

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-WORK SESSION
NOVEMBER 20, 2018

FINAL

Mayor Arave called the meeting to order at 6:07 p.m.

PRESENT: Mayor Len Arave
Council Member Stan Porter
Council Member Ryan Mumford
Council Member James Hood
Council Member Lisa Watts Baskin

EXCUSED: Council Member Brian Horrocks

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Sherrie Llewelyn, Community Development Director; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Andrew Gruber, WFRC; Bob Stevenson, Layton City Mayor; Grace Bronson, Tanner Woodruff, Ashlyn Otis, Cameron Marx, Kylie Nelson, Seth Woodson, Rachel Drinkall, Abby Ebert, Youth City Council.

1. REPORT ON 3RD QUARTER CENT SALES TAX FOR TRANSPORTATION-
ANDREW GRUBER, WFRC

Ken Leetham reported that staff had been working on road maintenance issues which included a road inventory study and implementation of a five-year plan. The third quarter cent sales tax discussion evolved from that process and staff then involved the Wasatch Front Regional Council (WFRC). He explained that this would be another way to potentially fund projects such as bus rapid transit (BRT), a Salt Lake City connector project, the grade separation on 1100 North and potential bridge. Mr. Leetham said that there may be an amendment to the current statute that would expand the possible uses including reconstruction and resurfacing of roads which are shortfalls in the City's five-year plan.

Ken Leetham said that he, along with other local City managers, had provided letters of support to the County Commission for adoption of the tax. He said there were some concerns about how the money would be distributed and a process for the distribution of those funds to the cities in Davis County would have to be implemented.

Andrew Gruber, WFRC, said that Mayor Arave and Mayor Stevenson were long time members of the WFRC. He explained that WFRC was made up of local officials such as mayors and county officials who worked together to plan for and fund transportation projects within the context of land use, economic development and housing. Mr. Gruber said the focus of the WFRC

was to review issues at a regional level and help cities achieve their objectives. He said the key area of focus was funding for transportation projects to allow cities to invest in transportation priorities. Part of this included working with the legislature to authorize funding sources with the primary source of funding being sales tax.

Andrew Gruber then explained local option sales tax which is authorized by the legislature and then imposed across the county. He said that there were four quarters and that the first, second and fourth quarter had already been imposed or was allocated towards transit services, cities, and the county respectively. The .25% of the sales tax for the third quarter was authorized by the legislature but had not yet been imposed. Last year Senate Bill 136 made an adjustment which authorized the third quarter be imposed by action of the County Commission. Several counties have since imposed the third quarter to take advantage of this funding source.

Andrew Gruber said that in Davis County the .25% local option sales tax would generate 12.5 million dollars. Under the current statute these funds could be used for some transportation investments, including new capacity projects such as new roads or transit project but could not be used for basic maintenance or upkeep of existing transportation facilities. He explained that in some communities there were needs to enhance the transportation system and needs for basic maintenance on existing roads. As many cities want more flexibility on the use of these third quarter funds, a task force was created to review and seek an amendment to the statute. This amendment would make the uses of the third quarter more flexible including the use of the funds for maintenance projects.

Council Member Baskin asked what the policy was for not allowing the funds to be used for road repair and maintenance. Andrew Gruber replied that the intent of the legislature was that funds be used for projects to deal with growth as Utah had been one of the fastest growing states in the country.

Mayor Arave also commented that in the past UTA had been protective of the funding generated by sales tax and preferred that cities use property taxes for road maintenance.

Andrew Gruber then reviewed the process for deciding which projects were selected and stated that cities want flexibility for those funds. If the funds are imposed it would require that the Council of Governments (COG) work together to develop a process to evaluate and prioritize projects. This would require a written process with weighted criteria and application procedures that the COG would use. After COG had determined the most important priorities for Davis County each year, these recommendations would then be taken to the WFRC for the final decision on which projects were funded. This process would mean that every community would have the ability to submit a project and be a part of the decision making process even though they may not have a project funded each year. Communities may also work together on certain projects such as a connecting road, etc.

Council Member Mumford asked if this process was enacted if it would only be active until 2020. Andrew Gruber replied that there was a deadline of 2022 on when the third quarter cent sales tax could be imposed. He said if it was not imposed by 2020 this option would disappear

and those counties who did not take advantage of the local options would lose control of how the money was spent.

Council Member Mumford asked how the imposition could be removed such as through a referendum. David Church commented that the legislature could remove the authority given to enact the sales tax.

Council Member Baskin asked how transportation facilities would be defined. Andrew Gruber replied that the current definition was limited to include regionally significant facilities such as collectors, arterial highways, and fixed guideway transit such as BRT. He said the modified definition would be much broader to include any transportation such as a city, county, or state road, trail, or bus stop.

Council Member Baskin commented on the COG recommended projects and said that the County Commission could only approve or disapprove the recommendation. She asked what would happen to the funding if a decision was not made. Andrew Gruber replied that this was correct but said the process was designed to have the County engaged with the cities to promote a consensus development before the project list was sent to the County. He explained that it would be a list of priority project created by the cities and County.

Mayor Arave commented that the State had struggled with funding road projects with gas taxes due to the fact that gas mileage was improving and alternate fuel sources were being used. He said that sales tax would be a good supplement.

