

**CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING**

Tuesday, March 1, 2016

City of Saratoga Springs City Offices

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

CITY COUNCIL AMENDED AGENDA

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.
The order of the agenda may be subject to changed by order of the Mayor.

Commencing at 7:00 p.m. or after the completion of Work Session.

- Call to Order.
- Roll Call.
- Invocation / Reverence.
- Pledge of Allegiance.
- Public Input - Time has been set aside for the public to express ideas, concerns, and comments. Please limit repetitive comments.
- Awards and Recognitions.

POLICY ITEMS: (All items are scheduled for consideration and possible approval unless otherwise noted).

REPORTS:

1. Mayor.
2. City Council.
3. Administration Communication with Council.
4. Staff Updates: Inquires, Applications, and Approvals.

PUBLIC HEARING ITEMS:

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

ACTION ITEMS:

1. Appointment of City Recorder. Resolution R16-16 (3-1-16).
2. Final Plat Extension Request for Hillside Ridge Phase 2. Located approximately 1300 S. Redwood Road, Winchester Homes applicant.
3. Award of Bid for a segment of master-planned Sanitary Sewer, Saratoga Springs Commercial Subdivision.
4. 400 West Extension to Aspen Hills Blvd.
5. 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).
6. Settlement Options with JD V LLC / JD VI LLC.

DISCUSSION ITEM:

1. Central Utah Water.

APPROVAL OF MINUTES:

1. February 2 and 16, 2016.

REPORTS OF ACTION

CLOSED SESSION

1. Motion to enter into closed session for any of the following: purchase, exchange, or lease of real property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.

ADJOURNMENT

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.



**City Council
Staff Report**

Code Amendments

19.08 – Home Occupations

Tuesday, March 1, 2016

Public Hearing

Report Date:	Tuesday, February 23, 2016
Applicant:	Staff and Planning Commission Initiated
Previous Meetings:	PC Work Session 1/14/2016 and 1/28/2016 PC Public Hearing 2/11/2016
Land Use Authority:	City Council
Future Routing:	None
Author:	Kimber Gabryszak, Planning Director

A. Executive Summary:

The term “Home Occupations” refers to home based businesses. Due to several recent Home Occupation applications and public hearings, the Planning Commission expressed interest in revising the Home Occupation standards in the City to further streamline the process for simple Home Occupations, and more appropriately address impacts of more impactful Home Occupations. This packet outlines the resulting changes to “Chapter 19.08. Home Occupations” as recommended by the Planning Commission.

Recommendation:

Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve all or some of the amendments with or without modifications, as outlined in Section H of this report.

B. Background: The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions.

Additionally, the business community, development community, staff, Planning Commission, and City Council have expressed concern over the often lengthy application review process, and have set a goal of streamlining the application review process as the Code is improved.

Other issues been identified through the application of Code to development applications, in this case to Home Occupation Permits. Recent Home Occupation Permit applications have illustrated that first, the current level of review is not necessary for simple Home Occupations such as home offices, and second, that the standards for more impactful Home Occupations are vague and difficult to apply. The resulting changes propose to categorize Home Occupations by scope and impact, streamline the review for most Home Occupations, and better mitigate impacts to the surrounding neighborhood for larger scale Home Occupations.

C. Specific Request: The working language is attached as Exhibit 1 and a clean copy as Exhibit 2, and is summarized below:

- Categorize Home Occupations in three classes based on size and impact.
- Approve Class 1 (least impactful) Home Occupations simply through a business license.
- Broaden the definition of Class 2 Home Occupations; allow these to be approved administratively by Staff.
- Require Class 3 (the most impactful) to have a public hearing with the Planning Commission.
- Add and clarify currently vague standards, particularly for Class 3 Home Occupations.
- Identify and prohibit impactful uses inappropriate for residential areas.

D. Process: Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.

Complies. There is no application as this is Staff initiated, and has been presented to the Commission for a recommendation.

2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.

Complies. Please see Sections F and G of this report. The Commission included these findings in their recommendation.

3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.

Complies. Please see Section E of this report. The Planning Commission made a recommendation, and this public hearing is being held with the City Council.

4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

Complies. Please see Section E of this report.

E. Community Review: Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required.

The Planning Commission held a public hearing on February 11, 2016; public comment was received and Planning Commission input and changes provided. The Planning Commission voted 5:1 to forward a positive recommendation to the City Council, and draft minutes from this meeting are attached.

As of the date of this report, no additional public comment has been received.

F. General Plan:

Land Use Element – General Goals

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, enhance economic development, and implement ordinances and guidelines to assure quality of development.

Staff conclusion: consistent

General changes: the proposed changes help to improve transparency and consistency by clarifying standards and removing ambiguity, and enhance economic development through ability of homeowners to operate home based businesses.

G. Code Criteria:

Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;
Consistent. See Section F of this report.
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
Consistent. The amendments enable more economic growth in the city, while both keeping and enhancing regulations that protect the health, safety, convenience, morals, or general welfare of the public.
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
Consistent. The stated purposes of the Code are found in section 19.01.04:
 1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
 - a. encourage and facilitate the orderly growth and expansion of the City;
 - b. secure economy in governmental expenditures;
 - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social

- environment;
- d. enhance the economic well-being of the municipality and its inhabitants;
- e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
- f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
- g. stabilize and conserve property values;
- h. encourage the development of an attractive and beautiful community; and
- i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

The amendments improve the ability of homeowners to operate home based businesses, which help to enhance the economic well-being of the municipality and its inhabitants; and helps to clarify the process and improve efficiency and consistency in review of home businesses, thus ensuring economy in government expenditures by lessening the cost of application review; and helps maintain a high standard of review and quality development through improved clarity of standards.

4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

***Consistent.** The amendments will better protect the community through more efficient process, clarity and consistency in home business review, enhancement of homeowner ability to operate home businesses, and maintenance of high standards.*

H. Recommendation / Options:

Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve the amendments with or without modifications, or choose from the alternatives below.

Staff Recommended Motion – Approval

The City Council may choose to **approve** all or some of the amendments, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to **approve** the proposed amendments to Section 19.08. Home Occupations with the Findings and Conditions below:

Findings:

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.
4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

Conditions:

1. The amendments shall be edited as directed by the Council: _____
 - a. _____
 - b. _____
 - c. _____

Alternative A – Continuance

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Section 19.08. Home Occupations of the Code to the March 16, 2016 meeting, with the following direction on additional information needed and/or changes to the draft:

Alternative B – Denial

Vote to **deny** all or some of the proposed Code amendments.

Motion: “Based upon the evidence and explanations received today, I move to **deny** the proposed amendments to Section 19.08. Home Occupations of the Code with the Findings below:

Findings

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Council: _____
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Council: _____
3. _____
4. _____
5. _____

I. Exhibits:

1. 19.08 – working copy (pages 6-11)
2. 19.08 – clean copy (pages 12-15)
3. PC Draft Minutes 2/11/2016 (pages 16-19)

Chapter 19.08. Home Occupations.

Sections:

- 19.08.01. Purpose.
- 19.08.02. Categories
- 19.08.03. Performance Standards.
- 19.08.0304. Approval Process.
- 19.08.0405. Noncompliance.

