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CITY OF SARATOGA SPRINGS CITY COUNCIL MEETING MINUTES

Tuesday, March 29, 2016 City of Saratoga Springs City Offices

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

City Council Work Session

Call to Order:

6:05 p.m. by Mayor Jim Miller

Present

Council Members Michael McOmber, Stephen Willden, Shellie Baertsch, and Chris Porter.

Excused

Staff

Council Member Bud Poduska

City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber Gabryszak, Fire Chief Jess Campbell, Finance Manager Chelese Rawlings, City Engineer Gordon Miner, Capital Facilities Manager Mark

Edwards, City Planner Kara Knighton, City Recorder Cindy LoPiccolo

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Live Fire Training Facility Discussion.

Fire Chief Jess Campbell opened discussion concerning the proposal for a live fire training site for Council feedback.

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Firefighter / Paramedic Blaine Coombs identified two possible sites for development of the training site as the area north of the south Fire Station, and at the Public Works site, and outlined the pros and cons for each site, described the appearance, plan and use of the proposed semi-permanent structure. In response to Council Member Baertsch, Firefighter / Paramedic Coombs affirmed the facility could be relocated, they have been working with Assistant City Manager Kyle and City Manager Christensen on the master planning of the Public Works area, only common combustibles would be used as an emission source during training, their goal is to be functional for live fire training in October.

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Council Members commented in support of the live fire training facility, that at this time the best location would be adjacent the South Fire Station on Ring road, have open meeting and invite public review, and plan to relocate to the Public Works site when the facility size increases. Mayor Miller recommended staff plan ahead to save space at the Public Works site, make necessary parking and water line improvements.

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ABC Great Beginning Concept Plan and Rezone Discussion.

City Planner Kara Knighton introduced the ABC Great Beginnings Rezone and Concept Plan application concerning 3.63 acres located at the northwest corner Redwood Road and Aspen Hills Blvd, on the north end of the city. Planner Knighton reported this is a request for rezone to change the zone of the property from Agriculture (A) to Mixed Use (MU) to match the Land Use Plan designation of Mixed Use in the General Plan. The proposal concept includes 4,200 sq. ft. of future office space, 3,800 sq. ft. for a future restaurant, and two 11,400 sq. ft. three story buildings – one with a child care center on the main level and residential units on the top two stories, and the other with retail commercial on the main level and top two residential. The project proposes 41 apartment units, proposed landscaping meets the 25% requirement, parking meets requirements, the applicant is requesting a 25% shared parking allotment, there will be full access onto Aspen Hills Blvd. with potential full access onto Redwood Road pending UDOT approval.

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John Anderson, representing ABC Great Beginnings, reported they have modified the proposed plan and are considering 32 to 36 residential units and would be able to meet the parking requirement, and they have had preliminary conversations with UDOT and UDOT is comfortable with the access.

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Present Excused/Absent Council Members Stephen Willden, Michael McOmber, Shellie Baertsch, and Chris Porter.

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

Council Member Bud Poduska

City Manager Mark Christensen, City Attorney Kevin Thurman, Spencer Kyle Assistant City Manager, Police Chief Andrew Burton, Planning Director Kimber Gabryszak, Finance

Council Member Porter noted residents have spoken out against density, however, the City's master plan designates this area mixed use, the concept presented is attractive, in review of the site and other developments along Redwood Blvd. he believes this is what was visualized, supports the reduction in units; his concerns are the possibility of only one access unless they obtain UDOT approval, the zoning of the adjacent Western Hills parcel, and would possibly support only a 15% shared parking reduction. Director Gabryzak affirmed the Western Hills property is still zoned R-3, staff can review for parking and landscaping for transition.

Council Member Willden commented if the mixed-use zoning was not already on the general plan it would not be a consideration, his preference is an increase in office space or commercial and limit the residential, noted he believes this project to be unique in the City. Representative Anderson responded to Council Member Willden's inquiry the apartments would be for rent.

Council Member McOmber noted the general plan designating mixed-use was put in place 9-10 years ago; with infrastructure and utility requirements he is more comfortable at 31 residential units; the second access point would be beneficial to residents and traffic; pointed out the City meets all national parking standards and does not allow developers to under park, however, he is not supportive of the request for reduction as local restaurants have very high visitation. Council Member McOmber further commented this is a great mixed use project, when the zone was created this is what it was designed for, it is the trend for younger generations and the City should offer this type of product in the City giving more people options.

