

NORTH SALT LAKE CITY  
CITY COUNCIL MEETING – WORK SESSION  
SEPTEMBER 18, 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 Matt Jensen  
Council Member Conrad Jacobson  
Council Member Stan Porter

STAFF PRESENT: Barry Edwards, City Manager; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Community and Economic Development Director; Paul Ottoson, City Engineer; Paul Holden, Assistant Golf Pro; Troy Johnson, Police Department; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Marty Petersen, Emergency Preparedness Manager.

1. DISTRIBUTE IPADS TO COUNCIL

Based on the Council's decision to convert to electronic format for council meeting packets, the Council Members received iPads and will be given training on applicable applications such as Dropbox and Notability.

2. EAGLEWOOD REPORT

Paul Holden, Assistant Golf Pro, reported that August golf course revenue increased 9.5% over 2011, although rounds were down slightly. Tournament rounds for August, however, set a record with 5,100 rounds. There were very few compensated and discounted rounds.

August revenue per round is up \$3.48 from \$17.75 to \$21.23. The calendar YTD golf revenue is up \$111,645 (14.7%) from 2011, with calendar rounds up 4,217 (10.5%). Mr. Holden stated that merchandise revenue was up \$3,350 (12%) for the month of August, and the calendar YTD is up \$19,320, or 20%. The greens will be aerified next week, and rounds will be discounted somewhat. The greens are in great shape, and players continually comment about how great the course is.

3. APPROVE MINUTES – SEPTEMBER 4, 2012

The City Council minutes of September 4, 2012 were reviewed and amended. **Council Member Harman moved to approve the September 4, 2012 work session and regular session City Council minutes as amended. Council Member Jacobson seconded the motion. The**

**motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

#### 4. ACTION ITEMS

The list of action items was reviewed. Completed items were removed from the list, and incomplete items will remain on the carry-over list.

Mayor Arave asked David Church if it make sense to have an additional insured clause on the City's playing fields. Mr. Church stated that if there is a regularly scheduled group using the City's fields, then it would be wise to have this clause included. He will review the use form and include a portion for proof of insurance.

#### 5. ADJOURN

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

NORTH SALT LAKE CITY  
CITY COUNCIL MEETING – REGULAR SESSION  
SEPTEMBER 18, 2012

**DRAFT**

Mayor Arave called the meeting to order at 7:06 p.m. Council Member Brian Horrocks offered the invocation and Connor Murray, BSA Troop 997, led those present in the Pledge of Allegiance.

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

STAFF PRESENT: Barry Edwards, City Manager; Brian Passey, Assistant City Manager and Finance Director; Ken Leetham, Community and Economic Development Director; Paul Ottoson, City Engineer; Troy Johnson, Police Department; Marta Nielsen, Deputy Recorder and Administrative Assistant; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Marty Petersen, Emergency Preparedness Manager; Patrick Scott, Nate Pugsley, Brighton Homes; Robert Drinkall, Planning Commission member; Connor Murray, BSA Troop 997; Lindsey Allen, Camille Horrocks, Dexter Murray, Michael Dixon, Sariah Welch, Jennesa Coleman, Hunter Coleman, Taylor Tidwell, Janet Marshal, David ??, Kat Marsh, Lindsay Marsh, Matt Bronson; Youth City Council; Matt Mullin and Jack Koson, Man Caves.

1. CITIZEN COMMENT

There were no citizen comments.

2. SWEAR IN 2012-2013 YOUTH CITY COUNCIL

Mayor Arave performed the swearing in of this year's North Salt Lake Youth City Council. Council Member Jacobson reported that Lindsey Allen will serve as this year's Mayor and then introduced the members by name.

3. APPOINT REPRESENTATIVES TO THE NORTH SALT LAKE REDEVELOPMENT AGENCY TAXING ENTITY COMMITTEE

Barry Edwards reported that there needs to be two members appointed by the City to serve on the Tax Entity Committee for the Redevelopment Agency.

