

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
SEPTEMBER 16, 2014
FINAL

Mayor Arave called the meeting to order at 6:03 p.m.

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

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Finance Director; Chief Craig Black, Police Chief; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: James Hood, Jeff Brimhall, residents.

1. JEFF BRIMHALL COMMENTS AND POSSIBLE ACTION

Jeff Brimhall addressed the Council and said that as a future resident of the City there were certain items he wanted to discuss regarding the landslide. He is currently building a home and would like to have landslide/earth movement insurance coverage but has been turned down by two companies and may be unable to get coverage. He requested that the City indemnify him and/or provide landslide coverage until he is able to obtain such coverage on his own.

Mr. Brimhall then presented three suggestions for the City for future development. The first is to require developers to provide primary insurance or indemnity to the City as the insured or indemnified party, which insurance could be drawn upon by the City in the event that a slide were to occur during the time the developer is developing and selling property in the City. A meaningful amount of coverage would be something like a first loss policy of \$5 million or more.

The second suggestion would require each lot sale to set aside a portion of the proceeds to cover costs of unforeseen earth movement or similar issues during a reasonable time period. Thirdly, if any significant earth movement occurs in or near a subdivision under development, then building permits requested subsequent to an earth movement event should have a notice on the permit to inform all parties involved (builder, homeowner, developer) of that movement. There could also be an additional requirement placed on the developer and builder to disclose any known earth movement.

Council Member Horrocks commented that he could see the purpose of requiring an insurance policy but that in the case of the Springhill landslide the developers were long gone.

Council Member Porter commented that there are some homes in the City that are considered part of a flood plain determined by the Federal government and that it is difficult to remove that categorization.

Jeff Brimhall said he was not one for over regulating but that there needs to be room for mitigation of problems including risk sharing and that cities should be indemnified.

2. DEPARTMENT REPORTS-COMMUNITY DEVELOPMENT

Ken Leetham reported on community development projects currently in progress or soon to be started including the Towne Center CDA, an ongoing project included in the CDA budget. They have also been working with a firm (CGI) to put together four short films highlighting different aspects of the City that will be done free of charge through CGI.

Council Member Jacobson commented that some occupants near the Orchard Lanes bowling alley had received vacation notices and asked what was happening there. Ken Leetham responded that there is a developer who would like to remove the existing buildings and redevelop the area. The developer has submitted a concept plan which may include a multi-family condominium project, office and retail space.

Mr. Leetham then said that City staff had submitted a challenge to the census and that they were also waiting to hear back regarding the land purchase for the canoe take-out. He then reported on Plat 11 Park in the Foxboro North area and said that the developer had deposited the funds with the City to complete the park improvements. G Brown Design was reviewing the requests from the neighborhood and would present a design plan for the park to the City in a few weeks.

Mr. Leetham reported on building permitting and said that permits were lower than last year on single-family home permits. Foxboro had the majority of single-family permits with approximately 150-200 single-family homes left to be built in that area. Henry Walker Homes still has active building occurring there with Phase 18 mostly sold out.

Council Member Jensen commented that a resident had expressed concerns with Phase 19 of the Development and asked if everything had been done safely on the completed subdivisions there. He commented that he was under the impression that all the necessary items had been requested and asked if the City should verify that other properties up there were safe. Barry Edwards responded that there were not many subdivisions left to be built and that the City was reviewing the most active building first and working backwards. Staff had spent a lot of time on soils reports and grading plans for the Granite Ridge development. They are now examining the Bella Vida project to make sure there were no issues and would then move to the Henry Walker Homes development. Mr. Edwards also suggested that it might be possible to have the State create a landslide pool to cover those who might be affected. This would be similar to the earthquake pool that is required in California.

Mayor Arave asked if the City could require developers to have landslide or liability insurance. David Church responded that there was nothing that would restrict the City from requiring that insurance and ensuring it covered potential homeowners. He said he would draft a City ordinance which would require liability insurance for subdivision developments and bring this item back before the City Council for approval.

