

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

Mayor Arave called the meeting to order at 6:10 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; Chief Craig Black, Police Chief; Dave Church, City Attorney; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Wilford Cannon, Sky Properties.

1. POLICE REPORT

Chief Black presented information on the Police Department's recent activity including crime statistics. He stated that drug and alcohol arrests have increased, mostly as a result of New Years Eve partying. Also, many of the traffic stops during this last month have resulted in drug arrests. The officers have had several arrests involving spice, which is illegal in Davis County, but is not in Salt Lake County.

Chief Black stated that crimes in general have decreased through the last month or so.

Council Member Harman said he made a call to dispatch about the Foxboro Regional Park. There were about 15 people in the park. He watched a family walk past the "keep out" banner. Some are coming through the Legacy Trail side, and he believes the gate may have been left open. Chief Black agreed to look into this matter.

Council Member Porter noted that Marty Peterson informed him that the sign at Wild Rose Park has been vandalized.

2. FINANCIAL REPORT

Brian Passey presented the monthly financial report. He said there are glimpses of good news into this fiscal year. Key general fund revenues are trending up slightly overall, including taxes (up), building related (down), and court (down).

Sales tax has increased slightly over last year's comparable period. It appears to be going in the right direction.

While golf revenue held steady in 2006, 2007 and 2008, it has slipped in 2009 and 2010. Overall water revenue is significantly improved given the March 2010 rate increase. Mr. Passey noted that the City received the 2010 water bond insurance grant it applied for through the State Division of Water Resources, totaling \$45,000.

Online business license payments went live in 10/13/2010; online court payments went live on 1/18/11.

Mr. Passey reported that City staff has put together a budget preparation calendar for the upcoming FY2011-2012 fiscal year. Also, a public hearing to amend the current FY2010-2011 budget will be held on March 1, 2011 7:30 p.m. This budget amendment will be presented to the City Council for approval later that evening.

Mr. Passey explained “cash on hand” information for the Council, and how it is broken down so the Council can have a better idea where the funds are and where they are budgeted.

A date was discussed for the annual budget retreat. It was decided to hold it on March 26, 2011 from 8:00 a.m. until 12:00 p.m., either at the City offices or the club house.

3. ADJOURN

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

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

Mayor Arave called the meeting to order at 7:06 p.m. Council Member Porter offered invocation, and Jordan Pappenfuss, Boy Scout, 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; Chief Craig Black, Police Chief; LaRae Dillingham, City Recorder; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Wilford Cannon, Steve Israelson, Scott Kjar, Sky Properties; Ryan and Marianne Bell, Jordan Pappenfuss, Amber Sargent, Katy Carter, Matt and Leslie Miller, Lori Keddington, Allen Tidwell, Angela Schaub, Michelle Walster, Richard Dunn, Ron Merrill, Enos Slivers, Brady Davies, Ray Royhani, Adam Taylor, Mike Taylor, Ted and Lisa Hemsley, Tom Johnson, Melissa Hall, Paul Barron, Shawn Acerson, Michelle Walk, David Waite, Jann Solomon, Tricia Ivison, Mary Newman, Marty Peterson, Darwin Bingham, Wayne Facer, Scott Nielsen, Mike and Jan Iftiger, Josh and Randi Beckstrom, Karma Nielsen, Stefanie Christiansen, Alireza Falahati, Vincent Stell, Wendy Wafe, Carthey England, Robert Odon, Debbie Koga, Wesley Koga, Ken and Colleen Clifford, Alice Gee, Lawrence Gee, Terry Daby, Becca Taylor, Davis and Christian Ogden, Jennie and Thomas Jelsma, Kevin and Lissa Lovett, Dariush Zamani, Patsy Zamani, Marry Lee Kincaid, Merle Schutz, David Schutz, residents.

1. CITIZEN COMMENTS

Paul Barron, 368 Lofty Lane, addressed the Council. He stated that he is opposed to any increase in density and are also concerned about neighborhood traffic, larger environmental impact, surface run off. He added that any zoning above R1-10 does not fit with neighboring properties. He added that he does not like the term parcel in the developer's plan.

Stephanie Christiansen, 180 South Springhill Drive, stated that the homes on Springhill Drive are experiencing a lot of movement, and they need to be declared a disaster area. They cannot get any more help until the City declares this a disaster area. She has done everything she can and is asking for the City's help.

