

**NORTH SALT LAKE CITY
CITY COUNCIL WORK SESSION
FEBRUARY 5, 2013**

Minutes of the North Salt Lake City Council work session held Tuesday, February 5, 2013 at 6:00 p.m. in the North Salt Lake City Police Conference room, 10 East Center Street, North Salt Lake, Utah 84054.

PRESENT: Mayor: Len Arave, Mayor

Council Members: Stewart Harman
Brian Horrocks
Conrad Jacobson
Matt Jensen

ABSENT: Stan Porter, Council Member

STAFF: Barry Edwards, City Manager
Ken Leetham, Assistant City Manager
Janice Larsen, Finance Director
Rod Wood, Public Works Director
Paul Ottoson, City Engineer
Craig Black, Police Chief
David Church, City Attorney
Linda Horrocks, Administrative Assistant
Kathy Streadbeck, Minutes Secretary

**FINANCIAL STATEMENTS – Review Financial Statements for Fiscal Year ending
June 30, 2012 – Ryan Child, Wood Richards & Associates**

Ryan Child, Wood Richards & Associates, reported the audit of the fiscal year budget ending June 30, 2012 has been completed and submitted to the State Auditors Office. He said these financial statements are an “unqualified opinion” which means these statements are a clean opinion, are accurate, and are in accordance with County principles. Mr. Child reviewed the financial audit page by page explaining funds, balances, revenues, expenditures, cash flow, and bonds. Overall, the budget has improved from years past and North Salt Lake City is in good standing.

POLICE DEPARTMENT REPORT

Craig Black, Police Chief, updated the City Council on the canine program. Officer Whittier has been certified as canine handler, but the original dog purchased was not certified. Therefore, the warranty on the dog was used and a new dog has been obtained. The new dog shows promise and will hopefully be certified soon.

Chief Black updated the Council on the Good Landlord Program. A majority of the large multi-family rental units participate in this program and meet with the managing officer on a regular basis. This program has been successful and compliance favorable. The Council

discussed possible options to extend this program to single-family rental units including providing education and incentives. Staff will research how many rental units are located within the city, outside of the ones for which we have business licenses.

Chief Black reported the Police Department's year-end report is currently being compiled. It appears there has been a spike in auto and residential burglary and in sexual assault and abuse cases. He explained sexual assault/abuse cases are time consuming and sensitive. Once the year-end report is complete, efforts will be made to allocate resources to deal with these spikes in crime.

Eaglewood Village Update – Ken Leetham

Ken Leetham, Assistant City Manager, distributed a copy of the proposed street lights for the Eaglewood Village subdivision. He explained the City entered into an agreement with the developers regarding the installation of these proposed street lights on the public streets leading into Eaglewood Village. The proposed lights are consistent in style and architecture with those of the City offices and would coordinate nicely with the future proposed City Center. The City Council had no objections to the proposed street light fixtures.

Rod Wood Parting Thoughts

Rod Wood thanked the City Council and City Staff for the many great years of work he has enjoyed with North Salt Lake.

ADJOURNMENT

The meeting was adjourned at 6:57 p.m.

**NORTH SALT LAKE
CITY COUNCIL MEETING
FEBRUARY 5, 2013**

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PRESENT: Mayor: Len Arave, Mayor

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VISITORS: Matt Moscow Annie Moscow Marty Peterson
Benson Whitney Joe McAllister Junyi Ha
Steve Israelson Aaron Tibbits Nathan Rich
Wilford Cannon

PLEDGE OF ALLEGIANCE & INVOCATION Mayor Arave

CITIZEN COMMENT

Joe McAllister, Hughes General Contractors and Lakeview Rock Products, said he was recently hired as counsel to deal with ongoing issues. He is concerned with the approvals of the two new residential subdivisions proposed this evening; Eaglewood Village and Eaglepointe Estates. He explained there have been complaints in the past from residents that purchase homes in the area stating they did not know they were buying next to an active quarry. With respect to full disclosure he suggested a plat note be required stating these subdivisions are within the vicinity of an active quarry and that blasting is a regular practice. He said Hughes Construction and Lakeview Rock Products would like to do everything possible to inform property owners and to ensure them that all standards and practices are according to Federal regulations and that no damage will be done to their property or homes as part of the quarry operations. He strongly encouraged the Council to require a plat note as part of these subdivision approvals. He also

explained the current policies for informing residents prior to a blast day. Nearby residents are notified through a calling tree and there is a siren sounded prior to blasting. This may take place as soon as one day in advance of blasting activities. He said a plat note would add another layer of education for property owners.

