

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-WORK SESSION
MARCH 19, 2019

FINAL

Mayor Arave called the meeting to order at 6:04 p.m.

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

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

1. BUDGET 2020-WATER UTILITY RATES

Ken Leetham introduced the Water Fund budget overview for the fiscal year 2019-2020. He presented the water conservation goals for the City including reducing the most severe cases of overwatering, City-wide education on proper watering practices, preparing a plan that included incremental steps to address true conservation needs in the future, and working toward a more widespread use of automatic ways to conserve water such as smart controllers and low flow toilets and fixtures. Mr. Leetham explained that the City was not at the point where xeriscaping or extreme conservation methods were necessary, but said that it was reasonable to plan for future conservation when the water supply was not as plentiful.

Council Member Hood commented that reports showing the percentage of snow pack was based on averages and that drought years could skew the results especially in years with heavy snow pack.

Ken Leetham then addressed the City's water rate structure and presented a map with culinary water pressure zones. He said the Council had discussed a rate structure that would incentivize conservation and penalize excess use. Staff collected data on every lot size in the City and then tried to estimate base charges for watering but determined this method would be too complicated. Staff then determined that the best method would be to review water pressure zones and implement a rate structure that penalized overwatering and was reflective of the actual cost of watering based on location, such as if the water was pumped uphill. He stated that staff had a meeting set up in April with the Weber Basin Water Conservancy District for review of staff's analysis. He said that while overwatering occurred throughout the City, and not just on the larger

lots, the majority of the residents were utilizing water properly. It was estimated that 8% to 20% of the residents were overwatering but staff would prepare more accurate data for the Council.

Janice Larsen reported on the Water Fund utility rates and the current rate structure. She said that typically staff recommended a straight two to three percent increase on culinary water but asked if the Council wanted to review and adjust the rate structure. She presented current residential water rates and tiers for August 2017 with a focus on the Foxboro area. Ms. Larsen explained that per gallon a low user of irrigation and culinary water in Foxboro would pay \$5.49, \$2.43 or \$2.52 annually per 1,000 gallons used.

Janice Larsen said that if the City Council was interested in comparing rates she could provide more information, analysis, and staff recommendations.

Council Member Mumford asked if the high water usage could be related to filling up a swimming pool. Mayor Arave replied that the water usage was most likely not related to swimming pools and suggested it could be extensive landscaping.

Council Member Mumford asked if property owners who purchased two lots had two connections and paid two base rates. Janice Larsen replied that generally the City combined the meters into one account so they paid double the base rate and averaged the tier.

Janice Larsen said that overall the cash balance of the Water Fund was excellent at \$4.9 million at the beginning of the fiscal year. She said staff was not recommending a huge increase and asked if the Council was interested in restructuring the tiers or considering a small rate increase.

Mayor Arave commented that Big West Oil may be drilling their own wells and would then leave the City's water system. He asked what type of impact this would have. Janice Larsen replied that there were several factors which would cause a big impact to the water system including Big West Oil and the proposed annexation.

Ken Leetham suggested a three percent rate increase and said that staff would meet with Big West Oil and then provide more information to the Council at a later date.

Council Member Mumford asked if the water tank would be constructed above Eaglewood Cove development. Paul Ottoson replied that the developer was still working on geotechnical issues.

Council Member Baskin asked if the arbitration related to this proposed development in Eaglewood Cove was still ongoing. Paul Ottoson replied that the City had not met with the third party representative at this point and that the development was still in the midst of discussions about the geotechnical studies of the area.

Council Member Mumford also commented that adding the water tank at The Cove would be another issue with another pump station and an additional tier. Ken Leetham replied that the staff would review the cost by zone to determine the expense to push water uphill.

The Council then discussed the City's water rates compared to Bountiful and Salt Lake, xeriscaping, and not penalizing the everyday/average water user.

Mayor Arave requested that staff provide information on the Foxboro secondary water/outdoor usage data.

Ken Leetham recapped that it sounded like the Council was comfortable with a modest rate adjustment and suggested staff to continue to answer questions, analyze the data, and provide some recommendations in the future related to water conservation rates.

Ken Leetham then reported on the future water line projects for 2019 through 2022. He said that a project related to a portion of Eaglewood Loop, which was already funded and approved for 2019, would have two other sections completed in 2020 and 2021. Other projects included replacement of cast iron pipes on 150 North and also Lacey Way in 2022. Mr. Leetham said that as the Water Fund was so well funded that some projects may be moved up if it could be coordinated with street projects.