Jenny Jelsma, 372 Constitution Way, stated that they purchased their home nine years ago because it was a cul-de-sac in a safe area. She then addressed the Springhill slide area, in which she was raised. She feels very strongly that a geological survey should be done before any holes

are dug anywhere else in the City. Before Crestpointe is developed, this needs to be addressed so that it's not another Springhill situation. She wants Smoot held liable, not Sky Properties, in case Sky Properties goes bankrupt down the road.

Tom Johnson, 623 Ridgetop Circle, approached the Council and presented a petition with over 200 signatures of the neighbors in their area. He stated that they do not dispute the rights to development. This was always part of the Eaglepointe Estates, zoned R1-10. Economics have changed, and now the developer is trying to change their development to a high density one that is inconsistent with the other homes in the area. There is no need to further dilute this area, and current zoning laws should remain in place. The developers knew the rules when they started the development. They already received the variance on the Bella Vida. The short-term gains by these developers shouldn't be considered more important than the residents and their biggest investment they will ever make.

Scott Nielsen, 755 E. Independence Way, stood and stated that his items of concern have been addressed.

Mike Walk, 617 E. Eagleridge Drive, stated that he would like the Council to focus on the property question: Is there a compelling reason to actually change this zone? The developer can offer no reason other than profit for themselves. They are just looking to sell homes at a cheaper price. By doing that, it will reduce the value of homes in surrounding developments. They can put the homes on those lots, which will not destroy the home values. We don't want it to become Springhill Drive. Those areas need to be addressed geotechnically, so that we're not dealing with similar situations in other parts of the city.

Paul Michael Taylor, 352 Constitution Way, stated that he would like to echo the words of the previous speakers. His argument surrounds putting Constitution Way through to Eagleridge Drive. That street was never intended to be a major thoroughfare. Lacey Way was a gravel road, and he's watched the City be completely developed. He knows that Constitution was not supposed to go through, as the width of the street was not designed for this. The developer says that only 36 homes would use this through-street. Gary Way was engineered, in the beginning, to be a thoroughfare. It was built to handle that kind of traffic. If Constitution is connected to anything, it should not connect to Eagleridge Drive.

David Waite, 674 Ridgetop Lane, wanted to address the geological issues and the importance of leaving natural vegetation, not requiring backfilling, etc. The idea is to minimize erosion and movement. This is proposed to the shrinking of the lots. The smaller the lots, the more excavation, backfills, retaining, etc. This will cost the City of North Salt Lake more money. Increased infiltration and water is there. This is above the Springhill area. Zoning requirements usually state that any new development should keep in character with the neighborhood in which it's proposed. Again, he asked, should we be looking out for the short term financial gain for the developer?

Mr. Dariush Zamani, 659 Windsong Lane, said he strongly believes that the residents are educated and capable of understanding the situation. Let the developers do their thing between

the phases of 13, 14 and 15, rather than on the steep terrain. This steep terrain is not conducive to this type of density. It should be done correctly for all.

2. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR 17.3 ACRES OF PROPERTY KNOWN AS CRESTPOINTE AND LOCATED APPROXIMATELY EAST OF RIDGETOP CIRCLE AND WINDSONG LANE AND BETWEEN INDEPENDENCE WAY AND A PORTION OF THE EAGLEWOOD GOLF COURSE – SKY PROPERTIES, APPLICANTS

Ken Leetham made a presentation showing the Council and those present the area being proposed for the Crestpointe development. He showed the general development plan stating that this plan is typical in the P district. Instead of 10,000 square foot lots, the P district provisions allow for variations of lot sizes. Therefore, this is what Sky Properties' plan proposes. He showed architectural designs and styles of homes being proposed.

The Development Review Committee (DRC) recommends that all streets go through for traffic flow opportunities as well as safety. There appears to be a time-savings for the fire department and other emergency vehicles.

Steve Israelson, Sky Properties, then approached the Council with the Sky Properties presentation. He stated that they began this process in October. He felt it important to show the same presentation as had been shown to the Planning Commission.

Mr. Israelson pointed out that Sky Properties would be bound by a development agreement with a P district; however, with an R1-10, this is not the case. Mayor Arave asked what Mr. Israelson would use for comparables on their first sale. He responded that they use comps in the area, and for Crestpointe, this would be another P district project such as Eagle's Landing or Mont Clair.