Andrew Gruber said that the gas tax would not be adequate going forward and that UDOT would be looking at the way gas taxes are collected. They would also review user fees, sales tax, and private sector contributions.

Mayor Bob Stevenson said that a road usage study would be put into place to review electric vehicles with the focus on road usage. He said he was in favor of the third quarter cent sales tax implementation and that if it had been implemented ten years ago, the County would have had \$125 million more to spend on transportation.

Andrew Gruber clarified that he was not here to advocate for the implementation but to explain the facts so the City could understand and develop an opinion.

Ken Leetham said that the purpose of this presentation was to ensure that the Council was on the same page and supportive of staff's continuation to work on this project. He said that if the Council was willing then the Mayor would sign a letter in support of the implementation of the tax.

Mayor Stevenson said that the funds needed to be invested in the roads throughout the county. He invited the Council to the COG meeting being held the following week.

Council Member Mumford asked Mayor Stevenson and Andrew Gruber if they would share their opinions on the Legacy truck ban. Mayor Stevenson replied that he would like the speed to be increased and that the truck ban be continued along Legacy. Andrew Gruber said that he could see both sides, but the ability to move freight was important especially with the new inland port.

Council Member Baskin moved that the Mayor write a letter to endorse this project and the process of using COG and the sales tax funding for transportation. Council Member Porter seconded the motion. The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

2. UPDATE AND DISCUSSION OF CONTINUING TRUCK BAN ON LEGACY HWY

Ken Leetham reported that the Council had discussed this item last year, and since then Woods Cross and Farmington had passed resolutions for the continuation of the truck ban. He said that legislative leadership viewed this highway as an important piece for moving freight through the state. The City had a large section of Legacy Highway adjacent to residential development, and allowing truck traffic would affect those residents. If the ban was lifted in 2020 these residents may approach the City and ask what had been done to discourage lifting the ban. Mr. Leetham said that while the City may not win the fight in continuing the truck ban that they could work with the legislature on mitigating ideas such as increased landscaping, sound walls, or even lowering the truck lanes in the center of the highway. He explained that staff would continue to research the topic as many residents would prefer that the truck ban continue.

Mayor Arave commented that truck traffic on Legacy Highway may reduce congestion on other roadways. Council Member Porter said that a study could be done to show the impact especially in comparison with I-15.

Council Member Mumford said that many of the people he had talked to in the Foxboro area had expressed concern with the potential sound and other impacts. He said he enjoyed driving Legacy and that if the City does not join with other cities to support the continued truck ban, then the City should work to minimize its impact on residential neighborhoods.

Ken Leetham commented that staff would continue to work with other cities and the legislature on sound barriers and other ways to mitigate the impact.

3. ADJOURN

Mayor Arave adjourned the meeting at 6:58 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
NOVEMBER 20, 2018

FINAL

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

PRESENT: Mayor Len Arave
Council Member Stan Porter
Council Member Ryan Mumford
Council Member James Hood
Council Member Lisa Watts Baskin

EXCUSED: Council Member Brian Horrocks

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Sherrie Llewelyn, Community Development Director; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: McKenna Rodarte, John Tobin, Abby Ebert, Anabelle Ballard, Justin Tobin, Mary Lynn Kinsel, George Iongi, Tonya Iongi; residents; Ed Grampp, Parker McGarvey, CW Land; Jessica Dunn, Woods Cross resident; Alex Guzman, UHCC; Mark Greenwood, Granite Construction.

1. CITIZEN COMMENT

Jessica Dunn, 1244 West 1975 South Woods Cross, commented that she was there to discuss the 1100 North and Main Street intersection. She said that while the intersection was redone several years ago and the stop signs had been moved and improved there were still several issues. Ms. Dunn said that people struggled to know when it is their turn to go, with the stop sign visibility, and with passing semi trucks. She said her husband was recently in an accident at that intersection and then described several other near misses.

Ms. Dunn said that the intersection was hazardous and asked the City to consider other options including a roundabout, a stop light, or right turn only lanes. She said she would be presenting her concerns with the Woods Cross City Council as well.

2. PRESENTATION BY THE UTAH HISPANIC CHAMBER OF COMMERCE, ALEX GUZMAN

Alex Guzman reported that he represented 454,000 Hispanic residents and 35,000 Hispanic business owners in the State. He shared how other cities supported the Hispanic community

through the contribution of space, time, and knowledge from non-Hispanic business owners on local rules and regulations.

Mr. Guzman said the goal of the Hispanic Chamber of Commerce was to help the business community. He said he was unsure of the amount of Hispanic businesses registered in the City and would like this information as well as ways in which they could help.

Mayor Arave thanked Mr. Guzman for coming and said that the City's Economic Development Department would be happy to meet and work with the Hispanic Chamber of Commerce. He also suggested that the Hispanic Chamber reach out to the Davis County Chamber of Commerce.

3. REQUEST TO PURCHASE CITY PROPERTY-RULON CROSBY

Ken Leetham reported that Mr. Crosby previously made the request to purchase City property adjacent to his subdivision lot. At the time of the request the City did not have a written policy in place for that type of request. The City now has a specific request and a formal policy for evaluating these types of requests.

Mr. Leetham presented a map showing the buildable area of the lot as it was subdivided and approved. He also showed a map with Mr. Crosby's property in relation to the requested property of 40 feet by 60 feet and how the applicant would like to incorporate the requested property into his existing lot for the placement of a home.