In response to Council Member Baertsch, representative Anderson commented they plan on making the playground available to the residents, possibly with a key card, and one of the conditions for residents is a background check. Council Member Baertsch commented the playground should be considered part of the business and not landscaping, residents would not be able to allow visitors children use the playground making it not fully open to the residents, however, recommended mitigation by the addition of personal spaces such as balconies and roof top gardens. Council Member Baertsch commented she does not support 25% shared parking due to the number of customers, and the City must also plan for the future in the event the use is changed from a day care center to other offices, retail or restaurants. Council Member Baertsch thanked the applicant and wished them success.

Mayor Miller thanked the Applicant.

Budget Review/Discussion - FY 2016-2021. Mayor Miller deferred Budget Review to the Policy Session.

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

Policy Meeting

Call to Order:

Roll Call:

99 Staff Present

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Manager Chelese Rawlings, City Engineer Gordon Miner, Capital Facilities Manager Mark
Edwards, City Recorder Cindy LoPiccolo

Mayor Miller tabled Action Item 2 concerning Tickville Wash Facilities Reimbursement Agreement R16-22 to the next meeting.

Invocation by Council Member McOmber

 Pledge of Allegiance led by Council Member Porter

Public Input:

Mayor Miller invited public input.

Patrick Costin, Aspen Hills, commented in support of the live fire training facility; concerned with possible spill over parking from the ABC New Beginnings project unto Aspen Hills Blvd., supports the commercial, requested limited residential.

Brandon Beatty, Aspen Hills, commented in support of commercial in the ABC New Beginnings project, concerned with ingress and egress, traffic, parking; requested the City's assistance in regard to speeding and traffic control affecting Aspen Hills.

Rich Anderson, Aspen Hills, commented the proposed day care center project will perpetuate the am and pm heavy traffic in the area, concurred with Mr. Costin's statement of Aspen Hills Blvd. becoming a parking lot.

Awards and Recognitions:

Mayor Miller presented the oath of office to new officer Dana Wallace and Chief Burton presented Officer Wallace with a Certificate of Commission.

Chief Burton announced the promotion of Detective Zach Robinson to Corporal, and promotion of Corporal Roger Williams to Sergeant, and presented each with a Certificate of Promotion and new rank pins, and invited the Officer wives to pin their badges. The Mayor and Council congratulated and thanked the officers for their service. Council Member Baertsch commended and thanked the officers on behalf of her neighbors for their response and handling of their daughter's accident.

Josh McHale, Account Executive, and Brent Oakeson, Loss Prevention Specialist, representing Utah Local Governments Trust (ULGT), presented a 2015 Trust Accountability Program (TAP) Award to the City, recognizing the City for successful loss control practices, noted the Trust serves 550 government agencies and less than 100 qualify for this award, and thanked the City for being one of the standouts.

Budget Presentation - Finance Manager Chelese Rawlings presented a five year budget summary with update of possible pay plan projections, and five year projections based on what was discussed at the retreat concerning their future needs.

Council Member Willden thanked staff for the information noting the overall positive balance over the upcoming five years, with only culinary and secondary water showing negative balances. Finance Manager Rawlings responded this may be because of fund balance being used for projects. Council Member Willden reported the methodology was developed and presented by the City's consultant, and although he was very critical of the approach up front, he is informed and comfortable with the approach and where he is recommending taking us is the right direction in his opinion.

Council Member McOmber commented most of his questions have been answered during his and Council Member's participation on the Compensation Sub-Committee, thanked staff for addressing his request for long term projections and City Manager recommendations and going through the exercise of allocating in the years

ahead. In response to Council Member McOmber, Finance Manager Rawlings confirmed the City is budgeting to the midpoint or to the actual, whichever is greater, and noted many employees are well below the midpoint resulting in a savings of approximately \$100,000 that will go in fund balance.

Council Member Porter commented he also met with the Finance Manager last week to review most of his questions, appreciates the forecasting that provides an idea of the City's direction and knowing what we will have in a given fund in future years.

Council Member Baertsch commented she appreciated the report and had questions concerning the pay plan percentages and movements, specifically concern regarding the 'up to five percent' raise each year for newly hired employees.

Council Member McOmber responded he initially had the same reaction, clarified the City is proposing the opportunity based on an employee's performance to obtain the midpoint of the pay scale within 4 to 7 years which could assist with competitively retaining employees, and noted this does not lock in future Councils.

Council Member Willden responded this is how the market works, the City still has the ability to bring somebody in at the low point depending upon what qualifications we are willing to accept.