Council Member Horrocks commented that he was contacted by Troy Brazell regarding high frequency pipe technology and would send the information to Paul Ottoson.

Ken Leetham said that per the budget schedule the Parks Department budget discussion would be held during the April 2nd Council meeting. Mayor Arave asked that this information be provided to him as he would be unable to attend that meeting.

2. APPROVE CITY COUNCIL MINUTES

The City Council minutes of March 5, 2019 were reviewed and amended. **Council Member Baskin moved to approve the minutes of March 5, 2019 as amended. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.**

3. ACTION ITEMS

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

Council Member Mumford asked about new action item number one related to the potential for billboards along Legacy Highway. Sherrie Llewelyn replied that she would do a full analysis of the City code to ensure that billboards were not allowed along Legacy Highway within the City limits.

Council Member Mumford also asked about current action item eight regarding the addition of trees in the park strips on Foxhollow and at the Foxboro roundabout. Ken Leetham replied that he would review this item and bring a proposal to the Council.

4. ADJOURN

Mayor Arave adjourned the meeting at 6:56 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE
CITY COUNCIL MEETING-REGULAR SESSION
MARCH 19, 2019

FINAL

Mayor Arave called the meeting to order at 7:06 p.m. Council Member James Hood offered the invocation and Dallin Jackson, BSA Troop 770, led those present in the Pledge of Allegiance.

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

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

OTHERS PRESENT: David Finklea, Milt Buhrman, Vickie Buhrman, Dee Lalliss, Barry Bryson, Wendy Mele, Carly Martin, Cobi Arnett, Greg Gulso, Kristian Wang, Katie Wang, Dallas Stanger, Sharon Stanger, Bill Wright, Bryce Johnson, Caralyn Bingham, Kelly Jones, residents; Douglas Jackson, Dallin Jackson, BSA Troop 770; Bryce Thurgood, Castle Creek Construction; Taylor Spendlove, Brighton Development.

1. CITIZEN COMMENT

Mayor Arave commented that the Council would accept public comment during the review for the General Development Plan for Orchard Grove and the General Development Plan for Foxboro Marketplace agenda items.

Dee Lalliss said that City staff presented a report related to fluoride and the City water system in a previous City Council meeting. He asked that this information be placed in the City newsletter including how often the water is tested, how safe the water is related to fluoride, etc.

2. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 2019-12R: A
RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 BUDGET FOR
CERTAIN ENGINEERING AND PUBLIC WORKS ITEMS

Janice Larsen reported that there were two items related to the budget increase with the first item of \$505,000 for the Orchard Drive north to Eaglewood Drive road project. This change in the

Capital Road Project Fund budget would include an increase use of fund balance in the amount of \$505,000 and would be used to fund a road project from Orchard Drive north to Eaglewood Drive. This road project would be funded with transportation tax revenues. The second adjustment would be a change in the Fleet Fund budget with an increased revenue in the amount of \$126,000, an increased use of fund balance in the amount of \$14,200, and increased expenditures in the amount of \$140,800. This budget change would reflect the sale of the current 2018 John Deere wheel loader under a lease buy-back agreement, the purchase of a new loader, and the up-fitting cost for the new loader.

Mayor Arave opened the public hearing at 7:11 p.m. There were no comments and Council Member Horrocks moved to close the public hearing at 7:12 p.m. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

Council Member Horrocks moved to adopt Resolution No. 2019-12R a resolution adopting an amendment to adjust the fiscal year 2019-2019 Road Capital Project Fund and Fleet Internal Service Fund budgets. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

3. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR ORCHARD GROVE LOCATED AT 378 EAST ODELL LANE, BRIGHTON DEVELOPMENT, APPLICANT

Sherrie Llewelyn reported that Brighton Homes was the proposed buyer and developer, and that the site plan had been amended several times after three meetings with the Planning Commission. The 1.24 acre site was currently zoned RM-7. She then showed a map of the surrounding zoning and land uses which included single family homes and PUDs on Orchard and Odell Lane. She showed the first concept plan with 24 units, the second plan with 24 units, and the new concept plan with 16 units. The proposed concept plan, which was recommended by the Planning Commission, would have eight units facing Orchard Drive, four units facing Odell Lane, and the remaining four units facing the Peach Tree Apartments. The plan consisted of one access point onto Odell Lane with a total density of 14 units per acre with 16 total units. Each unit would have a two car wide garage and driveway for 4.25 parking spaces per unit plus four guest parking spaces. The property would also have a fenced dog park. Mrs. Llewelyn showed examples of the proposed architecture and said that the buildings would be 2 ½ stories tall. The existing sidewalk and retaining wall on Orchard Drive would be removed and replaced with a four-foot park strip and new five-foot sidewalk. Odell Lane would be widened by approximately 15 feet to accommodate the same cross section which was required at Odell Crossing P-District on the opposite side of Odell Lane. The units along Odell Lane would be similar to the architecture of those constructed at Chesham Village.