Staff reviewed the application and determined that there were several problems with the request per City policy. These issues included that the purchase of the proposed property was not necessary for Mr. Crosby to accomplish what he needed as the home could still be placed on the buildable area of Lot 1 and that selling the property would create a new physical boundary line that would be difficult to monitor and protect from future encroachment and damage to City property. Mr. Crosby's proposal for placing the home on the lot would create a minimum setback problem on the southwest corner of the building footprint. Based on these reasons the Development Review Committee (DRC) recommended denial of the request by Mr. Crosby to purchase City property on Lacey Way.

Rulon Crosby, 510 Lacey Way, said that the purpose of the land was the best use which in this case was residential. He said that he wanted to purchase a small corner of land that the City would never really use and there was precedent for using City land for that purpose. Mr. Crosby then gave the example of his friend who purchased land from the City in the past to build his home. He asked if the home or even the setback could be on City property.

Mr. Crosby then reviewed the letter sent to him by the City that detailed why the request for property did not meet the criteria found in the City's policy. He refuted the findings from Staff and said that there was no pending plan for additional water tanks, the disposal of City property would not be detrimental to future public purpose, that it was not creating an incompatibility between landowners, and that a precedent should be set in regards to residents being able to purchase City property.

Rulon Crosby said that the land purchase would facilitate the building of a home which would add to the tax base. He said the City wouldn't make use of the property and that as a law abiding citizen he would like to purchase the property which would be a benefit to both himself and the City.

Mayor Arave asked where retaining walls would need to be built around the property. Rulon Crosby replied that he would not be installing retaining walls as he was not building to the edge of the property. He said he would like the proposed 40 x 60 foot property as a setback buffer.

Mayor Arave asked if the City could possibly waive the setback requirements. Ken Leetham replied that this may be a possibility through the code enforcement process.

Council Member Mumford asked about the fencing along the City property line and asked if there was a fence along the north side. Ken Leetham replied that there was not a fence on that side.

Council Member Baskin asked for clarification on whether the applicant wanted the property for a setback or to put the footprint of the home on that portion of City property. Rulon Crosby replied that originally it was for the setbacks but if he were able to purchase the property he may move the corner of his property three to four feet.

Mayor Arave asked how big the proposed parcel of land would be. Rulon Crosby replied that he would be happy with 1,000 square feet. He asked why the City would want to retain developable land.

Mayor Arave asked if the City could create a developable lot there and sell it. Ken Leetham replied that there appeared to be a bench on the property and it would be difficult to develop due to the elevation change.

Rulon Crosby then said he purchased and developed two lots and resold them. He said one lot had a water line across it but that it could be developed for residential use.

Paul Ottoson commented that City staff knew where the water line was located and showed those present where it was located on a map. He said that these lots were not developable as they were too low for sewer lines.

Ken Leetham commented that it was beautiful open space and could be better utilized by the public in the future. He explained that the property was accessible from Lacey Way and Center Street.

Council Member Mumford suggested that as the City already maintained the frontage that the property could be useable open space for camping or other recreational purposes. Rulon Crosby replied that the property past the maintained grass area would need some improvement by the City first.

Ken Leetham said that he did not want to discuss the future of property but that it could be the type of open space that the City would find valuable. Rulon Crosby said that if he were able to purchase the proposed section of property that it would still leave plenty of property for a park or open space.

Council Member Porter commented that he would be more in favor of the City allowing Mr. Crosby to have a zero setback rather than purchasing City property.

Council Member Mumford said that if the adjacent property was ever improved that a zero setback could cause issues with placing a fence and that it would also cause natural encroachment. He suggested a three foot setback instead. Ken Leetham said that staff could study the issue and a variance could be processed.

Council Member Porter commented that the bigger concern for selling the property was the precedence it would set. Council Member Mumford said that while he did not see an immediate use for the property he would like to walk the area.

Council Member Hood said that he had been to this area many times and the gully was walkable. He said that this property was beautiful open space and could be utilized as a park and did not feel that the property should be sold at this point.

Council Member Baskin commented that the best circumstance would be for the City and Mr. Crosby to work together to place the home in a way that additional property did not need to be purchased. She said she was familiar with the property and that per a policy standpoint the applicant should work with staff.

Rulon Crosby invited the Council to view the property and said he was happy to conduct a tour.

Ken Leetham said that the applicant could build within eight feet of the property line at this time without changing any regulations or the purchase of City property. He said there were concerns about impacts such as runoff from the home or improvements and the possible impacts to City property.

Rulon Crosby said that the rear setback was twenty feet and the side setback was eight feet and asked if the corner of the home was considered the rear or the side. Ken Leetham suggested that he could place any side of his property eight feet from that property line.

Council Member Hood moved to deny the request to sell City property. Council Member Porter seconded the motion.

Council Member Mumford expressed his desire to view the property before any potential sale was made.

The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

Mayor Arave clarified that the motion was for denial for the request to purchase of City property. He said that the applicant could work with staff.

4. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR THE RIDGE
PLANNED DEVELOPMENT LOCATED AT 650 SOUTH EDGECREST LANE, CW
LAND, APPLICANT

Sherrie Llewelyn reported that this property, owned by Granite Construction, was determined by the hearing officer to be zoned Special Use Restricted (SR). The property had since been put under contract with CW Land for residential development and they had requested a rezone to a Planned (P) District. The proposal included a total of 102 single family lots with lots ranging from 80 feet wide to 50 feet wide as well as 51 townhomes. The applicant also proposed to assist with the trail completion to Eaglewood Lofts. Some of the amenities for the property would be the trail head with a small parking lot and two tot lots. The 50 acre development would have an access point through Edgecrest and a second access through Parkway Drive. She explained that there was initially a road extension to Pace Lane via the Lakeview Rock property but the developer determined that this access was not feasible and the access was replaced with a 600 foot cul-de-sac. The Planning Commission advised the developer to consider extending the cul-de-sac to the property boundary in the event a future extension was needed. The DRC disagreed as this would allow residential access to the Lakeview Rock Products property.

Mrs. Llewelyn then discussed the reclamation plan for Lakeview Rock Products and said that staff recommended a setback from the edge of the property on the west side between the back of the lot and the edge of the property line for a barrier wall. She also noted the requirement that signage would be placed warning of active mining in the area, notification requirements for potential property owners, and architectural recommendations.

Sherrie Llewelyn reported on the parking for the development and said that the townhomes would have two car garages as well as two car driveways to help prevent street parking issues. The Planning Commission held a public hearing and while residents raised concerns about potential traffic issues on Parkway and Eagleridge Drive, many residents were supportive of residential versus continued mining of the property.

Mrs. Llewelyn said the Planning Commission made a favorable recommendation of the proposed general development plan, and per the new process, the public hearing had already been held. She explained that if the Council approved the general development plan that the rezone would occur at a later date. Per the Geological Hazard Ordinance the applicant already started their geologic hazards study and a favorable recommendation would need to come from the City's geotechnical expert or the applicant would not be able to proceed to preliminary plat.

Mayor Arave asked about the proposed trail and if it would be paved. Sherrie Llewelyn replied that the interior trails may be paved but the main spine was a natural trail so it would be a natural gravel surface for biking or hiking.

Council Member Mumford asked which areas would be HOA maintained. Sherrie Llewelyn replied that the open space would have an easement over it but it would be maintained by the HOA. She explained that there should not be landslide land in this location as there was a different rock formation here but the formal geological report would show more information.

Council Member Mumford also asked about the grade on the upper connection to Parkway Drive. Paul Ottoson replied that the developer would need to flatten the area as they could not exceed 12% grade.

Sherrie Llewelyn then showed architectural examples and said it would be similar with timber frame and Hardie board. She said staff had discouraged the applicant from using stucco due to potential vibrations.

Council Member Baskin asked what percentage of the 102 single family homes would be located on the 1/8 acre lots. Sherrie Llewelyn replied that there would be sixty of the smaller lots at 50 feet wide and forty-four at 80 feet wide. She said this was similar to other developments in the area.

Council Member Baskin commented that the geotechnical was very critical but since it was a condition that must be met before the development could move forward that she would be willing to vote for approval. She said that some of the previous issues such as proper notice of blasting and the barrier wall would need to be addressed by the developer and asked if a notice would be on record at the County Recorder's office. Sherrie Llewelyn replied that notice would be on record at the County Recorder's office and recorded on the deed as well so that each property owner would have notice that they were buying adjacent to active mining.

Council Member Baskin asked if Lakeview Rock Products would work with the developer to notify residents of upcoming blasting. Sherrie Llewelyn replied that there would be an email notification system that residents could sign up for to be notified of blasting.

Council Member Mumford commented that he felt this project would be a great benefit to the residents and the City.

Council Member Mumford moved that the City Council approve the proposed general development plan for The Ridge located at 650 South Edgecrest Lane with the following conditions to be incorporated within the final zone change and development agreement approval:

- 1) Subject to geotechnical approval by City Geotech Consultant, per Chapter 12, Sensitive Lands Overlay Zone;**
- 2) Final architecture design, materials, colors which match the aesthetics, style and quality of the surrounding dwellings;**
- 3) Final layout, including entry landscaping, building setbacks and sufficient guest parking;**

- 4) Amenities to include privately owned and HOA maintained pocket park/tot lots be located within the single family neighborhood and townhome neighborhoods;
- 5) Addition of a small trail head area at the development entrance, including parking for a minimum of four vehicles;
- 6) The perimeter of the development shall be fenced with a suitable non-climbable material, of a height to provide adequate protection from access to the mining operation, with appropriate signage related to the mine proximity;
- 7) Final engineering which adequately addresses any issues that may be raised as part of the geotechnical review;
- 8) Submittal of a required developmental agreement; and
- 9) Final approval of the P-District Rezone.

Council Member Baskin seconded the motion.

Council Member Porter asked if the extension of the cul-de-sac to the property boundary for future extension needed to be addressed. Sherrie Llewelyn replied that staff wanted the Council's opinion on whether the cul-de-sac could be extended or left at the 600-foot proposed length.

Mayor Arave commented that this was the first step in the process but that he was all for better connectivity. Council Members Mumford and Baskin were in agreement.

Ken Leetham clarified that it would be a stub street with a temporary turnaround. He said the only issue the DRC had was be the potential use of public streets by Lakeview Rock Products and if they had a right to access their property if there was a stub. David Church said that a stub street should be created and left for continuance in the future which would then be up to the Council and the landowners.