City Manager Christensen confirmed this addresses the competitive factor as the City has had difficulty keeping certain employees throughout a year because of a lack of pay range flexibility, the circumstances of some positions will be reviewed and if there is high turnover it will be determined what can be done, not to push the top end but to ensure the City is not investing all its time and resources training people and then losing them because we cannot be competitive. City Manager Christensen reported the market survey gives the City the ability to consistently plan and project, the Finance Manager would be able to prepare reports based on actual wages and this philosophy can fully address Council Member Baertsch's question by projecting out a full five years. City Manager Christensen reported the policy is written if there is a problem the City always has the right to not increase any wages, and noted this importantly provides hope for many employees whose wages have been frozen for a long time, they would be eligible based upon performance to have movement, an opportunity to continue to grow, career plan, and it gives us the ability to provide a financial plan consistent with what Council is looking for. Council Member Baertsch commented she recognizes the City has had some issues and appreciates the ability for the flexibility, however, still has some concern because she has not seen this methodology.

Finance Manager Rawlings reported this will come back and she will get Council the updated five year plan using the five percent for the next five years so Council can see what that looks like.

Mayor Miller thanked Finance Manager Rawlings.

POLICY ITEMS:

Reports:

Council Member Porter reported Utah Valley University (UVU) will host a campus master plan breakfast on the 8th and there will be an opportunity for attendees to ask questions.

Council Member Willden reported a Jordan River Commission meeting is scheduled next week in the St. George office, however, it may be cancelled due to timing.

Council Member McOmber reported a carnival will be coming in for Splash Days, he and Civic Events staff researched carnival companies and interviewed other cities, the company they chose is the most reputable with very little to no history of problems. He noted the company and their trailers will need a place to stay for a week during the carnival, next to the carnival is inappropriate and they are recommending the south side of Inland Park, as there are no adjacent residents, Willow Park is too expensive and days are limited, all they need is

water. In response to Council Member Baertsch, reported there are no games scheduled or programmed at the park, and the organizations would be encouraged to cancel practices that week. Council Member Willden commented he is okay with that.

City Manager Christensen stated the only concern is the park has restrictions concerning closure at night may not allow overnight stays, can bring that back if a decision is necessary. Council Member Baertsch noted an exception was made last year to allow someone to stay overnight at the carnival for security. Council Member McOmber pointed out the City makes exceptions as needed frequently, would like to hear solutions for their stay within City boundaries or the City will need to pay more to have them stay at Willow Park.

Council Member Baertsch reported:

- the Mountainland Association of Governments (MAG) Transportation Improvement Program (TIP) selection final date was approved to be during spring break before the next MAG meeting and there is a need to extend the deadline; either she or Mayor Miller will need to electronically vote for the extension;
- she attended the MAG Wasatch Front Regional Council I-15 corridor master transportation meeting today, the study technically reviews the I-15 corridor from Davis County to 2100, it is projected by 2050 the I-15 freeway will be beyond capacity and the Committee discussed improvements i.e. movable divided barrier express lanes, a separate divided bicycle autobahn so people can commute, and other options; those plans will come out soon and people can begin to give response, she will advise.
- she attended the Rock Art meeting today concerning protection of local area petroglyphs and reviewed Eagle Mountain's newly adopted historic preservation code.
 - Utah County has transferred 106 acres to Utah County for use as a shooting range, a ribbon cutting ground breaking for the shooting range has been scheduled and she will advise the date.

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Council Member Baertsch inquired if the City staff is attending Lake Commission Technical Committee meetings as they have her listed as both Technical Committee and Executive Board. Directed Gabryszak advised their department is officially sending Planner Sarah Carroll and Planner Kara Knightly is serving as backup; and further noted Planner Carroll is also attending Jordan River Commission technical meetings and Planner Jamie Baron serves as backup.

City Manager Christensen reported there is a need for a closed session this evening.

Assistant City Manager Kyle reported Regal Park is close to laying sod after the water is turned on, reviewed the park areas designated for contractor and volunteer installment of the sod, reported the City is trying to get volunteers to sign up, at this time an Eagle Scout has volunteered to do it as a project, he can get 50 volunteers, and it is estimated the Eagle Scout team can lay approximately 65 of the total 433 pallets of sod. Assistant City Manager Kyle recommended Council consider due to the size of the project completion by the contractor who is willing to keep the cost equal, a change order would be approximately \$11,500 to \$12,000; in response to Council Member Baersch, reported the Scout is planning on doing the job the third or fourth weekend of April. City Manager Christensen advised water will be on the week of the 15th and the City wants to install soon after that, explained one of the challenges is to only order what can be laid down, there should be people scheduled to lay the sod or we are taking a chance on wasting it.

