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**City of Saratoga Springs
City Council Meeting
October 27, 2015**

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

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Work Session Minutes

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Present:

Mayor: Jim Miller

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

Staff: Mark Christensen, Kimber Gabryszak, Owen Jackson, Kevin Thurman, Jeremy Lapin, Nicolette Fike,
Chief Campbell, Kara Knighton, Jamie Baron, Mark Edwards

Others: Kayla Jaburek, Trey Jaburek, Chris Porter, Steve McCulzhan, LeVar Christensen, Erica Groneman,
K. Becraft

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Call to Order – 5:00 p.m.

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1. Discussion of Rezone/General Plan and Concept Plan for Lexington Green.

Kimber Gabryszak gave an introduction to the project. They are still in the process of reviewing the plan. It is currently zoned R6 and a portion R18 from an agreement several years ago. The applicant is requesting a rezone to R10 for townhomes and mansion homes, and part to a Regional Commercial for a corner for gas station.

LeVar Christensen noted they hadn't done full renderings of the buildings yet. He has done over 30 award winning projects over the years. He is hoping to work with trust and the agreements made earlier with the City. They didn't have the vision then of what would happen with more long term planning. There are roads that exist now that didn't before. He said the R6 was a temporary zone given. They are trusting in compensation. They wanted to have some theming that reflects an Americana feel. He showed some examples of what the homes might look like as well as entry features and landscaping. He has sculptures ready as a highlight for the neighborhood. They are landscape oriented and family oriented. They would like their ingress/egress to be separate. They were promised comparable zoning. They submit that the R10 today is equivalent to the R6 back then.

Councilwoman Call reviewed the original agreement and mentioned the purchase price of the property and that it was comparable to what they would pay today. In the Administrative action it talks about impact fees for the apartment units and an agreement for reduced impact fees. If they look at that then she is not interested in granting additional units at a reduced amount. If Lexington green isn't paying their fair share to come into the city then the other residents take on that burden. The agreement says he would like to place the buildings in a manner to create a buffer but not in different quantities. She would stay with the R6.

LeVar Christensen said the intent of the parties governs all contracts. They are entitled to severance damages that are above and beyond the value of the land. It was a huge shift to go from single family to multi-family because he couldn't do what he wanted to do originally. They wanted to be a team player, when they learned what everyone wanted to do to help the schools and city. He wants to emphasize the R6 was never a maximum, it's a minimum. He was told to start there and when he came back with good faith and conscience that it would be looked at again. Much of the property was absorbed by roads. He wants them to trust that this project will be done first class, they are passionate about that. He believes they are entitled to substantially more by law and they have come down to what he thinks they city will be happy with.

Councilwoman Call asked what number of units most R-10's come in at.

Kimber Gabryszak said the most recent R10 came in about 9.1 units.

Councilwoman Call said the reality of the situation with the roads does change his product. But it brings opportunity with the commercial piece. She reads that the agreement says not less than 6 lots per acre. So

54 she would maybe write in an amendment that he is entitled to the original apartment units plus whatever
55 the density is of the 6 units per acre.

56 Kevin Thurman mentioned they could rezone it R10 then specify a maximum number of units.

57 Councilwoman Call would be okay with a rezone to the R10 only if tied to a Master Development

58 Agreement capping the density at 6 units per acre and so long as there is a reversion clause that if the
59 MDA is not executed or expires, the zoning will revert to the R6.

60 LeVar Christensen said when they put the language in as less than it was meant to not be a maximum and
61 was coupled with the assurance that when the new roads came in they would need to buffer. As a
62 developer how do you absorb the economic impact of that as well? The engineers say the PUE ordinance
63 is not the same as it was then and so they really thought the R10 was a modest and conservative
64 approach. They like to do the extra landscaping and things that make it stand out as a nice place to live.

