

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

City of Saratoga Springs
City Council Meeting
October 6, 2015

Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Policy Session Minutes

Present:

Mayor: Jim Miller (electronically)

Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,
Chelese Rawlings, Jess Campbell, Andrew Burton, Nicolette Fike

Others: Chris Porter, Carl Ballard, Scott Verhaaren, Wade Williams, Robert Krejci, Luke & Tenille Perry,
Kevin McMillan, Darren Jensen, Janae Walinschaffe, Nancy Hart, Vanessa Bocanegra, Peggy McEwan,
Trey & Camille Mitchell, Patrick Bicker, Hannah Bicker, Thane Smith, Sheryl & Ryan Mitchell, Camille
Parson, Terrance Parson, Ron Edwards, Bob Richey

Excused:

Call to Order 7:00 p.m.

Roll Call – a quorum was present

Invocation / Reverence - given by Councilman McOmber

Pledge of Allegiance - led by Councilwoman Call

Mayor Miller asked Councilwoman Call, Mayor Pro Tempore, to conduct the remainder of the meeting.

Public Input - Opened by Councilwoman Call

Bob Richey, representing Saratoga Springs Development HOA. They have concerns about traffic restrictions along Redwood Road during high traffic times. It is causing a lot of commuters to cut through the subdivision and creating a safety problem. They are very concerned about it.

Councilwoman Call asked if Staff would coordinate and work in conjunction with the development.

Mark Christensen said Mark Edwards is working with Howard Van Horn with the development.

Spencer Kyle noted that a traffic plan that was approved by the Saratoga Springs Development HOA.

They will go back and review it.

Councilwoman Call noted they may want to go after some legislative funding where they did not know how bad it would be, to get the Redwood Road widening sooner.

Councilwoman Baertsch commented that the upcoming legislative dinner would be a good opportunity to talk to the legislators.

Nancy Hart wanted to thank them for addressing Action item 2d.

Public Input - Closed by Councilwoman Call

POLICY ITEMS

1. PUBLIC HEARING ITEMS:

a. Budget Amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget.

i. Resolution R15-45 (10-6-15): adopting amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget.

Chelese Rawlings reviewed the Budget Amendments. She noted several library grants and there is a need for additional crossing guard for Sage Hills Elementary.

Councilwoman Baertsch asked why this school was getting one when other schools have not.

Mark Christensen said this was because of Swainson Ave. being completed that opened a new walking route, the size of Wildlife, and removal of busing.

Councilman McOmber noted there are fair arguments that for Saratoga shores all kids are getting bused that live across Redwood Road.

Councilwoman Call said there ought to be a policy for what triggers a crossing.

Spencer Kyle said there are MUTCD standards for when crossings are needed with a Crossing Guard. They worked recently on the new Dry Creek School recently and have looked at other requests like rerouting. They can put together the standards for City Council to see and post those for the public.

Public Hearing – Open by Councilwoman Call

No comments.

Public Hearing - Closed by Councilwoman Call

Motion made by Councilman Willden to approve Budget Amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget. Resolution R15-45 (dated today 10-6-15): Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

b. Village Plan and Community Plan for The Crossing located on the NW Corner of Pioneer Crossing and Redwood Road, to Market Street, Redwood Road and Pioneer Crossing Extension, The Boyer Company, applicant.

Kimber Gabryszak presented the Community Plan and Village Plan. She noted this is part of the District Area Plan (DAP). She reviewed the build-out allocations. She reviewed the changes made to the Plan since the last submission. Most of the changes have been made that were needed. There are a few Community Plan and Village Plan changes that still need to be made.

Kevin Thurman noted they are still working through the Master Development Agreement. At this point it is mainly an administrative decision that can be delegated to staff. Make sure all the findings and conditions are delegated to staff to include into the agreement.

Wade Williams and Scott Verhaaren were present to answer questions.

Public Hearing Open by Councilwoman Call

Darcey Williams said her neighborhood (Dalmore Meadows) is concerned with the traffic that will come with this project. The traffic there is already an issue especially during peak times and will only get worse with this project. They feel a traffic light needs to be put at the entrance to their subdivision.

Wade Williams noted the whole intersection was put into a study by UDOT and they programed the intersection to have a continuous flow intersection and that would have blocked Dalmore and their project. They went through some discussions with UDOT and a study was done that said the legs of the intersection could be switched from Redwood Road to Pioneer, which would allow for a light at a later date. The current agreement on that street doesn't allow it but the change makes it possible.

They are very supportive of doing that but it will take a few steps and help from the City.