3. 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
SEPTEMBER 16, 2014

FINAL

Mayor Arave called the meeting to order at 7:08 p.m. Council Member Conrad Jacobson offered the invocation and led those present in the Pledge of Allegiance.

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

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager and Community and Economic Development Director; Jon Rueckert, Assistant Public Works Director; Janice Larsen, Finance Director; Chief Craig Black, Police Chief; David Church, City Attorney; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Glade Nelson, James Hood, Jen Hood, Christopher Olpin, residents.

1. CITIZEN COMMENT

There were no public comments.

2. APPOINT JR AND JENNIFER HOOD AS 2014-2015 YOUTH CITY COUNCIL ADVISORS

Council Member Jacobson commented that JR and Jennifer are residents of the City and have been attending City Council meetings for some time. He said they are interested in the City and anxious to be involved.

Council Member Jacobson moved to ratify the appointment of JR and Jennifer Hood as the 2014-2015 Youth City Council advisors. Council Member Mumford seconded the motion. The motion was approved by Council Members Mumford, Horrocks, Jensen, Porter and Jacobson.

3. CONSIDERATION OF APPROVAL TO ACCEPT NORTH TOWNE LANE AS A DEDICATED PUBLIC STREET AND A CONTRIBUTION FROM NORTH TOWNE STATION FOR RECONSTRUCTION OF THE STREET

Ken Leetham reported that North Towne Lane is the main street that connects Main Street and US 89 and runs through the North Towne Station condominiums. The North Towne Station HOA has reviewed the City Council's recent comments regarding the willingness to take over the street if the HOA would provide payment of \$40,000 for the neglected maintenance of the street.

Glade Nelson, 137 Bamburger Road, commented that the North Towne Station PUD was approved 14 years ago and that the street is in a deteriorating condition because the previous HOA did not maintain it. He also said that the only access to the car wash was via North Towne Lane and that he believes the City had granted access to the car wash across a private street without the approval of the property owner. Mr. Nelson said it was a general assumption that North Towne Lane was a public street as it is a connector to two public roads. He then said the HOA had never made an agreement with the car wash and asked that the City seek some compensation from the car wash as well for the street repair cost.

Council Member Mumford asked what it would cost to turn North Towne Lane into a City road versus the cost of normal maintenance. He also said that he does not like the fact that the City allows developers to build subpar roads that eventually have to be taken over by the City and repaired. Barry Edwards replied that the road has deteriorated due to lack of maintenance and would need to be completely reconstructed and brought up to City standards at the cost of approximately \$106,000. Mr. Edwards said basic maintenance costs would have been approximately \$46,000 for that road. He added that to meet City standards, the construction would also require replacement and repair of the sidewalks.

Council Member Porter commented that North Towne Lane was always a private lane. North Towne Station PUD was private property and the car wash was private property. The right-of-way was put in place by the property owner prior to them turning the property over to the HOA/North Towne Station PUD.

Council Member Horrocks asked what amount could be assessed to the property owners of the car wash for their portion of the improvements of the road. Barry Edwards responded that approximately 20% would be the responsibility of the car wash, or approximately \$7,000 of that \$46,000. This would leave about \$40,000 owed by the HOA for those repairs.

Council Member Mumford asked Mr. Nelson how the HOA would come up with the money. Mr. Nelson replied that the HOA could pay \$10,000 now and would like to work out a plan with the City to pay the remaining balance.

Council Member Mumford also asked what would happen to the North Towne Station signage currently placed in the middle of the street. Glade Nelson commented that they would prefer the sign to remain but that they do not have to keep the sign.

Council Member Porter moved to accept the proposal as discussed to have the City take over North Towne Lane and bring it up to City standards. The HOA has been asked to participate in the amount of \$46,595 less a 20% calculation of the road maintenance attributable to the car wash. The City will allow North Towne Station HOA to pay \$10,000 right away with the remainder of the balance to be paid within 3-5 years on a regular payment basis with no interest. Council Member Jacobson seconded the motion. The motion was approved by Council Members Mumford, Horrocks, Jensen, Porter and Jacobson.