Council Member Baskin asked if part of the development agreement could detail an agreement with Lakeview on how they would use Pace Lane. She said that a condition of the development agreement could be an understanding that Pace Lane and public roads not be used for truck traffic.

Paul Ottoson commented that City Code required that stub streets could only be created when there was a master plan showing where they would connect in the future.

Council Member Mumford commented that the non-climbable wall would be placed around the property and then the stub street could be placed. This would allow for future connectivity and access but there would not be current access due to the fence.

Council Member Hood asked that a sign be placed at the end of the stub street stating that the road would be continued in the future. This would notify residents of the future road connection. David Church commented that the purpose of those signs was to give notice to residents so they did not complain that they were unaware of the potential road continuation.

Council Member Mumford asked if the Council needed to hear from the applicant regarding the proposed conditions.

Ed Grampp, CW Land, commented that there were already two accesses to the Lakeview property which should be sufficient if they decided to develop the property in the future. He said it was better for their development to have the cul-de-sac but this could be decided in the future.

Council Member Baskin asked about possible negotiations with Lakeview and the use of trucks on public roads. Joe McAllister replied that he was the general counsel for Lakeview Rock Products. He said that he would not want to tell CW how to design their development but would be willing to work with them on a land exchange or access point if necessary. Mr. McAllister said that they had plenty of access to their property and that the grade change would not make it feasible to use the public street there. He also suggested that the fencing be a wrought iron or chain-link fence instead of a concrete wall as it would be unsightly and prone to graffiti. Overall Mr. McAllister said that this was a legitimate effort to develop the property and Lakeview fully supported it.

The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

5. CONSIDERATION OF A PRELIMINARY PLAT FOR WINEGAR'S TOWNHOMES
AT 3400 SOUTH ORCHARD DRIVE

Sherrie Llewelyn reported that the layout for the 54 townhomes had changed since the last review in July 2018. She said the previous layout for the units was north to south and the new layout had four buildings running east to west. This updated layout was more conducive to circulation and emergency access. The Planning Commission reviewed and made a favorable recommendation, as the subdivision plat met the minimum standards per the ordinance. Staff met with Bountiful City regarding this development, and sidewalks were added to the plan to connect with 3300 South in Bountiful.

To accommodate the sidewalk connection the guest parking was moved to the south end of the property. The development met the parking requirement of 2.25 parking spaces per unit. Staff also requested that the developer move units 19-25 and 40-47 to the north to provide adequate distance from the curb.

Sherrie Llewelyn reported on other details of the property including that the proposed building would be 29 feet tall and with the grade change only the top two stories would be visible from the street. The setbacks for the zone would be 20 feet from the front property line. Landscaping would consist of 21% of the site and as this development was not part of a P-District no amenities were required. She said that the detention area would be a grassy area and may include amenities in the future.

Council Member Mumford asked about asphalt access on the north end of the property and asked if there was a cross access easement with the neighboring parcel. Sherrie Llewelyn replied that there would be an easement to the entrance.

Council Member Baskin asked for clarification on 550 West and what would be seen at street level. Sherrie Llewelyn replied that the two top stories would be visible at street level.

Council Member Porter asked about the future development area and what type of development it may be. Sherrie Llewelyn replied that it may be apartments or mixed use but that they would be required to go through a P-District rezone for that parcel.

Council Member Baskin asked if the existing stores would remain. Sherrie Llewelyn replied that the stores would remain and should not be affected by the demolition of the Winegar's building.

Council Member Mumford asked if the property could have a North Salt Lake address. Sherrie Llewelyn replied that staff would work with the applicant and post office to obtain an address in the City.

Council Member Mumford moved that the City Council approve the preliminary plan for Winegar's Townhomes, located at approximately 3400 South Orchard Drive with the following findings and conditions:

Findings:

- 1) **The proposed development meets the minimum standards for a PUD subdivision in the CS Zone, including lot size, height, landscaping, parking, and building coverage;**
- 2) **The Planning Commission has the authority to authorize standards and requirements for PUD Subdivisions which may include lot area, width, yard, height and coverage**

Conditions:

- 1) **Connect the 550 West sidewalk to 3300 South sidewalk;**
- 2) **Move units 19-25 & 40-47 approximately five feet to provide adequate distance from curb for building;**
- 3) **Remove curbing on access drive between townhomes and Thyme & Seasons property;**
- 4) **Add access easement to access on Orchard;**
- 5) **Submittal of engineer redline corrections and hydrology calculations.**

Council Member Porter seconded the motion. The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

6. **CONSIDERATION OF RESOLUTION 2018-30R: A RESOLUTION ENTERING INTO AN AGREEMENT FOR EAGLEWOOD GOLF COURSE RESTAURANT CATERING CONCESSIONS AND RECEPTION CENTER MANAGEMENT (AGREEMENT 2018-47A)**

Ken Leetham reported that George and Tonya Longi responded to the City's request for catering and reception center management proposals. He said they have a lot of experience and had great recommendations including one from the Utah Pro Golf Association. He then reviewed the old

and new concession contract agreements and said that the previous contract was for four years while the new contract would be for five years. The new lease payment for the first year would be 10% of the gross revenues which staff supported as the Longi's were proposing to make capital investments in the facility. The following years would have incentive lease payments with 15% for the first \$200,000 and then 12% for the second \$200,000, 10% for the third \$200,000, and 8% for all additional revenue above \$600,000.