The total open space for the project would be 30% of the site. The Planning Commission made a favorable recommendation with five conditions including that the proposed building will be

brick and Hardie board trim in a neutral color palette, the existing wood fencing be upgraded to composite, the density would be 16 units, the parking approved at 4.25 spaces per unit, and the final architecture, design, materials, and colors with the elevations as proposed. These units would be for sale units with the open space to be managed by the HOA.

Council Member Hood commented that he did not like the design of the four units with front doors facing Peach Tree Apartments and felt that this could potentially attract package thieves.

Mayor Arave allowed for public comment at 7:19 p.m.

David Finklea, 265 East 50 South, commented that he attended the Planning Commission meetings and while he was happy to see the reduced number of units he had concerns about the exterior materials particularly the painted Hardie board and stucco. Mr. Finklea said that brick or stone would be more cohesive with the rest of the neighborhood.

Bryce Johnson, 278 East 340 North, said he lived in the Chesham Village development so he was familiar with the layout. His concerns were that larger cars such as SUVs may not fit into the garages and that there may not be adequate visitor parking, as that is what they have experienced in Chesham Village.

Vickie Buhrman, 8 North Valley View Drive, said that she did not understand the parking concerns related to the development as people already parked on the street.

Barry Bryson, 349 Odell Lane, said he was representing North Shadow Ridge HOA and felt that this development was double (the density of) the other developments in the area. He felt the zoning change was a violation of property rights for the current homeowners. Mr. Bryson said that while parking at 4.25 was a big draw that it was not that good of a benefit. He also said there was a current parking problem on Odell Lane and suggested that this complex have dumpsters versus individual garbage cans.

Wendy Mele, 395 East Odell Lane, said she felt this was a high density development and did not appreciate the rezone. She asked why there would be a dog park and not a playground. Ms. Mele also complained about parking issues along Odell Lane.

Carly Martin, 367 Odell Lane, said she would prefer to keep the current zoning and have fewer units in this development based on the issues that had already been addressed.

Bill Wright, 203 North Valley View Drive, commented that the plan had changed substantially over the course of the Planning Commission meetings. He said that the Commission and the developer mitigated many of the previous issues related to parking, urban design issues, etc. Mr. Wright also said that that this development would help to address the tremendous housing shortage as it was a for sale product in a good location. Mr. Wright commented further that this

type of urban development is needed all along the Wasatch Front and he thanked North Salt Lake for being proactive in supporting this kind of housing.

Taylor Spendlove, Brighton Development, addressed some of the comments made and said that while the original proposal was for stucco, Hardie board, and brick that they would not be using stucco and could commit to that at this point. He explained that Hardie was a durable material with a 30-year warranty. Mr. Spendlove then said that they had added a foot to the garages and that the grading of the site would allow for fewer stairs and more garage space overall. He then said the dog park would be moved to the western building and a tot lot would be installed. The property line dispute would also be resolved versus a property line adjustment and deeding of a portion of the property.

Mayor Arave asked about dumpsters versus individual garbage cans. Taylor Spendlove replied that they would have a shared dumpster for residents to use.

The Council viewed the surrounding developments and densities adjacent to the proposed project. They discussed the fact that there would be less control over the design and other advantages if the zoning remained the same.

Council Member Mumford asked what the density would allow in the current zoning. Sherrie Llewelyn replied that it would be twelve units.

Mayor Arave commented on affordability and that these types of units were more affordable for residents and for the City to service. He said that not everyone could afford to live on quarter acre lots. Taylor Spendlove said that these units were what could be built in the City in the \$250,000 to \$300,000 price range.

Council Member Mumford asked if these units would have patios. Taylor Spendlove replied that there would be patios or decks based on the style. He said these buildings would be 2 1/2 story buildings at 35 feet high and would include basements.

