

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-WORK SESSION
MARCH 29, 2016

FINAL

Mayor Arave called the meeting to order at 6:01 p.m.

PRESENT: Mayor Len Arave
Council Member Brian Horrocks
Council Member Matt Jensen
Council Member Stan Porter
Council Member Ryan Mumford
Council Member James Hood

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager ; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Jon Rueckert, Assistant Public Works Director; Chief Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: None.

1. DISCUSSION OF ENCROACHMENTS ON CITY PROPERTY

Paul Ottoson presented a map to the City Council and discussed all the encroachments that were three feet or more onto City property. Most of the encroachments are located adjacent to the Eaglewood Golf Course, the Wild Rose Trail, and the Deer Hollow Reservoir.

David Church explained that encroachments onto the golf course property are different than other encroachments throughout the City, as far as purchasing the encroached property. The contract for the golf course land states that if the property is not used for the golf course it will revert back to the Canon family. The City will need to notify those residents and enforce the boundary lines there.

Barry Edwards said that City staff has identified the encroachments and have notified the residents along the Wild Rose Trail and asked what the City Council would like to do going forward. Council Member Porter commented that the homeowners should be notified of the encroachment onto City property but possibly not take any action at this time unless it is a large encroachment. Council Member Horrocks stated he also agrees that the homeowners should be contacted again.

Council Member Jensen commented that some encroachments are not as concerning as others specifically the home that is adjacent to the trail and encroaches onto a steep overlook.

Council Member Mumford said that the Wild Rose Trail encroachments are different and that the installation of a fence may be required to stop future encroachments.

Barry Edwards commented that City staff will survey and have appraisals done on the properties that are encroaching and bring back a solution for the City Council.

2. APPROVE CITY COUNCIL MINUTES

The City Council minutes of March 15, 2016 were reviewed. **Council Member Porter moved to accept the City Council minutes for March 15th as written. Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

3. ACTION ITEMS

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

4. COUNCIL REPORTS

Council Members Horrocks and Hood commented that the City's Easter egg hunt went well. Council Member Hood said that they will try to provide more eggs next year. He also commented that he had received complaints from residents regarding solicitors knocking on doors without a license.

Council Member Jensen reported that the NSL Kite Festival will be held April 9th at 2 p.m. at Legacy Park.

Council Member Mumford thanked staff for the preparation put into the recent budget meeting.

5. CITY ATTORNEY'S REPORT

David Church had nothing to report.

6. MAYOR'S REPORT

Mayor Arave reported that the flood plain report had been received and that an update on Stericycle would be sent to the Council members.

7. CITY MANAGER'S REPORT

Barry Edwards reported that the department heads had met and re-examined the budget and would present the findings at the next City Council meeting.

8. ADJOURN

Mayor Arave adjourned the meeting at 6:53 p.m. to begin the regular session.

NORTH SALT LAKE CITY
CITY COUNCIL MEETING-REGULAR SESSION
MARCH 29, 2016

DRAFT

Mayor Arave called the meeting to order at 7:05 p.m. Council Member Ryan Mumford offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave
Council Member Brian Horrocks
Council Member Matt Jensen
Council Member Stan Porter
Council Member Ryan Mumford
Council Member James Hood

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Assistant City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Jon Rueckert, Assistant Public Works Director; Chief Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Jarom Smith, Tom Stuart Construction; Randy Cassidy, Bill Gaskill, Christopher Robinson, Foxboro Marketplace L.C.; Richelle Orme, resident.

1. CITIZEN COMMENT

There were no citizen comments.

2. CONSIDERATION OF DEVELOPMENT AGREEMENT WITH FOXBORO
MARKETPLACE, L.C. RELATED TO THE FOXBORO MARKETPLACE GENERAL
DEVELOPMENT PLAN, FOXBORO MARKETPLACE L.C., APPLICANT

Ken Leetham reported that the first three agenda items are connected and that City staff has worked to present this agreement in its final form and incorporated all the changes from the developer. The previous application included property south of Foxboro Drive which has since been removed and now only includes the north property. The major changes to the development agreement include the approval of the subdivision plat (pages 1-2), permitted, conditional and prohibited land uses defined (page 10), apartment standards defined (pages 11-12), and all

additional architectural standards relating to exterior materials, lighting and mailboxes are defined (pages 13-14).

