

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-SPECIAL SESSION
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
NOVEMBER 29, 2022

FINAL

Mayor Pro Tem Gordon welcomed those present at 6:07 p.m. Lisa Watts Baskin offered the thought and led those present in the Pledge of Allegiance.

PRESENT: Councilmember Lisa Watts Baskin
Councilmember Natalie Gordon
Councilmember Stan Porter
Councilmember Alisa Van Langeveld

EXCUSED: Mayor Brian Horrocks
Councilmember Ted Knowlton

STAFF PRESENT: Ken Leetham, City Manager; Karyn Baxter, City Engineer; David Frandsen, Assistant City Manager; Jon Rueckert, Public Works Director; Heidi Voordeckers, Finance Director; Craig Black, Police Chief; Todd Godfrey, City Attorney; Sherrie Pace, Community Development Director; Wendy Page, City Recorder; Brandon Johnson, City Bond Counsel.

OTHERS PRESENT: Conrad Jacobson, Dee Lalliss, residents; Doug Koob, applicant; Wilford Cannon, Eaglewood Development; Kevin Smith, Lakeview Rock Products.

1. CITIZEN COMMENT

There were no citizen comments.

2. PUBLIC HEARING ON THE ISSUANCE OF SALES TAX REVENUE BONDS OF UP TO \$17,000,000 FOR THE PURPOSE OF THE CONSTRUCTION AT HATCH PARK

Ken Leetham reported that the City Council approved a resolution on November 1, 2022 that authorized the sale of sales tax revenue bonds up to \$17 million. He stated this action required a 30 day public comment period including a public hearing which would be held tonight. He indicated no public comments via email or phone had been received.

At 6:10 p.m. Councilmember Baskin moved to open the public hearing. Councilmember Porter seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

Conrad Jacobson, 10 South Oakwood Drive, commented that the park improvements had been part of the City's master plan for a long time. He thanked the Council for starting the improvements.

At 6:12 p.m. Councilmember Baskin moved to close the public hearing. Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

3. CONSIDERATION OF RESOLUTION 2022-42R: A RESOLUTION TEMPORARILY CLOSING A PORTION OF ORCHARD DRIVE BETWEEN EAGLEGATE DRIVE AND THE FRONTAGE ROAD ADJACENT TO US HIGHWAY 89 TO ALL TRAFFIC OTHER THAN PASSENGER VEHICLES

Ken Leetham reported the proposed road closure was necessary because of unsafe conditions which currently existed due to the use of Orchard Drive by commercial trucks and tractor trailers. He mentioned many of these vehicles used Orchard Drive south of Eagle Gate Drive for access to the Frontage Road and areas to the south. He indicated the Orchard Drive connection to the Frontage Road was closed during the construction of Village Station but has recently reopened. He explained large gravel trucks have been observed using this section of Orchard Drive which was not a safe route for large vehicles. Mr. Leetham acknowledged Village Station was approved with a pedestrian friendly design that divided the street with middle of the street parking, smaller divided lanes, and street level commercial land uses that would serve the thousands of residents living in Eaglewood Village and Village Station. He stated large commercial trucks, including gravel trucks and tractor trailers, have been observed making illegal turning movements through the roundabout and other turns which cause them to damage curbs and drive over parking spaces. He noted mixing traffic larger than passenger vehicles in this area would present an unsafe situation for the public.

Mr. Leetham showed two diagrams and said the Utah Department of Transportation (UDOT) had a proposal related to the I-15 EIS Project which showed a new interchange at this exact location which would provide access to users of the Frontage Road in all directions. He mentioned it would also provide great truck access to I-215 which then provided quick access to Redwood Road particularly for those in the industrial area of the City. He then showed a diagram with the location for signage that would be installed to inform drivers that there would be a closure.