PUBLIC HEARING - RESOLUTION NO. 2013-03R - Consider a resolution adopting the amended Fiscal Year 2012-2013 General Fund, Special Revenue Funds, Redevelopment Agency, Debt Service Fund, Capital Projects Fund, and Enterprise Funds Budgets.

Barry Edwards, City Manager, reported staff has completed a review of the budget and have made mid-year adjustments. The proposed amendments adjust revenues and expenditures in accordance with what has actually taken place over the first part of this fiscal year. Mr. Edwards reviewed the Fiscal Year 2013 Mid-Year Budget Adjustment spreadsheet explaining the changes. Staff anticipates increased revenues once again this year and believes the revenue growth will be strong enough to cover most over-budgeted expenditures. Overall, the City is in good standing and staff believes a surplus may be possible at the end of this fiscal year.

Mayor Arave opened the public hearing. There was no comment; he closed the public hearing.

Council Member Jensen said there was \$100,000 set aside for a Foxboro wetland improvement project, including money for a consultant to develop a plan, and funds to implement the plan. Based on recent discussions with the Army Corps of Engineers, it seems this is no longer necessary. He suggested these funds be used for other purposes. Mr. Edwards explained this money is part of the capital projects fund which has not yet been reviewed. This review will take place in the near future and any amendments will be brought to the City Council for further approval.

Council Member Jacobson made a motion to approve Resolution No. 2013-03R adopting the amended Fiscal Year 2012-2013 General Fund, Special Revenue Funds, Redevelopment Agency, Debt Service Fund, Capital Projects Fund, and Enterprise Funds budgets. The motion was seconded by Council Member Harman and passed by unanimous vote (4-0).

WATER RELATED FEE SCHEDULE - Consider an amendment to the Comprehensive Fee Schedule concerning the Culinary Water Related section.

Paul Ottoson, Public Works Director, reported staff recommends a change to the Comprehensive Fee Schedule regarding the Culinary Water Related section. Staff has reorganized this section for clarity. Staff recommends the connection fees charged be amended to include the actual cost for the meter installed, the associated hardware, and the costs to pay the installation crew. In addition, staff recommends two (2) maps be included with the Fee Schedule which better identify the service areas within the city.

Council Member Jacobson made a motion to amend the Comprehensive Fee Schedule concerning the Culinary Water Related section as discussed. The motion was seconded by Council Member Harman and passed by unanimous vote (4-0).

BID OPENING – Consider accepting a bid for “Secondary Water Transmission Line” to Eaglewood Golf Course.

City Staff recommends awarding the bid for “Secondary Water Transmission Line” to Cody Ekker Construction, Inc. in the amount of \$546,700.00. The “Secondary Water Transmission Line” project is one of five projects to get secondary water to the Eaglewood Golf Course. Staff received fourteen bids on this project ranging from \$546,700.00 - \$945,000.00. Staff is supportive of Cody Ekker Construction and has verified references regarding the company. The Engineer’s estimate was \$526,997.50.

Council Member Harman made a motion to award the bid for the Secondary Water Transmission Line to Cody Ekker Construction in the amount of \$546,700.00 as discussed. The motion was seconded by Council Member Horrocks and passed by unanimous vote (4-0).

PUBLIC HEARING - ORDINANCE NO. 2013-02 – Consider an Ordinance vacating a portion of Lot 6, Eaglewood Village Subdivision and approving the Preliminary Design Plan and Final Plat for The Views at Eaglewood Village P.U.D. Phase 1. Henry Walker Homes, Applicant.