Mayor Arave asked if any internal construction standards would be required. Ken Leetham replied that the City only requires exterior architectural requirements.

Christopher Robinson, Foxboro Marketplace L.C., commented that they will build the apartments to meet the best industry practices and that they will include upgrades such as 9' ceilings and granite countertops.

Randy Cassidy, Foxboro Marketplace L.C., also said that the apartments would be built with over-height doors and other higher end finishes. Mayor Arave asked that this be memorialized in the agreement and required by the developer to include in the apartments. The exterior amenities such as the pool, etc. need to be included in the agreement as well.

Ken Leetham then said all spelling and grammatical issues would be addressed and that the other significant changes to the development agreement would include signage standards (pages 15-19) which dictate the requirements for multi-tenant signs, monument signs, wall signs and window signage. There will be a large multi-tenant sign on Redwood Road with a maximum height of 35' and 250 square feet with an allowance of 50% to be used for an electronic sign. Each lot can have one monument sign up to a maximum of 6' in height and 50 square feet in size and must be attached to the ground. Each business will be allowed one wall sign in front of the business and must be no larger than 30% of the available wall size and will be scaled to the entrance of the building. There are also allowances for window signs, menu boards and temporary signs and banners as these are not addressed in the current City code. The temporary signs will only be allowed for the first 45 days of a new business opening.

Council Member Mumford commented that in the past there was not a set time limit for the residential temporary sign in apartment complexes which say "for lease" or "for rent." Ken Leetham replied that there is a difference between a temporary sign versus a permanent sign that advertises leasing.

Randy Cassidy said that apartment complexes will always be leasing apartments and suggested that a temporary sign be placed for the first year and a more subtle leasing sign be put in place after that. Council Member Mumford commented that this also needs to be memorialized in the development agreement.

Mayor Arave asked that the temporary sign requirements be removed from the development agreement.

Ken Leetham reported that on page 19 under "Residential Signs" that item B4 be changed from a height of 60" to 7' and a total square footage of 100'. He then explained that the existing signs at Foxboro Terrace are 6'5".

Ken Leetham clarified that if the applicant would like to use a zero lot line they would have to produce an easement on the adjacent property for the purpose of maintaining the backside of the buildings. Otherwise the applicant will need to have either a 5' setback or a 1' section from the property line with drainage, etc. or a zero lot line. Randy Cassidy commented that with Foxboro Terrace Apartments Phase 1 that they already have a document which allows them to build a wall down the property line and requires them to maintain the property.

Chief Black commented that he has reviewed the development agreement and he feels the zero lot line concept is acceptable, as it prevents a small alley from being created.

Council Member Mumford asked about the construction of the grocery store and if a certain point had to be reached in completion of the store before the apartments could be built. Ken Leetham replied that the agreement states that the grocery store has to have constructed and received approval of a four-way inspection before the City will issue building permit for the multi-family. He explained that in the four-way inspections all the outside walls, doors and windows are finished, and the framing, electrical and plumbing is roughed in.

Council Member Hood asked what the next step after the four way inspection would be. Barry Edwards replied that there would be the installation inspection, sheetrock inspection and then the final inspection.

Barry Edwards said the lease has been signed and that Lee's Marketplace will have the plans and permit to the City within five days of today.

Council Member Jensen commented that while he has received complaints from the public about this process, the City has done its due diligence and more in making sure the public is aware of all developments. He then explained that the other complaint he has received is that the City Council and Planning Commission have already made up their minds in advance on certain issues but said that while it can be frustrating when the Council does not vote how a particular group wants, there are many differing opinions. Council Member Jensen explained that the Council Members also live in the City and must determine what is best for the community in the short and long-term. He clarified that the City Council does not make these decisions based on personal monetary gain.

Council Member Hood stated that the development of these apartments will not bring in more crime. He explained that the police department works with the landlords through the Good Landlord Program to ensure the safety of these complexes. He also said that from the information received from the school district that there will not be a drastic increase in school children as most of the proposed apartments are one bedroom units.