George Longi said that the 10% for the first year was due to having to pick up the slack from the last operator and also because they would be making some improvements to the interior of the building.

Mr. Leetham explained that the incentive would help to motivate the operator to increase the use and market the golf course and reception center. He also said there would be a golf tournament finder's fee if the operator brought tournaments to the course and would exclude green fees. This would work out to approximately \$3 per golfer.

Ken Leetham said that there was approximately \$10-15,000 worth of repair that needed to be made to the facility which would be documented and then staff could obtain cost estimates. The City would be responsible for paying these facility repair costs. He then discussed the changes that had recently been made to the agreement including paragraph 9F which stated that if the City terminated early the concessionaries would own all the furnishings and equipment they had purchased, and Exhibit A was changed to include the snack bar building between holes 7 and 8.

Council Member Hood asked about the condition of the snack bar building. Brent Moyes replied that as it had not been used in many years that it needed a lot of repair.

George Longi commented that they would like to open the snack bar this upcoming spring and serve drinks, ice cream, etc.

Council Member Baskin asked about the downstairs storage area and where this was located. Brent Moyes replied that the storage area was located below the pro shop and that about 60% of the space was used by the concessionaire.

Ken Leetham reported that the last change to the contract would be Exhibit B, Paragraph F, which clarified that federal laws apply only to the concessionaire's operations and that this liability did not extend to City operations. He said that this partnership would be an improvement and would help to make a better impression during tournaments.

Brent Moyes commented that this partnership was a long time coming and that the Longis would help to create a change in attitude. He said George was genuinely kind and proud of his food. Mr. Moyes explained that the Longis had a snack bar at the Manheim Auto Auction which was always very busy. He said this would be a night and day difference and everyone would benefit.

Ken Leetham said that there was also a requirement in the contract that the café be open 30 minutes prior to sunrise and 30 minutes after sunset. He said early closure had been an issue in the past.

Mayor Arave asked if the chairs and tables would be replaced in both the clubhouse and the reception center. George Longi replied that the tables and chairs would be replaced in the café area with metal furniture and that they would bring in wooden tables for events in the reception center.

Council Member Mumford commented that the July 3rd events involved food trucks and suggested that the Longis look into utilizing the clubhouse and café for that event. George Longi replied that he had participated in the Thanksgiving Point luau and would propose the same type of event before the July 3rd fireworks.

Mayor Arave asked about the beer and liquor license for the golf course. Ken Leetham replied that the Longi's would be required to obtain that. He said that it would be a beer license but not hard liquor. He said that events would allow for the use of a licensed bartender.

Council Member Baskin moved to approve Resolution 2018-30R entering into Agreement 2018-47A for the Eaglewood Golf Course Restaurant Catering Concessions and Reception Center Management. Council Member Porter seconded the motion. The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

At 9:00 p.m. the Council took a brief recess and reconvened at 9:12 p.m.

7. CONSIDERATION OF ORDINANCE 2018:14: AN ORDINANCE AMENDING THE NORTH SALT LAKE CITY CODE FOR ACCESSORY DWELLING UNITS

Sherrie Llewelyn reported that this proposal for accessory dwelling units (ADU) was in response to the adoption of the moderate income housing plan which had the goal to increase affordable rental opportunities. The current housing stock of 7,127 total housing units consisted of 2,090 multifamily rental units and 439 owner occupied townhomes/condos with the majority of the housing stock as single family homes at 4,101. Per the analysis of the affordable housing plan 1,347 housing units need to be added by 2020 to accommodate future growth with 130 units in the extremely low income category at less than 30% adjusted moderate income (AMI), 84 low income units between 30% and 50% AMI, and 209 moderate income units between 50% and 80% AMI. She showed the housing need by 2030 with the need for an additional 1,704 units with 165 extremely low income units at less than 30% AMI, 106 low income units between 30% and 50% AMI, and 264 moderate income units between 50% to 80% AMI. She explained that this data was based on the population growth rate and that ways to add more units included tearing down units, building taller buildings, and land annexations.

David Church explained that this would be the demand created by natural growth whether the City could support it or not.

Sherrie Llewelyn then reviewed the existing households by level of income and said that the median household income was \$71,758 per year in the City. 56.7% of residents met the AMI of \$71,758 per year, 11.9% of residents made \$57,406 to \$71,758 or 80% to 100% AMI, 15.5% of residents made \$35,879 to \$57,406 or 50% to 80% AMI, 6.2% of residents made \$21,527 to \$35,879 per year or 30% to 50% AMI, and 9.7% of residents made \$21,527 or less which would be less than 30% AMI.

Mayor Arave asked for clarification that 10% of the City's population had a household income of less than \$21,000. Sherrie Llewelyn responded that this data was for North Salt Lake and that this could include renters, senior citizens, etc.