Ken Leetham, Assistant City Manager, reported the proposed Ordinance vacates a portion of Eaglewood Village Subdivision, Lot 6 and approves in its place the re-subdivision of the property as shown by the preliminary design plan and final plat. The proposed design plat reduces the number of units within the development. The developer has eliminated the previously planned clubhouse and pocket park, but is still including the open space/park area along Parkview Drive north of the building lots. There are four open space parcels (A–D) which will be owned and maintained by the homeowners’ association. These open space parcels include the storm water detention area, hillside, and public trail system. The developer will be required to landscape both street accesses out to Eagleridge Drive. All the major improvements to the site have been completed previously, including the roads, underground utilities, etc. The proposed development meets all applicable ordinances and the Planning Commission and the Development Review Committee recommend approval.

Mayor Arave opened the public hearing.

Joe McAllister, Hughes General Constructors and Lakeview Rock Products, suggested the City Council require a plat note explaining the vicinity of this subdivision to the active quarry. He suggested the plat note include the following, “all residential and non-residential structures constructed within 3000 feet of the operating quarry shall disclose in writing to all perspective purchasers that they are located within an area impacted by quarry operations and blasting. Such notification shall be accomplished by inclusion of written notification on all sales

contracts, brochures, promotional documents including site plans on display within any sales related offices as well as in all homeowners' association documents and displayed on all subdivision and site plans within all deed of conveyance." He said this would give reasonable full disclosure. Mr. McAllister is separately willing to commit to provide educational materials regarding their compliance with Federal regulations which specifically dictate their operations will not negatively affect any structures outside their blasting area. He is also willing to provide access to scientific information and operational information. Mr. McAllister noted there are enough products within this site to continue mining operations for another hundred years. He said another approach could be to create a "quarry notice overlay zone." This zoning district could be applied to those areas affected by the mining operations. This would provide notice through the deed process.

Mayor Arave closed the public hearing.

Barry Edwards, City Manager, said the City Council could require a simple plat note but it is not likely this will adequately inform property owners. It is rare to find a property owner that reads all plat notes in full. However, it is possible to use City resources to help inform the public, i.e., website, newsletter, building permit process, etc.

David Church, City Attorney, agreed the City should take reasonable steps to educate and notify potential property owners, but the City cannot mandate what is or is not printed within private sales documents, contracts, or marketing materials. He said a plat note may not give good notice but would provide legal notice. A simple plat note would do no harm and in some cases may be helpful. The City could require disclosure within the CC&Rs for the development and could also provide disclosure to buyers/builders when they come to the City to pay building fees.

Council Member Jensen agreed disclosure should not be required on private marketing materials. He agreed the City could use their resources for education where reasonable. He said he is comfortable with a simple plat note stating this development is within the vicinity of an active quarry. He is also comfortable approving the subdivision with no plat note.

Council Member Jacobsen agreed that mandating disclosures on advertising documents would not be appropriate. He said developers are obligated to provide full disclosure to buyers; this is usually done through their sales process. He said a plat note may be helpful, but it is also true that most buyers will not read the plat in its entirety. He said the biggest issue of disclosure is with a second or third buyer of a property. In this case, a plat note may be a good option. He said it is in the City's interest to provide some type of disclosure as it is the City that will hear the complaints in the future.

Steve Israelsen, Sky Properties, said these disclosures take place within the purchasing documents according to State law. He said he would prefer to have their legal counsel discuss this matter further with the City's legal counsel and Hughes General Contractors' legal counsel to come to an acceptable arrangement. He said a plat note may not be appropriate because no one knows how long this mining area will be active. It doesn't seem reasonable to place a note on the plat forever, when the mining operations may be temporary.

Council Member Horrocks said he has been impressed in the past with the lengths Sky Properties has gone to inform and fully disclose information to buyers. He said he is uncomfortable requiring more than what they already practice per State law. He also agreed that secondary buyers, especially for sale by owner properties, are hardest to keep informed.

Mayor Arave questioned the elimination of the pocket park. He said it seems that most developments are required to include some type of play area. He asked if a tot spot could be included somewhere within the development.

