

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – WORK SESSION
MAY 15, 2012

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 Stan Porter
Council Member Matt Jensen

STAFF PRESENT: Barry Edwards, City Manager; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Community and Economic Development Director; Rod Wood, Public Works Director; Paul Ottoson, City Engineer; Brent Moyes, Golf Course Director; David Church, City Attorney; Craig Black, Police Chief; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Glenn Bronson, Kelly Davis, and Mike Grover, outgoing members of the Board of Adjustment; Dave Wilding, Wilding Engineering, Inc.; Patrick Scott, Brighton Homes.

1. PRESENTATION TO MEMBERS OF BOARD OF ADJUSTMENT

Mayor Arave stated that the City has chosen to switch its appeal authority to an administrative hearing officer, rather than a board of adjustment. In doing so, the City would like to honor those members who have served the City in this capacity with a certificate of appreciation. They are Kelly Davis, Glenn Bronson, Mike Grover, Jon Evertson and Elise Lechtenberg. (Mr. Evertson and Mrs. Lechtenberg were not in attendance.)

2. DAVE WILDING, ENGINEERING REPORT ON GROUND WATER AT TUNNEL SPRINGS PARK

Dave Wilding addressed the Council regarding the ground water discovered while excavating for Tunnel Springs Park. Due to this unexpected situation, the Council is gathering additional information before moving forward on the park. A cemetery had been considered for this area; however, with the high water table, this will not be possible on this property.

Mr. Wilding distributed some water table maps showing the depths of water in certain areas and outlined some options. Dewatering is possible, but he does not recommend it, as it is extremely expensive to do. Another option would be to use the resources already there, i.e. create a lake using the impermeable soil and water. He added that the water is sitting in the white tuff (?) and appears very blue. The Ph level is a little high, around 8.4, but there are no metals contaminating the water, and he believed it is just the background of the tuff (?) giving it the slightly high Ph level. Mr. Wilding stated that if the City wanted to consider an option of making a pond, then it would be nice to create a “wetlands,” in conjunction with the pond, as there are some benefits

like being able to exchange wetlands from one area to another. One unit of wetland (an acre) could be worth \$75,000, as wetlands are in demand. It takes some time, effort and money to create wetlands. He stated that his firm does that type of project, working with the U.S. Army Corps of Engineers, on the vegetation, quality of water, etc., in order for it to qualify as official “wetland.”

Council Member Jensen asked if the wetland would be there year-round, or if it would be seasonal. Mr. Wilding said he believes the wetland would remain year-round, based on the amount of water they are currently seeing.

Council Member Porter asked about creating a fishing pond. Mr. Wilding stated that the water quality is o.k. for fish, but they would want to evaluate the water flow and some other data to make sure. Council Member Porter said the State of Utah has money available for fisheries.

3. GOLF COURSE REPORT – BRENT MOYES

Brent Moyes reported that he is receiving a lot of positive feedback about how great the golf course is right now. He said they have some good upcoming events, including UGA’s at large qualifying at Eaglewood as part of their Amateur State Championship. The participants will pay for the privilege of being in the event, plus they will come to the course several times in advance to practice. Mr. Moyes concluded by saying tournament bookings are favorable, revenues are up, and costs are down.

4. SPRINGHILL LANDSLIDE RELIEF FUND

Barry Edwards stated that the City is getting really close to acquiring the grant funds from the State of Utah for the Springhill slide area. They are in the process of making final revisions to the grant document, and once completed, the City will be required to come up with the agreed \$630,000 for the City’s portion. (The State will allocate \$1.8 million.) Mr. Edwards believes it is time to start a fundraising campaign; including choosing interested people in the community to form a committee and pursue this.

Mayor Arave asked about the projected surplus in the City’s Park fund. Brian Passey responded that there is approximately \$500,000 (post projects). The Mayor also said the City needs to approach the banks holding mortgages on the homes and also work with Kevin Eubank and the El Nino fund.