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in single family dwellings only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

1. Class 1: A Home Occupation that:
 - a. consists only of an office use or similar, and
 - b. does not receive patrons, customers, clients, or students, and
 - c. does not increase the number of deliveries to the home, and
 - d. does not increase odors or noise, and
 - e. does not have any on-premise employees that are not members of the resident family or household.
2. Class 2: A Home Occupation that:
 - a. receives between one and eight total patrons, customers, clients, deliveries, or students per day, or
 - b. has up to two on-premise employees that ~~is~~are not ~~a~~ members of the resident family or household, or
 - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.
3. Class 3: A Home Occupation that:
 - a. receives more than eight total patrons, customers, clients, deliveries, or students per day.

19.08.0203. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the

terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. Dwelling Type.

- a. Class 1 and 2 Home Occupations ~~Class~~ are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.
- b. Class 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.

~~1.2~~ **Floor Area.** A Home Occupation may be located in any single family dwelling, or an accessory building to such a dwelling, but shall not occupy or use more than ~~one-third~~ 40% of the finished square footage of the dwelling ~~in any 24-hour period~~ at any given time, not including entrances and hallways.

~~3.~~ **Prohibited Uses.** Restaurants, Automobile Refueling Stations, Automobile Sales and similar uses, any retail sales with outdoor storage, and/or ~~A~~ any uses in Section 19.04.07, which that are solely permitted or conditional uses in the Office Warehouse and Industrial Zones, are prohibited as Home Occupations.

~~2.4~~ **Building and Fire Codes.** A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

~~3.5~~ **Employees.** Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

~~4.6~~ **Parking.** Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.

~~5.7~~ **Outdoor Storage.** Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

~~6.8~~ **Outdoor Activity.** Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

~~7.9~~ **Signs.** A Home Occupation may display a nameplate sign attached to the home not exceeding ~~four square feet~~ solely for the purpose of identifying the occupation. ~~the size permitted for permanent signage in Section 19.18.~~ The design and placement of a proposed sign must receive approval ~~from the Planning Commission or City Staff~~ per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

~~8.10.~~ **Hours of Operation.** Class 2 and 3 Home Occupations that receive customers, clients, or students shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m.

~~9.11.~~ **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.

~~10.12.~~ **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.

~~13.~~ **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.

~~11.14.~~ **Capacity.** Class 3 Home Occupations shall not exceed ten patrons, customers, clients, deliveries, or students at any one time, and not to exceed 40 patrons, customers, clients, deliveries, or students in one day, subject to traffic mitigation.

~~12.15.~~ **Traffic and Utilities Use.** The Class 1 Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.

~~13.16.~~ **Business License.** A business license is required for all Home Occupations.

~~14.17.~~ **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

~~19.08.0304.~~ **Approval Process.**

1. Home Occupations may be approved by the Planning Commission or City staff. Class 1 applicants are not required to obtain a Home Occupation Permit, only a business license. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.

2. Decisions regarding Class 2 Home Occupations are made by the Planning Director.
a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning

Director may approve the application, approve the application with conditions, or deny the application.

Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process. City Staff is delegated the authority to consider and issue Home Occupation permits. However, the applicant shall follow the process for considering a conditional use permit (except that the Planning Commission acts as the land use authority) if:

the Home Occupation will result in an increase in traffic caused by more than five patrons, customers, vendors, or employees visiting the Home Occupation via automobiles or motorized vehicles on a daily basis;

the Home Occupation will create a nuisance, as defined in Title 10 of the City Code; or

more than five customers or vendors will visit or patronize in person the Home Occupation per day whether by foot traffic or motorized vehicles.

3.

1. **Planning Commission Review.**

b.a. The Planning Commission shall review the Home Occupations and determine whether they are it is in full compliance with performance standards of this Chapter. The Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.0405. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

Chapter 19.08. Home Occupations.

Sections:

- 19.08.01. Purpose.
- 19.08.02. Categories
- 19.08.03. Performance Standards.
- 19.08.04. Approval Process.
- 19.08.05. Noncompliance.

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in dwellings only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

1. Class 1: A Home Occupation that:
 - a. consists only of an office use or similar, and
 - b. does not receive patrons, customers, clients, or students, and
 - c. does not increase the number of deliveries to the home, and
 - d. does not increase odors or noise, and
 - e. does not have any on-premise employees that are not members of the resident family or household.
2. Class 2: A Home Occupation that:
 - a. receives between one and eight total patrons, customers, clients, deliveries, or students per day, or
 - b. has up to two on-premise employees that are not members of the resident family or household, or
 - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.
3. Class 3: A Home Occupation that:
 - a. receives more than eight total patrons, customers, clients, deliveries, or students per day.

19.08.03. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the

terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. Dwelling Type.

- a. Class 1 and 2 Home Occupations are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.
- b. Class 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.

2. Floor Area. A Home Occupation shall not occupy or use more than 40% of the finished square footage of the dwelling at any given time, not including entrances and hallways.

3. Prohibited Uses. Restaurants, or any uses in Section 19.04. that are solely permitted or conditional uses in the Office Warehouse and Industrial Zones, are prohibited as Home Occupations.

4. Building and Fire Codes. A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

5. Employees. Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

6. Parking. Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.

7. Outdoor Storage. Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

8. Outdoor Activity. Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

9. Signs. A Home Occupation may display a sign attached to the home not exceeding the size permitted for permanent signage in Section 19.18. The design and placement of a proposed sign must receive approval per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

10. Hours of Operation. Class 2 and 3 Home Occupations shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m..

11. **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.
12. **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.
13. **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.
14. **Capacity.** Class 3 Home Occupations shall not exceed ten patrons, customers, clients, deliveries, or students at any one time, and not to exceed 40 patrons, customers, clients, deliveries, or students in one day, subject to traffic mitigation.
15. **Traffic and Utilities Use.** Class 1 Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.
16. **Business License.** A business license is required for all Home Occupations.
17. **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

19.08.04. Approval Process.

1. Class 1 applicants are not required to obtain a Home Occupation Permit, only a business license. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.
2. Decisions regarding Class 2 Home Occupations are made by the Planning Director.
 - a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Director may approve the application, approve the application with conditions, or deny the application.
3. Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process.

- a. The Planning Commission shall review **the** Home Occupation and determine whether **it is** in full compliance with performance standards of this Chapter. The Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.05. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

4. Public Hearing: Code Amendments to Section 19.08 - Home Occupations.

Kimber Gabryszak advised that they are proposing breaking up the definition of home occupations into three categories. The least impactful would just get a business license. They do not need to come to Planning Commission. Category two may have a few people visiting but their impact would still be minimal. They would need a home occupation review but that would just be approved by staff and they would not need to go to Planning Commission. Category three would be the most impactful, daycares, dance classes, those that have a lot of traffic coming into and out of the neighborhood. They would go through the whole review required right now. She then reviewed and highlighted changes from the last work session. This also allows the less impactful uses to be allowed in multi-family as well as single family. The majority of home occupations would be approved by staff.