Council Member Baskin commented on the increased garage size and if they would accommodate SUVs. Taylor Spendlove replied that the stairs in the Chesham units created issues so they would be adding an extra foot to accommodate larger vehicles on these units. Sherrie Llewelyn also said that staff was aware of the prior issue and would ensure that it was not a problem on these units.

Council Member Baskin spoke on the proposed elevation and said that there were quite a few steps up to the front door. Taylor Spendlove replied that they would have the least amount of steps possible and hoped to drop the grade from what was shown in the concept elevation.

Council Member Baskin asked the configuration of the front doors adjacent to Peach Tree Apartments. Taylor Spendlove replied that this configuration allowed for two car side by side garages.

Council Member Baskin asked about the landscaping requirement and said there were nearby parks for the children to play in. Taylor Spendlove replied that the proposed landscaping would be 30% and that they would be relocating the dog park to accommodate a playground on the property.

Mayor Arave asked about the demographics of the development. Taylor Spendlove replied that he was unsure of the specific demographic mix, but that he had seen a variety at Chesham Village of older individuals, families, and young professionals.

Council Member Mumford asked what the monthly HOA cost would be. Taylor Spendlove responded that it would be based on utilities, road configuration, and snow removal.

Council Member Porter asked how Brighton would ensure that these units were not rented out. Taylor Spendlove replied that this would be addressed in the development agreement and with the HOA.

Council Member Baskin asked if there was a burden or difficulty that they had been unable to solve for this development. Taylor Spendlove replied that parking was always an issue but they were above the parking ratio for this development. He also spoke on housing affordability and that most people would be unable to purchase a home in their current neighborhoods.

Council Member Porter commented that he appreciated the Planning Commission and respected the landowners. He said that by allowing four more units that it would provide for architectural standards and for-sale units.

Kelly Jones commented that she used Odell Lane to access the freeway and that it currently takes a long time to cross that street. She spoke on the investment made by the existing homeowners and said that the Council should consider traffic, setbacks, density, and the current zoning and did not need to allow the rezone.

Council Member Mumford asked if the power lines would be buried. Sherrie Llewelyn replied that the lines would not be buried.

Council Member Mumford asked for the square footage of the Wyndam and the Clifton floorplans. Taylor Spendlove replied that the Wyndam would be approximately 2,000 square feet with the basement and the Clifton would be 1550 square feet. The garages on the Wyndam would be 20 feet wide by 21 feet deep and the Clifton garages would be 20 feet wide and 22 feet deep. The driveway would be 18 feet long to accommodate parking.

Mayor Arave asked about the fencing on the south side of the property. Taylor Spendlove replied that they would be replacing the existing fencing with a composite fence.

Council Member Baskin commented that the remarks made by residents did not fall on deaf ears but Odell Lane was already dense. She said that through the Planning Commission process that improvement would be made to develop a product that the landowners could be proud of.

Mayor Arave said that neighborhoods along the Wasatch Front would be changing due to the influx of residents.

Council Member Porter commented that a rezone would allow for more control overall. He said that there was a fear that multifamily would ruin a neighborhood but that people needed places to live and that good people were what made a community regardless of what type of building they lived in.

Council Member Mumford said that while the developer had addressed many of the problems and that buyers would purchase these units he did not like the design or layout of the buildings.

Council Member Porter moved that the City Council approve the General Development Plan for Orchard Grove located at 378 East Odell Lane with the following conditions:

- 1) The proposed building will be of brick and Hardie board trim construction with a neutral color palette;**
- 2) The existing wood fencing be upgraded to a composite material;**
- 3) The total density of the project allowed will be 16 units;**
- 4) Parking approved at a ratio of 4.25 spaces a unit; and**
- 5) Final architecture, design, materials, and colors, with the elevations as proposed.**

Council Member Baskin seconded the motion. The motion was approved by Council Members Porter and Baskin. Council Members Hood, Mumford and Horrocks voted in opposition to the motion. The vote was 2-3 against, and the motion failed.

Taylor Spendlove asked if there would be a motion for denial or what the next step would be. Ken Leetham replied that he did not believe the City code would restrict Brighton Homes from working with City staff to adjust their General Development plan proposal and bring it back before the City Council.

Council Member Baskin clarified that the developer could readjust the configuration or reduce the number of units.

Ken Leetham commented that the City would work with the developer to determine whether the application would need to go back before the Planning Commission or whether changes could be made and brought back before the City Council.

One of the property owners commented that she grew up on the property and was concerned about it becoming rental units. She said she wanted the property to become something that was taken care of. Council Member Horrocks suggested that as the property owners, it was their choice of who to sell it to and determine what the end use might be.