Barry Edwards stated that the City’s utility bills could have a box to check for residents who want to include a donation to the El Nino Fund for the Springhill slide victims. David Church said he would need to check with the Dept. of Commerce to determine if the City is allowed to solicit donations this way. Mr. Edwards responded that the donations would go directly to the El Nino Fund.

5. ACTION ITEMS

The Action items list from May 15 was reviewed. Completed items were removed from the list. Incomplete items will remain on the list.

Action: Staff work with residents to come up with a less expensive plan for their corridor (between them and I-15?). Council Member Porter said the Council could just recommend planting quaking aspen.

6. ADJOURN

Mayor Arave adjourned the meeting at 7:02 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING – REGULAR SESSION
MAY 15, 2012

Mayor Arave called the meeting to order at 7:10 p.m. Council Member Stewart Harman offered the invocation and 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 Stan Porter
Council Member Matt Jensen

STAFF PRESENT: Barry Edwards, City Manager; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Community and Economic Development Director; Rod Wood, Public Works Director; Paul Ottoson, City Engineer; Brent Moyes, Golf Course Director; David Church, City Attorney; Craig Black, Police Chief; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Garrett Seely, Woodside Homes; Patrick Scott, Brighton Homes; Jim Allen, Ron Whitehead, William Tribe, Bruce Zollinger, Caralyn Bingham, Jim Arnett, Patrick Juhlin, Jeff Hurst, Carl Johnson, Natalie Gordon, David Bornemeier, Jeremiah Burns, Melissa Stauffer, Liz Schulz, Brittany Booth, Marty Petersen, residents; Scott Hughes, Todd Hughes, Lakeview Rock Products.

1. CITIZEN COMMENTS

Mayor Arave announced that the following Saturday at 2:00 p.m. is a golf outing at Eaglewood Golf Course for military members, now serving, or veterans, and their families. They will receive a 50% discount off their golf that day.

Scott Hughes, owner of Lakeview Rock Products, addressed the Council and showed some pictures of the frontage road, south of the City building. The pictures displayed potholes and other damage, and he said the road has been in disrepair for at least 20 years. He then asked for help to try to get these potholes fixed. Their customers are continually complaining to them, and he is afraid they will lose customers due to the road. He said he has filled the holes many times with road base; he bought several loads of asphalt and patched the potholes, but it does not even look like he made a difference. He stated that Salt Lake City comes out regularly and fixes their section of road, and he displayed a picture showing where NSL meets SLC.

Paul Ottoson said the road is too far gone to just patch, and he stated that this project was proposed for the budget for several years, but was never approved.

Council Member Horrocks asked if repairing the road would be disruptive to his business, Mr. Hughes said it just has to be done – otherwise, Staker's going to get all the business. The

question was raised whether the City could give the road to Hughes. Barry Edwards stated that it is a State-owned road, and they have the title to the ground. The City could abandon the road, but it cannot be given to Hughes.

Jim Allen, 902 Ramsey Court, asked if he could address the Council. His back yard faces east, along the wetland open space near the Legacy Trail. The only thing the City has been doing is mowing the area. He asked if the City could deed the property to the four homeowners so the City does not have to mow it. He said he has trees that the City has to mow around. It would also alleviate a lot of weeds. Council Member Porter said the recommendation from the Parks and Trails Advisory Board is to hire a consultant come in and manage wetlands property. If that happens, the City can get a professional to do that. The Mayor said the City should find a better way to improve that property. Barry Edwards said there is a 15 year waiting process before property can be deemed excess and deeded over to a property owner.