Mayor Arave clarified that the contribution from the North Towne Station HOA would be approximately \$39,500 to \$40,000.

4. PUBLIC HEARING ON RESOLUTION 2014-21R AMENDING THE 2014-2015 CITY OF NORTH SALT LAKE FISCAL YEAR GENERAL FUND, DEBT SERVICE FUND, CAPITAL PROJECTS FUND, PUBLIC SAFETY CAPITAL FUND, ROAD CAPITAL FUND, AND SOLID WASTE BUDGETS

Janice Larsen reported that the budget adjustments include \$10,000 for the July 3rd celebration as the current budget had \$25,000 for fireworks with the actual cost being \$28,000. The other \$180,000 would be for C Road projects. She explained that funds have been moved throughout the year to Fund 44 for road capital projects but C Road funds must be transferred to the General Fund at the end of the year. Ms. Larsen proposed that \$60,000 be transferred to the Parks Capital Projects to cover the deficit there as the parks impact fees were already spent on parks projects. There should not be an issue there next year as RAP money will start to come into that fund.

Staff recommends transferring \$200,000 for slide mitigation into the Capital Projects Fund, and also moving \$90,000 from the Public Safety Fund, which was impact fee revenue, into capital projects. This would be in addition to the \$50,000 which was in the original budget. The \$140,000 will fund the police garage at \$80,000 and the City Hall remodel at \$60,000.

Mayor Arave asked for clarification on the police garage and the total cost. Barry Edwards responded that the garage will be on the back of City Hall and is in the preliminary stages of design. He said the plans will be presented to the City Council and that the garage was in the budget for 2014.

Janice Larsen said the garage would be funded with \$50,000 from the Capital Projects Fund plus \$30,000 from impact fee money from the Public Safety Fund.

Council Member Mumford asked about the City Hall remodel and the cost. Linda Horrocks replied that bids for the project are due September 17th and that the costs were not finalized yet.

Mayor Arave asked about the solid waste fund. Janice Larsen replied that this item was currently under budget in revenues and expenditures. The bills lag approximately two months behind and this category was underestimated as there is very little expenditure. There will be a rate study and utility adjustment done at a later date.

Mayor Arave opened the public hearing at 7:58 p.m. for Resolution 2014-21R amending the 2014-2015 Fiscal Year General Fund, Debt Service Fund, Capital Projects Fund, Public Safety Capital Fund, Road Capital Fund, and Solid Waste Budgets. There were no comments, and he closed the public hearing at 7:59 p.m.

5. CONSIDERATION OF RESOLUTION 2014-21R AMENDING THE 2014-2015 CITY OF NORTH SALT LAKE FISCAL YEAR GENERAL FUND, CAPITAL PROJECTS FUND, PUBLIC SAFETY CAPITAL FUND, ROAD CAPITAL FUND, AND SOLID WASTE BUDGETS

Barry Edwards commented that based on the action just taken regarding North Towne Lane he recommended that the project be included in the budget in the amount of \$106,000 with \$40,000 in revenue coming from the HOA and the balance coming from the Capital Projects Fund.

Council Member Porter moved to accept Resolution 2014-21R adopting and amending the increase to the fiscal year 2014-2015 General Fund, Debt Service Fund, Capital Projects Fund, Public Safety Capital Fund, Parks Capital Fund, Road Capital Fund, and Solid Waste Enterprise Fund as discussed, and the change not documented, to increase the Road Capital Project Fund by \$106,512 less the approximate amount of \$40,000 from the (North Towne Station) HOA. Council Member Horrocks seconded the motion. The motion was approved by Council Members Mumford, Horrocks, Jensen, Porter and Jacobson.

6. INTERPRETATION OF SIDE AND BACK YARDS FOR A PROPOSED RESIDENT DWELLING UNIT-1040 DUFFER LANE

Ken Leetham reported that the issue is a subject area of two building lots. The homeowner would like to combine the two lots for an expansion to the existing home. This would change the rectangular shaped lot into an offset lot with the house set 10' from the lot line in the rear. Side lot requirements are 10' on the side and 25' in the rear yard. The issue for City staff was determining which would be the side yard and rear yard lot lines as there is difficulty making a determination due to the placement of the house and the shape of the lot(s).