Sherrie Llewelyn explained that housing affordability for those under the 30% AMI should have a maximum monthly housing expense of \$545 with a maximum mortgage loan amount of \$38,877. Between 30 to 50% AMI would be a maximum monthly housing expense of \$908, 50 to 80% AMI would be a maximum of \$1,453, and between 80 to 100% AMI would be a maximum monthly housing expense of \$1,817 or \$259,612 as a maximum mortgage loan amount. When reviewing the affordability of available units for sale in the City from April there were 67 units available over the 100% AMI limit from \$259,613 and up, 17 units in the 80% to 100% AMI from \$196,546 to \$259,612, and 16 units available in the 50% to 80% AMI category from \$101,846 to \$195,545. She reported that there were only 17 affordable rental units in the 50% to 100% AMI category with 0 units from the 0% to 50% AMI. She said that while this would not address all of the housing needs that it would help create a certain number of affordable or moderate income units as well as helping cost burdened homeowners.

Under the current City code ADUs are not permitted, duplexes are only conditionally permitted in the RM-7 zone, and permitted in the R1-7 zone. Under the proposed code, accessory dwelling units would be allowed on any single family lot as a permitted use. She said that the proposed code also addressed other requirements for an ADU including that one of the units must be owner occupied; one ADU per lot; definitions of the types of ADUs; definitions of setbacks; that the materials, colors, and appearance must be similar to the primary dwelling; size restrictions of a minimum of 300 square feet and a maximum of 1,200 square feet; lot coverage and rear yard coverage requirements; preservation of the single family character of the neighborhood; additional off-street parking for ADU tenants; the process for existing illegal ADU registration; and regulations for tiny homes.

Council Member Mumford asked how the 1,200 square footage maximum for an ADU was determined. Sherrie Llewelyn replied that this number was based on ordinances in other cities and information from the APA conference.

Council Member Baskin asked about the restriction for no more than two dwellings. Sherrie Llewelyn replied that this restriction only applied to detached structures. She explained that this was tied to the fact that generally the number of dwellings corresponded to the number of cars.

Council Member Baskin asked about the condition to allow four unrelated persons living in a unit. Sherrie Llewelyn replied that this was part of the current code.

Sherrie Llewelyn presented images of different types of ADUs including granny flats/cottage homes, tiny homes, units over detached garages, units over attached garages, and basement apartments. She also showed examples and exhibits of the off-street parking/extra parking required for renters as well as hidden separate entries. The ADU parking exhibit detailed that extra parking could be provided to the side of the garage or property but not allowed in the front yard and a second driveway could not be added on the same street frontage to preserve the single family characteristic of a neighborhood. Mrs. Llewelyn then explained lot coverage and presented an exhibit, with the example of a 10,000 square foot lot, detailing the placement of the primary dwelling and the ADU with the required 35% total building coverage. She also showed examples of existing homes in the City and how the lot coverage requirement would affect the size of potential ADU.

Ken Leetham asked about lawful parking on the example of the 10,000 square foot lot. Sherrie Llewelyn replied that additional concrete could be added to the side of the garage for an additional parking space.

Council Member Mumford asked about tandem parking. Sherrie Llewelyn said that the extra parking space could not be in front of the two car garage as it would block the owner's car.

Sherrie Llewelyn commented that the Planning Commission discussed reducing the off-street parking requirement for homes within one mile walking distance of transit.

Council Member Mumford asked if this reduction would mean that a two bedroom unit would only be required to have one parking space. Sherrie Llewelyn replied that the Planning Commission proposed that the amendment be written to allow for zero spaces if the unit was within a quarter mile of any transit including bus lines. She said that the code already required two parking spaces for the residence.

Council Member Mumford commented that he felt it should be written to allow a reduction to require one space for the property owner and one space for the renter. He felt that allowing it to be regulated to zero could result in on street parking. Sherrie Llewelyn replied that the amendment could be written to designate one space for the renter.

Council Member Mumford said that he would like to see a map showing residences within 1,000 feet from transit. He felt that this would allow most of the homes in Foxboro to reduce the parking requirement to zero spaces.

Ken Leetham commented that the concern was a scenario where zero parking was required. He asked how the Council felt about zero parking required near BRT.

Council Member Mumford said that if a unit was quarter of a mile from transit he may be okay with the zero parking requirement but felt that the City's bus service was not sufficient.

Council Member Porter commented that the amendment could also include that no street parking would be allowed in the winter and no parking on the grass.

Council Member Mumford commented that he received multiple calls about street parking during the winter and asked staff to look at parking so that each unit would have one dedicated parking space.

Council Member Mumford then asked how someone could bring their basement apartment into compliance. Sherrie Llewelyn replied that the homeowner would need to come in and submit an application. She said it would be an easy process and staff would look for egress from bedrooms, egress from the building, a building permit, and a review of the parking spaces. If a unit was not registered within two years from the date in which the amendment was passed then the homeowner could be cited.

Sherrie Llewelyn said that only a small portion of the population would want to have an ADU and that this would not solve the affordable housing issue.

Council Member Baskin asked how the City could enforce or prevent Airbnb rentals. Sherrie Llewelyn replied that staff had a draft proposal but the Planning Commission postponed review until the ADU portion had been completed.

Council Member Baskin moved to approve Ordinance 2018-14 amending the land use ordinance to regulate accessory dwelling units with the following findings:

- 1) The proposed amendments are in accord with the comprehensive general plan, goals, and policies of the city;**
- 2) Changed or changing conditions make the proposed amendments reasonably necessary to carry out the “purposes” stated in the Land Use Code; and**
- 3) The proposed amendments specifically implement goals and policies of the North Salt Lake Moderate Income Housing Plan and will provide additional opportunity for moderate income housing within the City.**

Council Member Porter seconded the motion.