65 Councilman Poduska sensed that the City entered into a contract in good faith with the intent of the property
66 being developed. And a lot of things have changed with the development of the roads and the possibility
67 of Mountain View Corridor coming through.

68 LeVar Christensen commented that it's the balance of the 44 acres that would be R10. 12 acres is designated
69 for apartments. They waited until the schools were finished to plan for orientation.

70 Councilwoman Call understood that they are requesting an R6 to R10.

71 Kimber Gabryszak replied that was correct. It's about 31 acres, the proposal is for a density of about 8.4
72 units per acre.

73 Councilman Poduska commented that rather than dealing with just R10 as the number we are going from
74 about 6 units to 8 units.

75 Mark Christensen thinks there is a lot of detail they are starting to jump into and he would recommend that
76 they give some informal feedback at this time to keep things moving forward on this worksession.

77 Councilman Poduska commented that adding two units per acre would be alright with him, he thinks the
78 product looks good and the location next to the bigger roads makes sense to have the higher density
79 there.

80 LeVar Christensen was told by UDOT that they don't have any budget for 20 plus years. He understands that
81 things have changed but he doesn't have the luxury of going back to 2009 and say would you change
82 your mind years later. He wants them to see the quality of the presentation and the sincerity of their
83 intent.

84 Councilman Willden appreciates the long term relationship with the city. He is for property owners retaining
85 their rights, but there needs to be a balance. When the residents passed prop 6, he committed he would
86 not increase density through rezoning simply for the sake of development. He would be willing to go to
87 an R10, but the total number of units would need to be capped at a maximum of 6 units per acre and not
88 the proposed increase of more than 8 units per acre. This would help the city meet the agreement made
89 with the developer and meet the intent of prop 6. He believes this is a good balance.

90 LeVar Christensen said he was promised something different than that, he feels they are vested and
91 grandfathered. He was told expressly that this was just a starting point and he is here to fulfill the
92 promise. The 252 units on 12 acres cannot buffer those L-shaped roads. He feels he is asking for a very
93 modest version.

94 Councilwoman Baertsch thinks he is proposing some very nice products and likes some of the building
95 designs. She is okay with shifting the R18 around to the other frontage as well since that is stipulated in
96 his agreement. However she will not be granting anything above the R-6 or 6 units to the acre as
97 specified in his agreement. Within the R6 they have the ability to do some 2 and 3 family units, some of
98 these products would fit in with that. Putting some of the land into a regional commercial could be
99 worked out if they take the density out of the higher density. The difference in the value of those is much
100 higher than would be the multifamily. Staff recommended that their main entrance front off of Pony
101 Express.

102 Councilman McOmber remembers this conversation as he was here then. He was against the multifamily
103 housing then and still is. He was in favor of limiting the high density housing. He thinks the spirit was
104 that they promised him no less than 6, but he remembers fighting it then. He thought that the amount
105 paid for the land when the agreement was executed was actually at or over market value at the time. He

106 is ok with moving the apartments, and he would agree to the R10 and capping at 6 units. He feels this is
107 generous because this would allow more units per acre than an R6.
108 LeVar Christensen would be discouraged if there wasn't more to this process. He would ask that they
109 consider that not less than means more than. The density they proposed economically and aesthetically
110 will accomplish the spirit and letter they are trying to meet with the agreement.
111 Councilwoman Call goes back to the agreement signed and it said the City cannot agree to any development
112 entitles other than what was expressly allowed in the agreement.
113 LeVar Christensen replied that he was told they could count on that today but when he came in again they
114 will look at the full impact.
115 Kevin Thurman mentioned that Mr. Christensen is still entitled to apply for what he is asking for. He has
116 received feedback from the Council.
117 Councilwoman Call asked, in future Master Development Agreement's, could we not have impact fees in
118 there since those change.
119 Kevin Thurman said they don't do that now, they make them comply with current ordinance.