Ken Leetham said the proposed resolution would temporarily close a segment of Orchard Drive as a way to mitigate the unsafe conditions of the road. He showed a map of the proposed segment of Orchard Drive to be closed. He stated the proposed resolution would approve a temporary closure and instruct staff to install barriers and signage which should prevent any vehicles from using this road as an access point for the Frontage Road. He explained State statute allowed for a city to temporarily close road for up to two years.

Councilmember Porter asked about the parked cars shown on the map. Ken Leetham replied that as there were still future phases of the development to be built that some areas would be maintained for construction parking.

Councilmember Porter questioned what would happen when a large truck read the signage and realized they could not continue. Ken Leetham responded that there were large parking lots where the trucks could turn around.

Councilmember Van Langeveld asked how long the road should be closed or if there was a different plan that needed to be implemented long term. Ken Leetham said staff may come back with a proposal to vacate a portion of the road but right now State statute allowed for a two year temporary closure. He indicated the City would need to determine a permanent solution if the UDOT proposal did not happen.

Councilmember Baskin asked about the revision to the Resolution to remove “other than passenger vehicles” and not allowing any access on that portion of Orchard Drive. Ken Leetham replied the dilemma was that it was unsafe to put up barriers or other obstructions in the lanes of the road that would restrict trucks and allow passenger vehicles. He acknowledged staff’s concern was that it may solve a problem but could result in additional problems.

Councilmember Van Langeveld moved that the City Council approve Resolution 2022-42R: A Resolution temporarily closing a portion of Orchard Drive between Eaglegate Drive and the Frontage Road adjacent to US Highway 89 to all traffic. Councilmember Porter seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

4. CONSIDERATION OF PLAT AMENDMENT TO LOTS 104, 105R, AND 106R OF THE EAGLEWOOD COVE SUBDIVISION, PHASE 1, LOCATED AT 650 SOUTH MOUNTAIN VIEW CIRCLE, DOUG KOOB, APPLICANT

Sherrie Pace reported Lots 104, 105R, and 106R were located in Eaglewood Cove Phase 1. She explained the property owner of lots 106R and 105R would like to combine the lots into one single lot and relocate the public utility easement to the property line adjacent to Lot 104. She stated the property owner has agreed to sell a portion of Lot 105R to the property owner of Lot 104 to allow for an addition to their garage. She indicated the Planning Commission reviewed and recommended approval of this plat amendment and a public hearing was held due to the relocation of the public utility easement. She said all the engineering and redline corrections had been completed.

Mayor Pro Tem Gordon asked for clarification on the location of the lot line adjustment between Lot 104 and the combined Lots 105 and 106. Sherrie Pace showed the location of the lot line adjustment on a map.

Councilmember Baskin clarified that combining Lots 105R and 106R would result in a 6.65 acre property containing one home. Sherrie Pace replied affirmatively and said the property owner would be removing the existing home on Lot 104 and build a new residence.

Councilmember Porter asked if Lot 105 was mainly hillside. Sherrie Pace responded that this was correct and the main buildable area of Lot 105 would be by the road due to the elevation and slope of the property.

Councilmember Baskin moved that the City Council approve the plat amendment to Eaglewood Cove Subdivision, Phase 1, Lots 104, 105R, and 106R located at approximately 650 South Mountain View Circle with the following condition:

- 1) **Correction of engineering and planner redlines.**

Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

5. CONSIDERATION OF A PLAT AMENDMENT TO EAGLEWOOD COVE SUBDIVISION PHASE 13 LOTS 1310A-1316A AND AGREEMENT 2022-28A REGARDING THE OWNERSHIP AND TRANSFER OF PROPOSED HILLSIDE PARCELS, LOCATED AT APPROXIMATELY 1375 EAST WOOD OAKS LOOP, WILFORD CANNON, APPLICANT