**Council Member Porter moved to appoint of Mayor Arave and Council Member Jacobson to the RDA Taxing Entity Committee. Council Member Horrocks seconded the motion.**

**Council Member Porter amended the motion to include the Resolution No. 2012-20R. Council Member Horrocks seconded the amended motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

4. CONSIDERATION OF A SITE PLAN FOR THE HAMPTON PLACE APARTMENTS LOCATED AT THE NORTHEAST CORNER OF 900 NORTH AND CUTLER DRIVE IN FOXBORO NORTH. BRIGHTON HOMES, APPLICANT

Ken Leetham reported that this consideration is for the north parcel of the Hampton Place Apartments in Foxboro North. The south parcel will come before the Planning Commission at a later date. As a condition of the north approval, the south parcel will be limited to 42 apartment units. The Planning Commission reviewed this last week and recommended approval with several conditions, including having the Public Safety Committee review any crossing plans across 900 North Street between Lots 1 & 2.

Council Member Jacobson asked about parking. Mr. Leetham stated that there will be 208 covered parking stalls and 178 open spaces.

Council Member Harman said he was under the impression that in discussions with Woodside, the concrete wall was going to be along Cutler Drive to separate it somewhat from Foxboro North. The plan shows a rail fence on the west side. Mr. Leetham stated that the plan does meet the City's fence requirements and invited Patrick Scott, Brighton Homes, to address this.

Patrick Scott stated that he recalled those discussions regarding a wall along Cutler Drive. However, he believes it would not provide as nice of a street-scape to Cutler Drive to have it closed off with a cement wall. The developers believe an open plan would be better, adding a nice green space to that corridor. They also believe Chief Black, NSL Police, would have had concerns about the lack of visibility into the complex and dark areas along a concrete wall.

Council Member Jacobson asked if on-street parking would be allowed on Cutler Drive as that could be problematic if cars are parked along both sides of the street. Paul Ottoson stated that Cutler Drive is a fairly wide public street that could accommodate additional parking.

Council Member Horrocks asked Mr. Scott to address the management of the completed project. Mr. Scott stated that they are currently interviewing management companies, but they have not selected one yet. They are talking with companies who are familiar with the Good Landlord Program.

**Council Member Jacobson moved to approve the site plan for Hampton Place Apartments located at approximately the northeast corner of 900 North and Cutler Drive in Foxboro North subject to the following conditions: 1) the "South Apartments" parcel may not exceed 42 apartments units, 2) A master sign plan must be submitted and approved by the**

**Planning Commission prior to the installation of any marketing signage for the Hampton Place Apartments, 3) a sign permit for the proposed entry signs must be submitted and approved with the building permit(s) for the apartments, 4) the garages at this site may only be leased to current tenants of the Hampton Place Apartments and may never be leased to anyone outside the project, and 5) the Public Safety Committee must review any crossing plans between Lots 1 & 2 across 900 North Street. Council Member Porter seconded the motion. The motion was approved by Council Members Jensen, Horrocks, Porter, Harman and Jacobson.**

5. CONSIDERATION OF ORDINANCE NO. 2012-11: AN ORDINANCE AMENDING THE CITY'S LAND USE ORDINANCE RELATED TO PRIVATE GARAGE UNITS

Ken Leetham reported that this item has been before the Council previously, but was sent back to the Planning Commission for additional review. On September 11, 2012 the Planning Commission reviewed the proposed ordinance again and recommended two specific changes to the supplemental regulations. The Commission did not recommend a different geographic location for the placement of this overlay zone than what was in the original ordinance.

Mayor Arave stated that the City is working to improve the Redwood Road corridor. He does not think this use (private garage units) ties in with his idea of that corridor's potential. Even though restrictions and requirements could be included in the agreement, there are enforcement issues. He said he does not have a problem with the concept, but a problem with the location.

Council Member Jensen stated that if someone restores and sells cars there, there would be no way to enforce regulations against selling those vehicles. Mr. Leetham stated that the reason for the restriction against conducting business from these units is that they do not meet business requirements, including parking, etc. Council Member Jensen asked how numbers 9 and 10 in the agreement (requiring the filing of current contact information with the City and also annual reports, including which units are owner-occupied and which are being leased or rented) could be enforced. Council Member Jensen agreed with the Mayor and said there are other locations more suitable for Man Caves.