Council Member Horrocks said that he does not believe the facts support the arguments stated by the public. He explained that the school overcrowding issues have been addressed by the school district and that the grocery store will most likely enhance the property values of those homes in proximity to the store as it is an amenity.

Council Member Porter stated that some of the comments received say that City Council is not representing them. He explained that the Council hopes to represent the majority of the residents, especially those that have asked for a grocery store for years, and said that the Council cannot represent everyone, as there are many differing opinions.

Council Member Mumford commented that he makes a point not to make a decision before there is a public hearing on a topic. He said he prefers to hear all the facts and comments and then make a decision. He explained that he talked to many residents, read social media comments and heard from those who attended the public hearing. He said he is not in favor of the apartments but that it is a compromise that must be made as the grocery store benefits the community.

Mayor Arave then clarified that the Planning Commission and City Council have spent time on these items and that any vote cast is the result of what the commissioner and council member feel is the best for the process. He said there are no private interests but only what is best for the community.

Council Member Jensen moved that the City Council approve the proposed development agreement between the City of North Salt Lake and Foxboro Marketplace contingent upon the approval of Ordinance No 2016-05 and also the amendment for Foxboro Plat 1A Lot 108. Council Member Mumford seconded the motion.

Mayor Arave asked that the wording regarding temporary signage be removed.

Christopher Robinson commented that after review of the agreement sent out this afternoon that the language and grammatical errors will be changed and that the motion includes the deletion of sections 7-9 regarding temporary signage.

Ken Leetham clarified that the other items to be changed in the development agreement include a list of the interior building features including 9' ceilings, granite countertops, etc., a list of the exterior amenities including the pool, patios and walkways, the removal of paragraphs 7-9 regarding temporary signage, and changes to page 19 regarding signage.

Council Member Jensen moved to amend his motion to remove the temporary signage requirements which includes the removal of paragraphs 7-9 for temporary and portable signs, minor changes to language and spelling, and pursuant to the previous discussion on 7' signage and other changes to the signage requirements, and the inclusion of exterior and interior amenities as discussed. The approval is also conditioned upon the approval of the next two agenda items. Council Member Mumford seconded the amended motion. The motion was approved by Council Members Horrocks, Porter, Jensen and Mumford. Council Member Hood voted in opposition to the motion.

3. **ORDINANCE NO. 2016-05: AN ORDINANCE REZONING PROPERTY FROM CG TO P DISTRICT RELATED TO THE FOXBORO MARKETPLACE DEVELOPMENT**

Ken Leetham reported that the next step in the development agreement is the rezone of 14.4 acres to a Planned (P) District for development of the property.

Mayor Arave explained that there was a public hearing during the Planning Commission meeting on Thursday March 24th and that the Commissioners recommend approval to the City Council.

Council Member Mumford moved that the City Council approve Ordinance No. 2016-05 rezoning property located at 725 North Redwood Road from CG, General Commercial, to P, Planned District with the following condition:

Condition:

- 1) **That this ordinance is not effective until a development agreement is approved by the City Council for the same subject property.**

Council Member Porter seconded the motion.

Council Member Jensen asked if the proposed findings needed to be included in the motion. Ken Leetham said that the findings are required by City ordinance and do not need to be read but recommended they be included in the motion.

Council Member Mumford moved to amend his motion to include the seven findings:

Findings:

- 1) The proposed P District can be substantially completed within two (2) years of the establishment of the P District.**
- 2) The development contains phases that can exist as independent units capable of creating an environment of sustained desirability and stability; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.**
- 3) The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P District.**
- 4) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.**
- 5) Any exception from standard ordinance requirements is warranted by design and amenities incorporated into the final plan.**
- 6) The P District is in conformance with the City General Land Use Plan.**
- 7) Existing or proposed utility services are adequate for the population and use densities proposed.**

Council Member Porter seconded the amended motion. The motion was approved by Council Members Horrocks, Porter, Jensen, and Mumford. Council Member Hood voted in opposition to the motion.