Council Member Porter disagreed with the statements made about numbers of lots available with the R1-10 zoning. He suggested to the developer that they are considering available property as if the City would allow mass grading in the whole area. Yes, in a P district this would be possible, but in the past, we have not allowed mass grading. Mr. Israelson stated that the park in the center would be graded and used for recreation. The other area would be left scrub oak, as it is a ravine. Council Member Porter said there would be lots of fill and grading. Council Member Porter then read from the City's code where it discusses minimizing grading and leaving natural open space, topsoil and trees. Council Member Porter stated "we're still not there yet" on the density numbers. He believes the numbers would have to decrease significantly if the City asked Sky Properties to preserve the open space, terrain and vegetation.

Council Member Jacobson stated that the advantages to the developers in a P district would still be accomplished by CC&Rs. Mr. Israelson stated that he might not require CC&Rs.

Council Member Porter emphasized again that he just does not see as many homes fitting on this property as the developers do, and he believes a lot of grading and filling would be required if development proceeded under an R1-10 Zone.

Council Member Harman asked about engineering and geologic studies done on this area, and asked if it would turn into another Springhill. Mr. Israelson stated that they have not done the testing at this point in the project. From the surface surveying, they believe it looks conducive to a good development.

Council Member Jensen stated that he does not believe that City zoning should be changed casually, and he does not believe the City should allow lower price offerings to accommodate the developer.

Council Member Harman asked Mr. Leetham about findings of the DRC, specifically regarding the connection to Constitution way. Has there been any request to Dave Church regarding an opinion on what the code does, or does not, require in this regard? Mr. Leetham stated that Mr. Church had gone home ill. Council Member Harman stated that it is something he believes Dave Church would probably need to address.

Council Member Harman then asked if this rezone were approved, would it be the recommendation of the DRC to require the tie-in? Mr. Leetham responded yes. Council Member Harman asked if the code did not require the tie-in, would they still mandate that it be put in. Mr. Leetham said he cannot speak for the entire committee, but his opinion is that it should be put in. Peak hour traffic should be diffused, and you cannot access the Crestpointe area in an emergency vehicle in a timely manner without those roads being connected. Council Member Harman then asked if the request is denied, and it is developed R1-10, would the DRC still require the tie-in? Mr. Leetham stated yes.

Council Member Horrocks stated that the Planning Commission looked at the first plan and rejected it. Sky Properties came back with a second plan, but the Commission still had concerns with cuts and fills. His other concern is the number of lots, which is also the main objection of the residents. Mr. Israelson stated that the setbacks and lot sizes are comparable with Eagle's Landing and Aerie Circle. Council Member Horrocks stated that he believes the developer deserved the right to come before the Council, but it is still too many homes, and he does not see it happening.

Mr. Israelson then stated that they are willing to decrease their plan by five lots. He added that it would be a reduction in revenue to the City and the developer, and will cost the citizens of the City.

Council Member Porter said he would like to talk to residents and examine other options. Barry Edwards cautioned the Council that the land use zoning law changed in Utah over the past three years, changing the relationship between the City Council and developer. Some of the tools that the Council could have employed are no longer available to them. Council Member Porter said it should be as good of a deal as possible for the residents, City and developer.

The Mayor then stated that eliminating the flag lot and the lot to extend Constitution, there are still about 50 lots.

Council Member Porter stated that City code was changed to enable the Eaglewood development to be built, and it is an improvement over the gravel pit that was originally here; however, it was still outlined that cuts and fills should be minimized.

Council Member Harman stated that this project has been one he has struggled with as he has talked with a lot of residents. He understands the concerns on both sides. There is the right of property owners to have a profitable business. He understands the rights of the residents to maintain the neighborhood as they know it and bought into it. He tends to agree with Council Member Jensen that the City should not take zoning lightly, and the Council is bound by City code. He would be interested in a revised concept plan with a reduction of five lots and see how that changes the density.

Council Member Horrocks stated that he hates to send them packing with a number in their head if it is still not the right number. Council Member Porter suggested getting facts on the web site, and getting it re-proposed. Options for this parcel include developing it as an R1-10 neighborhood, a P district, or PUD.

Council Member Jensen stated that in the long-term, the R1-10 will not have a negative impact. However, to bring in a lower priced alternative will permanently have a negative effect on the City. Buyers bought into the plan because of what was presented to them, so it is unfair to the residents who had a certain idea in mind of what their future neighborhood would be like.

Mayor Arave said it would probably make sense to have a P district with clear parameters to determine density and review realistic possible R1-10 as well as PUD plans, and have input from citizens. We owe it to the citizens to make informed decisions.

Council Member Harman then stated that this requires Sky Properties to be interested in the process as well. Mr. Israelson stated that preparing alternate plans is costly. They believe that this current plan does meet the middle ground, and they would like to move forward with this.