Public Hearing Open – by Chairman Kirk Wilkins

Ryan Woodbury, 1479 Garden View Court. Mr. Woodbury noted his wife has a home occupation, a small hair salon, and asked if existing business would be grandfathered in. They also take their daughter to gymnastics and he has a concern with the amount of traffic that creates. He believes that size of a business doesn't belong in the neighborhood, it has outgrown the capacity. He thinks it should be looked at.

Public Hearing Closed – by Chairman Kirk Wilkins

Kimber Gabryszak noted this only applies to new applications. It is actually loosening up restrictions for the smaller businesses that don't have a lot of impact. It is making it stricter for the larger home occupations like the gymnastics classes in his neighborhood. She noted the change suggested that capacity shall not exceed ten patrons, customers, clients, or students at any one time. Some home occupations have exceeded ten and that may be a use that shows some stricter scrutiny.

Commissioner Williamson noted if they were under the old code, as long as they were in compliance they would not be restricted.

Chairman Wilkins asked what they would do about the gymnastics business if it was found to be having a negative traffic impact on the neighborhood.

Kimber Gabryszak said that if the City received complaints about the business code enforcement would look at that application and see what the code was when it came in and check on it.

Commissioner Kilgore had a few edits. Page 10 of 13, section 2B, changing to reflect plural rather than singular. On page 11, 1A correcting "class one and two class" to either remove class or change to "classes".

Commissioner Cunningham was glad to restrict restaurants and things like tattoo parlors.

Commissioner Williamson thinks this strikes a good balance.

Commissioner Funk assumed if you do not qualify for class one, two, or three you are prohibited. In that case he questioned classes two and three. He thinks 2a says you receive more than eight patrons, customers, deliveries, etc. per day. If he were to have a business in his home and he gets nine deliveries then he doesn't qualify. Kimber adjusted 2a to include more than eight total "patrons" to make sense.

Commissioner Steele mentioned that we need to think about how they affect the composition of the neighborhoods. She said if you have a lot of traffic it gets hard to get to know who is a neighbor or who is not. It has made her uncomfortable to have unknown cars around her house. She does believe in home occupations as they have had one, but the neighbors did not know. She has had deliveries block her driveway with rude drivers. All these things affect the neighborhood. The mail man will also not deliver your mail if your box is blocked by people parking on the street, which is another concern she has. They don't want to increase utility costs due to home businesses that are normally used by residents. She noted something like a gym could have in a day, with six classes, 240 trips. Regular residents should have about 10 trips per day. 240 trips is not normally associated with a residence. She thinks there should be a maximum put on trips per day. She also believes that cul-de-sacs should be looked at differently than a regular street. People usually pay more money to build a home in a cul-de-sac. Traffic in a cul-de-sac causes a lot more problems. She asked about class two and three with more traffic, she can count six home occupations on her street but only one generates a lot of traffic to where they can't get out some times. If

there was a street with 15 houses and five class three businesses generating traffic that would become a big problem. She is also concerned about class two businesses in multi-family zones, two employees are too many in multifamily. She noted Aldara as an example, the streets are tight in there. Employees would have to park in guest parking. That isn't fair to others living there that need guest parking for visitors. She asked about state license or approval requirements for class three businesses.

Kimber Gabryszak advised that most businesses applying for a class three home occupation would need a state license or approval. Once you reach 16 kids you'll need a license.

Commissioner Steele asked Ryan Woodbury who spoke during the public hearing how many patrons his wife has at her business per day.

Mr. Woodbury advised that they live in a double cul-de-sac but she has only three to four customers a day.

They try to be good neighbors and poured a larger parking pad for her patrons to park on. Some patrons choose to park on the street but they have made accommodations to try and help potential issues.

Sandra Steele said that is the type of business that doesn't really impact the neighborhood at all. Maybe you could differentiate between that and a larger salon with more than one station. Two employees would be three total stations and impact parking and the amount of customers. She noted a section on business vehicles. There is a disparity and there may be a loop hole.

Kimber Gabryszak advised that their vehicles would still have to be in enclosed structure, this says that they have a vehicle, below is how they use it. She asked Commissioner Steele if she would prefer to only allow one employee in a class two and if there are more move to a class three.

Commissioner Steele agreed with that idea.

Chairman Wilkins agrees that there should be a number or threshold on number of employees.

Ken Kilgore doesn't think it will control how much traffic, it could be a cleaner that doesn't increase traffic, if we do by employee then they have to describe the position

Commissioner Kilgore did not think that the number of employees would necessarily impact parking or traffic at the business. If it's a family member there wouldn't be any more traffic. It would depend on impact to the neighborhood.

Mark Christensen said it's interesting because of a bill in legislature. At the state level they are saying two or more employees would trigger needing a business license. If the business has no impact then state law, if it passes, would preempt us and they wouldn't need a license. The second employee is kind of the threshold they are working on.

Commissioner Kilgore mentioned that getting a business license is not the same thing as the traffic impact.

Commissioner Williamson said maybe rather than looking at the number of employees there could be a provision that you must supply parking for your employees. For a salon it could be fine if they aren't generating too much traffic.

Kimber Gabryszak advised that the provision is one stall for each employee that lives outside of the home.

You most likely couldn't have an employee at a multi-family dwelling because they couldn't provide the parking.

Kimber Gabryszak gave an example that if someone had a small daycare with people walking in, they are not generating traffic so they could allow that use. She also mentioned that if a childcare only has five or six kids they can still be considered a class two home occupation.

Chairman Wilkins asked if there is something in code already that prohibits a home occupation if they are going to be blocking the sidewalk.

Kimber Gabryszak said it's already in code they aren't allowed to do that.

Commissioner Cunningham noted per Mark Christensen's comment it is House Bill 132 that is being considered.

Commissioner Steele thinks 40% is too much area for home occupation. If it remains at 40% she thinks that they should not exempt hallways and entrances. She sent that to Kimber Gabryszak earlier. She thinks they got it right in the dance studio because the only reason the hallway was there was to get kids to and from the studio. On the cooking school for children the hallway was for residential use and should have been exempt. When the percentage is being increased she doesn't think that's an unreasonable request. If you have an accessory unit in a basement of a home she wondered if both could have a home occupation.

Kimber Gabryszak advised that this is looked at per dwelling so she would need to look into the answer to that.

Commissioner Steele advised that the question would be asked so that needs to be looked into.

Commissioner Steele asked that if when we say one permanent code in the sign code then that would take your one sign. She looked at the code and saw that permanent could be six square feet and this says four square feet. She thinks they should match. She also asked if signs would be allowed for multi-family.

Kimber Gabryszak made a reference to section 19.18 of the code. Whatever they are allowed per that section is what they can have.

Commissioner Steele asked about those that work from home for a large corporation. She wondered if they need a business license.

Kimber Gabryszak advised that they do not need a business license if they just work from home for a business housed elsewhere.

Commissioner Steele does not think that home occupations with visitors should be allowed because there is not going to be sufficient parking.

Kirk Wilkins advised that under the section talking about restaurants it should say “and” not “and or”.

Kimber Gabryszak noted that in section three they took out the automobile refueling stations part. They do not need to be specifically prohibited.

Chairman Wilkins said trip generation is limited to eight. It is an impact to the neighborhood.