4. CONSIDERATION OF A PROPOSED AMENDED PLAT FOR FOXBORO PLAT 1A, LOT 108 TO CREATE FOXBORO MARKETPLACE SUBDIVISION (7 LOTS) LOCATED AT APPROXIMATELY 725 NORTH REDWOOD ROAD. CSC PROPERTIES, APPLICANT

Ken Leetham reported that this is the subdivision of the property with Lot 4 consisting of the grocery store and Lot 7 to contain the multi-family units. There are two easements which will be conditions of approval and have been placed on the revised plat.

Christopher Robinson commented that the easements are related to cross easements for parking, access, drainage, etc., and that they will be referenced on the plat. The easements will also allow the occupants of the multi-family to access lots 1-6. He asked that grammatical and language errors be fixed on the easements.

Council Member Porter moved that the City Council approve the proposed plat amendment of Foxboro Subdivision Plat 1A, Lot 108 with the following findings and subject to the following conditions:

Findings:

- 1) The amendment will be in the best interests of the City;**
- 2) All lots comply with all applicable zoning standards;**
- 3) All necessary and required dedications are made;**
- 4) Provisions for the construction of any required public improvements are included;**
- 5) The amendment complies with all applicable laws and regulations; and**
- 6) The amendment does not materially injure the public or any person and there is good cause for the amendment; and**
- 7) All minor verbiage changes be made to the agreement.**

Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen and Mumford. Council Member Hood voted in opposition to the motion.

5. CONSIDERATION OF A PROPOSED PLAT AMENDMENT TO THE RIVERBEND INDUSTRIAL SUBDIVISION, LOTS 8 & 9, 245 SOUTH RIVERBEND WAY. TOM STUART CONSTRUCTION, APPLICANT

Ken Leetham reported that the applicant is proposing to combine lots 8 & 9 into one lot with four separate condominium buildings with parking and landscaping to be held in common and maintained by the property owners association.

Council Member Mumford moved that the City Council approve the proposed plat amendment for River Bend Industrial Subdivision Lots 8 & 9 with all the findings and conditions:

Findings:

- 1) All lots comply with all applicable zoning standards;**
- 2) All necessary and required dedications are made;**
- 3) Provisions for the construction of any required public improvements are included;**
- 4) The amendment complies with all applicable laws and regulations; and**
- 5) The amendment does not materially injure the public or any person and there is good cause for the amendment.**

Conditions:

- 1) **The Plat is revised to show the following items:**
 - A. Lot 16-Mark as “Common Area”
 - B. Correct addresses for Building 19 & 20 (switch addresses)
 - C. Remove fire line easements (lines will be owned and maintained privately)
 - D. Signature boxes for Planning Commission, Engineer, and Attorney, changed “Approved” to “Recommended for Approval”

- 2) **Submit draft of CC&R’s for common area ownership, maintenance, etc.**

Council Member Jensen seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.

6. CONSIDERATION OF A BID AWARD FOR UNION AVENUE WATER CONNECTION PROJECT

Paul Ottoson reported on the bid opening for the Union Avenue service water changeover and said that the project starts at the west end of the cul-de-sac and runs to Overland Drive. He said there were only two bids received as most contractors already have multiple projects. The two bids were from MC Green and Sons and Kapp Construction. There are currently two active water lines on Union Avenue with one 8” original cast iron line and a more recent 14” PVC pump up water line installed from the Honey Well to the “Donut” reservoir on 350 East. Over the last ten years there have been many water leaks in the cast iron line. The bid for MC Green and Sons came in at \$98,996.00 and Kapp Construction was \$100,576.00. The engineer’s estimate was \$105,000.00.

City staff recommends awarding the bid to MC Green and Sons for \$98,996.00.

Council Member Mumford asked if the City should use the Orbit CDA funds for this project versus using money from the Water Fund. Barry Edwards replied that the CDA funds could be used. He said staff will review and come back with a recommendation. He suggested that the Council approve the bid now and that during the budget presentation City staff would recommend which funds to use.

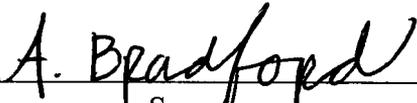
Council Member Horrocks moved to award the bid to MC Green and Sons for \$98,996.00 with the understanding that the funding will be determined at a later date. Council Member Jensen seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.

7. ADJOURN

Mayor Arave adjourned the meeting at 8:15 p.m.



Mayor



Secretary