CITY OF SARATOGA SPRINGS CITY COUNCIL MEETING MINUTES

Tuesday, March 1, 2016 City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

City Council Work Session

Call to Order: 6:03 p.m. by Mayor Pro Tem Stephen Willden

Present Council Members Michael McOmber, Stephen Willden, Shellie Baertsch, Bud Poduska and

Chris Porter.

Mayor Jim Miller joined the meeting at 6:06 p.m. following instruction to visiting Boy Scout

Troop.

Staff: City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber Gabryszak, Public Relations and Economic Development Manager Oyyan Joskson, Pagaretian Director Hoston Williams

Economic Development Manager Owen Jackson, Recreation Director Heston Williams, City Engineer Gordon Miner, Capital Facilities Manager Mark Edwards, City Recorder Cindy

LoPiccolo, Deputy City Recorder Nicolette Fike

1. Street Signs.

Assistant Manager Kyle presented a report concerning the deteriorated condition of street signs within the Saratoga Springs Development for discussion purposes. Manager Kyle reported it is staff's opinion the signs are private, however, as this is a public safety issue notified by Fire Chief Campbell, staff is seeking Council review; noted funding options in the event it was determined the City would assist with sign replacement.

Council Member Porter reported he reviewed cost information from the HOA, understands the argument this is a public safety concern, however, has difficulty expending public funds to a private entity as the residents voted to keep the streets private, in addition there is talk about possible future gating.

Council Member McOmber noted sewer and storm drains within the development are maintained by the City, roads are private, however, in his opinion the signs are not. He pointed out the homeowners pay property tax, do not receive snow plowing, the purpose of signs are for safety and are not an amenity, and fire and police would have access in the event the community was gated. Council Member McOmber further noted if the HOA fails the City must take over responsibility, many residents have come to him and he is in support of the request for the City to pay for the street sign replacement.

City Manager Christensen reported he believed in the event the HOA went under, the area would be considered a special assessment area with slightly different treatment as the private streets would remain.

Council Member Poduska commented it was his opinion the matter is based on the consideration of what is private v. public, noted the developer presented a plan for private designation with the advantages of not constructing/paying for sidewalks etc., this is a private enterprise set up to privately provide for necessary maintenance, and signs should stay private and be funded by the HOA.

Council Member Baertsch clarified 64 signs to be unreadable at an approximate cost of \$2,000 for replacement, commented she has concern with private v. public responsibility in view of not only this development but all other private developments and businesses in the City, and stated she believes it would be a mistake in this particular situation to use public funds.

Council Member Willden expressed the opinion if the HOA pays for the replacement of the signs the City should not mandate they are blue, concurred with Council Member Baertsch and recommended a long term

city-wide policy for all private areas versus area by area, and stated he is uncomfortable in view of restricted access paying for the signs, possibly have a dedicated easement to the City. Assistant City Manager Kyle agreed the color of the signs should not be mandated.

Council Member McOmber pointed out the City has benefit of public access to Eagle Park, and noted problems in regard to the storm drains which he will discuss this at a later time, the HOA has requested the City maintain the signs due to public safety reasons.

Council Member Willden commented if there is mandated openness to the City he would be open to replacing those signs along a driving access easement to Eagle Park and other park – along that easement the City would have some responsibility.

City Attorney Thurman clarified the state requires the maintenance to be the responsibility of the HOA with access granted to the City.

2. Park Funding Sources; Sports Complex. City Manager Christensen requested Council direction concerning the question how it would like to move forward with planning and funding for the new sports complex, in particular concerning the 100 acre parcel. City Manager Christensen inquired if Council would want to move forward with a bond or build as we go, is it desired the 100 acres be master planned or should the City focus on the 25 acres of the project and have a concept laid out.

City Manager Christensen explained, if approved, the City could receive \$10 million tax exempt bank qualified bond funding, however, would be obligated to make payment on the bonds and if necessary increase taxes to do so. He identified and reviewed financial aspects of possible funding options in particular a general obligation bond, a sales tax revenue bond, lease revenue or municipal building authority loan, or build as we go financing using annual budget residual, noting park impact fees could be used to pay the debt or as a funding source and there is time sensitivity if the City wants to do a general obligation bond. He commented concerning the possible involvement of a large developer that has asked to place an SID similar to the south end of the City and the use of those proceeds, and reported Jonathan Ward will be invited to present financial options.