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121 **2. Discussion of the Trails Maintenance Policy.** – postponed to Nov 17th
122

- 123 **3. Agenda Review:**
124 a. Discussion of current City Council agenda staff questions.
125 b. Discussion of future City Council policy and work session agenda items.
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128 **Adjourn to Policy Session 5:40p.m.**
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131 _____
132 Date of Approval



Nicolette Fike, Deputy City Recorder



Policy Session Minutes

Present:

Mayor: Jim Miller

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

Staff: Mark Christensen, Kimber Gabryszak, Owen Jackson, Kevin Thurman, Jess Campbell, Nicolette Fike, Kara Knighton, Jamie Baron, Jeremy Lapin

Others: Kayla Jaburek, Trey Jaburek, Chris Porter, Steve McCulzhan, LeVar Christensen, Erica Groneman, K. Becraft

Call to Order 5:40 p.m.

Roll Call – a quorum was present

Invocation / Reverence - given by Councilman McOmber

Pledge of Allegiance - led by Councilwoman Baertsch

Public Input - Opened by Mayor Miller

Erica Groneman noted that her home is near the property that was discussed in work session and she encourages them to keep the density as low as they can. She likes that it looks great, but it's still apartments. She understands the number of apartments can't be changed and she likes how it looks but wants them to keep it down. The neighbors near there are very concerned. They said the close neighbors did not get any feedback back when this happened and they found out after the fact that they were going to have apartments next door. They support keeping the density down.

Public Input - Closed by Mayor Miller

POLICY ITEMS

1. ACTION ITEMS:

a. Preliminary and Final Plat for Jacobs Ranch Plat N, located approximately 450 W Remington Ave. Jim Jacob Applicant.

i. Resolution R15-50 (10-27-15) adding lots to the City Street lighting Special Improvement District for Jacobs Ranch Plat N

Jamie Baron presented the plat. There is an open space credit that is accessible to this plan. There is a proposed walkway next to lot 1404 to meet requirements of the block length, and proposed fencing with conditions that new fencing match current fencing and the walk be dedicated to the City and the rock is in two different sizes and colors. The applicant received a variance to the block length.

Councilman Willden had no immediate concerns.

Councilwoman Baertsch asked if no plant material was included in the trail ways.

Jamie Baron replied it would just be rock, they would be dedicated to the city and it was at the request of the maintenance department. There is an issue of running the irrigation to the area.

Kimber Gabryszak said there is no requirement in the R3 for a certain number of trees or caliper but a requirement for yards to have 25% landscaping.

Councilwoman Baertsch asked if there were areas in the trail large enough to support vegetation.

Kimber Gabryszak said the real issue is running irrigation to the area without significant expense. The previous trail sections were approved as this.

Councilman McOmber did not have any further comments as it met the requirements.

Councilwoman Call felt they needed to meet our own code and plant some vegetation.

Councilman McOmber asked if our trail zone had a requirement for vegetation.

Kimber Gabryszak said we don't.

Councilwoman Call wondered how to take care of situations where there may be some antagonism between parties who are vested and may not want to allow the credit, and how to allocate it fairly.

Kevin Thurman replied they need to take care of it on a case by case basis and consider individual circumstances.

Councilman Poduska wanted clarified why they weren't going to build a road.

Kimber Gabryszak said they could have but it would have taken out the lots.

186
187 **Motion by Councilwoman Baertsch to approve Preliminary and Final Plat for Jacobs Ranch Plat N**
188 **located approximately 450 W Remington Ave. Jim Jacob Applicant. Including Resolution R15-50**
189 **(10-27-15) adding lots to the City Street lighting Special Improvement District for Jacobs Ranch**
190 **Plat N, Including all Staff Findings and Conditions. Seconded by Councilwoman Call. Aye:**
191 **Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
192 **Councilman Poduska. Motion passed 5 - 0.**
193

194 **b. Reimbursement Agreement for Jordan View Landing.**

195 Mark Christensen mentioned this outlines what they have discussed before. They are going to get some nice
196 improvements in this area.