Council Member Porter agreed with the Mayor and Council Member Jensen. The overlay zone is critical in this situation because these units could easily become regular storage units without a lot of management and regulation. He added that it does not fit in the City's Master Plan.

Council Member Horrocks stated that his initial thought was this project was a veiled attempt to put storage units on Redwood Road, but as he did additional research and looked at websites with similar projects, he got a better feel for what they were and what they could become. He agreed this may not be what the City intended as the best use for Redwood Road; however, he said the applicants deserve an up or down vote at this point.

Council Member Harman agreed with Council Member Horrocks that his initial hesitation was the rental of these units and the change of ownership. Another concern is that the language included in the overlay ordinance discusses timing of leasing. If someone purchases a unit, they

can certainly rent it out. He spoke with neighbors about this concept, and found some who were interested and thought it was a great idea.

Barry Edwards agreed with Mayor Arave and stated that the City is spending a large amount of money on improvements to this area, and it will have a much higher and better use than Man Caves.

Council Member Jensen stated that if the Council approves the overlay zone, they could still vote to deny this project.

Mr. Koson, Man Caves developer, stated that the Planning Commission voted in agreement to pass it along to the City Council. The things being debated here are “in practice” and they should look at how this plays out and how it works in the real world. The owners would not rent these units out; owners would be buying these for hobbies. Over 60% of the project is behind a building, and does not even have a face to the street. There will be a lot of trees, and a clubhouse, and it will not cause concern about appearance.

Mayor Arave stated that it is just not what the City has in mind for the Master Plan, as there should be commercial activity in this area.

Mr. Koson stated that if he owned a big box store or restaurant, or was a motorcycle dealer, he would look at Man Caves as a positive thing – it is clean, bright and new and shows movement in the City. In that regard, he believes it would be a positive step for the City.

Council Member Jacobson said it is not in the best interest of the City to have an overlay zone so large they cannot determine how it would be used. Council Member Jensen suggested the Council deny this proposal, and then if the Man Caves developers find another location in the City they are interested in, it could be reviewed at that time.

Council Member Horrocks asked for more information from the Mayor and City Manager about this area and what they have been working on. Barry Edwards stated that staff has met with developers about partnering to acquire and remove junk, etc. from the blighted area near the south side of Center Street and west side of Redwood Road. The truck facility is only leasing their property, and across the street, the parcels have been zoned General-Commercial. The owners will be coming before the Council seeking approval of the existing uses. But, over time, the plan is to convert these properties to commercial uses. Mayor Arave added that the City is running out of developable space.

Ken Leetham reported that he spent some time with the South Jordan City Planner and also spoke with the planner in Chandler, AZ, where projects similar to Man Caves have been built. South Jordan did amend their code, and did allow it in a very limited location, on a piece of property about six acres that is encumbered with a power line. So, it really was a useless piece of property. In Chandler, there was quite a bit of controversy over Garage Town USA, but the main concern for them was the issue NSL is also discussing. Do we give up potential retail property for a project that feels like storage units, even though they are individually-owned

condominium garage units? In Chandler, the units are available for lease as well. The project is near a large retail development, and ultimately they agreed to allow it in their light industrial zone. They added some restrictions, but by definition, the development there is self-storage, so they did not classify it differently, as the Man Cave developers are proposing to North Salt Lake.

**Council Member Jensen moved that the City Council deny Ordinance 2012-11. Council Member Jacobson seconded the motion. Council Members Jensen and Jacobson voted in favor of the motion. Council Members Horrocks, Porter and Harman voted in opposition. The motion did not pass.**

**Council Member Harman moved to approve Ordinance No. 2012-11: with an amendment to limit it to an overlay zone, as recommended by City staff, with the Council's input. There is no overlay zone defined, but the Council is approving it with the plan to determine the overlay zone in the future. Council Member Porter seconded the motion.** Council Member Harman moved to recall this motion and refer it back to City staff to come up with a specific overlay zone rather than having it apply to the entire M-D zone.

Barry Edwards proposed creating an overlay zone that applies to no place specifically, and it would be up to the applicant to come in and seek approval to apply the overlay zone to a particular parcel of property.