Council Member McOmber noted there is a demand for recreation in the City and he has heard positive comments from residents, and pointed out as the City grows these types of amenities are important, a community of 100,000 in 60 years needs to have a regional sports park, and should be offered to attract growth.

Council Member Porter noted it would be helpful to know costs and phasing.

Council Member Baertsch pointed out use of all impact fees for one big regional park is a concern as there are other parks in the City.

Council Member Poduska inquired if the bond debt would have impact in the event the City must pay for other necessary capital projects, pointed out an economy bust could happen again to some degree, understands the project would be a great asset and would like to do the bond, however, phase the development in accordance with what can be afforded and bond in a progressive way rather than all at once.

City Manager Christensen noted decisions are necessary in regard to purchasing the property and the challenge concerning inflation of the cost of property and infrastructure, and recommended if there is a decision on the purchase then to move ahead with the master plan, if not, only have a concept plan.

Council Members Baertsch and Willden concurred with planning the entire area at once, then plan ahead with a master plan in place, similarly to the City Center project.

Mayor Miller referred to discussion of selling fields etc. for name and advertising rights.

Assistant Public Works Director Edwards inquired concerning master planning, noting this project is being talked about as being built on 25 acres, however does the City want to master plan the total 100 acres; reported costs have recently been received however needs evaluation. He reported a detailed level of elevations for all future improvements such as infrastructure and engineering is necessary, not construction planning.

Recreation Director Williams requested a decision on level of tournaments, if the City wants to bring teams from all over the country, or state – if country, a certain level of amenities is necessary, and he is supportive of whatever program Council would like.

Council Member McOmber noted a sports facility would be economically beneficial to the City bringing supporting businesses such as hotels, a KOA should be planned as the City has hot springs, and there is a substantial potential for regional and national tournaments pointing out the area benefits from the nearby mountains and lake, and Salt Lake is inexpensive to fly into.

 Council Member Baertsch inquired concerning the possibility of developing standard improvements and at a later date converting to a higher level of improvements. Assistant Public Works Director Edwards advised that would not be cost effective, would be very complicated and disruptive, and recommended making a decision and building what is desired. City Manager Christensen recommended choosing level of improvements now and then building portions at a time.

Council concurred to review cost information from the consultants and cafeteria style presentation of options; concurred to master plan first then make decisions on quality and level of improvements of the 25 acres.

Adjournment: The Work Session adjourned at 7:00 p.m. to the Policy Session.

Policy Meeting

Call to Order: Mayor Jim Miller called the Policy Session to order at 7:00 p.m.

Roll Call:

Present

Council Members Chris Porter, Stephen Willden, Michael McOmber, Bud Poduska, and

Shellie Baertsch.

143 Also Present

City Manager Mark Christensen, City Attorney Kevin Thurman, Spencer Kyle Assistant City Manager, Public Relations and Economic Development Director Owen Jackson, Planning Director Kimber Gabryszak, City Engineer Gordon Miner, Capital Facilities Manager Mark Edwards, City Recorder Cindy LoPiccolo, Deputy City Recorder Nicolette

Invocation by Council Member McOmber

Fike

Pledge of Allegiance led by Council Member Willden

Public Input:

Nancy Park, 324 Pavilion Circle, representing the Board for Saratoga Springs Development, spoke in support of the City funding the replacement and maintenance of the street signs as a safety issue.

Awards and Recognitions:

Fire Department Chief Jess Campbell introduced new Fire Fighter-Paramedics Ryan Rackman, Nick McQueen, and Trent Jenkins. Mayor Miller gave the oath of office and welcomed the new officers to the City.

Police Chief Andrew Burton introduced new Police Officers Terry Cox and Jason Blake. Mayor Miller gave the officers the oath of office and welcomed them. Chief Burton presented the officers with a Certificate of Commission.

Civic Events Coordinator AnnElise Harrison announced the Miss Saratoga Springs Pageant event will be held on Saturday, March 5, 7:00 p.m. at Vista Heights Middle School. Coordinator Harrison reviewed the program and contestant qualifications noting the Saratoga Springs Pageant format is being followed by other entities. Coordinator Harrison introduced and thanked Pageant volunteers Tyfani Balzotti, Rebecca Crookston, and Janelle Cropper for their hard work and involvement, and encouraged attendance and support.

POLICY ITEMS:

Reports:

Public Relations and Economic Development Manager Jackson announced the City of Saratoga Springs Spring Festival and Egg Hunt will be held on Saturday, March 19, 9:00 am sharp at the Neptune Park, and invited attendance.

Planning Director Kimber Gabryszak presented a staff update on new and supplemental Planning Department submittals.