197 Councilwoman Baertsch wanted to know if we were piggy backing on this at this time to fix the road.

198 Mark Christensen said this will clean up most of it, just not the full road cross-width.
199

200 **Motion by Councilwoman Call to approve Reimbursement agreement for Jordan View Landing.**
201 **Second Councilwoman Baertsch. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**
202 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
203

204 **c. Bid Award for the Design of the North Gravity Sewer Outfall – Phase 2 Project.**

205 Mark Christensen commented that this was the section right in front of The Crossing. This is for the
206 Engineering and Construction design of this.

207 Mayor Miller noted that it was part of the long term plan to get us off the lift stations.

208 Mark Christensen replied that basically everything that is west of Redwood Road would be able to gravity
209 out of the system at some point when the system is complete and everything East of Redwood Road
210 would be still on the lift system.

211 Mayor Miller asked how we were on capacity with the lift stations.

212 Mark Christensen replied we do still have the ability to add another pump in the lift station house; the
213 capacity was reserved largely for the Wildflower design. The capacities are shuffling now to make sure
214 everything is working and as they get closer to the end of Wildflower they will need some conversations
215 about the totality of the Gravity Outfall.

216 Councilman McOmber did not have any comments at this time.

217 Councilwoman Call asked if this put a dent in the 18 million dollar sewer improvement.

218 Mark Christensen replied that this is a chunk of that.

219 Councilwoman Call asked if they knew the balance in the Sewer fund.

220 Mark Christensen replied they think they have enough at this point based on preliminary numbers.
221

222 **Motion by Councilman McOmber to approve Bid Award for the Design of the North Gravity Sewer**
223 **Outfall – Phase 2 Project to Hansen, Allen, and Luce in the amount of \$25,175.00. Second by**
224 **Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**
225 **Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
226

227 **d. Resolution R15-51 (10-27-15): Appointment of election poll workers to serve for the November 3,**
228 **2015 General Election.**
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230 **Motion by Councilwoman Call to approve Resolution R15-51 (10-27-15): Appointment of election poll**
231 **workers to serve for the November 3, 2015 General Election. Seconded by Councilman McOmber.**
232 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
233 **Councilman Poduska. Motion passed 5 - 0.**
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235 Councilwoman Call wanted staff to express appreciation to the poll workers.
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237 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
238 **Councilman Poduska. Motion passed 5 - 0.**

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- e. **City Council Minutes:**
 - i. **October 6, 2015.**

Councilwoman Baertsch noted that changes emailed in had been posted on the door for the evening.

Motion by Councilman Willden to approve the City Council Minutes including changed submitted from Councilors Call, Baertsch, and Willden, from October 6, 2015. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

2. REPORTS:

a. Mayor.

Mayor Miller said they have had sub committees in the past because as the city evolved it was needed and things took more time in the past. Staff has done a great job and we have come a long way. He would propose to the council that we stop doing the committees and bring things back to working groups like Urban Design, Code, and Parks. So Council is all involved and aware of what's going on. They felt they had to be more heavily involved in the past. He would like Council's opinion.

Councilman McOmber was in favor of that.

Councilman Willden was fine with dissolving the committees and was fine with having a specific committee formed for isolated events or temporary assignments that are dissolved when finished

Councilwoman Baertsch thought it would be good economically if all the councilors had a chance to meet with the different developers.

Councilman Poduska thought it was fine.

Councilwoman Call served on several of those committees and thought it would allow all of them to be informed of the same things at the same time and free up time for council members to participate in other needed things.

Mayor Miller stated that we will make it effective now.

b. City Council.

Councilwoman Baertsch noted that they were contacted by members from the Train club they have located a caboose to be donated to Shay Park, they are willing to pay for transportation to get it out, and set it up, and weld it to the track. We need only to be in charge of road base for the tracks to be put on, and fencing per our liability insurance.