Sherrie Pace reported the final plat for Eaglewood Cove Phase 13 was approved on April 6, 2021. She acknowledged since that time all of the infrastructure has been completed and the developer was prepared for home construction to begin. She showed a map of the parcels and said that the developer has reached an agreement with the adjoining property owners, MRF, to add the remaining associated property along the north boundary. She stated the proposed amendment would add this property, much of which was over 30% slope, to the development as Hillside Parcels that may be used for limited recreation and open space. She explained the Hillside Parcels would be restricted by recorded plat notes that included Parcels with the “HP” design would be sold in conjunction with the building lot of corresponding number, for example Lot 1316 & Parcel 1316HP. She mentioned the HP may not be sold to someone that does not own the adjacent property and homes could not be built on the hillside parcels. She noted it would allow for future plat amendments that may combine HP or modify the property lines, access to an HP was only permitted via the adjacent lot, the entire HP would be restricted with a Critical Slope Easement, accessory structures may be permitted on an HP, if the Critical Slope Easement was reduced by the City Engineer after submittal of a topographical survey that demonstrated a portion of the area had a slope of less than 30%, standards for construction of

accessory structures was detailed in Note 14, and permitted uses for an HP would include picnic areas, trails, gardens, ski or sledding runs, or outdoor sport courts.

Sherrie Pace reported in conjunction with the plat amendment and the addition of the MRF property as Hillside Parcels, the owners of MRF had requested an agreement with the City regarding the limitation of “Note 14” prohibiting the sale of the HP parcels separate from the adjacent lot. She mentioned the agreement addressed the extremely unlikely event that if the Construction Loan Bank foreclosed on the EWC building lots before those lots and the RP parcels were sold to individual buyers. She stated their concern was that the bank could force MRF to sell the RP lots to the bank at some reduced price or without payment at all. She said MRF asked for an agreement between the city, the developer, and MRF that if that happened, they could retain the property (and would presumably sell to the intended adjacent lot end buyer) or otherwise amend the plat to withdraw the HP property, provided they have other access to their property. She mentioned previously they had wanted the terms of the agreement on the plat as a note, and as it may be confusing to future individual lot owners it was determined that a plat note would not be appropriate as the lots would be sold shortly to the end users and the note would then become unnecessary. She said the City Attorney requested a clause be added to the agreement in the event of MRF selling a property to someone other than the adjacent lot owner, that they would have to sell it with a covenant that made it clear the property was only for recreational use and could not contain a dwelling unit.

Councilmember Porter asked about the existing vegetation. Sherrie Pace said these were current photos and suggested the Council view the area in person.

Councilmember Baskin questioned why the plat notes would state that HP properties could not be sold to someone that did not own adjacent property and the need for a covenant on the land in the event that it was sold to someone other than an adjacent property owner. She said this did not seem consistent. Sherrie Pace replied that there was only so much that could be done to preclude someone from recording a deed to transfer the property but this would require notice that the property was not a buildable parcel. She said this would only occur if the developer EWC declared bankruptcy and MRF sold the lots to another buyer.

Ken Leetham explained that when the lots were sold by MRF and an individual purchased a buildable lot and the adjacent HP lot that they would be bound to never separate those parcels.

Councilmember Baskin moved that the City Council approve the proposed Eaglewood Cove Subdivision, Phase 13 amended, located at approximately 1375 East Wood Oaks Loop and Agreement 2022-28A subject to the following findings and conditions:

Findings

- 1) **The proposed amended plat meets the minimum standards of the land use code for plat approval;**
- 2) **The additional Hillside Parcels will be governed in accordance with the requirements related to geological hazards in City Code Title 10, Chapter 12;**
- 3) **The geotechnical report has been approved by the City consultant and the plat has been designed to meet the specific standards and recommendations contained therein;**
- 4) **The plat contains the appropriate notes regarding the individual lots and requirements of the geotechnical report.**

Conditions

- 1) **Any remaining engineering redline corrections be completed prior to recordation of final plat.**

Mayor Pro Tem Gordon suggested the addition of an item to change the agreement to include in the event MFR sold to a property owner other than the adjacent property owner that they would include a covenant that ran with the land to prohibit any building of residential units and was recorded.

