

**NORTH SALT LAKE
CITY COUNCIL WORK SESSION
MARCH 19, 2013**

FINAL

Minutes of the North Salt Lake City Council work session held Tuesday, March 19, 2013 at 6:00 p.m. in the North Salt Lake City Office building, 10 East Center Street, North Salt Lake, Utah 84054.

PRESENT: Mayor: Len Arave, Mayor

Council Members: Stewart Harman
Brian Horrocks
Conrad Jacobson
Matt Jensen
Stan Porter

STAFF: Barry Edwards, City Manager
Ken Leetham, Assistant City Manager
Janice Larsen, Finance Director
Paul Ottoson, City Engineer/Public Works Director
Craig Black, Police Chief
Brent Moyes, Golf Director
Linda Horrocks, Assistant to the City Manager
Kathy Streadbeck, Minutes Secretary

VISITORS: Kevin Shipp, resident
Cambria Beuchert, resident

LEGISLATIVE UPDATE – Senator Todd Weiler

Senator Todd Weiler reported on the recent legislative session. He responded to questions from the Council discussing various issues including UDOT plans, sales tax revenues, Agenda 21, gun laws, national conventions, and possible prison relocation.

STREET LIGHTING IN EAGLEWOOD VILLAGE

Ken Leetham, Assistant City Manager, reported Compass Development, Eaglewood Village project, has requested the City allow them to install street light poles that do not support

flag/banners. The development agreement related to street light poles does not indicate that flag/banners are required, but it was represented in a meeting that these poles would support flags/banners. The projected cost to upgrade all twenty-one (21) poles to support mast arms is \$21,452. Mr. Leetham explained the difference between a regular street light pole and one that supports a flag is due to wind load requirements. Although, flags/banners may be a positive amenity for Eaglewood Village, City staff does not believe they are essential in this location to meet the City's objectives for downtown.

The Council discussed the pros and cons. Council members were concerned the developer may be trying to maximize their profit by eliminating costs and wondered what may be asked for next. However, the Council also agreed these upgraded poles have not been required anywhere else within the City as of yet and that this development is outside the downtown area where flags are planned for the future. The majority of the Council agreed to allow Compass Development to install regular street light poles without the upgrade for flags/banners.

BUDGET RETREAT – Review of the Budget Retreat

Barry Edwards, City Manager, reviewed the Budget Retreat Follow-up as provided in the staff memo dated March 14, 2013. He reviewed and discussed each of the items listed below.

1. No fee increases recommended at this time with the except for a possible water fee increase that might result from the water fiscal plan and the implementation of secondary water on the east bench.
2. All major capital equipment purchases, i.e., police cars, 10-wheel dump truck, and golf equipment will be purchased through a Fleet Management Fund. The cost of the equipment, or the debt service payment, is reflected in the specific departmental budget.
3. A 3.5% COLA/Merit is included in the proposed budget, with \$259,000 as the total amount budgeted for increases to salary and benefits, which represents a 1.9% increase to operating funds and enterprises.
4. The following positions are proposed, and funds are included in the proposed budget:
 - a. Police Detective - \$50,600
 - b. Police Clerk - \$37,500
 - c. Human Resource Specialist - \$42,000
 - d. Planning Technician - \$42,400
 - e. Part-time Garage Assistant - \$19,500
5. The General Fund as proposed is projected to have a surplus in excess of \$500,000.

6. The Capital Project Fund's budgets have not been completed but will be presented to the City Council in a regularly scheduled work session in April.

DISCUSSION - Parks Capital Fund

Barry Edwards, City Manager, distributed a Parks Capital Fund balance sheet for the Council to review. He explained everything planned in the 2013 Parks budget will be completed. Bids for these projects will be forthcoming in the near future. He also explained \$400,000 will be moved from the Parks Capital Fund for the Springhill area which will be paid back within two (2) years. The Council discussed other possible funding options for the Springhill area including grants, donations, and park impact fees.

POLICE DOG DEMONSTRATION

Craig Black, Police Chief, provided a brief demonstration of the new police dog.

ACTION ITEMS

No changes were made.

**NORTH SALT LAKE
CITY COUNCIL REGULAR SESSION
MARCH 19, 2013**

DRAFT

Minutes of the North Salt Lake City Council meeting held Tuesday, March 19, 2013 at 7:00 p.m. in the North Salt Lake City Office building, 10 East Center Street, North Salt Lake, Utah 84054.