2. CONSIDERATION OF PROPOSED AMENDMENTS TO THE FOXBORO NORTH GENERAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT AGREEMENT FOR THE FOXBORO NORTH PROJECT; WOODSIDE HOMES, APPLICANT

Ken Leetham showed the approved Foxboro North plan included in the development agreement for the Foxboro North area. The proposal is to adjust land uses and residential housing types in some areas. It includes single family homes for Castleton West, and Plat 13 formerly Berkley South, with single family homes. Also, 210 apartment units are proposed along Redwood Road (Castleton East area as well as a new parcel south of the Castleton East property and east of Stonehaven East). Overall, there is a reduction in the total number of housing units - mostly a reduction in attached housing units, in favor of an increase in single family units. There is a net loss of 85 housing units. Staff has made recommendations if approved, such as buffering properties adjacent to the Legacy Highway with vinyl fencing. The second recommendation is not to approve the general development plan amendment for the south apartments parcel because it is difficult to plan a free-standing parcel and would be difficult to connect to the north area and its amenities. There is no way to plan good access points that might include the parcel to the south. Staff believes it should stay zoned commercial at this point. Other recommendations include the staff changes to the conditional use permit and agreement that accompanies the proposal regarding a) plan review of similar plans, b) denying changes to signage plan, c) parking standards for apartments of 2.25 spaces - 1 covered, 1 uncovered and .25 guest spaces per unit, and d) landscaping standards for Redwood Road.

Council Member Porter asked if the Trails Master Plan is being observed with this plan, and Mr. Leetham stated that it is still being included in these changes.

Mr. Garrett Seely, representing Woodside Homes, addressed the Council and stated that they were asked by the City to have a community forum regarding their proposal, so they held an open house and sent out invitations to residents of Foxboro South and Foxboro North. Council Members Harman and Jensen were also in attendance. During that time, 90% of the residents were against what the developers were proposing, so they listened and took the feedback from

the residents and started over. Then they had an HOA meeting and presented the new plan to residents. From that meeting, more individual meetings were held with homeowners, etc. They took that feedback and developed another new plan. The effects of their current proposal include increased open space, a better market appropriate housing mix, and reduced common area burden.

Feedback showed residents were concerned about over-crowding, and he stated that with the new plan, the net decrease in density is 7%. They reduced potential school overcrowding by the overall reduction and multi-family unit mix. Residents were concerned about the net decrease to HOA and common facilities, so they have proposed additional common area facilities. Crime was another issue, and Police Chief Black addressed this at their HOA meeting. Police calls within Foxboro Terrace apartments were 50% less than in the overall Foxboro community, and less than North Salt Lake as a whole. The Good Landlord Program is also a plus to the new plan. Property value was another concern. Woodside Homes has a large financial investment in North Salt Lake within Foxboro North. The data (from two different studies) does not support the concern over crime.

Mr. Seely addressed open space on the Castleton West portion, per staff's request. For example, the green space west of Castleton West – these areas were part of the original plan and would provide access for the sewer district as a cleanout area. That is why they were left like that. Mayor Arave asked how they are going to look. Mr. Seely suggested an all weather surface, or asphalt covering for that area, with gates installed on each end.

Council Member Harman asked about any discussions between Brighton Homes or Woodside Homes negotiating the properties of Pick N Go Mart and Lyn Distributing. Mr. Seely stated they have contacted both property owners and made offers to purchase the land. The counter offers came back higher than what the land was worth. Council Member Harman asked how the access from Cutler to Redwood Road would work without being able to purchase those properties.

Council Member Harman asked how it would affect their project if the south apartments are not approved. Mr. Seely said they would like the apartments approved. How are they going to remedy the issue of the last three Stonehaven streets? Mr. Seely said they have gone through the new concept for that portion. Driveways will be eliminated, and a new access point will be created. It will be a T design with a hammerhead cul-de-sac, and adequate parking will be available.

Council Member Porter asked about the apartments and the higher standards, and if they would be built to condominium construction standards, including wall separation in units, separate utilities, etc. Patrick Scott said these would be long-term rental units, and there is no plan to construct them as condominiums.