Benson Whitney, Henry Walker Homes, reviewed the open space plan including proposed grasses and trees to be planted. He said the pocket park was eliminated because he does not have the budget to provide it. He said there is a good deal of open space on the site including the detention area, the public trail system, and a fishing pond. He said it is in their best interest to provide an aesthetically pleasing development. He also explained that with the decrease in units there is more open space and a pocket park is no longer needed. A pocket park would only increase the cost for property owners. He also explained the new plan provides better traffic flow and foundation stability. He said the proximity of the quarry is already included within their disclosure documents, but he is not opposed to a simple plat note.

Mr. Edwards said it may be possible to refund a portion of the park impact fees to help provide a tot spot for this development. Council members discussed options for the open space including a tot spot, picnic tables, and/or benches, but were not comfortable mandating a park for this development. It was also mentioned that a future park/open space is planned within the immediate area (Springhill) that can be utilized by this development.

Council Member Harman made a motion to approve Ordinance No. 2013-02 vacating a portion of Lot 6, Eaglewood Village subdivision and approving in its place the re-subdivision of the property as proposed by the Preliminary Design Plan and Final Plat for The Views at Eaglewood Village P.U.D. Phase 1 with the following conditions:

- 1. Henry Walker Homes shall work with City Staff and Legal Counsel to include a plat note disclosing the proximity of Eaglewood Village subdivision to active mining operations. The plat note shall state the distance Eaglewood Village subdivision is located from active mining operations.**
- 2. Henry Walker Homes shall work with City Staff regarding a possible rebate of park impact fees to be applied to a pocket park/tot lot within the Eaglewood Village subdivision not to exceed \$10,000.**
- 3. Henry Walker Homes shall landscape both access streets, Eagle Pass and Ridgeline Drive, from Eaglewood Village Subdivision out to Eagleridge Drive.**

The motion was seconded by Council Member Jacobson and passed by unanimous vote (4-0).

ORDINANCE NO. 2013-03 – Consider an Ordinance establishing the Existing Uses Overlay Zoning District on property located at 1018 West Center Street. Wasatch Integrated Waste Management District, Applicant.

Ken Leetham, Assistant City Manager, reported the proposed application will include these land uses: equipment maintenance, equipment fabrication, warehousing, and office space. The proposed application meets the Existing Uses Overlay Zoning District and will allow these uses to continue on the subject properties as permitted uses. The Planning Commission and the Development Review Committee recommend approval.

Council Member Jensen made a motion to approve Ordinance No. 2013-03 establishing the Existing Uses Overlay Zoning District on certain real property located at 1018 West Center. The motion was seconded by Council Member Harman and passed by unanimous vote (4-0).

PRELIMINARY DESIGN PLAN AND FINAL PLAT – Consider approval of a Preliminary Design Plan and Final Plat for Eaglepointe Estates, Phase 17. Steve Israelsen, Sky Properties, Applicant.

Ken Leetham, Assistant City Manager, reported both the Planning Commission and the Development Review Committee recommend approval of the proposed application. Eaglepointe Estates, Phase 17, meets all applicable ordinances including setbacks, lot size, street improvements, and easements. He said it also seems appropriate to apply the same condition to this development as previously applied to the Henry Walker subdivision (see above) by placing a simple note on the plat disclosing the vicinity of this subdivision to the active quarry.

Steve Israelsen, Sky Properties, again stated he would prefer all legal counsels discuss a better option for disclosure.

Council Member Jensen said he would be uncomfortable requiring one builder to include a plat note and not the other. He said the plat note is simple and not too onerous; it can also be removed at any time in the future. Council Member Jacobson agreed.

Council Member Jensen made a motion to approve the proposed Preliminary Design Plan and Final Plat for Eaglepointe Estates, Phase 17 with the following condition:

- 1. Sky Properties shall work with City Staff and Legal Counsel to include a plat note disclosing the proximity of Eaglepointe Estates to active mining operations. The plat note shall state the distance Eaglepointe Estates is located from active mining operations.**

The motion was seconded by Council Member Jacobson and passed by unanimous vote (4-0).