Council Member Baertsch commented she would like to see the contractor and Scout complete their areas and then get the resident volunteers to come out and keep working on it until they get to a point that they can't. City Council Member McOmber noted the problem is people do not normally sign up to volunteer, they show up, the residents were packed in here and they are going to help, staff should be set up something where the volunteers can call in or post something on line where they can go and sign up, people show up and they get it done, and he is opposed with paying more.

Capital Facility Manager Edwards reported it was his understanding the Public Relations/Economic Development Manager has reached out to much of the social media for volunteers.

Mayor Miller noted they had 20 people on Sunday say they could do it and that was just one small group, recommended posting a request for volunteers on neighborhood facebook pages. Council Member Baertsch concurred to try to get volunteers. Council Member Willden agreed to try to get volunteers but stated he was never in favor of relying on volunteers for future projects and laying large amounts of sod, in his subdivision the residents just don't get out and it is always a problem. Council Member McOmber noted if you make it easy for people to get involved, they will.

PUBLIC HEARING:

1. Code Amendments to Section 19.08 – Home Occupations. Ordinance 16-07 (3-29-16) (Continued from 3-1-16).

Mayor Miller introduced the continued public hearing concerning the matter of Code Amendments to Section 19.08 – Home Occupations for public hearing.

Planning Director Kimber Gabryszak noted this is a continued hearing from March 1, 2016, identified the specific matters for further review and discussion, reviewed proposed amendments as discussed at public hearing on March 1, 2016 and those newly proposed by staff, and presented options for action with a recommendation of minimum approval of Class 1 home occupations in order to move forward with those business which may potentially be impacted.

Council Member Porter commented he is in support of approval of Class 1 noting there are a number of businesses pending that decision, the proposed amendments highlighted in pink address his concerns and he is in support of those changes, in regard to the 40% this is less than half the home and supportive of that, and noted impact is being addressed believing the City is taking steps to not unduly impact neighbors.

Council Member Baertsch commented:

- wording 'office use or similar' in Class 1 be changed to 'low impact use or similar' as there are many applicable occupations/uses other than 'offices';
- off-street parking be required for Class 2 and Class 3 businesses with employees, this should be specific, no vehicles hanging over a sidewalk and need to take that impact off the street;
- only Class 1 okay in multi-family residential when you have eight patrons arriving at the same time there are significant impacts the neighborhood i.e. dance studios etc.;
- supports 40% if inclusive of other areas;
- re Capacity 'not to exceed' 40 patrons Kimber grammatically should say 'and shall not exceed', also 'and' subject to traffic mitigation. Mayor Miller noted 'subject to traffic mitigation' should be taken out, it is already covered.
- concern with the limitation concerning hazardous materials as there are there are many kinds of hobbyists using certain materials, clarified business licenses would still be required. Council Member McOmber noted most subdivisions have HOAs, this is another protection.

Council Member McOmber commented in support of Class 1 in multi-family residential only; 40% inclusive realistically of secondary areas halls, bathrooms etc.; Class 2 and the 16 people a day maximum is worded the best way that will not create a large impact.

Council Member Willden commented in agreement with change to Class 1 and changes on Class 2; 40% okay with property changes proposed; agree regarding multi-family.

Council Member Porter noted he was in agreement with multi-family residential being Class 1 only

Council Member Baertsch raised the question in regard to grandfathered businesses that wish to increase usage, and specifically inquired why it would run with the land and not with the business license if it lapses. Staff concurred this was a good question. City Manager Christensen recommended staff review this and bring it back because you would not be creating a vested right if it is tied directly to the business license. City Attorney Thurman noted this may be a type of permit that would not run with the land, it is very specific.

Mayor Miller opened the public hearing and invited public comment - None.

Mayor Miller closed the public hearing.

City Attorney Thurman affirmed if the change concerning the matter of conditional use permit is the only issue to be resolved, believe that can be delegated to staff and proceed with action on the Ordinance. Director Gabryszak noted staff will return with that one change if necessary

Motion by Council Member Baertsch to approve Ordinance No. 16-07 (3-29-07) amending Section 19.08 with the findings and conditions of the staff report dated March 29, 2016, with the changes that were made tonight at the Council meeting and approved by the Council, and direct staff that they find out how to make this not run concurrent with the land but with the license and if that means removal of the conditional use or how this needs to be done, was seconded by Council Member McOmber

333 <u>use or how</u> 334 Roll Call

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

Motion carried 4-0; Council Member Poduska excused/absent.