Mayor Arave asked Mr. Israelson if Sky Properties would be willing to compare the three alternatives (R1-10, P and PUD) in a public hearing process. Mr. Israelson stated that it would be extremely costly; they'd have to do all the engineering/planning for three complete proposals. He'd rather have a number of lots that would be acceptable to design around, and come back to the Council with that plan.

Council Member Porter moved to deny the general plan for the Crestpointe development at this time with the encouragement that Sky Properties have an additional reduction in lots, more open space or larger lots, and he proposes a public hearing prior to the next meeting to see the development plan. Council Member Horrocks seconded the motion.

Barry Edwards stated that if the Council approves a motion to deny this plan, then the developer has to start over with the Planning Commission.

Mayor Arave stated that he believes the developer has tried to make good compromises, and he asked Sky Properties to get together with concerned residents and see what they can come up with as far as an acceptable plan.

Council Member Harman stated that in the best interest of the residents and developer, we should move this through as quickly as possible.

Council Member Porter amended his motion, and moved to continue the consideration of the general plan for the Crestpointe development at this time with the encouragement that Sky Properties have an additional reduction in lots, more open space or larger lots, and proposes taking public comment on March 15 prior to the next meeting on this issue. Council Member Horrocks seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.

3. CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2011-3,
AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE NORTH SALT
LAKE CITY LAND USE DEVELOPMENT AND MANAGEMENT ACT
RELATED TO THE KEEPING OF BACKYARD CHICKENS

Ken Leetham corrected a prior statement and stated that Mrs. Iftiger received a friendly contact from the ordinance officer, not a citation, and she did comply with the City's request. This request comes as a result of neighbors doing a good job in keeping chickens in a safe, clean manner. In discovering that the City does not allow chickens in their zone, they have made a request for the City to amend its code to allow chickens. He recommended denial to the City Council, though he and his staff have prepared a complete ordinance if the Council chooses to allow chickens. They put together regulations that protected neighbors to the highest degree possible, requiring chickens to be enclosed in a clean, well-maintained environment. His concern is that while most of the residents will comply with the ordinance, keeping their chickens in good condition, some will not, and this could eventually become a nuisance.

Ken Leetham also wanted to note that if the Council does approve this, though most back yard chickens are for the purpose of collecting eggs, some chickens are raised for slaughter and food. The current ordinance is written to prohibit the slaughter of chickens.

Council Member Horrocks reported that this request came before the Planning Commission, accompanied by the neighbors who were all in favor of the chickens. He was, however, a little concerned about the number of chickens allowed (15).

Council Member Jacobson stated that they had an almost immediate infestation of rats on the hillside when neighbors of his introduced chickens to the area. He believes it was the chicken feed that attracted the rats, and he believes it would become an enforcement nightmare.

Council Member Jensen asked if this passes, would it apply to a P district like Foxboro. Ken Leetham said probably not. It should be a conditional use in an RM-20 zone. One suggestion would be to remove it from the RM zones.

Council Member Harman stated that the residents he has spoken to were well aware that their neighbors had chickens, and they did not like it. He was told they smell and attract rodents.

Ken Clifford, 311 Edgemont Drive, shared an experience in Missouri where they had a large farm/operation. They had six hens, and a rooster, and within a year, the hens were dead. The roosters would wake people up, and predators were encouraged because of the chicken feed. Mr. Leetham stated that roosters are not allowed in this ordinance.

Alireza Falahati, 48 N. Eaglewood Drive, stated that based on personal experience, he had assumed chickens were allowed until he found out they were not. He is keeping a limited space and a limited number of chickens. He stated that they put a lot of restrictions on their chickens and their environment. Domestic chickens might be different than the chickens raised in a farm environment. He then suggested that residents who do not maintain the required chicken environment, would be in code violation and could then be cited.

Mayor Arave stated that the keeping of chickens should be regulated somewhat, including inspections, but it needs to pay for itself, so one option would be for the City to issue permits.

Council Member Porter stated that there should be a maximum size coop, such as 120 sq. feet.

Council Member Harman moved to deny the adoption of Ordinance No. 2011-3, an ordinance amending various sections of the North Salt Lake City Land Use Development and Management Act related to the keeping of backyard chickens. Council Member Jacobson seconded the motion.

Council Member Horrocks asked if the keeping of chickens could be a conditional use. Ken Leetham stated that it would have to go back to the Planning Commission, for any conditional use. Council Member Porter said he would have potential chicken owners apply for a permit, with information on required conditions.