4. CONSIDERATION OF RESOLUTION 2019-14R: A RESOLUTION AMENDING THE GENERAL DEVELOPMENT PLAN & DEVELOPMENT AGREEMENT RELATED TO THE MULTI-FAMILY HOUSING APPROVED AT FOXBORO MARKETPLACE, LOT 7 LOCATED AT 790 NORTH CUTLER DRIVE, FOXBORO MARKETPLACE, CHRIS ROBINSON, APPLICANT

Sherrie Llewelyn reported that the proposed property was located north of Lee's Market. She provided an overview of the previous project with two buildings consisting of 51 units per building, tuck under garages, detached garages, and carports, with modern architecture composed of brick, stucco, and Hardie board with flat roofs. The developer approached the City Council and asked for an amendment to the development agreement due to financial hardships.

The new plan would include six buildings with 124 units total with five of the buildings to be three stories tall and one to be four stories tall. The four story building contained units on the top floor with three bedroom lofts and would be located adjacent to Redwood Road. The site plan would retain the clubhouse and swimming pool as well as the picnic and tot lot areas but would not include any of the other active recreation space previously approved.

The previous plan included a landscaped area of 37% of the site with the new plan proposing 35% of the site which would meet the minimum landscaping requirement of 20%. The trail along Redwood Road would include a berm, park strip, a wrought iron fence along the property line and access to the trail from the apartments.

The previous parking requirements were based upon the number of bedrooms with 1.5 spaces per unit for a one bedroom unit. The new plan includes tuck under garages and driveway space in front of the garages for a total of 262 proposed spaces divided out into 72 tuck under garages, 72 tandem driveway spaces, 60 carports, a 40 surface spaces including 4 ADA stalls. The increase in parking is a direct effect of the reduction in single bedroom units and the increase in 2-3 bedroom units. Previously there were 54 one bedroom units, 44 two bedroom units, and 4 three bedroom units with the new planning showing 30 one bedroom units, 62 two bedroom units, and 30 three bedroom units. The Planning Commission recommended that two additional parking spaces be added for a total of 264 as well as the required landscaped islands with trees and that seven ADA spaces be provided with at least four surface spaces.

Mrs. Llewelyn then said that the total bedroom count was increased which was a concern for several of the Commissioners, particularly Commissioner Larson who stated that there were almost 100 more bedrooms than the original approval and said that this would impact parking.

Sherrie Llewelyn then said that the proposed architecture would be similar to the Avanti development at Farmington Station which the Council viewed several weeks ago. She spoke on fencing and said that the previous plan included detached garages and a six foot masonry fence that served as a buffer between the apartments and the existing industrial use but as the plan had changed an eight foot landscape buffer and a masonry wall or composite fence be installed.

Mrs. Llewelyn spoke on the height of the proposed buildings and said the three story buildings would be 45 feet tall and the four story building would be 55 feet tall. She said one public comment was received via email which objected to the 55 foot tall building as it was not conducive to the neighborhood.

Sherrie Llewelyn commented that the minimum landscaping requirement was 20% and said that the Planning Commission recommended the development agreement be modified to require 30%. The landscaping along Redwood Road would be required to be improved to a minimum distance of 24 feet behind the curb. The Planning Commission recommended approval with ten conditions including an additional two parking spaces as well as landscaped islands with trees, seven ADA spaces with at least four surface spaces, landscape buffers surrounding the parking areas be increased to eight feet in width, the minimum landscaping requirement be increased from 20% to 30%, appropriately sized street trees be provided in the park strip along Cutler Drive, required street trees along Redwood Road be placed within the park strip, the proposed landscaping berm along the east property line be of adequate height to shield headlights of cars from Redwood Road, fencing along the north property line be composite or masonry, fencing along the west, south, east property line be composite split rail or wrought iron with appropriate pedestrian entries, and subject to approval of an amended development agreement.

Sherrie Llewelyn said that five members voted in favor, with one member absent, and one member voting in opposition based on the increased number of bedrooms.

Mayor Arave allowed for public comment at 8:43 p.m.

Caralyn Bingham, 1053 Manchester Drive, said that there was a concern about obtaining additional public comment as the plan had changed significantly with the additional of 96 bedrooms. She suggested that the City Council table this item to allow for additional public comment.