Council Member Harman asked about the additional HOA amenities. Mr. Seely responded that the new club house would not be as large as the current one. The majority would be exercise equipment, mainly because that is what has been requested. There will also be a small kiddie pool. It would be constructed at Woodside's cost, and then turned over to the HOA. Council

Member Harman asked about the Good Landlord Program and if it is possible to require the owners of the apartments to participate in the Good Landlord Program. David Church responded that if it is enforceable, then he cannot see any reason why they would not want to participate. Council Member Harman said because crime is one of the main concerns, this would help alleviate that. The difficulty with apartments is that Brighton Homes may construct them, but it would be nice if the City could hold a future owner responsible to the Good Landlord Program.

At 8:06 p.m., Mayor Arave opened the meeting for public comment. Ron Whitehead, resident in Foxboro, stated that about 90% of the people were fighting this originally, but as Woodside continued to present things and make changes, they now think it is a positive thing for their neighborhood. As much as they do not want apartments, Woodside has to sell that land, and he asks that the Council approve it.

William Tribe, resident on Amberly Drive, said his family has the largest home in that area, and he is in the process of constructing another home. They would not go ahead with the project if the Planning Commission had not forwarded the plan to the City Council for approval. The opposition comes from people who do not live in the community. There's been a good working relationship, and Woodside's proposal is a positive one. Mr. Tribe said it is important that the City maintain oversight with the permit process and see that Brighton Homes builds what they say they will build. He thinks there is more oversight ability in the new proposal than with the old one.

Jim Allen, 902 Ramsey Court, asked that open space be maintained by the HOA. If that happens, do the titles have to be adjusted? He's not for apartments at all.

Natalie Gordon, 1046 Foxhollow Drive, said her concern is that homes are being built on a superfund cleanup site. Cutler Drive needs to go through. There were supposed to be three roads connecting Foxboro North and Foxboro. Foxhollow Drive is way too busy. Nobody is stepping up and cleaning up the Thurston property. Woodside now wants to change their plan and build homes right up to a fence which is the only thing between them and the contaminated soil.

Jeremiah Burns, 1074 Chidester Drive, stated that many people were opposed to this proposal at first, but after more research and community meetings, the opinions have changed. He conducted a Facebook survey, and after the HOA meeting, he talked with those who were opposed, and now they are in favor.

Liz Schulz, Wellington Circle, read an email that she had previously sent to the Council. She feels that no matter what decision is reached, she has to look at what proposal would have the least impact. She wants to make sure schools and other infrastructure are built before moving ahead with additional development.

Melissa Stauffer, 955 Berkshire Drive, said she echoes Liz Schultz' comments, and if this is the option, then this is for the best. The owner of the apartments are committed now, as good landlords, and five or six years ago, the apartments were great, then it went downhill, but now

the standard has been improved again. How can we ensure that in the future they will remain as proposed, not an eyesore, or a drain on the community with crime etc?

David Bornemeier, Oakview Court, asked if the Good Landlord Program for the apartments could be a condition of approval, just like CC&Rs. If the City has an established and ongoing program, it would help. Mayor Arave said the City could look at that.

Mayor Arave closed the public comment at 8:24 p.m. The Mayor then stated he thought Woodside had agreed to put Cutler Drive through. Paul Ottoson stated that the City installed the water lines, and Woodside agreed to put in the street. The land is still owned by Thurston, and if he is unwilling to sell the property, Mr. Ottoson is unsure how to get that done. At what point can we require the road to go through? We haven't reached that part of discussion there.

Mayor Arave asked about the contamination. Patrick Scott stated that they do have evidence that there is hazardous material there, and there was a phase one environmental survey done, and then two phase 2 surveys done in response to that. One was on the Thurston property, where there are contaminated soils in what would have been Stonehaven East. Based on the cleanup costs for the portion of ground on 900 North and the Thurston parcel, the costs were extreme, and it was going to cost more to remove the contaminated soils than the property was worth.