Darcey said they would like it sooner than later especially for safety concerns, the neighborhood will support whatever they need to do to help make this happen.

Thayne Smith, representing the property owner, noted they have been supporting this project for many years. They are grateful for all the support from staff and City Council and their efforts to make this possible at this time. They will continue to be involved in the plans and are supportive of what Wade Williams and Scott Verhaaren are doing.

Public Hearing Closed by Councilwoman Call

Councilwoman Baertsch said her biggest concern is that at this time they are not ready to come to us if they want staff to have it and run with it. There are things that will affect all of the Village Plans and that needs to be contained in the Community Plan. It would be nice if all 69 acres weren't the same, maybe coordinating schemes. Same rock motif or signage motifs, those kinds of item. They need to be taken out of the Village Plan and put into the Community Plan. The light at Dalmore is going to be needed or the traffic will be impeded to this development. You can't turn eastbound on Pioneer from this facility

because of the median on Pioneer. And you can't turn into the development from eastbound traffic. All the other entrances are right in right outs. We need to work on that with UDOT and push for that soon.

Kimber Gabryszak summarized the key items for the Community Plan changes. Many are already in staff memo. She included her thoughts on the suggested changes. The applicants requested that Auto refueling stations and some other conditional uses (Retail Big Box, Fitness centers over 5001sq.ft.) in the Regional Commercial Zone be no longer treated as Conditional Uses but just be Permitted uses. The recommendation was keeping automobile refueling as a Conditional Use Permit (CUP) to minimize impacts.

Councilman Willden asked for clarification about the additional requirements of making something a conditional use versus a permitted use, and is supporting of making Auto refueling as a permitted use in this zone and delegating the review to Staff.

Councilwoman Baertsch has no problem with big box as long as the standards checklist is in place and very specific for them, same thing for fitness. Her only concern with auto refueling is there are other things that may impact residences (like intercoms). She is not concerned about Smiths per se, but this is for the Community Plan. She wants to make sure the lights are down lighting, those things can be taken care of with a Conditional Use.

Councilman McOmber appreciated the desire to minimize the impact on City Council and Planning Commission but we volunteered to be here. With the Big Box, where check boxes are more standard that may work out. Maybe with gas stations we don't have those check lists as fleshed out. If it was more fleshed out we would be more willing to do this. He is concerned on making an approval with that many staff recommendations. Where they want approval, for him right now, he would like to see Gas Stations stay as CUP and let's look at getting lists stronger so we can look at moving that to staff, but for Big Box and fitness centers he is ok with it.

Councilman Poduska said if they are going to have a gas station he would like to see it as a permitted use.

Councilwoman Call is fine with Fitness Centers and Big Box. On fueling stations, she understands the concerns brought up but thinks that those have been mitigated with certain code feathering/setback/etc requirements so she is okay with it being permitted.

Councilwoman Baertsch asked if they could put in the conditions and standards for fueling stations that intercoms couldn't be used after quiet hours.

Kimber Gabryszak noted there was a request for extra sidewalks that could count towards open space area, only if it's not used for display. Staff supports that change.

Councilwoman Baertsch remarked that we talked about other projects having a display area being delineated through different materials.

Kimber Gabryszak responded that is something that is in our design standards now. She continued with some changes and clarifications. Staff would like language that notes if it doesn't comply with the Community Plan staff can bring it back to council. Staff would like a note in the Modify process to ensure Planning Commission/City Council review on all items if compliance with Community Plan is not met. Staff would support reduction in size of large expanse of one material.

Councilwoman Call said the issue is long expanses where it looks plain.

Wade Williams said they understand the issue, they don't think any building will be bigger than this in the first phase. On smaller buildings the scale would be smaller.

Councilwoman Call said the concern is from this Smiths building where you see big expanses with no changes. She asked where they were in these processes, is Smiths signed off?

Wade Williams said they are working on a few things and changes to elevations.

Kimber Gabryszak said for the most part they have complied but they had a few items like wall lights, upgraded lighting and outdoor seating areas.

Wade Williams though those would be addressed in the site plans.

Councilman McOmber had concerns that for 4 sided buildings where you can see them from far distances, e.g Walmart, they have the false pop outs on the back of the building. He is concerned with the 1600' we can't make this building less expensive for an unfair competitive advantage over other buildings in the city. He asked that they make an effort that it has true 4 sided elevations.

Councilwoman Call asked if this came in under our Regional Commercial zone what designates different material use and percentages.

Kimber Gabryszak said they have design standards with limitations to numbers and colors and various mixture of items.