Council Member Horrocks commented that he had spoken with the neighbor, adjacent in the rear, who had expressed a concern that the home was closer to the lot line than 10'.

Blair Fredrickson, Landforms Design, said that he designed the structure for Jeff Roundy, the homeowner, and that there are seven sides to the anticipated structure. He said that in his opinion the proposed placement of the home would help to avoid the neighbor having a view of a blank wall. The structure is also pushed back from the road to create a turnaround in the front and would be built to include an indoor pool in the rear.

Council Member Porter commented that the problem City staff faced was the ambiguity of the code. He stated that the City code defined a "rear yard as a space of the same lot with a building between the rear line of the building and the rear lot line and extending the full width of the lot."

David Church then read the City code definition for a “lot line side yard, any lot boundary line not a front or rear lot line” and that for lots “in the case of a triangular or gore shaped lot a line 10’ in length within the parcel parallel to at a maximum distance from the front lot and in cases where this definition is ambiguous, the Zoning Administrator will designate the rear lot line.”

The City Council discussed different options, including neighborhood approval and the current definitions of rear and front yard setbacks, and determined that they did not want to set a precedent of redefining setbacks or interpreting rear lot lines in a way that may obstruct homeowners from enjoying their property. They agreed that the matter should be taken before the Zoning Administrator who would determine and designate the rear lot lines for this property per the City code.

Council Member Porter moved that the Zoning Administrator would make the decision going forward. Council Member Horrocks seconded the motion. The motion was approved by Council Members Mumford, Horrocks, Jensen, Porter and Jacobson.

Mayor Arave clarified that the Zoning Administrator, currently Ken Leetham, would make the decision as City code states and the homeowner could appeal the decision made by the Zoning Administrator with the Hearing Officer.

7. TENNIS COURT LOCATION DISCUSSION-FOXBORO AREA

Barry Edwards reported that there are some residents requesting tennis courts in the Foxboro area. Paul Ottoson had planned out some areas along Legacy Parkway where the tennis court could potentially be built. These locations included Foxboro South Park, Legacy Park and Fox Hollow Park. He then asked if the decision was for single or double tennis courts and said that the only park that could accommodate a double tennis court would be Fox Hollow.

Council Member Mumford suggested soliciting recommendations from NSL Live (Parks Trails Arts and Recreation Advisory Board) to see if a tennis court was wanted or if there were other amenities that would be preferred in the Foxboro area.

Council Member Jacobson asked what the proposed cost for a double tennis court would be. Council Member Porter responded that it could be approximately \$350,000.

City staff will present the suggestions from NSL Live regarding the tennis courts or other amenities and possible locations with pricing to the City Council at a later date.

8. CITY ATTORNEY'S REPORT

David Church reported that the City had received a notice of claim from the Eagleridge Tennis and Swim Club that alleges damages of \$700,000 with a theory of liability ranging from property owners, as the City owns the property above to tennis club, who allowed a nuisance to occur and a claim against governmental entities for failure to protect. This claim has been submitted to the City's insurance company.

The second issue is that Tesoro/Uintah Pipeline is proposing to build an intrastate pipeline for waxy crude and would like to meet with the City attorneys for Bountiful, North Salt Lake, West Bountiful and Woods Cross. The issue that Bountiful has raised is that Tesoro cannot put the pipeline in any public rights-of-way in Bountiful unless Tesoro is granted a franchise. Bountiful and Woods Cross have passed pipeline ordinances which require payment of fees for use of public rights-of-way. Mr. Church said the current proposal for the pipeline does not appear to go through any public rights-of-way in North Salt Lake.

Council Member Mumford asked if the City should pass a similar pipeline ordinance. David Church responded that it was not necessary. Bountiful passed the ordinance to try and collect money for the use of the right-of-way. He said this is not regulated by the federal government and Tesoro would need to get permits from the cities for the pipeline.