Commissioner Funk had a question on the new addition of hallway being deducted from the percentage of use.

Kimber Gabryszak noted if it was used by the family it would be deducted but if it is being used by the business it will not be deducted to total percentage.

Commissioner Kilgore didn’t think that we should worry about it anymore and just say 40%. They are still considering impact to the neighborhood, what happens inside the house doesn’t impact the neighbors. It shouldn’t make a difference.

Commissioner Williamson thought the point with the 40% was to say this is where we draw the line.

Chairman Kilgore thinks the square footage consideration is no longer an issue as long as they define what incidental is and the impact to the neighborhood, identifying noxious fumes etc. He didn’t know why hallways and entryways and other things need to be considered.

Kimber Gabryszak advised that any square footage they are using has been counted.

Commissioner Wilkins asked how the specific square footage would be enforced.

Commissioner Kilgore thinks we should define what counts as 40% but not nitpick on whether they are using it for business or not.

Commissioner Williamson wondered if there was another way to draw a line in the sand on what would be considered incidental.

Kimber Gabryszak said most City’s go with a percentage because it is easily measurable.

Commissioner Kilgore wanted to decide if hallways or entryways were counted or not.

Commissioner Williamson was fine with it not including entrances and hallways.

Commissioner Williamson thinks Commissioner Steele was on to a point on maximums on class three businesses having no more than ten trips at a time but no more than 50 trips per day.

Commissioner Steele said some of these generate a lot of traffic, it’s hard to say what is reasonable.

Commissioner Kilgore advised that if we generate a number and residents complain about the traffic generated then what recourse do they have. He thinks it should be set low so there is a recourse.

Kimber Gabryszak it’s better to have a set class size because it is harder to track trips. Class size is the only thing that can really be limited.

Sandra Steele thinks 200 trips a day is too many.

Kimber Gabryszak advised that it is subject to traffic mitigation. That is one protection that they still have.

Commissioner Kilgore asked if when two people want to apply for a class three businesses one can be denied because the traffic is too high as a whole.

Kimber Gabryszak doesn’t think we can because we aren’t doing traffic studies.

Commissioner Steele advised that she thinks trip generation needs to be monitored because a lot of class three businesses can be on one street. Neighborhoods can be impacted greatly.

Chairman Wilkins advised that we can’t regulate all the possible problems. They can have recourse for people to have the opportunity to complain and have it mitigated. He doesn’t like a number on it.

Kimber Gabryszak advised they can lower the number to 40 then that is five classes of eight students. We do have some grandfathered businesses that would have 100 students. She also mentioned that a day care may have ten kids all day, and they are not rotating students.

Chairman Wilkins asked how many complaints come in about traffic or parking.

Kimber Gabryszak advised that they do get an occasional complaint but more for classes that have frequent changes. Like dance studios or gymnastics turning over every hour or two.

Commissioner Williamson asked if it would be possible to put in that if they get more than three complaints in a year they could revisit their home occupation permit. It might give them the incentive to play nice.

Kimber Gabryszak advised that if the owner is not following all of the conditions the City can revoke their license. They work with businesses on a case by case basis.

Chairman Wilkins noted to an audience member that the public hearing had been closed but it will go back to the City Council.

Kimber Gabryszak noted they would like the Planning Commission to move this on and make a decision. Quite a few business license applications have been put on hold pending these changes.

Motion made by Commissioner Williamson to forward a positive recommendation to the code amendments to Section 19.08 Home Occupations to the City Council with the changes as discussed tonight. Second by David Funk. Aye-David Funk, Kirk Wilkins, Hayden Williamson, Troy Cunningham, Ken Kilgore. Nay-Sandra Steele. 5-1

Commissioner Steele advised that she voted nay because of concerns about the 40% requirement and the impacts to neighborhoods and safety to neighborhoods. Many parts are a great improvement but voting on it in its entirety, she couldn't do.

A 5 minute break was then taken.

6. Work Session: Code Amendments for Mixed Waterfront.

Kara Knighton advised that the purpose of Mixed Waterfront is to create a vibrant community that takes advantage of the scenic and recreational opportunities of the area. There are some shortcomings with the way the code is currently written. Since its adoption it has not been used in the City so they would like to take action now so that the zone does not go away. The name was changed from Mixed Lakeshore to Mixed Waterfront to be able to take advantage of Utah Lake and the Jordan River. She gave a history and noted some takeaways from their trip. She then reviewed sections of other community's code that would work well in our community. Next steps for this would be to get feedback from Planning Commission and City Council. They will begin drafting code for the Mixed Waterfront zone and the buffer overlay after receiving the feedback.

Kimber Gabryszak advised that the biggest take away they saw was that the other communities they looked at looked at the whole waterfront. In Boise they reclaimed the river from being a canal and made it good. We need to look at it holistically and make a buffer to be successful. There are the two pieces to it the mixed waterfront zone and the buffer overlay zone.

Commissioner Steele asked if they could put the overlay on existing development.

Kimber Gabryszak advised that any development already done is grandfather in. Any redevelopment down the road would be held to those requirements.

Commissioner Steele asked what a wide trail would be, 10 feet, 20 feet?

Kimber Gabryszak advised that the most successful trails were between 10-12 feet. There needs to be enough space to pass safely if there are multiple people using the trails. On trails that were 14-20+ they were seen with sections and directions. The minimum was wider than what they are installing currently

Mark Christensen noted right by Boise State University for example they were almost road width. Making a change to all our trails today may not be appropriate but existing trails will need to be resurfaced long before we have the demand. It will add to our maintenance costs. He thinks we need to preserve it and look at it but it's not the right thing to do now to require the road width.

Commissioner Steele said someone came to her that wants to put a restaurant along the water front and asked when could that happen.

ORDINANCE NO. 16-07 (3-1-16)

AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE SARATOGA SPRINGS LAND DEVELOPMENT CODE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Title 19 of the City of Saratoga Springs Code, entitled “Land Development Code” was enacted on November 9, 1999 and has been amended from time to time; and

WHEREAS, the City Council and Planning Commission have reviewed the Land Development Code and find that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

WHEREAS, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Saratoga Springs City Council regarding the modifications and amendments; and

WHEREAS, the City Council has conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Saratoga Springs City Council has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that the following modifications and amendments to Title 19 be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

SECTION I – ENACTMENT

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 shall remain the same.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
 - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
 - ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this ___ day of _____, 2016 .