Kevin Thurman mentioned that 19.26 requires compliance with architectural standards. The DAP may have carved out an exception.

Kimber Gabryszak said it is mostly compliant.

Wade Williams noted their intent is to comply with title 19 except where expressly noted in this document. They don't have any issues with that. They do feel big buildings should look like big buildings. Faux architecture looks faux; they don't want to get too cute with it. They are in a position where they can communicate it with Smiths and these are the only changes they are asking for that aren't in the City's design guidelines.

Councilman Poduska recalled the back of this building was going to be adjacent to the back of another building and the ability to visually see this would be limited and would be more of a large alley.

Wade Williams said in addition to that this will be set down about 6-7 feet from and a 6 foot fence above that.

Councilwoman Call said when they are looking at a Community Plan they are looking at what the whole thing governs and that they could see a building like this anywhere in the project. She asked the difference between this and the Smiths in West Jordan in elevation materials.

Scott Verhaaren said that was not our project but the Smiths design is similar to this.

Councilman McOmber commented that with the building down lower, they would be seeing the top part of the elevation, and no break ups seen at all. The back of the building has no towers.

Scott Verhaaren commented that they need to make sure the roof top equipment is fully screened.

Wade Williams noted that was included in the plans.

Kimber Gabryszak went over more conditions.

Councilman Willden commented that it appears a majority of the items can or have been addressed by both parties and the more controversial item remaining is the sq. footage of walls for breaking up materials. He is on both sides where it's nice to break it up but it's not bordering an outside street. Perhaps we can make a condition that allows for the larger sq. foot for buildings not bordering an outside street.

Councilwoman Baertsch clarified that this was the Community Plan and addresses all buildings. She asked if there was a road behind Smiths, besides the alley.

Scott Verhaaren said there is roughly a 7% grading change where there is no parking and the 6-7 foot then a fence on top of that. They don't know if there would be a road behind the fence.

Councilman Willden thinks we should find a way to move forward with this today through conditions. If we push this forward to another meeting, we should handle it at the next available meeting so we don't unnecessary delay the project. It sounds as though the developer, council, and staff are agreeable to most of the changes.

Councilwoman Baertsch said that their signage notes state they are following the City's standards. It is noted on some of their signs they are not actually to our code but look really nice and she would like to see that concept transferred to our signs standards. We need to see some of the elevation plans for the Village Plan, they need to be available in the Community Plan and she is not seeing that. We don't want complete carbon copy Village Plans. Technically the monuments base needs to be under the entire sign face and right now it's over hanging. Likewise with pedestal vs. pylon signs these are really well done pylon signs but technically we don't allow them, if we could address that somehow.

Kimber Gabryszak noted she has a condition that modifies to clarify that pylon signs consistent with the Community Plan exhibits are permitted and remove the pedestal comparison. It is a requirement that they comply with the monument standards so they would need to extend the base out to comply.

Councilwoman Baertsch said this would be one of those things that need to move to the Community Plan, not just the Village Plan.

Wade Williams noted they were fine with that.

Councilwoman Baertsch asked about the 10,000 sq. ft. reduction lot.

Wade Williams replied the small shop space next to Smiths that they think is important is 11,000 ft. They do that in commercial development all the time. It's really just under the building.

Councilwoman Baertsch said they don't want it to become a permanent snow cone stand.

