second Sunday Concert Series event, the Interfaith Sing-along was nice and had a good turnout. The next one is December 11 at City Hall, where the WXHS Madrigals will perform.

Council Member Harman stated that staff members have often left the meeting by the time the Council does their reports, which often involves staff. It was suggested moving the Council reports to the work session.

Council Member Harman asked about the winter parking ordinance, and stated that in Foxboro north there are several dumpsters parked right on the road. He asked if they fall under the parking restrictions for winter. Barry Edwards responded that they do because of a couple of issues, namely that the streets are not wide enough for dumpsters and cars, especially during snow removal time. Staff will review the situation and determine if the City needs to amend the ordinance, or take other action.

Council Member Harman reported that at the Uniting Neighbors meeting January 11th, they are having a presentation on "Utah Shakeout" scheduled for April. It is an extensive one-day emergency preparedness drill for earthquakes, and what would happen in a 7.4 earthquake. The Uniting Neighbors believe it would be beneficial for the City to participate. He has a presentation they would like to make to the Council and Mayor, and they would like the Mayor to send a letter to community and church leaders encouraging them to participate in the January

meeting. Mayor Arave said he would like to see the presentation. December 7 is the next Uniting Neighbors meeting and Neighborhood Watch meeting at Foxboro Elementary School (assuming Officer Altenes was able to reserve it). Everyone in the City is invited to attend.

Council Member Jacobson reported that the Youth City Council is involved in a coloring contest for Orchard Elementary. They will be getting completed art efforts on Monday and will choose winners at their next meeting. The winners' work will be displayed in City Hall. The next Youth City Council meeting is Monday at 5:00 p.m.

15. ADJOURN

Mayor Arave adjourned the meeting at 10:40 p.m.

Mayor

Secretary