RESOLUTION NO. 2013-02R – Consider a resolution authorizing the City Manager, or his designee, to submit applications to Davis County soliciting Community Development Block Grant funds for certain projects and amending the City’s Capital Improvement Plan.

Barry Edwards, City Manager, reported it is once again time to apply for Community Development Block Grant (CDBG) funds. Staff is proposing three applications for this grant; property acquisition for low/moderate income housing, street lighting and landscaping in the medians on Center Street, and assistance with the City Hall plaza open space. Staff does not anticipate all three applications will be funded but there is a good possibility some funding will be approved.

The City Council discussed the proposed applications. The Mayor and Council Member Jensen expressed concern with applying for grant money for the acquisition of land. They would prefer all grant funds be applied to public improvements.

Council Member Horrocks made a motion to approve Resolution No. 2013-02R authorizing the City Manager, or his designee, to submit applications to Davis County soliciting Community Development Block Grant (CDBG) funds for certain projects and amending the City’s Capital Improvement Plan. The motion was seconded by Council Member Jacobson.

Council Member Jensen made a motion to amend and remove 1(a) from the proposed resolution. The motion was seconded by Council Member Harman. The vote on the amended motion passed per roll-call vote with Mayor Arave’s deciding vote (3-2). Council Members Jacobson and Horrocks opposed.

Mayor Arave called for a vote on the motion as amended. The motion passed with a 3-1 roll-call vote. Council Member Horrocks opposed.

CITY ATTORNEY’S REPORT

David Church, City Attorney, updated the City Council on current litigation.

CITY MANAGER’S REPORT

Barry Edwards, City Manager, used this time to report on a few items including a possible joint Emergency Management Director, recent South Davis Fire District meetings, upcoming Budget Retreat, and the upcoming Utah League of Cities and Towns Conference.

COUNCIL REPORTS

Council Member Jacobson reported on recent and upcoming Youth City Council events.

Council Member Harman reported on the upcoming Uniting Neighbors meeting. He expressed concern with the large and numerous potholes on Redwood Road. He questioned if there is any way the City can encourage the State to fix this road in a timely manner. He also said he has been asked if signs can be installed at the round-a-bouts in Foxboro to encourage proper yielding.

Council Member Horrocks reported on the Planning Commissions current revision process of the General Plan.

Council Member Jensen said he has been in contact with a military unit who has shown interest in tearing down the Springhill Homes as a service project. He will continue to head up these discussions. He also reported on the second Sunday concert series and the upcoming Kite Festival.

MAYOR REPORT

Mayor Arave reported there has been a great deal of damage to carports within Camelot from the past snow storms.

MINUTES REVIEW AND APPROVAL

The minutes of the City Council Meeting held November 27, 2012 were reviewed. **Council Member Horrocks made a motion to approve the minutes as written. The motion was seconded by Council Member Jensen and passed by unanimous vote (3-0). Council Member Harman abstained from voting as he was not present at this meeting.**

The minutes of the Redevelopment Agency Meeting and the City Council meeting held January 15, 2013 were reviewed and amended. **Council Member Harman made a motion to approve both sets of minutes as amended. The motion was seconded by Council Member Jacobson and passed by unanimous vote (4-0).**

At 9:39 p.m. Council Member Horrocks made a motion to go into a closed session to discuss the acquisition of land. The motion was seconded by Council Member Jensen and passed by unanimous roll-call vote (4-0).

CLOSED SESSION

At 9:39 p.m. the City Council held a closed meeting to discuss the possible acquisition of property. In attendance were: Len Arave, Mayor; Council Members Jensen, Harman, Horrocks, Jacobson, and Porter; Barry Edwards, City Manager; Ken Leetham, Assistant City Manager; Linda Horrocks, Administrative Assistant; and Kathy Streadbeck, Recording Secretary.

RECONVENE AND ADJOURNMENT

At 10:06 p.m. Council Member Jacobson made a motion to reconvene the regular City Council meeting and adjourn. The motion was seconded by Council Member Harman and passed by unanimous vote (4-0).



Mayor



Secretary