Councilwoman Call asked if that could be addressed in the Master Development Agreement it could be mitigated on both sides.
 Kevin Thurman wasn't sure it was a variance, but it could be handled in the Master Development Agreement.
 Councilwoman Baertsch asked if it could just be part of the Smiths site.
 Wade Williams replied because they own it, not Smiths. They could foresee a situation like a theatre with restaurants right up next to the theatre.
 Councilwoman Call commented that having owned a small shop, she would much rather just own her footprint and not have to maintain the parking lot.
 Councilwoman Baertsch asked if it was attached and if they could put it in the standards that it has to be part of an inline section.
 Wade Williams commented that we don't want to restrict the creativity. Really it's not attached to Smiths, there are two separate walls, they are not party walls. For these types of developments you are going to want this type of flexibility
 Councilwoman Baertsch wants to make sure it's covered for future developments.
 Kevin Thurman said they would make sure that was taken care of.
 Councilwoman Baertsch said they needed to talk about the raised walkways. Her understanding is that when those are in the DAP they qualify for connector trails so she has no problem with that.
 Councilman McOmber thinks we might be able to get this tonight because it was documented by Kimber for them to see and put on a Report of Action, and the applicant is not pushing back. He would love to see where the intent of the landowner/developer is to see a light to the Dalmore Meadows area written into the document. Right now it is a right in right out, but there could be a note that the desire is to have a light there.
 Wade Williams said they traffic study does identify a light and it's part of the Master Development Agreement and maybe that covers it.
 Mark Christensen said Wade Williams is alluding to a cooperative agreement with UDOT that grants certain accesses to lights and it's about allowing a light in this location and it is an issue they will have to come back and amend the cooperative agreement for that.
 Councilman McOmber likes the swoop incorporated into the project; he likes what he is seeing and believes that all parties have the correct intention to where he feels that we can move forward. For him it does need to be put in the document that they intend to see a light.
 Councilman Poduska thought it would a beautiful addition to Saratoga Springs and all parties are working hard to get it done and he doesn't want to hold it up.
 Councilwoman Call echoes Councilman McOmber's comments about the design standards throughout the project. She would encourage them to look at other areas like on blocky buildings where the swoop may be an addition. She thanked them for bringing this project to Saratoga Springs and helping them make the processes better. She wanted them to pay attention to parking and the concern that we tend to fill the parking here in Saratoga. She asked that Wade address shared parking
 Wade Williams said the key is to not over park and not under park. There are certain users that are destination oriented where people park and walk and others where they won't walk. The variables that matter when they look at big centers is this will be the size of the district or larger. The District is 850,000 sq. ft. it has 1200 stalls extra. We spent time studying across the country and as a center gets bigger the requirements get larger for a while then go down. Entertainment uses change the ratio. They created a grid used in other centers across the country and they think it is applicable, it swings matrix by size and usage. They also take into account the time of day.
 Scott Verhaaren spoke about the Gateway, mass transit did not contribute to the Gateway the way they thought it would so they are usually over parked there.
 Wade Williams said this is the standard the tenants are signing off on. The last 4 years Tenants are going down to 4-4.5 stalls for 1000 sq. feet. Some need more, some less.
 Wade Williams said they have seen this methodology work and so they are proposing this here.
 Councilwoman Call wondered at what point the need tapers off.

Wade Williams said it probably should taper off at a million. When the center gets bigger people do several things at one time, so they think the number can be under 5 at that level, the District is parked at fewer than 5 and has about 1500 extra stalls. They do need to be careful for certain types of uses and tenants. Councilwoman Call noted in the Village Plan we have 69 acres so we fall into that 4.6 so we are not going to see something at 4 stalls per 1000, so her fears are mitigated. Councilwoman Baertsch noted that we don't have the religious use in their Regional Commercial so it would be a change of use from what we normally allow. Wade Williams said they didn't have plans for that but used it for illustrative purposes. Councilwoman Baertsch asked with this shared parking, say there is a change of tenant; it may or not affect parking. Are there times you would say this tenant won't work in this location Scott Verhaaren said that happens all the time. Often the tenants will let them know as well. Councilwoman Baertsch didn't see a process where the parking was reconsidered through the tenant process. Councilwoman Call said with the amount of parking she didn't see the need for a change of use, with 4.6 over the entire project. Councilman McOmber noted the champagne colored lights at The District that help with hiding the light poles visually, and there is very little light pollution. He loves the lights at The District. He would like them to use them here. Kimber Gabryszak reviewed the conditions to be included in the motion with City Council. Kimber Gabryszak is typing it up the tall items to be moved to the Community Plan will comply. Mayor Miller commented that he encourages City Council in the direction to allow staff to make the changes after the outline is done. He has seen a lot of deals die in the red tape. We have worked hard and long to get this coming and anything we can do to streamline it so Boyer Company knows what is expected and they can market it with confidence. The market now is good and we need to do it right.

Motion made by Councilwoman Baertsch to approve The Crossings Community Plan with the Findings and Conditions in the Staff report. All finding previously included as well as the conditions adding those directed by Council today including items 7a. – aa. And including that the Master Development Agreement incorporate all the findings and conditions. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

Conditions:

1. The maximum allowed ERUs in the Community Plan shall be 653.2.
2. All requirements of the City Engineer shall be met.
3. All requirements of the Fire Department shall be met.
4. All other Code requirements shall be met.
5. The signed and approved Master Development Agreement shall be recorded prior to further City approvals beyond the first Village Plan, including subsequent Village Plans, site plans, and plats.
6. All remaining changes from Exhibit F shall be made prior to further approvals.
7. The Community Plan shall be edited as directed by the Council:
 - a. Page 6: correct typo in ERU reference
 - b. All: Strike specific Code section references and just reference chapter
 - c. Page 13: Roofs. Strike "to the extent possible"
 - d. Page 16:
 - i. add 3' height to parking lot screening
 - ii. Add "depth" to Parking Islands subsection 1
 - iii. Relocate breaks to traffic section
 - iv. Add intermittent landscaping along building walls
 - v. Replace "matched" with "consistent" under 1. Landscape Boulders
 - e. Page 17: correct typos in "subsequent"
 - f. Road cross sections: showing all rock along Pioneer Crossing; ensure that the landscaping complies with planting standards