Cobi Arnett, 320 Boston Dr., expressed concern with the significant changes and that the public was not given enough notice to attend the open house which was held by the developer. She said there were already safety issues with the crosswalks on Cutler Drive and the roundabouts in the area as well as parking concerns.

Kristian Wong, 491 Lynhurst, said that this was a new plan and said that the item be tabled to allow for additional citizen comment or denied based on the fact that it was completely different from the previous version.

Sharon Stanger, 922 West Alton Drive, commented that this development would be a burden to the community including the schools, police department and roads due to the increased traffic. She also said that she was against the four story building as it set a new precedent for the area.

Dee Lalliss spoke on the potential issues regarding egress and ingress onto Redwood Road. He asked if the fire and police had reviewed this application.

Bryce Thurgood, Castle Creek Homes, said that he could not address the public meeting that was held as he was not involved. He then addressed the concerns which were raised and said there would be two access points to the development including the one off Cutler Drive. Mr. Thurgood then spoke on density and said that this project was the least dense of all their projects and the highest parked site at 2.25 stalls per unit. He explained that only one building would be four stories and 55 feet tall. Mr. Thurgood also said that the size of the amenities such as the pool and clubhouse shown on the site plan were just conceptual and could be similar to what was originally approved. He said they would put in nice amenities to attract residents.

Council Member Horrocks commented that he was impressed by the Avanti product in Farmington. He felt that the density argument was off, based on the nature of the bedrooms. He said that parking was always an issue and dependent on who rented the units. Council Member Horrocks said that South Davis County was a desirable location and whatever was built would be successful. He commented that he would not be opposed to tabling this item for additional public comment but pointed out that there was already an approved agreement in place with less density that the developer could use.

Bryce Thurgood said that their management company had a good grip on what was happening in their communities. He also said they could issue parking permits to deal with any issues.

Council Member Mumford commented on the Avanti product and said it was beautiful. He said that the developer, Chris Robinson, had gone above and beyond to try and cater to the area.

Bryce Thurgood asked that the item be tabled to allow for additional public comment.

Council Member Porter said that this item could be delayed to allow for public comment but that explained that it was not necessary as the Council already had a contract in place.

Council Member Baskin commented that she was surprised to see the number of units had increased. She said that the item should be tabled to allow for the developer to make a better effort to work with the public and modify the plan.

Council Member Hood stated that the original approval was for two buildings and the proposed plan was for six buildings which was deceiving. He said that construction on the original building could have begun much earlier and that the increased number of bedrooms was an issue.

Council Member Baskin moved to table Resolution 2019-14R a resolution amending the General Development Plan and Development Agreement to the Foxboro Marketplace Development Agreement. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

Mayor Arave commented that while Chris Robinson previously tried to reach out to the public that this project would not progress without support from the community.

Dallas Stanger, 922 West Alton Drive, commented that he was concerned about the parking in that the number of spaces decreased and the number of units increased. Mayor Arave clarified that the City Council asked the developer to work with the community and obtain support before bringing the item back before the Council.

The Council took a brief recess from 9:17 p.m. to 9:32 p.m.

5. CONSIDERATION OF A BID AWARD FOR ORCHARD DRIVE SOUTH STREET RECONSTRUCTION PROJECT FROM EAGLERIDGE DRIVE TO CENTER STREET AND US89 TO ROUNDABOUT

Paul Ottoson reported that the Orchard Drive south street reconstruction project would start on the south end of Eagleridge Drive at US-89 along Orchard Drive to Center Street. He said that this project was on the five year plan per the LTAP study. The design for the concrete work had not yet been completed as it must be installed first. The bid for the sidewalk curb and gutter project would go out in April.

Since Orchard Drive would become narrower, it would be impossible to maintain two lanes of traffic during construction. Therefore, Orchard Drive would have a hard closure at the north leg of the Eagleridge Drive roundabout and a soft closure at Center Street. The road would remain open to local traffic only during construction. On Eagleridge Drive the contractor would be allowed to completely shut down the road from the roundabout to US-89 during a period of two separate weekends. He said this project would begin in August when the concrete work was completed.

Mayor Arave asked about a long term solution to the roundabout. Paul Ottoson replied that the City would hire a traffic consultant for reviews and suggestions on the roundabout. He said that may change the total price of the project.

Ken Leetham commented that there would be time after the bid was awarded to review the roundabout and the intersection. He said that once a better configuration was determined that

most likely the roundabout would be removed. Staff would bring a proposal to the Council with the cost and budget amendment for the study.