PRESENT: Mayor: Len Arave, Mayor

Council Members: Stewart Harman
Brian Horrocks
Conrad Jacobson
Matt Jensen
Stan Porter

STAFF: Barry Edwards, City Manager
Ken Leetham, Assistant City Manager
Janice Larsen, Finance Director
Paul Ottoson, City Engineer/Public Works Director
Craig Black, Police Chief
Brent Moyes, Golf Director
Linda Horrocks, Assistant to the City Manager
Kathy Streadbeck, Minutes Secretary

VISITORS: Kevin Shipp, resident Cambria Beuchert, resident
Alicia Connell, resident Dallas Stander, resident
Sharon Stander, resident Shane Moster, resident
Ian Christensen, resident William Tippetts, resident
Pamela Thompson, resident David Kimball, resident
Mike Landhiem, resident Ryan Kimball, resident
Brian Carter, resident Wendy Losee, resident
Michelle Rudd, resident Karen Roster, resident
Tara Dobson, resident

INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Jensen

CITIZEN COMMENT

Pamela Thompson, 320 North Orchard Drive, shared a video clip of her backyard showing a significant amount of deer droppings. She lives on an acre and has a severe deer problem. She said these animals have been protected and have become domesticated. They never leave; they have made her area their home and do not return to the hills. They no longer fear humans and have become an epidemic in her area. She has lived at this location for 25 years and the problem has never been this bad. She is unable to plant trees or a garden as they will be eaten. She has contacted the Division of Wildlife, but to no avail and asked the City Council for any help they can give. She also asked if she can be given a variance on fencing regulations so she can install an 8-foot fence, which is reported to be high enough to keep deer out. She said this is becoming a safety issue as well because deer are known to carry Lyme disease. They are also aggressive and have charged a neighborhood dog. She is afraid for the safety of her grandchildren and other children living in the area.

Mayor Arave said staff will contact the Division of Wildlife and see what can be done. Staff will also look into the fencing regulations and possible variances.

Shane Moser, 839 West South Hampton Drive, said he is concerned with proposed Ordinance 2013-05 which is to be discussed this evening. He said he is disappointed the Council in promoting this type of development in Foxboro. He said the public has not been properly made aware of this move and has been allowed no input. He said this area was previously known as the Regional Activity Center (RAC) and the public was allowed input with that zone, why not this zone? He said the proposed ordinance seems to allow a grocery store only if high-density housing is also permitted. Residents are in favor of a grocery store, but are not in favor of more high-density residential.

Tara Dobson, 478 Walton Drive, agreed. She said she does not want more high-density housing, but if it is inevitable she asked if there is a way to ensure it is of high quality with increased amenities. She also questioned if the ordinance deals with the need to widen the public roads in the area.

Alicia Connell, 1029 West Holden Drive, asked if residents will have any say at all regarding what type of development is allowed or if the decision is already made. She said there is already a schooling issue and more high-density housing will not help. She said high-density housing may seem necessary now, but in five years that may not be the case. She questioned how Foxboro can get their desperately needed grocery store, without additional high density. She said there are already high-density apartments in the area which cannot stay full. How can more high-density be realistic? This will negatively affect property values. Residents do not want even more empty buildings. She asked what other options may be available. She would like to see less residential and more commercial. She asked what will happen with Stericycle. There seems to be

no future for this waste company in their current location. She said Foxboro is a great community and any development should benefit the immediate community. She hopes the Council can stay open minded and only allow a development that is beneficial to the community. She said the Foxboro community is hopeful that their elected officials are on their side.

Wendy Losee, 234 North Buckingham, said it seems the residents have no say in what will be developed in their neighborhood. She too is concerned with having more high-density housing in the area or any smaller homes. She said all the small homes are being turned into rentals and causing a drop in property values. She said she moved here to live in a nice single-family neighborhood, not a rental neighborhood. She said she does not want to see a Wal-Mart in this area, because Wal-Mart tends to require too many concessions from a City. She would rather keep the vacant field than see a Wal-Mart. She said a big box store like Wal-Mart will bring too much traffic and noise. The Legacy Parkway is a quiet area and a big box store will disturb the area.

Mike Landhiem, 331 Alford Court, agreed with the comments already made. He said this ordinance is a precursor to what is ahead. He said he understands this ordinance is designed to set standards for this property, but asked if the intent and tone of the ordinance is locking the City into a specific master plan or if it still allows some flexibility. It seems the City is trying to maintain some control and mitigate impacts, but is it too specific? If a developer comes forward with a plan in a week and there are elements that don't make sense will the City still have options?

Kevin Ship, 176 Boston Drive, agreed with comments already made. He asked if a developer presents an undesirable project can the City solicit a new developer. He reminded the Council that they represent the residents, not the developer.