- g. **Maintenance:** modify to show that both Redwood and Pioneer frontages are maintained by property owner
 - h. **General:** add missing statement regarding pedestrian connectivity requirements
 - i. Break exhibits into subsections in table of contents for ease of use
 - j. Insert the table on density from staff report into the CP
 - k. Change Regional Commercial references to Regional Retail (except where specifically referencing Title 19)
 - l. A condition for automobile refueling shall be added to prohibit the use of sound boxes after 10pm
 - m. Page 5: clarify that extra sidewalk only counts for open space if not used for display area
 - n. Page 7, 5.a.i.: refer to exhibit 6 not 5
 - o. Page 8, Modify to clarify that Pylon signs consistent with the CP exhibits are permitted, and remove Pedestal comparison
 - p. Page 9, Modify processes to ensure PC/CC review on all items if compliance with CP not met, reference approval sections, and add Planning to Tenant Improvement
 - q. Page 12, 1650 s.f. of one material shall only be permitted on sides and rears of big box structures
 - r. Page 13
 - i. Clarify that all facades require articulation, not just front.
 - ii. Subsection g: clarify minimum façade shift of 3' for buildings over 20,000 s.f., 2' for smaller when not combined with roof shift
 - iii. Delete "proposed departures" section
 - s. Page 14
 - i. Strike "to the extent possible" from architectural motif
 - t. Page 16 and 17 – replace "to be" with "shall be" and "matched" to "consistent"
 - u. Page 18 – define large planter, and modify graphics to show required alternate rock
 - v. Page 19 – add berm to graphic along parking lot
 - w. Addendums are referenced on page 8, but CC has not seen it. Ensure documents are provided to the CC for review.
 - x. Clarify zero-lot line variance and lot size variance for Lot 2, either in the MDA or in the CP.
 - y. Add a statement in CP or MDA requesting a light from UDOT at the intersection across from Dalmore Meadows.
 - z. Ensure that the lighting fixtures are the same shielded lights as at the District, not the bright fixtures across the street.
 - aa. All items required to be moved from the Village Plan shall be incorporated.
8. The MDA shall incorporate all findings and conditions.

Kimber Gabryszak summarized the Village Plan changes.

Councilman Willden asked about the RV parking.

Councilwoman Baertsch said where we are located we get a lot of RV travel and if they could look at areas that could be used for RV parking and could consider that for their site plans. And make sure they fit in the fueling area.

Councilman Willden asked the applicants what their thoughts were.

Wade Williams said the lotting is for Smiths to finance their building they need to show access to the roads. It will be governed by the site plan it doesn't necessarily need to be on the plat map. Grading and Drainage ought to stay and specific details for each building would be at Site Plan. The digital sign will have to comply with the ordinance.

Councilwoman Call noted if they allow one electronic sign they have to allow them all.

Councilman Willden appreciates them working through with staff and likes getting to the point where they can delegate to staff as much as possible to streamline the process.

Councilwoman Baertsch commented that every conceptual layout has a drive through and no concepts without drive through. If we could add a concept without a drive through that would be beneficial.

Councilman McOmber feels most of his issues were addressed.

Councilman Poduska asked how the theme would be transferred from village to village.
Councilwoman Baertsch replied they put it in the Community Plan so it would be transferred.
Councilwoman Call would like to see RV parking removed; she feels they know what they are doing. Also
the parking along the strips could be handled in the Master Development Agreement.
Councilwoman Baertsch thought a lot of the things in this Village Plan are really Site Plan issues.

Motion made by Councilman McOmber to approve The Crossing located on the NW Corner of Pioneer Crossing and Redwood Road, to Market Street, Redwood Road and Pioneer Crossing Extension, The Boyer Company, applicant. With all of the Staff Findings and Conditions and Council items 5a-n. Seconded by Councilwoman Baertsch.

Wade Williams asked about parking condition.
Councilman McOmber replied it was supposed to be removed.
Kimber Gabryszak deleted the wording discussed earlier.
Councilman McOmber Amended the Motion to say items 5a.-m.
Amendment was accepted.

Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

Conditions:

1. The maximum allowable ERUs in the Village Plan shall be 199.10.
2. All requirements of the City Engineer shall be met.
3. All requirements of the Fire Department shall be met.
4. All other Code requirements shall be met.
5. The Village Plan shall be edited as directed by the Council:
 - a. Page 4: correct CP reference that refers incorrectly to table
 - b. Page 6: remove "to extent possible"
 - c. Page 7: strike City reference for maintenance of Pioneer and Redwood Frontage; maintenance section shall be relocated to the MDA.
 - d. Page 26: add max height for gas canopies, and signage percentage to ensure compliance with sign standards
 - e. Clarify that display areas cannot count as open space
 - f. Page 5: clarify that display is only permitted on area in excess of 8' sidewalk
 - g. Page 13: relocate road cross sections to CP
 - h. Page 18: reword pedestal signage to be consistent with CP changes
 - i. Page 19: modify signs to be consistent with CP
 - j. Page 21: match drawing of drive-thru sign to verbiage, and ensure monument sign complies with code (full base)
 - k. Remove Smith's elevations from VP and review with site plan
 - l. Page 26: digital price sign (electronic changeable copy) is not permitted
 - m. Lot layouts: replace "may" with "shall" on all notes
6. The remaining changes listed in Exhibit F shall be made prior to further approvals.

Councilwoman Call is concerned with the write-off of the densities. She is concerned that they keep going higher and higher with the non-residential churches and schools depending on the allocation. If they could get those done she would be more comfortable.

c. General Plan and Land Development Code Amendments.

- i. Ordinance 15-29 (9-15-15): adopting amendments to the Saratoga Springs Land Development Code and General Plan.

Kimber Gabryszak presented the proposed Code Amendments.
Round 1 – amended as directed by the City Council

- 19.02, Yard Definition
- Multiple sections, Gateway
- 19.05, multiple
- 19.06, multiple –
- General Plan and 19.04 – Mixed Lakeshore
- 19.12 and 19.13 and 19.14 – Subdivisions and Development Processes and Site Plans.

Round 2

- 19.05 – merge & edit sales trailer sections
- 19.06 –

Public Hearing Open - by Councilwoman Call

Peggy McEwan is glad to hear that this is being amended. Still, when it comes to code enforcement, when we have people that own these properties outside the area and don't come in, maybe they rent to others, is there a way the city can make sure they are accountable.

Terrance Parson is in support of the fencing change he would like it to move in the direction it is.

Public Hearing Closed - by Councilwoman Call.

Chief Burton spoke about the enforcement issues. They have had some success in dealing with those this year. They think with the changes it will be easier to enforce and they are finding success with the extension process.

Councilwoman Call commented about City Works and the mobile app and residents have the opportunity to use that so there is a paper trail. She appreciates the time staff spends.

Councilman McOmber appreciates all the efforts and if we could work with Owen Jackson and proactively reach out to the citizens so they know what they can do. He noted the biggest concern they had was with the site triangles because it was a safety issue. For the most part we have decent sized park strips and it should be a minimized impact for the residents.

Councilman Poduska commented with the yard requirements and changes to "current" occupant and mitigating circumstances for extensions. He is wondering about our ability to show our humanness along with the laws that are in place. The landscaping is a major issue to any homeowner and asked what we had to address such things.

Kimber Gabryszak said there is a time limit for each property owner. There is not an identified exception for hardship but there is the ability for code enforcement to allow and extension. There is also a wide range of what a person could put in; it just needs to be minimum compliance.

Kevin Thurman has seen with Administrative Code Enforcement court if someone can come in and prove their hardships the judge is lenient with those people and setting up schedules and deadlines. We struggle with the Code Enforcement Officer, giving them too much discretion; it's good to have a level of judicial immunity when it goes to the Judge. The process is in title 20, the exceptions are granted by the Judge, not staff.

Councilman Willden likes that we reduced the proposed density in the Mixed Waterfront. If a development does come into the city where an increased density makes sense, we can evaluate the density at that time. Councilman Willden is supportive of the changes and future changes coming down the road as these changes are giving property rights back to the homeowners allowing homeowners more abilities to govern themselves.

Councilwoman Baertsch appreciated the work that was done.

Councilwoman Call doesn't think the City Council needs to see something if it is put under power lines. With the bare dirt, she thinks it's arbitrary where it says similar features, have it definitive or leave it with just the two. On the Mixed lakeshore we need to contact another municipality, where we abut the river and lake we have the opportunity to embrace the recreation components in our area and she doesn't think this portion of the code nails it. So she would like to see us communicate with those communities that have done this well.