Mark Edwards said they haven't put the sprinklers in this area so that is good. They may have to do some redesign for the sprinkler system. They are looking at \$6000- 8000 for a fence with curbing on it, and some for sidewalks. Maybe \$15-16,000 on this by the end. Doc Hansen is bringing in the train, it is in great shape but could use a paint job, and the train club is willing to maintain that. It's about 50 foot long and 12 feet wide. Our insurance is not thrilled about allowing people to climb on it. The train club would like to take tours on it.

Councilwoman Baertsch said they need to let them know now if they would like it.

Councilman McOmber was in favor of this from the beginning.

Councilwoman Call thought the opportunity was great. It would be better if it was able to be climbed on and interactive with, it would make it more of an amenity. But she doesn't know if she wants to accept the liability and spend the money just for it to sit behind a fence. So at that point she is a no.

Councilman McOmber said the train club would do field trips on demand for schools.

Councilman Poduska said he loves it and at other museums, some are allowed to touch and some aren't.

Mark Edwards said this one still has a kitchen and beds set up and a group willing to do the tours.

Councilman Willden is fine with the concept but wonders if they need a whole sidewalk up to the train.

Mark Edwards responded that if people walk on the grass they tend to get deer-like trails.

Mark Christensen mentioned they hadn't discussed if they were required to make it ADA accessible.

Councilwoman Call said to look at West Valley that put in a bridge that was not accessible. They did it under play equipment. As long as they had a different path they could do it.

291 Councilman Willden said he is fine with adding the train and fine with no sidewalk leading up to the
292 train to save some money.
293 Kevin Thurman wanted to get feedback about the days of operation.
294 Councilman McOmber said they want the agreement open so they don't need to redo the contract if they
295 want to have it open more.
296 Mayor Miller said a minimum of two Saturdays.
297 Councilman McOmber also said a minimum of two Saturdays and encourage them to do more. He would
298 like to see some language in the agreement, because of the train there is some talk of some theme related
299 buildings in the future, something that says they would be required to maintain that as well.
300 Councilman McOmber asked if staff could look into Cameron drive in Saratoga Springs Development. It
301 looks like it was not officially deeded to Saratoga Springs Development yet.
302 Councilwoman Call said they hosted the legislative dinner at Talons Cove, it was not as well attended
303 this year. Those who were there said it was better than last year. She asked if Mark Christensen could
304 talk to Chief Burton about package thefts in the Jacob's Ranch neighborhood. As we head into the
305 holiday season it would be good to nip it in the bud. We have some other areas in the city that are now
306 concerned.
307 Mark Christensen said he would follow up in staff meeting tomorrow.
308 c. Administration communication with Council.
309 d. Staff updates: inquires, applications and approvals.
310 Chief Campbell said he was meeting with Forestry Fire and State Lands to see if they can extend the
311 contract on the Pump House to burn phragmite; they are waiting for a hard freeze.
312 Councilwoman Call commented they had to burn there to not clog up the pumps by plowing it down.

314 **4. REPORTS OF ACTION:** - No Reports tonight.

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

320 Motion made by Councilman McOmber to enter into closed session for the purchase, exchange, or
321 lease of property, pending or reasonably imminent litigation, the character, professional
322 competence, or physical or mental health of an individual. Seconded by Councilwoman Call. Aye:
323 Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and
324 Councilwoman Call. Motion passed unanimously.

326 Meeting Moved to Closed Session 6:20 p.m.

327 Closed Session

329 **Present:** Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman
330 Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Nicolette Fike, Owen Jackson, Kimber
331 Gabryszak

333 Closed Session Adjourned at 6:32 p.m.

335 Policy Meeting Adjourned at 6:32 p.m.

337 11-10-15
338 _____
339 Date of Approval



338 _____
339 Mayor Jim Miller

340 _____
341 Nicolette Fike, Deputy City Recorder