Council Member Baskin amended her motion to include the condition that one parking space dedicated per unit near a BRT line would be required. Council Member Porter seconded the amended motion. The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

8. CONSIDERATION OF RESOLUTION 2018:29R: A RESOLUTION SUPPORTING A GRANT APPLICATION FOR MITIGATION FUNDS FOR THE EAGLEPOINTE LANDSLIDE

Ken Leetham reported that this was part of the FEMA application with costs estimated at \$3 million. The benefit cost analysis was completed at 1.0 which means that it would qualify for submittal. He asked the Council for authorization to submit the grant application for mitigation funds in the amount of \$3 million.

Council Member Baskin asked for the amount of the grant that the City was seeking. Ken Leetham replied that it was just over \$3 million.

Council Member Baskin moved to approve the grant application for FEMA funding for the Eaglepointe Landslide mitigation. Council Member Hood seconded the motion. The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.

9. DISCUSSION OF A CHANGE ORDER TO THE UDOT 1-215/REDWOOD ROAD EXPANSION PROJECT BETTERMENT AGREEMENT

Ken Leetham reported that one of the betterments in the agreement with UDOT was a major water line on Center Street that crossed Redwood Road. The contractor had significant problems with ground water and tried to complete the project which created a change order of \$180,000 more than what the betterment contracted allowed. Horrocks Engineering, the project manager, had negotiated with Sundt Construction and recommended a payment of \$47,146. The City would pay \$34,286 with UDOT to pay the remaining \$12,860.

He explained that this was the beginning of the negotiation process for the change order so staff met with UDOT and then the contractor met with the project engineer and UDOT. The contractor rejected the proposal of \$47,146 which then required management level review followed by arbitration. The City would like to pay as little as possible of the requested \$183,000 due to the fact that Sundt continued to work on the issue before approaching the City.

Council Member Baskin commented that the work caused a cave in of the road and asked how large the hole was. Paul Ottoson replied that they laid the water line near the sewer trench and backfilled it with pea gravel. He said the sink hole was probably ten feet long and five feet wide.

Paul Ottoson said the City's consultant recommended that the City pay for some of the unforeseen issues but he felt that the contractor did not do a good job on the dewatering plan. He said the original estimate was \$59,000 and then the bid came back at double the price.

10. CITY ATTORNEY'S REPORT

David Church reported that the landslide litigation was in full force with depositions being taken. He said that mediation may occur in February but stated the probability of a trial in August.

11. DISCUSSION OF PROPOSED PARKING CODE AMENDMENTS

Ken Leetham reported that there were parking issues during the winter which staff was trying to resolve. He said that there was also a parking ticket issue in that a driver could not be cited if they were not in the vehicle. He said staff prepared a draft ordinance but it would be reviewed again before being presented to the Council.

Council Member Mumford asked what the issue was as the code had been changed to allow for civil charges. Chief Black replied that parking was still a criminal charge and the draft parking ordinance needed to be changed to civil.

Chief Black replied that these changes were per State changes made within the previous few weeks. He said that warnings were being put on vehicles especially if there was snow in the forecast.

Council Member Baskin asked if a vehicle that was parked in the driveway also crossed the sidewalk if that was breaking a rule. Chief Black replied that it was illegal to impede the sidewalk.

12. APPROVE CITY COUNCIL MINUTES

The City Council minutes of October 16, 2018 were reviewed and approved. **Council Member Baskin moved to approve the minutes from October 16, 2018. Council Member Hood seconded the motion. The motion was approved by Council Members Porter, Mumford, Hood and Baskin. Council Member Horrocks was excused.**

13. ACTION ITEMS

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

14. CITY COUNCIL REPORTS

Council Member Hood reported that there were still issues with Media One leaving newspapers and phone books in the streets and gutters. Ken Leetham replied that they had ignored the letter issued by the City. He said staff would follow up with the City attorney to see what the next step would be.

Council Member Mumford reported that the NSL Parks and Arts Committee planned out the year of events which would be advertised in the City newsletter. He said that next year the Army Band would perform at the amphitheater at City Hall with a reduced number of musicians.

15. MAYOR'S REPORT

Mayor Arave reported that the South Davis Rec Board would be preparing a master plan recreation study for South Davis County. He asked that residents be invited to give feedback.

Mayor Arave then reported that the Sewer District was having some issues with the algae project.

Mayor Arave reported that Wasatch Integrated Waste was moving forward with the recycling center which would lead to a \$2.00/month increase in rates.

Mayor Arave also said that the Tour of Utah may conclude at Eaglewood Golf Course in 2019.

16. CITY MANGER'S REPORT

Ken Leetham reported that Goldenwest Credit Union would have a ribbon cutting on November 28th at 11 a.m. and asked if any Council members would be in attendance. Mr. Leetham also reported that he met with the Chair of the Salt Lake County Commission related to the potential annexation. He said she was trying to find a way to annex these properties into the City.

Council Member Hood said that staff may want to look into internet and cable services for that area if they are annexed into the City.

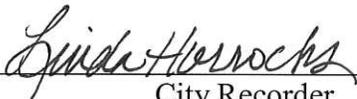
Council Member Baskin thanked the staff and Council for being supportive during her father's recent passing.

17. ADJOURN

Mayor Arave adjourned the meeting at 10:18 p.m.



Mayor



City Recorder