Kimber Gabryszak does feel the whole section needs to be redone. They are looking into those communities and putting together a list and they will be seeing it in the future. This is just to change the name basically.

Councilwoman Call has a vested interest working on the lake and river; she would love to have something in place before she leaves. Because this piece of code doesn't nail the vision, she would like to see a pending ordinance put in place that has more teeth. Kevin Thurman commented that the best to do is come up with a rough draft and bring it to council and they pass a resolution invoking the pending ordinance doctrine. Councilwoman Baertsch noted that we still don't have anything actual zoned this way yet, so if we could bring back a rough draft and do it as a pending ordinance to get us on the road. She asked if Council would refer to their emails for input on the mixed waterfront zone to start moving forward and get back this week.

Motion made by Councilman Poduska to approve the General Plan and Land Development Code Amendments adopting Ordinance 15-29 (9-15-15): adopting amendments to the Saratoga Springs Land Development Code and General Plan including the changes made to Remove council approval for trees under power lines and limit bare ground only to trellises and gardens. And direct staff to bring back waterfront draft for pending ordinance doctrine. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

A short break was taken at this time.

2. ACTION ITEMS:

a. Resolution R15-46 (10-6-15): appointing Troy Cunningham and Brandon Mackay to the City of Saratoga Springs Planning Commission.

Mayor Miller remarked that Jeff Cochran has taken this opportunity to resign from Planning Commission. His term ended a year ago but he consented to fill in for a while. They have asked Troy Cunningham to fill the remaining three months of Jeff's term. The Mayor's intent, if it is working out would be to reappoint him for the following term. The other individual is Brandon MacKay. Brandon's term would be 1 year and 3 months filling a vacancy. He was concerned about fulfilling a 4 year term but he has a background that the Mayor feels would be a benefit to the community.

Councilwoman Baertsch is a little as Mr MacKay mentioned he doesn't have the time to serve as much, with his work schedule. Would there be another applicant that might be able to fill the time commitment better and longer.

Mayor Miller replied he told us he would have the time to do this; his concern was the 4 year term commitment. But he has a business background and has the understanding of business owners coming into the city.

Councilman McOmber was concerned that we do want people with different backgrounds but the role of the Planning Commission is to interpret code the City Council puts in place and not to give their opinion. He talked with Brandon who told him he would be looking to staff recommendations. They really want someone and hopefully through Kimber Gabryszak working with the Planning Commission to look at the code and give insights. With Troy he gets the point of giving him the three months and extending the term. He feels a weight needs to be put in place that they should be attending the month of their application to show interest. He would like us to vet Planning Commission on if they really know what their roll is and can answer that without guidance.

Councilwoman Call said when speaking to Troy he has been interested in the city and had no hesitation to answer the question of what Planning Commission did. He also answered well of how he would handle certain circumstances.

Motion made by Councilman Willden to approve Resolution R15-46 (10-6-15): appointing Troy Cunningham and Brandon Mackay to the City of Saratoga Springs Planning Commission. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

Councilwoman Baertsch asked that the old applications be put together with these so they could consider all the applicants when a need arises and see if they are still interested.

b. Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement.

i. Resolution R15-47 (10-6-15): entering into the Salt Lake County Officer involved Critical Incident Task Force Interlocal Agreement as to police protection services provided to Bluffdale City.

Chief Burton commented that this legislation session they instituted some new Code. All law enforcement agencies in the County are going to participate with this. The resolution authorizes the establishment of the task force. This is to comply with Utah Code Annotated 76-2-408. This would cover all officers assigned to Bluffdale but any of our officers that might be in Bluffdale and involved in an incident.

Motion made by Councilwoman Baertsch to approve Action Item b. and Resolution R15-47 (10-6-15): entering into the Salt Lake County Officer involved Critical Incident Task Force Interlocal Agreement as to police protection services provided to Bluffdale City, and asked that it be signed by the appropriate person. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

c. Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services.

i. Resolution R15-48 (10-6-15): resolution to enter into the Salt Lake County Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services in support of Police Services provided to Bluffdale City.

Chief Burton commented that all criminal cases within Bluffdale City are handled in Salt Lake County. Law enforcement agencies within Salt Lake County provide mutual aid under authority of the Interlocal Cooperation Act. The Mutual Aid Agreement is being updated.

Motion by Councilwoman Baertsch. to approve Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services. Resolution R15-48 (10-6-15): resolution to enter into the Salt Lake County Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services in support of Police Services provided to Bluffdale City. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

d. Removal of Agricultural Protection Areas for Legacy Farms Village Plan 1 Plats A, B, C, and D.

