

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-SPECIAL SESSION
JULY 16, 2015

FINAL

Mayor Arave called the meeting to order at 5:34 p.m.

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

EXCUSED: Council Member Ryan Mumford

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; Janice Larsen, Finance Director; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: John Sather, Sherry Brooks, Brian Bartoa, Nicole Matthews, residents; Brad Ferreira, Eagleridge Swim and Tennis Club.

1. ADJOURN INTO CLOSED SESSION

At 5:35 p.m. Council Member Horrocks moved to go into closed session to discuss pending litigation and the acquisition or sale of real property. Council Member Jensen seconded the motion. The motion was approved by Council Members Jacobson, Horrocks, Porter and Jensen. Council Member Mumford was excused.

2. CLOSED SESSION TO DISCUSS PENDING OR IMMINENT LITIGATION AND
THE PURCHASE OR SALE OF REAL PROPERTY

At 5:56 p.m. Council Member Horrocks moved to go out of closed session. Council Member Jensen seconded the motion. The motion was approved by Council Members Jacobson, Horrocks, Porter and Jensen. Council Member Mumford was excused.

3. APPROVE SCOPE OF WORK FOR CRACAR CONSTRUCTION ON THE
EAGLEPOINTE LANDSLIDE REMEDIATION PLAN

Barry Edwards reported that the Eaglepointe landslide remediation plan was bid in four phases so the work could be done in portions depending on available financing, etc. Schedule A includes land that is not owned by the City including the scarp and the property necessary to remediate the scarp. Schedule B is property generally owned by the City while Schedule C includes the lower half of property owned by the City and property owned by others adjacent to Parkway Drive. Schedule D is the realignment of utilities and the roadway and runs along the top of the scarp. This proposal includes accommodations made with all the property owners south and west of the City's property line, and an agreement with the contractor including solid pricing for the work to be done.

Staff's recommendations include completion of Schedule A, B, D and a portion of C as the first phase until accommodations can be made with the property owners involved in schedule C. None of the work proposed in Phase 1 will impede the ability to complete the remainder of Schedule C; however, there is a point where economics begin to work against the City due to a significant cost increase at that point. After meeting with the contractor, Cracar Construction, the total cost of the project minus inspection fees is \$708,312.29. The City's portion of the construction will be \$265,000.00. Questar/Kern River's portion will be \$452,000.00 along with their portion of the inspection fees. Eaglepointe Development will provide access and easements to construct the improvements on their property.

Mayor Arave clarified that City staff had meet with Eagleridge Tennis Club and had been unable to come to an agreeable solution. Staff will continue to work with the Tennis Club toward a resolution. He then said that the City is pleased to be able to commence work on the scarp which is currently a hazard and an eyesore.

Barry Edwards said that the other element of this remediation project includes the installation of a drainage line to capture the water from the landslide mass and the re-vegetation of the area.

Mayor Arave then said that the current cost of remediation per the contract with Cracar is \$708,312.29 but there will be additional costs due to inspections and change orders once the work commences. He recommended that the council award Schedule A, B, D and a portion of C.

Council Member Jensen moved to approve the scope of work for Cracar Construction on the Eaglepointe landslide remediation plan as has been described by Barry Edwards, City Manager, and contingent upon approval and signing of the agreements. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Horrocks, Porter and Jensen. Council Member Mumford was excused.

4. APPROVE AGREEMENT WITH EAGLEPOINTE DEVELOPMENT ON THE LANDSLIDE REMEDIATION

David Church reported that this is an agreement for access and easements for the remediation work. This does not include agreements pertaining to litigation, fault or damages. This is an easement and access agreement with a few minor changes from the last revision presented to the City Council. Eaglepointe Development has agreed to give the City slope easements for construction work to be done on portions of their property. They have also agreed to acquire slope easements and access to work from those that they have sold property to including B&E Pace, Elite Craft Homes, etc. and rights and access to do work. They are also agreeing to access and construction for drainage purposes. The agreement is straightforward and states that they will retain and give the City easements and will provide certain funds for the remediation work. The agreements also make it clear that the City and Eaglepointe Development are not waiving any claims against either party nor that the existence of these agreements can be used to diminish or enhance claims or allocate fault. The attachments to the agreement also includes a description of the scope of work, slope easements, copy of the Kern River funding agreement and the City's agreement of the lot reconfiguration.

The second agreement is similar to the first but is not provided by Eaglepointe Development. In order for the remediation to be completed properly the City needs an easement with the Evans family to remediate their property but will also not waive any claims. A portion of the funds from Eaglepointe will be used to build a rock wall on the Evans' property and to take down and reinstall a fence.

Council Member Jacobson commented that it is commendable of City staff, that after eleven months, agreements have finally been reached in a difficult situation.

Council Member Jacobson moved to approve the easement access agreement with Eaglepointe Development on the Eaglepointe landslide remediation. Council Member Porter seconded the motion. The motion was approved by Council Members Jacobson, Horrocks, Porter and Jensen. Council Member Mumford was excused.

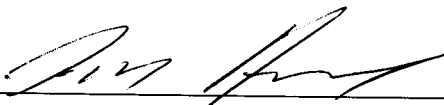
Barry Edwards commented that one of the attachments including updated construction plans from the agreement with the Evans family was not in the packet given to the City Council but needed to be included.

Council Member Porter moved to allow the Mayor to sign this memorandum of understanding with Paul and Jeannette Evans as shown with updated construction drawings. Council Member Horrocks seconded the motion. The motion was approved by

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

5. ADJOURN

Mayor Arave adjourned the meeting at 6:18 p.m.



Mayor

Secretary