Council Member Baertsch presented a legislative update, noting the bill concerning home occupations is being watched and recommended holding off a decision on the City's ordinance amendment until resolution of the bill. She recommended the Council and staff figure out a strategy and ways to improve economic development in the City including obtaining membership on current regional development committees, as the City has missed several economic development opportunities.

Council Member Willden reported in regard to the proposed access points (Jordan River Commission), Spencer Kyle has the information and will identify them on the parks and trails plans; and he has also been attending the same league meetings.

Council Member Porter reported Camp Williams will conduct live fire exercises March 18-20, March 30-April 3, and April 15-20. Also reported the Camp is establishing a training program, the Utah Fire Academy will hold wildland fire training at the Camp and surrounding Fire agencies are invited to attend and participate to establish future inter-local assistance. Council Member Porter reported Camp Williams is working to establish a buffer of open space along the northern edge of the City, which would be an amenity to the City as well as protect the Camp. He inquired if staff could approach Western States and see if they had interest in participating in this program.

Mayor Miller invited legislative participation, and reported he is talking with people in the building industry as certain businesses have gone to other areas, they are looking at business trends and how to improve business approval process as there is a need to go forward, be competitive with the right businesses, and grow Saratoga Springs.

PUBLIC HEARING:

. Code Amendments to Section 19.08 – Home Occupations. Ordinance 16-07 (3-1-16).

Mayor Miller opened the public hearing.

Planning Director Gabryszak presented the staff report addressing proposed code amendments to Section 19.08 Home Occupations as they apply to home based business applications. Director Gabryszak reported this issue has been discussed in work sessions, the Planning Commission held a public hearing on February 11, 2016 and forwarded a positive recommendation to the City Council. She advised the goal is to clean up the Home Occupations code section, categorize types in Class 1, 2 and 3 home occupations depending on impact, adding and clarifying current standards, adding example language and some restrictions. Director Gabryszak reviewed Class description and examples, and the specific recommended code changes from staff and the Planning Commission.

Mayor Miller invited public comment - None.

Mayor Miller closed the public hearing for discussion.

Council Comment:

Council Member Porter inquired concerning the analysis for Class 3 number of 8, expressing the opinion it may be low; recommended uses in office warehouse "and" industrial be "and/or"; noted the sign code 19.18 allows residential signs to be free standing or attached and there should be consistency; approval costs should be based on impact to the neighborhood, however, he noted some proposed metrics seem to address size instead of impact.

Council Member Baertsch commented she agrees with Council Member Porter in part; has a question when is a home business inappropriate for residential areas, has concern with high impact home businesses in regard to traffic and sharing amenities e.g. parking, noting the City needs to limit impact but not ability to use private property; code should include provision for possibility of an accessory building; percentage of home if 40% should include hallways etc., should be incidental; noted cul-de-sacs have a greater traffic impact; free standing signs okay as long as they meet code standards; and recommended in view of current legislation having this public hearing but holding on decision until legislation final.

Council Member McOmber commented Home Occupancy code should exclude residents conducting hobbies and clubs and train staff to evaluate appropriately; pointed out the City should be careful not to give home occupancy businesses an unfair advantage over other businesses, if big, get the building.

Council Member Poduska noted the majority of home occupations are computer based businesses unless daycare or lessons; inquired regarding possibility of restricting the number of home occupation businesses per area, such as three day cares on one street. Director Gabryszak noted the only time the City has done that is with less desirable types of businesses where you do not want a lot of them.

Council Member Willden stated he is uncomfortable with the proposal that more than eight occupants arriving at a home during the day should automatically trigger a class 3 business. He can see a piano teacher having 8 or 9 students and teaching them all on the same day during the summer. The City should not require a piano teacher to appear in front of the Planning Commission and submit a nearly \$500 application fee when students walk to the piano teacher's house and there is relatively zero impact on the neighbors. He understands the needs for classifying various businesses due to the impact to the City, but utilizing the number of visitors during the day is not an appropriate trigger.

Planning Director Gabryszak responded they could consider the number of concurrent visits at one time. Council Member Willden agreed this was a good suggestions and noted he was comfortable with the 40% threshold as long as incidental use to the business such as walking down the stairs to get to the basement office was not incorporated into the percentage calculation. He also expressed the opinion the City should not legislate out of fear of isolated incidents that may possibly occur at some point.