No comments from Council.

Motion made by Councilman McOmber to approve the removal of ~40.02 acres from the agriculture protection area and approve the Notice of Removal contained in Exhibit C, with the Findings and Conditions in the staff report. Seconded by Councilwoman Baertsch. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

e. Recertification of the City of Saratoga Springs Justice Court.

i. Resolution R15-49 (10-6-15): requesting the recertification of the Saratoga Springs Justice Court.

Owen Jackson noted that the current certification for the Justice Court expires in February 2016. State Law requires the municipal justice courts be recertified every four years.

Motion made by Councilman McOmber to approve the Recertification of the City of Saratoga Springs Justice Court. Resolution R15-49 (10-6-15): requesting the recertification of the Saratoga Springs Justice Court. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

579 **f. City Council Minutes:**
580 **i. September 15, 2015.**
581

582 **Motion made by Councilwoman Baertsch to approve the minutes of September 15, 2015 including**
583 **changes emailed in by Councilwoman Baertsch and Councilwoman Call. Seconded by Councilman**
584 **Willden.**
585

586 Councilman McOmber line 169 add change requests with site plans. And on line 425 change it to 10000
587 acre feet.

588 Councilwoman Baertsch amended the motion to include that **the changes were posted on the door.**
589 Amendment accepted.
590

591 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
592 **Councilman Poduska. Motion passed 5 - 0.**
593

594 **3. REPORTS:**

595 a. Mayor.

596 b. City Council.

597 Councilman Willden noted he would work with Councilwoman Call to get up to speed on the Lake and
598 River Commissions.

599 Councilwoman Baertsch attended the Eastern Lake Mountain Closure meeting. Corrections needed to be
600 made to the MOU by the Attorney and those need to be in the next three days. She also attended Leagues
601 annual conference in Salt Lake. She went on a parks and recreation tour of the new Salt Lake Recreation
602 facility. They claim they are going to be breaking even and being sustainable and she will pass on the
603 report. They also had to mitigate wetlands and it was similar to ours. It's good information for us. She
604 asked if we are willing to push the Oct. 20th meeting to the following week. Council agreed to move the
605 meeting to the 27th at 5:00. They will have a short meeting on Nov. 10th.

606 Councilwoman Baertsch asked if we can make sure our part of Ring road is taken care of. And keep working
607 on getting a light in that area.

608 Councilman McOmber wanted to make sure with Redwood Road and cut into Market Street, what is the long
609 term mitigation to make sure Redwood Road is a 50 mph road, and not have a bump. We need a follow
610 up on that.

611 Councilman Poduska said they have 4 new churches coming to the community the Urban Design Committee
612 approved. Also the Tractor Supply will be a nice addition to the community.

613 Councilwoman Call said it's disconcerting when residents tell them things UDOT is doing things that
614 Council doesn't know about. Our project for the boat put-ins along the river was fully funded. Lake
615 Commission, it sounds like almost everything is going to be funded after talking with Laura Ault. She
616 has yet to see our proposal so she can advocate for that. We can ask for up to the ½ million dollars,
617 everything can be used for match. This will not be our last opportunity to ask for money.

618 c. Administration communication with Council.

619 d. Staff updates: inquiries, applications and approvals.

620 Jordan River Commission are interested in hosting a tour for staff and she wants to know if they are
621 interested.

622 Councilwoman Call cautioned her to make sure who is asking for this.
623

624 **4. REPORTS OF ACTION:**

625 The Crossings – approval with Conditions.

626 Council reviewed the Report.
627

628 **Motion made by Councilwoman Baertsch to approve the Report of Action for The Crossings Seconded**
629 **by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**
630 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
631

5. Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual.

Motion made by Councilwoman Baertsch to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual. Seconded by Councilman Willden. Aye: Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilwoman Call, Nay: Councilman Poduska. Motion passed 4-1.

Meeting Moved to Closed Session 10:12 p.m.

Closed Session

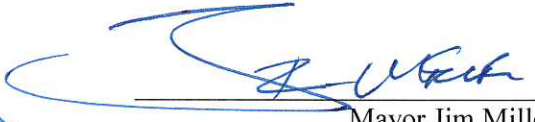
Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike

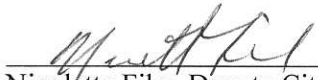
Closed Session Adjourned at 10:22 p.m.

Policy Meeting Adjourned at 10:22 p.m.

10-27-15
Date of Approval




Mayor Jim Miller


Nicolette Fike, Deputy City Recorder