

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – SPECIAL SESSION
OCTOBER 24, 2011

Mayor Pro Tem Horrocks called the meeting to order at 6:00 p.m.

PRESENT: Mayor Len Arave (arrived at 6:06 p.m.)
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; Paul Ottoson, City Engineer; Ken Leetham, Economic Development Director and Zoning Administrator; David Church, City Attorney; Jerry Thompson, Building Official; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Marty Peterson, Emergency Preparedness Manager; Michael Warner, resident.

1. APPROVE ELECTION JUDGES FOR THE 2011 GENERAL ELECTION

Barry Edwards distributed a list of election judges for the Council to review. **Council Member Jacobson moved to approve the 2011 General Election judges. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

2. CLOSED SESSION

At 6:04 p.m. Council Member Harman moved to go into closed session to discuss pending litigation. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

At 6:32 Council Member Porter moved to go back into regular session. Council Member Harman seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

3. ACTION ON 490 LOFTY LANE

Barry Edwards stated that 490 Lofty Lane is the home where the retaining walls failed, and the back yard fell down the hill. The City has been encouraged by the homeowners below this home to get the retaining wall issue resolved. In the meantime City staff has worked with them, and the real estate agent. David Church sent a letter to the real estate agent outlining what must be done before occupancy can be permitted. In the meantime, the home was sold to Michael Warner the second week of September. Since the home has been acquired, Mr. Warner rented the home to

the Allen family who moved in approximately October 3 or 4. It came to the City's attention that the home was occupied about a week past the Allen's moving in. The City's position was that the house could not be occupied because it was not safe. Therefore, the occupants were notified on October 19th that the water would be shut off on October 20th. Staff and Mayor Arave met with Mr. Warner about how to resolve this issue. At this time, Mr. Warner said he did not know about the non-occupancy stipulation, although some staff members say they personally notified him. As it is, there are occupants in the home, the water is turned off, and Mr. Warner is here to discuss it.

Michael Warner then approached the Council and stated that he just contacted his realtor, Lori Jo Montoya. She confirmed to him that she was not given a letter, and knows nothing about a non-occupancy letter. Mr. Warner confirmed that Fred Law (*broker?*) did not represent him in this transaction, but he read an e-mail from Fred Law dated August 24, 2011.

Mr. Warner stated that the Jerry Thompson, Building Official, said the retaining wall is an issue and needs to be addressed. Mr. Warner hired an architect, and structural engineer, etc. Mr. Warner was told that the Helical Piers could be put in and are much more effective than the other rock retaining walls the neighbors have. Based on that information, he purchased the home. Since then he was notified by Mr. Murphy (homeowner below) that Mr. Warner does not have access to his own yard, nor will it be given. Another neighbor stated to him that they will also prevent him from accessing his yard. He has an engineer that will certify by this Friday (October 28, 2011) that the home is safe, the wall is safe, and is stronger than any other home's walls in the area. The best option for the retaining wall will be to put the Helical Piers down into the bedrock, adhering walls to those, and building a deck. He then asked for a week to get the engineer's certification that says he is 100% sure it will be safe. Mr. Warner expressed concern for the Allen family who have moved in and have nowhere to go, and the husband is out of town. He said he will do what he needs to do, but added that there are so many attorneys involved, that nobody is willing to do anything. Mr. Warner said he has also contracted a landscape engineer, who stated that what the yard needs is vegetation with deep roots, but Mr. Warner has agreed not to put any irrigation or water on the property.

Mr. Warner asked if the City could give the Allen family water and another 10 days. Mayor Arave suggested the family move into a hotel for 3-4 days and move back in when the City receives information from the structural engineer. He stated that the City does not feel comfortable having occupants in the home, and as the landowner, Mr. Warner probably should not feel comfortable, either.

Dave Church stated that if the City Engineer says the home is safe for occupancy, then the City will turn back on the water. He added that a letter was sent to the brokerage as soon as the City saw who the listing agent was.

Mr. Warner stated that the retaining wall issues did not come as a surprise, but the stability of metal walls and permanency of those were what he was aware of.

Barry Edwards stated that the comfort level of the City rests on the firm commitment from Mr. Warner that he will fix the walls and replace them. The only commitment that works for the City is having the financial commitment, or bond posted, that it will happen. Mr. Warner said he will call the construction manager and get an estimation of what it will take to fix everything and put it in a letter of credit.

The City's structural engineer, Phil Robinson, will need to review Mr. Warner's engineer's work. The City has to review it and be satisfied that we agree with his engineer's conclusions and also have a proper estimate. Barry Edwards told Mr. Warner to e-mail the report to Jerry Thompson, to get this taken care of and act on it as quickly as possible.

4. MISCELLANEOUS

Barry Edwards reported that at 2:00 pm on Friday, Congressman Rob Bishop will be in the City to go through the Springhill slide area, and get an overview of what the City will be doing with the grant, etc.

5. ADJOURN

Mayor Arave adjourned the meeting at 7:10 p.m.

Mayor

Secretary