Council discussed possible limitation of the number of patrons at one time or simultaneously, home business percentage, and day care licensing requirements. City Manager Christensen recommended as there is no consensus, and there are many changes and edits to make, staff will bring the ordinance back.

Motion by Council Member Baertsch to table the public hearing for Code Amendments to Section 19.08 – Home Occupations until staff can bring back ordinance with discussed changes, was seconded by Council Member Poduska

Roll Call Vote: Council Members Willden, Porter, McOmber, Poduska and Baertsch – Aye Motion passed unanimously.

ACTION ITEMS:

1. Appointment of City Recorder. Resolution R16-16 (3-1-16).

City Manager Christensen introduced and recommended appointment of Cindy LoPiccolo as City Recorder.

Motion by Council Member Porter to adopt Resolution R16-16 (3-1-16) appointing Cindy LoPiccolo as City Recorder, was seconded by Council Member Baertsch

Roll Call Vote: Council Members Baertsch, Poduska, McOmber, Willden, and Porter – Aye Motion passed unanimously.

4. 400 West Extension to Aspen Hills Blvd.

Assistant Manager Kyle presented the staff report and recommendation for direction on the prioritization of the extension of 400 W to Aspen Hills Blvd. and authorization to the City Engineer to proceed with an RFP for the project design; advised funding is available for this construction season with the advantage of receiving favorable pricing on asphalt due to current oil prices.

Council Member Poduska commented in favor of construction of the street as soon as possible noting access will be provided from the northern portion of the City and connectivity to the commercial area; pointed out that the City goal is to inter-connect communities and neighborhoods, and allow free movement; understands some Aspen Blvd. residents have concerns, however, believes they will find the availability to the commercial area will serve them; notes the City has funds available due to low bidding from other projects, there is a time limit on the use of this land, and recommends approval.

Council Member Porter reported he received some concerns about traffic in this neighborhood, however, this extension has been on the master plan for several years and believes it serves the greater interest.

Council Member McOmber reported he has consistently referred possible new residents to master plans, the City needs connectivity, and with the additional connections residents will see less traffic impacts because alternative routes are created and there is more access; he is in favor of this extension.

Council Member Baertsch reported she has received both positive and negative feedback concerning this extension, some residents have concern about additional traffic impacts, however, she believes many non-residents will continue to use Aspen Hills Blvd. as a short cut from Redwood Road to SR-73. She does not think this road will alter that, but that those issues will be mitigated when Foothill Blvd. goes in, this is important as another connection, it benefits the residents of Aspen Hills improving their connectivity and additionally helps the land developer with their process; so in favor of this. She reported one resident requested consideration of changing the name of 400 W to Brighton Way.

Council Member Willden noted as with other development, the City must look at and plan in regard to traffic in the long term for future and existing residents. Council Member Willden stated he is more

concerned with the existing residents than future residents, if the City does not build this type of connector, traffic in this area will fail in the near future for the existing residents. It will take residents in Aspen Hills 35 minutes just to get out of their neighborhood, and he is in favor of this connector to protect the interest of Aspen Hills and sees it as a benefit to Aspen Hills and not Harvest Hills or any other development. He noted if the City does not do this connector, residents will be angry in 5 years complaining we did not have any foresight, this is a necessary long-term solution for the residents of Aspen Hills.

Motion by Council Member Baertsch to prioritize the extension of 400 W to Aspen Hills Blvd and direct the City Engineer and Project Manager to proceed with an RFP for the design of this project, and proceed with the appropriate budget amendments, was seconded by Council Member McOmber

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Roll Call Vote: Council Members Porter, Willden, Poduska, McOmber and Baertsch – Aye Motion passed unanimously.

328 <u>Motion passed unanimousl</u>

Council concurred the rail line in the Park the appropriate venue for memorializing Brighton Tenney.

Council Member Baertsch also noted if the landowner comes in with their development they have the ability to name streets.

Final Plat Extension Request for Hillside Ridge Phase 2. Located approximately 1300 S. Redwood Road, Applicant: Winchester Homes. Staff report and presentation waived as information received at prior meeting.

Motion by Council Member Poduska to approve the proposed 30-day extension for the Hillside Ridge Phase 2 Final Plat located approximately 1300 S. Redwood Road, Applicant: Winchester Homes, and all findings, was seconded by Council Member Porter

Roll Call Vote: Council Members Porter, Willden, McOmber, Poduska, and Baertsch – Aye Motion passed unanimously.

344 3. Award of Bid for segment of the Master Planned Sanitary Sewer, Saratoga Springs Commercial Subdivision. Staff report and recommendation waived as information received at prior meeting.