Paul Ottoson said that five bids were obtained with Staker and Parson at the low bid of \$542,609.35.

Council Member Mumford asked for clarification on the roundabout and Orchard Drive closures. Paul Ottoson replied that the roundabout would be closed for two days. He said Orchard Drive would be closed with local traffic only for 60 days.

Council Member Baskin asked if there was concern about the significant price difference between the bids. Paul Ottoson replied that as the low bid was Staker and Parson that he was not concerned. He also said that as there was so much work that many companies were bidding high.

Council Member Baskin moved that the City Council award the Orchard Drive Reconstruction South project to Staker & Parson Companies for the price of \$542,609.35. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

6. CONSIDERATION OF A BID AWARD FOR ORCHARD DRIVE NORTH STREET RECONSTRUCTION PROJECT FROM EAGLEWOOD DRIVE TO THE NORTH CITY LIMIT LINE

Paul Ottoson reported that this project would begin at Eaglewood Drive and extend north to the City limit line. He said this portion of Orchard Drive was much wider than the previously discussed portion and included 50 feet of asphalt. Staff determined to go out for two bid schedules with Bid Schedule A to leave the road open for traffic. The contract time would be 60 days. Bid Schedule B would allow for road closures and allow local traffic only. All side streets except Eaglewood Drive would be closed to Orchard Drive with the driveways to remain open. The contract time would be 45 days. Mr. Ottoson said the advantages to Schedule A were traffic flow, access to businesses and residential driveways. The advantages to Schedule B were the cost savings of \$85,000 and the shorter construction period. The disadvantage was that it would make it more difficult for customers to access the businesses along Orchard Drive.

Staff obtained five bids with Post Asphalt and Construction as the low bidder on Schedule A at \$504,936.50 and Staker and Parson as the low bidder on Schedule B at \$419,955.50.

Mayor Arave commented that Eaglepointe Drive was falling apart and asked if they were worse around manhole covers, etc. Paul Ottoson replied that it was hard to get compaction at manhole covers.

Council Member Porter commented on the effect of the road closures on the businesses along Orchard Drive.

Ken Leetham suggested that the City could be more aggressive with signage and notices for alternative routes to the businesses. He also said that staff could meet beforehand with the businesses that would be affected.

Paul Ottoson commented that the contract included a clause that the reconstruction would need to be completed before the Tour of Utah in August. He said that staff would also like to talk to the contractor about completing the project before the July 3rd celebration.

The Council felt that it would be better to complete the work as quickly as possible and asked staff to meet with the affected business owners.

Council Member Mumford moved that the City Council award Bid Schedule B of the Orchard Drive Reconstruction North project to Staker & Parson Companies for the price of \$419,955.50. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

7. CONSIDERATION OF RESOLUTION 2019-13R: A RESOLUTION AUTHORIZING THE SUBMISSION OF A CDBG APPLICATION TO DAVIS COUNTY FOR THE BURIAL OF POWER LINES FROM 200 SOUTH TO 150 SOUTH HIGHWAY 89, AND INCLUDING THE PROJECT ON THE CAPITAL FACILITIES PLAN FOR THE FISCAL YEAR 2019-2020 BUDGET

Sherrie Llewelyn reported that staff proposed preparing an application with a funding request of \$114,000 from Davis County's Community Development Block Grant (CDBG) program with a \$28,000 or 20% match. This application indicated the City's desire to bury the power lines from approximately 200 South Highway 89 to 150 South Highway 89.

Council Member Porter moved to approve Resolution 2019-13R a resolution authorizing the City Manager, or his designee, to submit an application to Davis County soliciting Community Development Block Grant (CDBG) Funds for the burial of power lines from approximately 200 South Highway 89 to 150 South Highway 89 and adding the project on the Capital Facilities plan for the fiscal year 2019-2020 budget. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

8. CONSIDERATION OF ORDINANCE 2019-02: AN ORDINANCE AMENDING SECTION 10-1-45 OF THE CITY OF NORTH SALT LAKE CITY CODE PERTAINING TO TEMPORARY SHORT TERM RENTALS

Sherrie Llewelyn reported that many cities were adopting an ordinance regarding short term rentals (STR) or they could be located anywhere as a right by use. Cities put in regulations for STR's so transit room taxes can be collected and to protect the character of residential

neighborhoods. She explained that the ordinance was created from model ordinances and contained portions of code from other cities which was then modified per the Planning Commission. Several changes included the removal of the requirement for four unrelated adults or 8 family members and a maximum rental duration of 45 days versus 30 days.