9. MAYOR'S REPORT

Mayor Arave commented that the Fire District had a \$30,000 shortfall in the bond payment this year and would possibly be asking the City Council for money. He also said that the shortfall would be larger next year.

10. ACTION ITEMS

The action items list was reviewed. Completed items were removed from the list.

Council Member Mumford asked if a replacement for the Planning Commission member had been made. It was determined that a replacement had not yet been made and the Mayor asked for suggestions for the City Council and staff.

11. CITY COUNCIL REPORTS

Council Member Jensen reported that the NSL Reads event had a nice turnout and would be doing this event again next year. He said the Second Sunday Concert would be the Army Band at 6 pm at the Eaglewood Golf Course. The Family Golf Tournament was a positive event this year. He then reported on the business session of the Utah League of Cities and Towns and expressed his concern that there was no discussion at a city level for the tax plan that would potentially be presented to the legislature for the increase of sales and gas tax.

Barry Edwards said that this discussion and information regarding transportation funding and the tax plan could be put on the next City Council agenda and then the delegate for the City could follow up at the League policy meeting.

Council Member Jensen then reported that the Halloween 3K would be held October 18th at Tunnel Springs Park. He also asked if there was a way for the City to notify landlords of any incidents or criminal activity on their property.

Chief Black commented that per the Good Landlord Program in the City that landlords could receive a free copy of the police report where appropriate. He said that there have been good results in the high density areas of the City for those who participate in the program. Council Member Jensen asked if there was a way for the landlords to be notified without joining the Good Landlord program. Chief Black replied that he would discuss different options with City staff.

Council Member Horrocks reported from the last Mosquito Abatement Board meeting and said there have been cases of the West Nile virus but that there were currently no reported deaths in Utah. He also said that the Airport Police Department had asked if the City would be interested in donating the dirt from the landslide for a shooting range.

Council Member Porter reported that the United Neighbors Preparedness Fair would be September 20th from 10 am-2 pm at Woods Cross High School. He also said that the United Neighbors were working to update the Emergency Preparedness booklet.

Council Member Mumford reported on the proposed Form Based code for the Redwood Road area. He also commented that residents were complaining about early morning noise at Bridgewater which is across from Stericycle.

Council Member Mumford then asked if the secondary water was shut off early this year and if there was any benefit to pumping Freda well water into the system. Jon Rueckert replied that the shut off date was per Weber Basin and that the Freda well water could only be pumped in while using the Weber Basin water. The City did not use the full allotment of water this year and the pumping of Freda well water did not start until mid August. The benefit of pumping the well water was keeping PCE away from other water sources in the City.

Barry Edwards commented that the system is in place so if there is a dry summer the water would be available for use then.

Council Member Jacobson reported that the Mayor swore in five additional Youth City Council (YCC) members earlier this evening and that the YCC mayor and advisors would be attending training on Saturday. He also commented that a pedestrian was almost hit in the crosswalk/traffic circle at Eagleridge and Orchard Drive and asked if there were pedestrian signs posted there. Barry Edwards replied that there are signs in all the traffic circles and that City staff could review that traffic circle to see if it could be improved for safety.

12. ADJOURN TO BEGIN CLOSED SESSION

Mayor Arave adjourned the meeting at 9:57 p.m. to begin closed session.

13. CLOSED SESSION TO DISCUSS PENDING LITIGATION AND THE PURCHASE OR SALE OF PROPERTY

At 9:57 p.m. Council Member Jacobson moved to go into closed session for the purpose of discussing pending or possible litigation and land acquisition. Council Member Porter seconded the motion. The motion was approved by Council Members Mumford, Horrocks, Jensen, Porter and Jacobson.

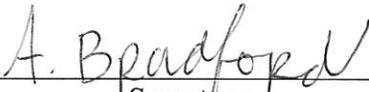
14. ADJOURN

At 10:11 p.m. Council Member Jacobson moved to go out of closed session and back into regular session. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Jensen, Porter, Mumford and Jacobson.

Mayor Arave adjourned the meeting at 10:11 p.m.



Mayor



Secretary