Signed: _____
Jim Miller, Mayor

Attest: _____
Cindy LoPiccolo, City Recorder

Date

VOTE

Shellie Baertsch	_____
Michael McOmber	_____
Stephen Wilden	_____
Bud Poduska	_____
Chris Porter	_____

RESOLUTION NO. R16-16 (3-1-16)

A RESOLUTION APPOINTING A CITY RECORDER

WHEREAS, candidates for the vacant City Recorder position have been interviewed and the most qualified candidate, Lucinda LoPiccolo (Cindy), after an extensive background check, has been recommended to the Mayor for appointment; and

WHEREAS, the City Council for the City of Saratoga Springs, Utah (“Council”) met on March 1, 2016, during a regular session to consider, among other things, the appointment of Cindy LoPiccolo as City Recorder; and

WHEREAS, Utah Code § 10-3-916 provides that the Mayor shall appoint with the advice and consent of the Council a qualified person to the office of City Recorder;

WHEREAS, the Mayor for the City of Saratoga Springs wishes to appoint Cindy LoPiccolo as City Recorder.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, UTAH, THAT:

1. The Council hereby grants its consent of the appointment of Cindy LoPiccolo as City Recorder.
2. The Mayor hereby appoints Cindy LoPiccolo as City Recorder.
3. The appointment of Cindy LoPiccolo is in the best interests of the health, safety, and general welfare of City residents.
4. City Staff is authorized and directed to ensure administering of the Oath of Office per Utah Code § 10-3-828.
5. This Resolution shall take effect immediately.

PASSED AND APPROVED this 1st day of March, 2016

Signed: _____

Jim Miller, Mayor

Attest: _____

Nicolette Fike, Deputy City Recorder

_____ Date



City Council Memorandum

Author: Sarah Carroll, Senior Planner
Memo Date: Tuesday, February 22, 2016
Meeting Date: Tuesday, March 1, 2016
Re: Hillside Ridge Phase 2 Final Plat – extension request

Background & Request

The Hillside Ridge Final plat was approved by the City Council on August 6, 2013 and has two phases. Phase 1 was recorded on February 28, 2014. Phase 2 is set to expire on February 28, 2016. The applicant has submitted a letter requesting a 30 day extension to allow them to record the Mylar for Phase 2.

Code Review

Section 19.12.02 states:

5. **Duration.** Approvals for developments described in this Chapter are valid for twenty-four months from the date of approval. The City Council may grant extensions of time when such extensions will promote the public health, safety, and general welfare. Said extension must be requested within twenty-four months of Site Plan/Subdivision approval and shall not exceed twelve months.
 - a. For phased developments, if the first phase is not recorded within twenty-four months from final plat approval, the approval for all phases shall expire.
 - b. If the first phase is recorded within twenty-four months from the final plat approval, the approval shall automatically be extended with each recorded phase for a period of twenty-four months measured from the date of the most recent phase recordation.

Based on Section 19.12.02, Phase 2 is set to expire on February 28, 2016. On February 17, 2016, the applicant submitted a letter requesting a 30 day extension (attached).

Staff Finding: *The request for extension was received prior to the expiration date of February 28, 2016 and does not exceed 12 months.*

Recommendation

Staff recommends that the City Council approve the proposed extension.

Possible Motion

"I move to extend the expiration date for Hillside Ridge Phase 2, located at approximately 1300 South Redwood Road, to March 28, 2016, based on the findings in this report."

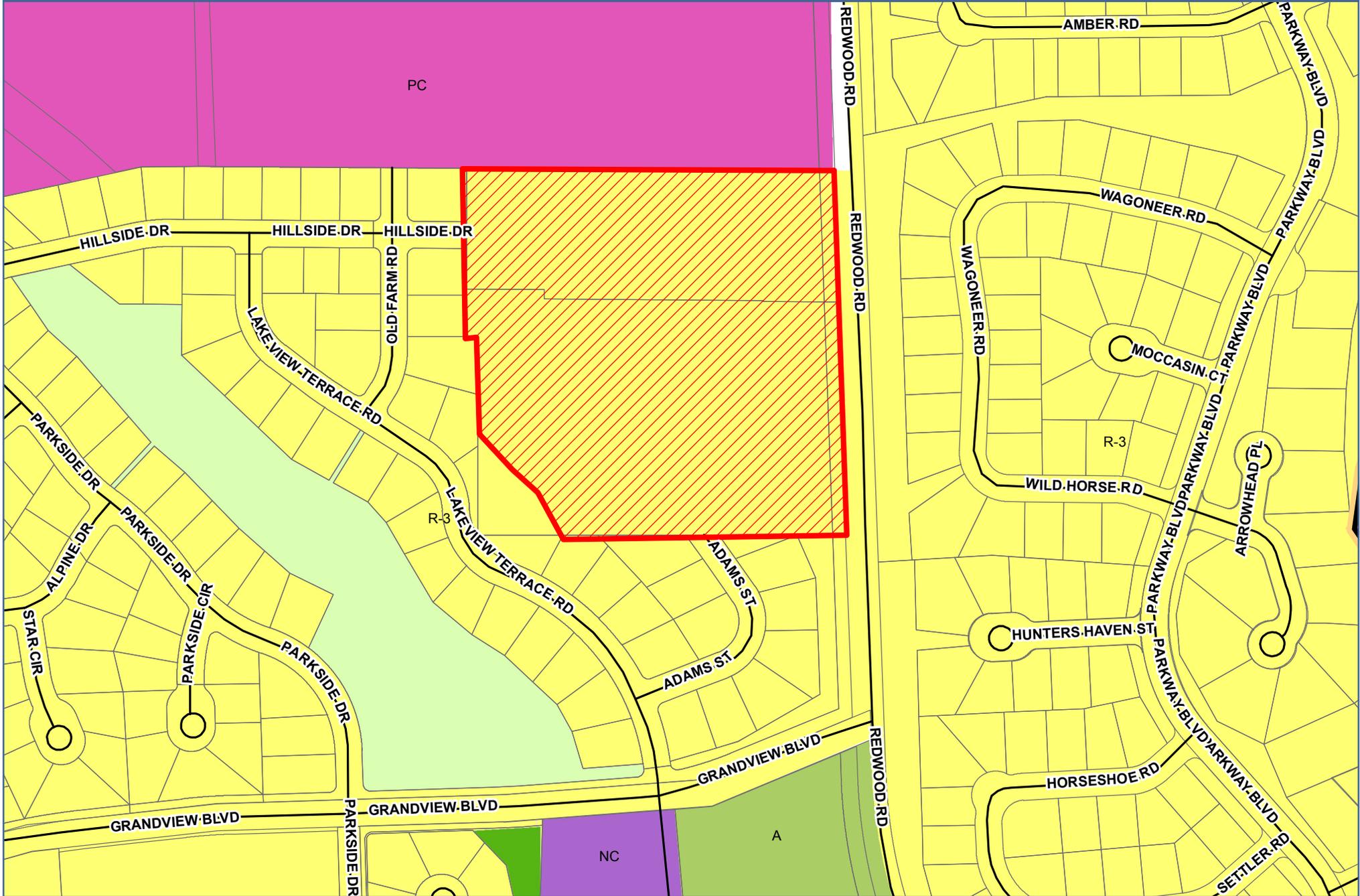
Findings:

1. The City Council is the approval authority for extending the expiration date for final plats.
2. The request is for a 30 day extension.
3. The request for extension was received prior to the expiration date of February 28, 2016 and does not exceed 12 months.

Attachments

- A. Location Map
- B. Letter Requesting Extension
- C. Hillside Ridge Phase 2 Final Plat

Location Map





February 17, 2016

Saratoga Springs City
Atten: City Council
4307 Commerce Drive
Saratoga Springs, UT 84045

Dear City Council,

We are requesting a 30 day extension to record Hillside Ridge Phase 2. It expires on February 25, 2016. Currently we are in the stage of getting the mylar signed by all parties. All city fees will be paid by February 25, 2016. If you have any questions, please contact me at office.winchesterhomes@gmail.com or 801-628-1193. Or, you can talk to Mike Nelson at 801-882-1118.