The Mayor asked Paul Ottoson about Cutler Drive. Mr. Ottoson stated that they were discussing that when Stonehaven East went through, that would be the time Cutler Drive should go through. Ken Leetham added that the trigger on 900 North connecting to Redwood Road would be the completion of Stonehaven. Woodside Homes is responsible to put Cutler Drive through. Patrick Scott said Woodside never owned the property to put the road through. The next step is to require that, stated Paul Ottoson.

Council Member Harman said there were comments raised about the Good Landlord Program, and low income housing. Could that be included in a development agreement? The Good Landlord Program cannot screen out individuals based on income, stated David Church, as that is not an appropriate function of government. Council Member Harman stated that Foxboro Terrace Apartments receives some government assistance because they have subsidized housing. He asked if this could be prevented. David Church stated that the Federal Fair Housing Act prevents you from discriminating based on certain things. Private individuals can do that, but government cannot.

Patrick Scott said the apartments are being built to high standards with granite countertops, upgraded appliances, nine-foot high ceilings, etc.

David Church said a builder can build whatever he would like, according to ordinances, but the government can only make certain requirements. There are things appropriate when bargaining for changes to development agreements, but the City cannot make conditions against public policy that would not be enforceable in the future.

Council Member Harman asked the developers how they would respond if this plan were approved, but without the apartments. Mr. Seely said they have not gone that far in their discussions. Patrick Scott said they can see Staff's argument with respect to the south apartments, but they think it's a good opportunity to beautify that corner property, as it is now a vacant building. Connectivity can happen by aligning entrances across 900 North so it would feel like the same complex.

Council Member Jensen said he has talked to people in Foxboro North who were against the plan, but now they feel like Woodside has them over a barrel, threatening to make the whole area rental townhomes. He stated that the Council should not support extortion. He asked if the development agreement allows Woodside to sell their property to another developer, and if that new developer can create a rental townhome development.

Council Member Jensen asked why this component of Redwood Road has residential zoned adjacent to it, where the rest of Redwood Road is required to be commercial businesses. He is against it as it now stands. He added that this development affects everyone in Foxboro – even Foxboro South.

Council Member Porter expressed concern about apartments, as he has lived near apartments for a long time. One development was upgraded to condominium standards, and he has noticed a big difference. He thinks the apartments planned for Foxboro should be built to condominium standards, rather than apartments. Even if they sell a percentage of them as condos, then the owners take a greater responsibility in their area, and it keeps it nicer.

Council Member Jacobson said he has a basic philosophical problem with changing an agreement. It was agreed to six years ago, and even if every single person is in agreement, and not because of threats, he still cannot agree to it.

Council Member Harman said he lives in Foxboro North. There are aspects of this proposal he favors, like less density, and more single family homes. He sees good points and some points he is not a fan of. Real estate agents believe it's only a good thing to add single family homes to the market. He is not a fan of adding more apartments, especially in light of the high number already throughout the City. He has not looked at this as a threat from Woodside, or if it is just a reality of the economy. He appreciates the efforts Woodside has made to work with residents, and he has seen quite a mood shift in those he has heard from. The fact of the matter is, the majority of comments he has heard have been in favor of it. Because of that, he would vote in favor of the proposed changes. With that said he does have concerns and issues that need to be worked out. He'd like to see Pick'n Go and Lyn Distributing go away, and have the apartments contained in that section. Whether that is feasible, is another question. He has concerns with the Thurston property and the continuation of Cutler Drive. His vote would be contingent upon working out the agreement with the Good Landlord Program, construction standards, etc. Residents in NSL should be getting the best possible product we can.

Council Member Horrocks said he has received a lot of e-mails on the subject, and a few of them were positive; however, the vast majority of the negative comments were before Woodside's

changes. A lot of people showed up at the last Planning Commission meeting, and also tonight. He voted in favor of moving it forward to the City Council to be discussed, but there have been questions raised tonight, and he is not in favor of moving forward with the plan until issues can be resolved.