Council Member Jacobson made a substitute motion to have staff prepare a new plan for a permittal process for backyard chickens that would include a license fee and inspection procedure. Council Member Jensen seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter and Jacobson. Council Member Harman voted in opposition.

4. APPROVE MINUTES

The February 1, 2011 minutes were reviewed. **Council Member Harman moved to approve the work session and regular session minutes of February 1, 2011 as written. Council Member Jacobson seconded. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

5. ACTION ITEMS

It was decided to delay discussion of the action items until next meeting.

6. CITY MANAGER

Barry Edwards stated that they are making progress with Flying J on a grant. The EPA will not approve an EOC, but will approve retrofitting the City's trucks to natural gas. He reported that the City will pursue that avenue, as it improves the performance of the trucks.

7. MAYOR'S REPORT

Mayor Arave met with Jasmine Holgate about a position on the Parks and Trails Advisory Board. Her appointment will be put on next meeting's agenda.

Mayor Arave stated that the City needs to do a better job exploring the Springhill slide area and understanding what the options are. Council Member Horrocks asked Paul Ottoson to give an update, including the history of the area, the current status and measures taken to this point. He stated that the newer Council Members are not as familiar with the situation. Barry Edwards reported that the City is going forward with a cost/benefit analysis for a FEMA grant, and ultimately, it may be possible to start taking down some of those houses.

Mayor Arave stated that as a City, we are required to keep the citizens safe. He asked what responsibility the City has regarding the safety of the Springhill residents.

The Mayor said he spoke with UDOT Region One regarding east/west transportation; however, Center Street and 1100 North are City streets, so there is not much UDOT can do. They discussed grade separation on 1100 North, and also about getting a traffic light on Hwy. 89 near Camelot. The City has several things on the Wasatch Front Regional plan.

The City received its fee assessment from Davis County Animal Control, which remains flat.

Mayor Arave asked Ken Leetham to attend the EDC Utah meeting the following day.

8. CITY COUNCIL COMMITTEE REPORTS

Council Member Jacobson reported that the Youth Council is working toward their conference in March at USU.

Council Member Harman asked if the stale messages could be removed from the message board. He then reported that there is a "Ham Cram" on March 19th, as part of Uniting Neighbors, and is an opportunity to receive training, take the test, and get licensed in ham radio in one day.

Also, Council Member Harman stated that Marty Peterson recently attended a Bountiful Community Service Council meeting. This organization does movies and concerts in the park, and he believes NSL should not conflict with their efforts.

Council Member Harman had a request for street lights on Redwood Road at intersections near Kangaroo Zoo and Maria's, Subway, etc. Paul Ottoson was asked to look at it and contact

UDOT if a light is needed. Also, near the bridge that crosses the green space onto the Legacy Trail, there is gravel on the trail because there is no barrier, and the gravel spills out and is a hazard to cyclists and roller bladers.

Council Member Harman, along with other Council Members, had the opportunity to take a helicopter ride over the City, and he took pictures of the pipe yard where Kern River is storing pipe, as well as the City Hall triangle, and neighborhoods in Foxboro. He asked if those pictures would be useful to the City. Barry Edwards asked for the pictures.

Council Member Porter stated that they had a Jordan River commission meeting with good participation, and they are ready to select a director. The Commission has received resumes from many qualified candidates. He reported that the Commission would like to get the trail system completed from lake to lake, but there are a couple of tricky areas.

Council Member Porter also reported that they have an upcoming meeting with Scott Hess regarding the upper Bonneville shoreline trail going north. Davis County and the Forest Service are both working on it. Melissa Hall (Parks and Trails Board Member in attendance) stated that they want to connect the Bonneville Shoreline Trail with the Wild Rose Trail. Scott Hess believes the county will give more money if the project is done in conjunction with Bountiful City; however, there are some issues with that.

Council Member Jensen reported that he met with individuals from Chevron and Flying J (Big West Oil) about the NSL Live activities. Flying J was excited about working with the City and including their employees and wellness committee. He has not heard back from them yet as far as commitment to participate.

It was represented to the Council that Sky Properties had met with the Bella Vida residents about their plan. Council Member Jensen then stated that a couple living in Bella Vida was here tonight and told him they were not happy about the change in the Bella Vida concept plan. They had heard nothing about a meeting with Sky Properties.

Council Member Harman reported that Officer Curtis Everett will be giving a gang presentation at the next Uniting Neighbors meeting.

9. ADJOURN

Mayor Arave adjourned the meeting at 11:15 p.m.

Mayor

Secretary