Thanks,

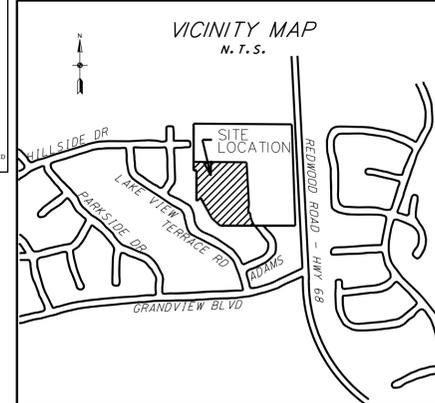
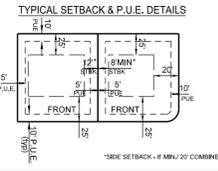
Kristine DeVoe

Winchester Homes

MW BROWN ENGINEERING, INC
 Office: (801) 377-1790 Fax: (801) 377-1789
 578 East 770 North, Orem UT 84097

HILLSIDE RIDGE PLAT 2

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, BARRY ANDREASON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE, CERTIFICATE NO. 166572, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT FOUND IN TITLE 58, CHAPTER 22 OF THE UTAH CODE. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE TRACT OF LAND, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN UTAH CODE SECTION 54-80-2, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT. I ALSO CERTIFY THAT I HAVE FILED, OR WILL FILE WITHIN 90 DAYS OF THE RECORDATION OF THIS PLAT, A MAP OF THE SURVEY I HAVE COMPLETED WITH THE UTAH COUNTY SURVEYOR.

BOUNDARY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT WHICH IS SOUTH 1°16'48" EAST 265.52 FEET AND EAST 1902.38 FEET FROM THE WEST QUARTER CORNER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN;
 THENCE EAST 395.40 FEET; THENCE SOUTH 3°10'27" EAST 316.66 FEET; THENCE SOUTH 8°58'17" WEST 56.69 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC 27.77 FEET TO THE RIGHT, HAVING A RADIUS OF 19.00 FEET AND A CENTRAL ANGLE OF 83°44'22", THE CHORD BEARS SOUTH 48°07'49" EAST 25.36 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG AN ARC 89.75 FEET TO THE LEFT, HAVING A RADIUS OF 178.00 FEET AND A CENTRAL ANGLE OF 28°53'21", THE CHORD BEARS SOUTH 20°42'19" EAST 88.80 FEET; THENCE WEST 254.72 FEET; THENCE NORTH 48°35'16" WEST 83.61 FEET; THENCE NORTH 28°44'29" WEST 172.15 FEET; THENCE SOUTH 54°49'11" WEST 38.54 FEET; THENCE NORTH 254.72 FEET; THENCE WEST 22.67 FEET; THENCE NORTH 60.97 FEET TO THE POINT OF BEGINNING.

ACRES: 3.807 # OF LOTS: 12

Barry Andreason Date

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS AND RIGHTS-OF-WAY, TO BE HEREAFTER KNOWN AS:

HILLSIDE RIDGE PLAT 2

AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC AND CITY ALL PARCELS, LOTS, STREETS, EASEMENTS, RIGHTS OF WAY, AND PUBLIC AMENITIES SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC OR CITY USE. THE OWNER(S) VOLUNTARILY DEFEND, INDEMNIFY, AND SAVE HARMLESS THE CITY AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCE ON A DEDICATED STREET WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE AND OPERATION OF THE STREET. THE OWNER(S) VOLUNTARILY DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM ANY CLAIM ARISING FROM OWNER'S CREATION OF THIS SUBDIVISION, THE ALTERATION OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION, OR BY OWNER'S DEVELOPMENT ACTIVITY WITHIN THIS SUBDIVISION.

IN WITNESS WHEREOF I HAVE SET FORTH MY HAND THIS ____ DAY OF _____, A.D. 20__.

SIGNATURE PRINT TITLE
 SIGNATURE PRINT TITLE
 SIGNATURE PRINT TITLE

OWNER'S ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
 COUNTY OF UTAH }
 ON THIS ____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME, WHO BEING BY ME DULY SWORN, DID PROVE TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THIS PLAT WITH FULL AUTHORITY OF THE OWNER(S). I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF UTAH THAT THE STATE OF UTAH THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL,
 NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH

APPROVAL BY LEGISLATIVE BODY

THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, COUNTY OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR THE PUBLIC PURPOSE OF THE PERPETUAL USE OF THE PUBLIC.

THIS ____ DAY OF _____, A.D. 20__
 CITY MAYOR ATTEST CITY RECORDER (SEE SEAL BELOW)

HILLSIDE RIDGE PLAT 2

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

SURVEYOR'S SEAL CITY ENGINEER'S SEAL CLERK-RECORDER SEAL

 APPROVED BY SARATOGA SPRINGS ATTORNEY ON THIS ____ DAY OF _____, A.D. 20__
 SARATOGA SPRINGS ATTORNEY

Curve Table						
Name	Radius	Length	Delta	Tangent	Chord	Chord Bearing
C1	19.00	27.77	83°44'22"	17.03	25.36	S 48°07'49" E
C2	178.00	89.75	28°53'21"	45.85	88.80	S 20°42'19" E
C3	100.00	110.79	63°28'48"	61.86	105.21	N 58°15'36" W
C4	72.00	79.88	63°28'48"	44.54	75.75	N 58°15'36" W
C5	128.00	141.82	63°28'48"	79.18	134.67	N 58°15'36" W
C6	128.00	65.90	29°29'52"	33.70	65.17	S 75°15'04" E
C7	128.00	56.84	25°26'30"	28.89	56.37	S 47°48'53" E
C8	128.00	19.08	8°32'28"	9.56	19.06	S 30°47'25" E
C9	50.00	97.06	111°13'40"	73.06	82.52	N 29°05'38" E
C10	50.00	36.75	42°06'56"	19.25	35.93	S 5°27'44" W
C11	50.00	55.24	63°18'15"	30.82	52.48	S 47°14'52" W
C12	50.00	5.07	5°48'28"	5.07	5.07	S 81°48'13" W
C13	55.00	171.29	178°26'27"	109.99	109.99	S 6°03'48" W
C14	55.00	58.94	61°24'07"	32.66	56.16	N 64°34'58" W
C15	55.00	55.04	57°20'01"	30.07	52.77	N 5°12'54" W
C16	55.00	57.31	59°42'19"	31.57	54.75	N 53°18'16" E
C17	15.00	28.71	109°40'38"	21.29	24.53	N 28°19'07" E

Line Table		
Name	Length	Direction
L1	6.22	S 90°00'00" W
L2	49.76	S 84°41'26" W
L3	12.44	S 26°31'12" E