Mayor Arave then read some e-mails sent to him by residents who were against the latest Woodside proposal. He is concerned about the Thurston property and how Cutler Drive is going to be addressed. He asked staff to talk to developers about that. The Mayor suggested tabling this issue to allow more time to address these concerns.

Council Member Porter moved to table a decision on the proposed changes on the development agreement to give staff and developers a chance to address and discuss some of the issues brought up tonight. Council Member Horrocks seconded the motion.

Mayor Arave added that the storm drain definition needs to be addressed. Paul Ottoson stated that the original storm drain master plan was for the whole area. The apartment area would have to be looked at again and compared with the new plan. If impervious surfaces do not change much, it would be fine, but Mr. Ottoson said he would look into it.

Council Member Harman asked about the housing types and the model homes, and if they are planning to build more model homes in addition to the ones already built. Mr. Seely said they are planning to build six in Stonehaven West. **The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

3. APPROVE MINUTES

The City Council minutes of May 1, 2012 were reviewed and amended. **Council Member Harman moved to approve the work session and regular session City Council minutes of May 1, 2012 as amended. Council Member Jacobson seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

4. COUNCIL REPORTS

Council Member Jacobson stated that the Youth City Council helped with South Davis Recreation's mini triathlon last Saturday. He asked Council Member Jensen if they needed the Youth City Council to help with the Three Kings bicycle race, and Council Member Jensen said, yes, they do.

Council Member Harman brought up prior discussions about courtesy on the Legacy Trail and suggested signs be placed along the trail at Center Street and at the park stating, "Keep Right Except to Pass." He said many other trails have signs like this.

Council Member Harman reported that the annual 5K race for June 30 is moving along. On-line registration is on expressrec.com. We are going through USA Track and Field to certify the course. Some runners are more competitive, and this may attract more participants.

Council Member Porter said the Parks and Trails Advisory Board met to discuss playground equipment for Tunnel Springs Park, and they talked about policies and having equipment appropriate for different age groups, rather than having one piece of equipment. The board is moving forward with placing benches on the Wild Rose Loop Trail, and moving ahead to create another loop trail. Mel Banner and Troy Duffin will be looking at the area this Thursday. The trail system in NSL needs to be promoted with a sign showing the trail and map available at the beginning of the trail.

Council Member Horrocks said he believes the Mayor needs to read an official proclamation, or something annually, to continue designating North Salt Lake as a Tree City USA. Staff will look into this. He also reported that a lawsuit was settled relating to the Mosquito Abatement Board.

Council Member Horrocks said he and Council Member Porter met with a woman instrumental in getting trailheads into Forest Service land. She recommended putting a moratorium on building along certain areas where the City meets Forest Service property.

Council Member Jensen said there were not a lot of people in attendance at the Second Sunday Concert on Mother's Day. June 10 is the next concert with the Davis County Symphony in Legacy Park. The Three Kings bicycle race is on June 16th, and the annual 5K on June 30. July 2nd will be the Eaglewood Festival of Speed car show, and the 3rd of July festivities are on the 3rd.

5. CITY MANAGER'S REPORT

Barry Edwards reported that the Police Department was successful in getting a materials grant to provide bracelets (and accompanying antennae) for people who have the tendency to get lost. The same company, an NSL firm, has also donated ten trackers to Spectrum Academy for some of their autistic students. Mr. Edwards stated that it is not a huge amount; however, trackers cost \$200 apiece, and the antenna is about \$1,000.

6. MAYOR'S REPORT

Mayor Arave reported that they met with the City's lobbyist and discussed transportation projects and specifically developing a concept about Wasatch Front connections in NSL. He added that City staff will need to talk to developers and have them pitch in and help with that.

7. ADJOURN

Mayor Arave adjourned the meeting at 9:25 p.m.

Mayor

Secretary