Mayor Arave explained Ordinance No. 2013-05 amends the Land Use Ordinance to create a new zoning district called the Planned Area Zoning District (PAZ). It is not a rezone or an approval for any specific development. This ordinance simply allows a property owner or developer to apply for the PAZ District in order to create a master planned development. He said the current property owner (of the property in question, approximately 60 acres) is also the developer for the property, but there is not a definitive plan proposed at this time. He explained the PAZ District will provide more controls for the City to ensure the property is developed cohesively. He informed the public regarding the blight study that was recently performed explaining the Council is actively trying to clean up this area; Ordinance No. 2013-05 is just another piece to that puzzle. He said the City is hopeful a master planned development will be presented in the near future. At that time, the public will have ample time to provide input and direction. In addition, Staff and the Council will be able to require specifics according to the PAZ District requirements. He said the PAZ District does provide flexibility and the City will

have the ability to discuss options after a development has been presented. He said the public will have the opportunity to weigh-in on all aspects of a development once proposed and each Council member has the ability to vote for or against a development based on what they believe is best for the City as a whole. Mayor Arave also said, with regard to Stericycle, that there have been talks about moving this business to another location, but no change is planned for the immediate future.

Barry Edwards, City Manager, explained Ordinance No. 2013-05 is only a text amendment. The ordinance, if approved, creates the PAZ District option; it does not rezone any property at this time. He too explained the public will have numerous opportunities to comment and contribute to the process once an application for the PAZ District is pursued. He said the proposed PAZ District does include plans to widen public streets as needed. He explained the property owner/developer could go ahead and develop the property under the current zoning, but the City is creating this PAZ District in order to create a cohesive master planned development. There are many elements to the PAZ District including single-family, twin homes, flex space office buildings, retail, commercial, etc. The PAZ District also promotes public institutions, parks, trails, landscaping, amenities, etc. He said City staff is aware there is an aversion to high-density residential. He said there is no one development option that can cover the entire 60 acres, there will be various elements to any plan and the City will work to provide the best product for the community as a whole.

Council Member Harman said although tonight's decisions do not include a rezone of property this is a step toward a development that will likely include high-density and commercial. The public should remain vigilant and informed and continue to provide their input throughout the entire process. He provided his email address to the public and encouraged them to contact him with any concerns as this process moves forward. He said he plans to take all comments into consideration and will work to provide what residents want. He said the property owner has the right to develop his property, but the City can discourage apartments. He explained, as the property is currently zoned, the developer could build on each parcel individually. The proposed ordinance would require the property to be built as a whole. He said he is not sure which is best. He too is in favor of a grocery store in Foxboro, but at what cost? He said he is still open to discussions and input. He said he is leaning toward commercial and against high-density residential. He assured the public he will look at every facet of this issue and make decisions in the best interest of the residents.

Council Member Porter said the goal is to negotiate what is best for the City as a whole, while providing the property owner/developer their due property rights.

Council Member Horrocks said another option is to keep this property vacant. He does not believe anyone is partial to that option. He said he is open to development proposals. He

would like to drive down Redwood Road and see a nice place, not a graveyard for dump trucks. He asked the public to trust the process and work with the City toward a favorable outcome. He said if the Council gets an overwhelming sense that a development is headed in the wrong direction they will work to change it.

ORDINANCE No. 2013-05 – An Ordinance amending the Land Use Ordinance to include the Planned Area Zone District (PAZD)

Ken Leetham, Assistant City Manager, reported the proposed amendments to the City's Land Use Ordinance provide for a new set of provisions to accommodate large planned developments within a half mile of the intersection of Redwood Road and Center Street. These provisions provide tools to implement economic development and function similarly to those of the "P" district and the old Regional Activity Center (RAC). In order to implement these provisions, an applicant or property owner must apply to have the property re-zoned and must also submit a master development plan. The proposed provisions provide guidance to applicants regarding design standards, architecture, landscaping, fencing, buffering, walkways, trails, etc. A master planned development would require cohesive development. Once a master plan development is submitted the Council will have total discretion to approve, deny or modify the plan according to the PAZ District standards. The PAZ District allows for intense development in order to encourage redevelopment along Redwood Road, but is also requires a high standard of development.

Mr. Leetham responded to questions from the Council. He explained Floor Area Ratio (FAR), stating this provision regulates the size and mass of buildings. This provision also allows the City to measure each lot in order to maintain compliance. This provision controls multi-story buildings and is the standard for commercial development.

Mayor Arave said 8000 square foot residential lot sizes seems too large. This is larger than any residential lot in Foxboro. Council Member Jensen said it seems this would exclude single-family development. Mr. Leetham said the 8000 square foot standard was requested by the developer. The Council agreed this allowance is too great and should be stricken.

Mayor Arave said the language regarding the minimum parking requirements is confusing. He suggested the language be amended to state the minimum shall be two (2). The Council agreed.