The proposed STR amendments made the following changes including established the requirement for an STR permit, required owner occupancy for a minimum of 183 calendar days per year, limited the number of people that a unit may be rented to, allowed only one STR per property, ADUs used as STRs may be rented 365 days per year, required a parking plan and off street parking, provided methods for the City to contact property owners in the event of an emergency, notified the owner of requirements for maintenance, required posting of certain information, and provided penalties for violations of STR regulations.

Council Member Horrocks commented that individuals with existing units would not comply with the ordinance. Sherrie Llewelyn replied that owners would be required to obtain a yearly license regardless of preexisting rentals.

Council Member Porter said that something could be put in place now and then modified as necessary.

Mayor Arave asked about parking requirements. Sherrie Llewelyn clarified that .5 parking spaces would be required for every bedroom rented with a minimum of one off-street parking space.

Council Member Mumford asked about the requirement for the property owner to live on the property for 183 days per year. Sherrie Llewelyn replied that this would help to prohibit the purchase of a single family home to be used solely for short term rental properties.

Council Member Baskin asked about the short term rental limit of no more than 30 days. Sherrie Llewelyn responded that it had been changed to 45 consecutive nights.

Dee Lalliss commented that in some cities the short term rentals were restricted by neighborhood. He said that the ordinance should address on-street parking and should not limit the number of days.

David Finklea commented that there were not that many rentals and it was not a big deal. He said some people made a living off their rentals and the City should not regulate this so strictly as this was placing the burden on the citizen and what they could do with their property.

The Council asked that the City attorney review this amendment and that staff stay on top of this ordinance and modify it as necessary.

Ken Leetham commented that this would give the City the tools to preserve neighborhoods in the right way but said it would not be a big revenue source. He also suggested that licensed STR could be noticed on the City's website.

Council Member Horrocks moved to approve Ordinance 2019-02: an ordinance of the City of North Salt Lake amending Title 10 of the City Code related to Short Term Rental regulations. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Mumford, Hood and Baskin.

9. COUNCIL REPORTS

Council Member Hood reported that the Youth City Council (YCC) leadership conference in Logan went well and the feedback was that this was the best conference yet. He asked that the YCC mayor be allowed to report on the conference in a future Council meeting.

Council Member Mumford reported that the NSL Parks and Arts Board would meet tomorrow. He said the Board would be providing a recommendation on the play surface at Legacy Park to the City Council.

Council Member Mumford also asked about a proposed development of 22 units near the Winnie. Sherrie Llewelyn replied that this was regarding the vacant lot near the Winnie and would be phase 2. She said it was currently zoned CS and the developer would need to apply for a rezone to residential.

Council Member Porter reported that the Jordan River Commission was able to obtain additional funding for 2019. He asked that the History Committee be formalized on a future City Council agenda.

Council Member Baskin reported that she had been asked to represent the City at the Great Salt Lake Parkway meeting. She said she was researching to see if they had any legal options.

Council Member Baskin also reported that the 2020 Census committee met. She was also working on the City's parking and the tree ordinances.

10. MAYOR'S REPORT

Mayor Arave asked when the next Planning Commission appointment would be. Sherrie Llewelyn replied that it would be at the end of the year.

11. CITY ATTORNEY'S REPORT

David Church was excused.

12. CITY MANAGER'S REPORT

Ken Leetham reported that Eagleridge Tennis Club had requested to use the tennis courts at Tunnel Springs again this year for lessons. The Council asked if this would affect the landslide mitigation process, and also if there should be a contractual agreement for future use with an open bid on rental rates.

Ken Leetham then reported on the annual budget retreat. The Council discussed potential dates and determined that the budget meeting be held March 26th at 5 p.m.

Ken Leetham commented that several employees asked if they could donate sick leave to a coworker with a long term illness. He said that a policy could be put in place with requirements including donations only to those on short term disability, a cap of 240 hours for the recipient and 40 hours a year for the donor, and availability limited to certain circumstances.

Council Members Horrocks and Mumford commended staff in their compassion and thought it was a great idea. The Mayor and Council agreed.

Ken Leetham then reported that the Council finalize attendance for the League of Cities and Towns conference with Linda Horrocks.

Ken Leetham also reported that he had received a letter from a property owner in the proposed annexation area who was concerned with the type of development that was being contemplated.

13. ADJOURN

Mayor Arave adjourned the meeting at 10:36 p.m.

Mayor

Recorder