Mayor Arave asked staff if Council Member Harman's recommendation is acceptable. Ken Leatham stated that the current ordinance does not apply the overlay zone to all parcels, and it requires the applicant to come in and apply the zone to the actual parcel of property. David Church agreed, and told the Council that if they pass this ordinance, it would not give the developers the right to develop their garage units on this particular parcel.

Barry Edwards said there may be another parcel, not in the M-D zone, appropriate for this use, so it would not need to be limited to the M-D zone. A better location may be in the M-G zone. Dave Church said the proposed ordinance in front of them would need to be amended.

Council Member Jensen stated that there should not be an ordinance in place "without any teeth." David Church said the way the ordinance is currently written, it creates the text that regulates the concept of private garages. It places limitations on their uses, and it creates an overlay zone. Currently that overlay could be applied to any piece of property that is within the M-D zone but to no other piece, and in order for it to be applied, developers would have to apply and follow the same procedures as a zone change. If the Council passes this ordinance, the developers would be given the opportunity to apply, run it through their process, and get an approval or denial for that piece of property. Mr. Church added that if there are not three votes to apply it to the property they are interested in, tell them tonight. It is a waste of time and money for them.

**Council Member Porter moved to approve Ordinance No. 2012-11: An ordinance amending the City's Land Use Ordinance related to private garage units as written, based on what the City Attorney has stated. Council member Horrocks seconded the motion.**

The Mayor asked to clarify the ordinance, stating that the City will allow them (*garage units?*) only in them M-D zone, but it will require additional approval to apply this (*overlay zone?*) to any specific parcel. David Church said that is the case.

Council Member Horrocks stated that he believes the City is acting in good faith, and he added that approving this ordinance does not guarantee that the Council will approve the overlay zone for the parcel the Man Cave developers want.

**The motion was voted in favor by Council Members Horrocks, Porter and Harman. Council Members Jensen and Jacobson voted in opposition.**

#### 6. AWARD BID FOR STREET STRIPING

**Council Member Jacobson moved to award the bid for street striping to Mountain West Striping in the amount of \$39,655. Council Member Jensen seconded the motion. The motion was approved by Council members Jensen, Horrocks, Porter, Harman and Jacobson.**

#### 7. CITY MANAGER'S REPORT

Barry Edwards stated that he will not be able to attend the next Council meeting on October 2, 2012.

The Tunnel Springs Park is progressing. Council Member Horrocks asked about water testing for the possible fish pond. Mr. Edwards stated that the water testing will happen after the contract is complete for the other portions of the park.

#### 8. CITY ATTORNEY'S REPORT

David Church had nothing to report.

#### 9. MAYOR'S REPORT

Mayor Arave reported that they are trying to refinance the note for the fire district. One proposal is to move from an agency to a fire district.

#### 10. COUNCIL REPORTS

Council Member Jacobson said there were 15 new members of the Youth City Council, and it looks like they will have a good year. The YCC selected officers earlier that afternoon.

Council Member Porter said there are a lot of new trails in the City and some extending outside of City. The flow trails are coming along, and he added that they are not designed for

pedestrians. There are several Boy Scout projects for building benches along City trails. Signs need to be installed marking new trails, including bike flow trails.

Council Member Jensen thanked everyone who helped with the 9-11 Memorial Concert. Council Member Porter said they want to hang the signed covenant document (signed that night) with the other communities' documents.

Council Member Jensen said he is going to follow up and schedule a meeting with Dr. Dallas Hanks with the USU Extension Service and gather additional information about planting bio-fuel plants along the Legacy Trail in the Foxboro wetland area.

Council Member Jensen asked if people can rent the Council chambers at City Hall, and specifically a Cub Scout group wanting to hold a civic-minded pack meeting. The Council agreed that they could they use it on a Wednesday night, when it is not being used by another City-affiliated committee.

Council Member Harman reported that NSL will be participating in the South Davis Preparedness Fair at Woods Cross High School October 13 from 10:00 a.m. until 2:00 p.m. There will be many different classes, vendors, etc.

#### 11. ADJOURN

Mayor Arave adjourned the meeting at 9:12 p.m.

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Mayor

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Secretary