ACTION ITEMS:

Award of Bid: Sports Park Master Plan and Construction Design Services. Resolution R16-21 (3-29-16).

Capital Facilities Manager Mark Edwards presented the report for the award for the design contract for the baseball sports complex. Manager Edwards reported the scope of work provided in the RFQ was for master planning and programming the entire 100 acres that has been made available to the City, designing, providing bid and contract documents, project management and construction inspections; the first phase will occupy approximately 25 acres and will primarily be programmed for baseball with associated amenities. Manager Edwards reported the City received eight Statements of Qualifications (SOQ) which were evaluated and scored by an advisory committee and one firm was eliminated; staff issued a Request for Proposals (RFP), and upon close review and consideration of the submittals, the advisory committee recommended award of bid to Professional Engineering Consultants (PEC) to be the design of choice based on qualifications and bid.

City Manager Christensen requested if the Council is inclined to award this, that it be contingent upon the Council approval of the land acquisition so that we have the ability to have further conversation prior to commencing the work on this project.

Mayor Miller thanked Capital Facilities Manager Edward, noting the City received some great bids and information to put this together.

Council Member McComber noted the determination of the advisory committee coincided with the lesser bid, it shows that the City went for the quality bid.

In response to Council Member Baertsch's status inquiry, Manager Edwards advised they have not negotiated yet concerning the construction inspector's time and announcer booths. Council Member Porter noted the committee reviewed the other proposals in regard to inspector times and felt the other bidders had a more reasonable amount of time, a cost estimate will be based on the difference in the amount of hours, and pointed out even with this addition the bid amount will still be significantly lower, PEC was informed

368 concerning these issues. Manager Edwards noted there is a \$227,665 difference between this bid and the next low bidder.

Motion by Council Member Porter to award the bid for the Sports Park Master Plan construction design services to PEC in the amount of \$154,918 and adopt Resolution R16-21 (3-29-16), conditional upon the land acquisition approval, was seconded by Council Member McOmber

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

Motion passed 4-0; Council Member Poduska excused/absent.

3. Dedication of Village Parkway – Right of Way and Easement Agreement. Resolution R16-23 (3-29-16)

City Attorney Thurman presented a Right of Way and Easement Agreement concerning Village Parkway within Fox Hollow Neighborhood 6. He reported Developer JF Capital is responsible for the improvement of Village Parkway, the underlying property of Village Parkway is owned by property owners Pronova 4 and CPB, neither at this time willing to dedicate the road to the City. The Right of Way and Easement Agreement was negotiated establishing the Easement Area as a Class C Road, the City and HOA will have responsibility for the maintenance and repair of improvements installed on the Easement Area, and pursuant to the terms of this agreement upon development of their property either Owner shall then dedicate in fee simple via recorded plat the Easement area to the City.

City Manager Christensen reported this has been a long and hard project, many complex issues have been dealt with, believes this should be celebrated and it is a good development for the community.

Motion by Council Member Baertsch to approve the Village Parkway Right of Way and Easement Agreement and adopt Resolution R16-23 (3-29-16), was seconded by Council Member Willden Roll Call Vote: Council Members McOmber, Baertsch, Willden, Porter – Aye Motion passed 4-0; Council Member Poduska excused/absent.

APPROVAL OF MINUTES:

1. March 8, 2016; March 15, 2016.

Motion by Council Member Willden to approve the minutes for March 8 and March 15, 2016 with corrections as submitted and posted, was seconded by Council Member McOmber Roll Call Vote: Council Members Baertsch, McOmber, Willden, Porter – Aye Motion carried 4-0; Council Member Poduska excused/absent.

ACTION ITEM:

2. Tickville Wash Facilities Reimbursement Agreement. Resolution R16-22 (3-29-16).

Motion by Council Member Baertsch to table this agreement and accompanying Resolution to the next meeting (April 19, 2016), was seconded by Council Member Porter

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

Motion carried 4-0; Council Member Poduska excused/absent.

CLOSED SESSION:

Motion by Council Member Porter 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 Willden

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

421 <u>Motion carried 4-0; Council Member Poduska excused/absent.</u>

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423	The meeting moved to closed session at 8:49 pm.
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425	Present: Mayor Miller, Council Members Porter, Willden, McOmber, Baertsch, City Manager Mark
426	Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, City Recorder Cindy
427	LoPiccolo
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429	Closed Session Adjourned at 9:17 p.m.
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431	ADJOURNMENT:
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433	There being no further business, Mayor Miller adjourned the Policy Meeting at 9:18 p.m.
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