Councilmember Baskin amended her motion to include the suggestions per Mayor Pro Tem Gordon that a clause be added to the agreement in the event MFR sold to a property owner other than the adjacent property owner that they would include a covenant that ran with the land to prohibit any building of residential units and it be recorded.

Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

6. **CONSIDERATION OF FINAL PLAT APPROVAL FOR THE EAGLEWOOD COVE SUBDIVISION PHASE 14, LOCATED AT APPROXIMATELY 1355 EAST COVE CREST COURT, WILFORD CANNON, APPLICANT**

Sherrie Pace showed the phasing plan for Eaglewood Cove and highlighted Phase 14 consisting of 13 lots and 2 Hillside Parcels. She noted the Hillside Parcels were not building lots and were intended to be used and sold in conjunction with the adjoining building lot of corresponding number. She indicated staff reviewed the plat for compliance with the code and the same notes regarding usage and critical slope easements would apply. She noted Phase 14 contained 26.68 acres with 13 lots ranging in size from 0.68 acres to 1.51 acres. She stated the Planning Commission reviewed and made a favorable recommendation for approval.

Sherrie Pace commented that the geotechnical testing in the area came back at a lower strength ratio than anticipated. She continued the original building envelopes were reduced to bring the parameters into acceptable ratios. She indicated additional testing would be performed in January and the developer may return to the City to request increased buildable envelopes after the testing was completed.

Councilmember Porter asked if trails were required in these developments. Sherrie Pace replied trails were not required as the roads were private which would make public parking and trailheads difficult.

Councilmember Van Langeveld moved that the City Council approve the proposed final plat for Eaglewood Cove Subdivision Phase 14 located at approximately 1355 East Cove Crest Court subject to the following findings and conditions:

Findings

- 1) The proposed final plat meets the minimum standards of the land use code for final plat approval;**
- 2) The geotechnical report has been approved by the City consultant and the plat has been designed to meet the specific standards and recommendations contained therein;**
- 3) The plat contains the appropriate notes regarding the individual lots, hillside parcels and requirements of the geotechnical report.**

Conditions:

- 1) Any remaining engineering redline corrections be completed prior to recordation of the final plat.**

Councilmember Porter seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

7. CONSIDERATION OF RESOLUTION 2022-43R: DECLARATION OF PUBLIC WORKS DEPARTMENT VEHICLE AS SURPLUS

Jon Rueckert reported staff was seeking approval to surplus a 2008 Dodge Ram 5500 utility dump truck. He said this vehicle was replaced in 2019 with a truck of similar size and function. He indicated this vehicle met the 15 point evaluation system criteria for age, mileage, and maintenance costs and would no longer pass emission testing.

Councilmember Baskin asked why staff needed Council approval to surplus vehicles. Todd Godfrey replied there was nothing in the law to address this but said it was to prevent practices such as auto dealer sales.

Councilmember Porter moved that the City Council approve Resolution No. 2022-43R: A Resolution declaring the 2008 Dodge RAM 5500 utility dump truck surplus property and authorizing the City's Public Works Director to dispose of such surplus property. Councilmember Van Langeveld seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

8. APPROVAL OF CITY COUNCIL MINUTES

The City Council minutes of November 15, 2022 were reviewed and approved.

Councilmember Baskin moved that the City Council approve the minutes of November 15, 2022 as amended. Councilmember Porter seconded the motion. The motion was approved by Councilmembers Baskin, Gordon, Porter, and Van Langeveld. Councilmember Knowlton was excused.

9. ACTION ITEMS

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

Ken Leetham said there would be a discussion on the dog park item at the January 17th City Council meeting.

10. ADJOURN

Mayor Pro Tem Gordon adjourned the meeting at 6:48 p.m.

The foregoing was approved by the City Council of the City of North Salt Lake on Tuesday January 3, 2023 by unanimous vote of all members present.



Wendy Page, City Recorder