Mr. Leetham explained no residential will be allowed within 800 feet of Redwood Road and Center Street. This is typical for commercial development. Mayor Arave said this language is confusing and suggested the words "center point" be eliminated. The Council agreed.

The Council discussed the maximum density allowed for residential. The majority of the Council agreed that 39-units an acre is too high. They also discussed requiring amenities. The Council agreed to change the language to require amenities for multi-family residential and high-density residential and allow the option to require amenities for single-family residential. A majority of the Council agreed that depending on the plan presented it may be too burdensome to require amenities for single-family development, but any multi-family or high-density residential should be required to include appropriate amenities.

Council Member Jensen said it has been discussed in the past that rooftops dictate demand for commercial but that these rooftops are counted across the global area and not necessary within the immediate development. He said it is not necessary to allow 39-units an acre with this development. The commercial is already warranted with the amount of rooftops that already exist in the area. He suggested lowering the maximum density to 28-units an acre. A majority of the Council agreed.

Council Member Harman said it seems the developer is asking for what is wanted and not what is needed. He said the entire ordinance seems to be written in favor of the developer and what is beneficial to him.

Council Member Jensen made a MOTION for the City Council to approve Ordinance No. 2013-05 with the following changes.

- **10-22-2.A.1.a – delete first sentence regarding 8000 square foot single-family lots**
- **10-22-2.A.6 – change language to state the minimum shall be two (2)**
- **10-22-3.B.1 – change maximum density to 28-units an acre**
- **10-22-3.B.4 – Change language to require amenities for multi-family and high-density residential and provide option to require amenities for single-family.**
- **10-22-3.B.7 – eliminate “center point” wording**

The motion was seconded by Council Member Porter and passed by a 4-1 vote. Council Member Harman opposed.

ORDINANCE No. 2013-06 – An Ordinance establishing a Policy and Procedure for the Approval of Written Minutes for the Public Meetings of the City Council and Other Public Bodies of the City.

Barry Edwards, City Manager, reviewed the proposed ordinance. Following a public meeting draft minutes will be prepared by the recording secretary and distributed to the body members for review. Any changes suggested by the body members must be submitted in writing to the recording secretary who will distribute the suggested changes to all other body members.

If there is no dispute regarding the suggested changes, then the changes will be made and the minutes finalized. If any member of a body disputes any suggested changes, then the minutes will be discussed at the next meeting of that public body for final review and approval.

Council Member Harman made a MOTION for the City Council to approve Ordinance No. 2013-06 an ordinance establishing a policy and procedure for the approval of written minutes for the public meetings of the City Council and other Public Bodies of the City. The motion was seconded by Council Member Jacobson and passed by unanimous vote (5-0).

ADMINISTRATIVE PLANNING TECHNICIAN - Approval of Administrative Planning Technician Position

Ken Leetham, Assistant City Manager, reported City staff recommends a new Administrative Planning Technician position be created at a salary of \$42,400. This position will help with the increases in building and development activity including redevelopment matters, long-range planning, and economic development activities. The current Community Development Department planner (Ali Avery) spends approximately 60% of her time performing administrative and lower level planning tasks that could be more cost effectively performed by a Planning Technician. Staff believes this new position will free up time for the current planner to more effectively achieve needed city wide goals and objectives, such as Neighborhood Outreach, Zoning Code Enforcement Program, grant submittals, updating statistical information, code compliance, master plan preparations, etc.

Barry Edwards, City Manager, explained this is an entry level position with salary as mentioned and a benefits package. He said this position will greatly benefit the City but may not be a career position. If work slows in the future it is possible this position could be eliminated.

Council Member Porter made a MOTION for the City Council to approve the proposed Administrative Planning Technician position at a salary amount of \$42,400. The motion was seconded by Council Member Horrocks and passed by unanimous vote (5-0).

MINUTES REVIEW AND APPROVAL

The minutes of the City Council work session and regular meeting held March 5, 2013 were reviewed and amended. **Council Member Porter made a MOTION to approve the minutes as amended. The motion was seconded by Council Member Harman and passed by unanimous vote (5-0).**

GENERAL PLAN REVIEW

Item postponed.

COUNCIL REPORTS

Council Members used this time to report on various items and upcoming events.

CITY ATTORNEY REPORT

No report.

MAYOR REPORT

No report.

CITY MANAGER REPORT

Barry Edwards, City Manager, reported on needed skate park repairs. He also stated the filing period for those wishing to run for City Council and Mayor is June 3-7, 2013.

ADJOURN

At 9:22 p.m. Council Member Harman made a MOTION to adjourn the City Council meeting. The motion was seconded by Council Member Horrocks and passed by unanimous vote (5-0).

Mayor

Secretary