- NOTES:
- (1) PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL.
 - (2) THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY STANDARDS, REGULATIONS, AND ORDINANCES.
 - (3) PRIOR TO BUILDING PERMITS BEING ISSUED, SOIL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
 - (4) PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
 - (5) PLAT IS SUBJECT TO "INSTALLATION OF IMPROVEMENTS AND BOND AGREEMENT NO. ____ (BOND AGREEMENT)". NO PERSON OR ENTITY INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD-PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER THE BOND AGREEMENT.
 - (6) BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING; ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
 - (7) NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL IMPACT AND CONNECTION FEES ARE PAID IN FULL PER CITY REGULATIONS IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
 - (8) ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER AND MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT.
 - (9) REFERENCES HEREIN TO DEVELOPER OR OWNER SHALL APPLY TO BOTH, AND ANY SUCH REFERENCE SHALL ALSO APPLY TO SUCCESSORS, AGENTS AND ASSIGNS.
 - (10) NO CITY MAINTENANCE SHALL BE PROVIDED FOR STREETS DESIGNATED AS "PRIVATE" ON THIS PLAT.
 - (11) A GEOTECHNICAL REPORT HAS BEEN COMPLETED BY EARTHTEC ENGINEERING (GEOTECHNICAL ENGINEER), WHICH ADDRESSES SOIL AND GROUNDWATER CONDITIONS, FOUNDATIONS, COORDINATIONS, AND ASPECTS ASSOCIATED WITH AGRICULTURAL OPERATIONS, USES, AND RIGHTS. THESE USES AND OPERATIONS MAY OCCUR AT ALL TIMES OF THE DAY AND NIGHT INCLUDING WEEKENDS AND HOLIDAYS. THE CITY IS NOT RESPONSIBLE FOR THE USES AND IMPACTS AND WILL NOT RESTRICT ANY GRAND FATHERED AGRICULTURAL USE FROM CONTINUING TO OCCUR LAWFULLY.
 - (12) AGRICULTURAL USES, OPERATIONS, AND RIGHTS ARE ADJACENT TO OR NEAR THE PLANT AND LOTS. THE LOTS IN THIS PLAT ARE SUBJECT TO THE SIGHTS, SOUNDS, ODORS, VIBRATIONS, AND ASPECTS ASSOCIATED WITH AGRICULTURAL OPERATIONS, USES, AND RIGHTS. THESE USES AND OPERATIONS MAY OCCUR AT ALL TIMES OF THE DAY AND NIGHT INCLUDING WEEKENDS AND HOLIDAYS. THE CITY IS NOT RESPONSIBLE FOR THE USES AND IMPACTS AND WILL NOT RESTRICT ANY GRAND FATHERED AGRICULTURAL USE FROM CONTINUING TO OCCUR LAWFULLY.
 - (13) DRAINAGE EASEMENT AREAS ARE PERPETUAL, NON-EXCLUSIVE, MUTUAL CROSS DRAINAGE EASEMENTS FOR PURPOSES OF STORM WATER CAPTURE AND CONVEYANCE ON, OVER, UPON, AND ACROSS THE AREAS DELINEATED AS DRAINAGE EASEMENTS. EACH LOT ENCUMBERED BY A DRAINAGE EASEMENT SHALL, AT ITS SOLE COST AND EXPENSE, MAINTAIN AND KEEP ALL ABOVE AND BELOW GRADE INFRASTRUCTURE AND APPURTENANCES IN A REASONABLE CONDITION AND STATE OF REPAIR. NO OBSTRUCTIONS OR CHANGES IN GRADE SHALL BE LOCATED WITHIN THE EASEMENT AREA THAT WILL IMPED, DIVERT, OR CAUSE THE RUNOFF TO HAVE AN ADVERSE EFFECT ON ADJOINING PROPERTY.

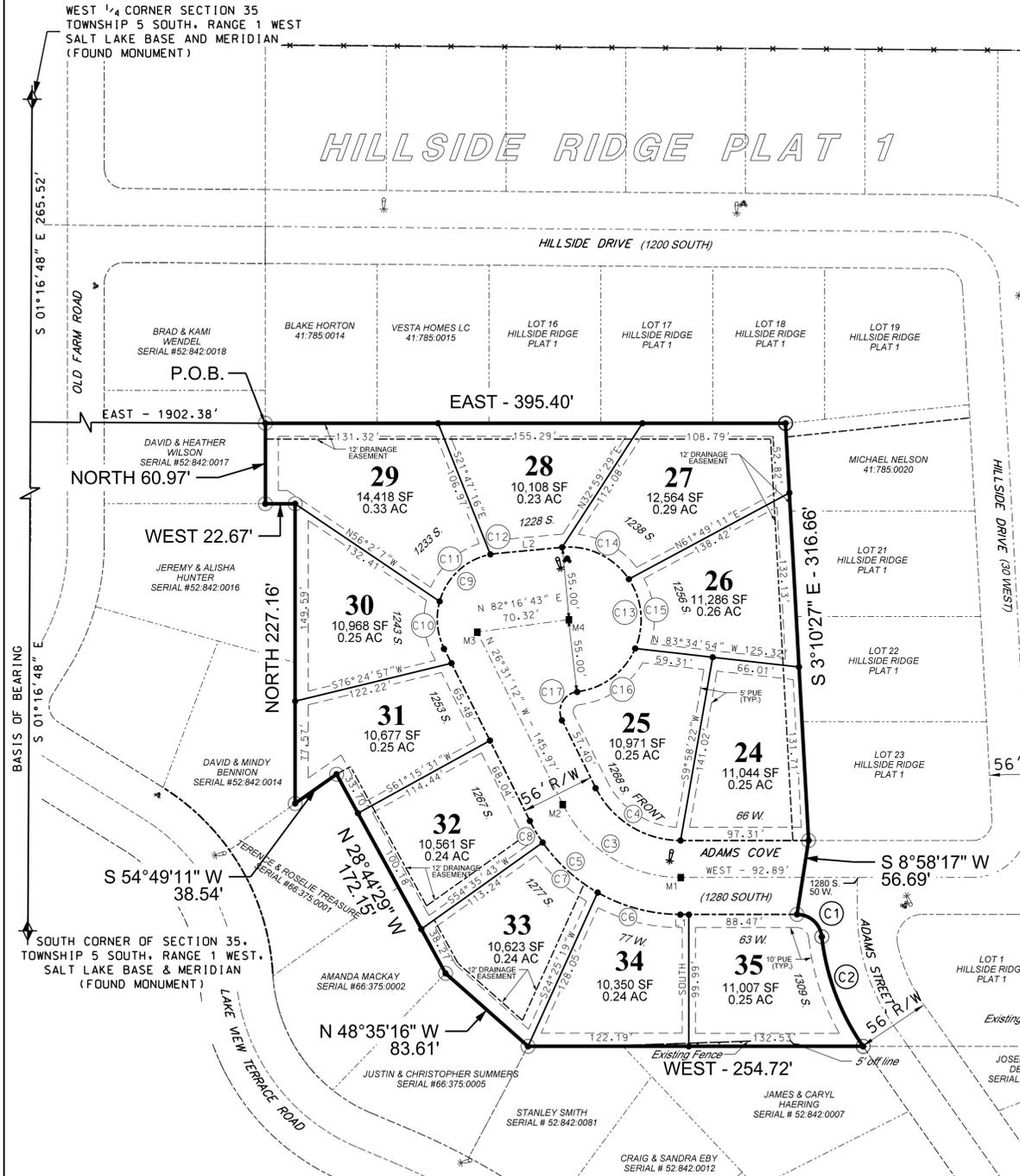
MONUMENT TABLE			
LOCAL GROUND COORDINATES			
MON.	NORTHING	EASTING	TYPE
M1	730839.94	1884297.77	1/2" IRON
M2	730895.29	1884209.29	1/2" IRON
M3	731025.90	1884143.11	1/2" IRON
M4	731035.34	1884212.80	1/2" IRON