Motion by Council Member Baertsch to award the construction of a segment of master-planned 21-inch sanitary sewer through the Saratoga Springs Commercial Subdivision project to Sunroc Construction for the amount of \$39,620.50, was seconded by Council Member McOmber

Bell Cell Veter Construction of the Amount of \$39,620.50, was seconded by Council Member McOmber

Roll Call Vote: Council Members Baertsch, Porter, Willden, McOmber, Poduska – Aye Motion passed unanimously

351 <u>Motion passed unanimously.</u>

5. River Bend Phases 3, 4, and 5 – Addendum to Resolution Pertaining to the City Street Lighting Special Improvement District to Include Additional Subdivision Lots. Resolution R16-17 (3-1-16).

Motion by Council Member Willden to approve River Bend Phases 3, 4 and 5 - Addendum to Resolution of the City of Saratoga Springs Pertaining to the City Street Lighting Special Improvement District to Include Additional Subdivision Lots, Resolution R16-17 (3-1-16), was seconded by Council Member Porter Roll Call Vote: Council Members Porter, Willden, McOmber, Poduska, Baertsch – Aye Motion passed unanimously.

APPROVAL OF MINUTES:

1. February 2 and 16, 2016.

Motion by Council Member Baertsch to approve the minutes for February 2, 2016 and February 16, 2016
 with corrections as submitted and posted, was seconded by Council Member Willden
 Roll Call Vote: Council Members Porter, Willden, McOmber, Poduska, Baertsch – Aye

Motion passed unanimously.

DISCUSSION ITEM:

1. Central Utah Water. City Manager Christensen distributed a Comparison of City of Saratoga Springs Obligations data sheet prepared by Central Utah Water, containing water contract information and alternatives. He reported he has been having conversation with Central Utah Water and the LDS Church for the last 2.5 years, the contract provides for more water than the developments are on track to use, the Church's position is the water is expensive and would like to defer payments. He reported the affected parties are trying to get Central Utah Water to back off on their take down and break up their costs – they have finally broken out the capital expenditure and Operations & Maintenance costs.

City Manager Christensen reviewed the three alternatives and reported the Church is inclined to go to the third option which anticipates the Church still contributing \$62 million up front as contracted, then a reduced cost of picking up that capital water as the development moves forward. He reported this is also believed at this time to be the City's best scenario as water would be taken on a more regular basis, water, capital costs (O&M and replacement) are lower because we are not rushing to build all the infrastructure and we would only be paying actual costs, the option keeps the water share in the City longer and gives greater opportunity for shares for future development, however, this will continue to be evaluated.

Council briefly discussed effects of sale of water right to density, obligation of the City to plan and preserve the resource, and the impact of the contractual obligation to the City's bond rating. City Manager Christensen noted this is a complex issue, everyone has tried to do a good job lowering costs, and is now a much better picture as the O&M is reduced to a manageable number.

CLOSED SESSION:

Motion by Council Member McOmber 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, was seconded by Council Member Poduska

Roll Call Vote: Council Members McOmber, Baertsch, Willden, Poduska and Porter – Aye

400 <u>Motion passed unanimously.</u>
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The meeting moved to closed session at 9:09 pm.

Settlement Options with JD V LLC / JD VI LLC.

Present: Mayor Miller, Council Members Baertsch, McOmber, Poduska, Porter, Willden, City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber Gabryszak, City Recorder Cindy LoPiccolo

Closed Session Adjourned at 9:26 p.m.

ACTION ITEMS (Continued):

 Council Member Baertsch reported in review and discussion of the settlement options Council finds Option 2 the best option for the City for several reasons, primarily because of the opportunity to keep the traffic out of the City, also to prevent a problem such as the one recently on Grandview Blvd. where trucks were going through commercial and residential neighborhoods.

Council Member McOmber noted Council also wants an eighteen month time frame for use of 800 West and to get an alternate route.

422 423 424 425 426	Motion by Council Member Baertsch to authorize the City to enter into a settlement agreement with Hadco Construction, to work toward Option 2, and to include an 18 month time limit for use of 800 West, was seconded by Council Member Poduska Roll Call Vote: Council Members Porter, Willden, McOmber, Poduska, and Baertsch – Aye Motion passed unanimously.
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428	ADJOURNMENT:
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430	There being no further business, Mayor Miller adjourned the Policy Meeting at 9:31 p.m.
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437	Cindy LoPiccolo, City Recorder Approved: 3-15-2014
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