TABULATIONS	
TOTAL ACRES:	3.807 ACRES
TOTAL UNITS:	12 LOTS
UNITS PER ACRE:	3.15
OPEN SPACE:	0 ACRES
ROAD R/W:	0.72 ACRES
BUILDABLE LAND:	3.09 ACRES



LEGEND

- = SUBDIVISION BOUNDARY CORNER
- = SET 5/8" REBAR & CAP (BOUNDARY)
- = SET 5/8" REBAR & CAP (INTERIOR LOT)
- = ROAD MONUMENT
- = NEW STREET LIGHT
- = EXISTING STREET LIGHT
- = EXISTING FIRE HYDRANT
- = NEW FIRE HYDRANT
- = EXISTING RIGHT-OF-WAY
- = PARCEL DEDICATED TO SARATOGA SPRINGS
- = SUBDIVISION BOUNDARY
- = LOT LINE
- = P.U.E.



ROCKY MOUNTAIN POWER

1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY UTILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
 2. PURSUANT TO UTAH CODE ANN. 17-27(6)(3)(c)(i) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE P.U.E. AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 a. A RECORDED EASEMENT OR RIGHT-OF-WAY
 b. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
 c. TITLE 54, CHAPTER 8, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
 d. ANY OTHER PROVISION OF LAW

APPROVED THIS ____ DAY OF _____, 20__

ROCKY MOUNTAIN POWER

QUESTAR GAS COMPANY

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENT AT 800-368-6532.

APPROVED THIS ____ DAY OF _____, A.D. 20__

BY
 TITLE
 QUESTAR GAS COMPANY

LEHI CITY POST OFFICE

APPROVED BY POST OFFICE REPRESENTATIVE ON THIS ____ DAY OF _____, A.D. 20__

LEHI CITY POST OFFICE REPRESENTATIVE

LAND USE AUTHORITY

APPROVED BY THE LAND USE AUTHORITY ON THIS ____ DAY OF _____, A.D. 20__

LAND USE AUTHORITY

APPROVED THIS ____ DAY OF _____, A.D. 20__

BY THE CITY FIRE CHIEF.

CITY FIRE CHIEF

COMCAST CABLE TELEVISION

APPROVED THIS ____ DAY OF _____, A.D. 20__

COMCAST CABLE TELEVISION

PLANNING DIRECTOR APPROVAL

APPROVED BY THE PLANNING DIRECTOR ON THIS ____ DAY OF _____, A.D. 20__

PLANNING DIRECTOR

CENTURY LINK

APPROVED THIS ____ DAY OF _____, A.D. 20__

CENTURY LINK

SARATOGA SPRINGS ENGINEER APPROVAL

APPROVED BY THE CITY ENGINEER ON THIS ____ DAY OF _____, A.D. 20__

CITY ENGINEER

SARATOGA SPRINGS ATTORNEY

APPROVED BY SARATOGA SPRINGS ATTORNEY ON THIS ____ DAY OF _____, A.D. 20__

SARATOGA SPRINGS ATTORNEY

City Council Staff Report

Author: Gordon L. Miner, P.E.

Subject: 21-inch Master-Planned Sewer

Date: March 1, 2016

Type of Item: Award of Bid



A. Topic

This item is for the Award of Bid for a segment of master-planned 21-inch sanitary sewer through the Saratoga Springs Commercial Subdivision.

B. Background

This project is a 977-foot segment of a larger project identified in the May 2014 Sewer Capital Facilities Plan as Project No. SS-N2. Project No. SS-N2 was planned to include about 6800 feet of pipeline, and it was assumed to be completed by the year 2020.

C. Analysis

With the construction that is currently underway for the Saratoga Springs Commercial Subdivision, the City sees an opportunity to install this master-planned pipeline now as simply an up-sized integral part of this subdivision's required improvements. The total cost of a pipeline like this would have been about \$82,000. But, since the developer is obligated to install the minimum 8-diameter pipeline, which would have been about \$43,000, the City just has to pay for the upsizing. So, the City is saving that \$43,000 by participating in the construction of this pipeline right now.

D. Source of Funding

This project will be funded out of the existing Sewer Impact Fee project 53-4000-782 North Sewer Outfall Phase II. This project was budgeted for \$800,000 in this year's budget. On February 16, 2016, the City Council awarded a contract for \$647,662 to Noland and Sons (Noland) Construction for the sewer project in front of the Smith's Marketplace. The Noland project anticipates budget savings leaving funding available for the award of this contract tonight to Sunroc within the existing budget authority. The award of this project while additive to the Noland award anticipates significant savings for the City in addition to the completion of an additional 977 feet of sewer pipe from 8-inch to 21-inch for the cost of \$39,620.50. Both of these project awards total \$687,282.50, leaving an additional \$112,717.50 in the account for any change orders that might arise. At this time, we anticipate a \$-5,000 change order for the Noland project for a change in materials and advertising credit from the pipe manufacturing company for permission to highlight this project in their advertising materials showcasing this product. At the completion of these projects, any additional funds will be reappropriated for other projects within the Sewer Impact Fee Fund.

E. Recommendation

Staff recommends that the City Council 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.

7. CITY STANDARDS AND SPECIFICATIONS. All work completed by contractor shall conform to the City Standards and Specifications and in accordance with the terms and specifications attached hereto.
8. TERM OF AGREEMENT. The work to be performed under this Agreement shall commence on or before the 23 day of Feb., 2016 and shall be completed on or before the 15 day of June, 2016.
9. TERMINATION OF AGREEMENT. This Agreement shall expire on the above completion date unless City shall agree in writing to an extension thereof. In addition, City shall have the right to terminate this Agreement with five (5) days written notice to Contractor. In the event City terminates this Agreement prior to the completion date set out above without good cause, City shall pay Contractor for all services provided prior to said termination and shall pay all set up and start up costs specifically provided for in this Agreement.
10. RETURN AND REMOVAL OF EQUIPMENT. On completion or termination of this Agreement, all City property in the possession of Contractor shall be promptly returned to City by Contractor. On completion or termination of this Agreement, Contractor shall remove all equipment and property of Contractor and shall take such clean up and restoration actions as are specified in this Agreement.
11. BENEFITS. Contractor shall have no right to, and shall not be provided with, any benefits other than the payment for services provided for in this Agreement.
12. WARRANTY. For a minimum of one (1) year after completion of work, Contractor warrants that the work, completed hereunder in accordance to the requirements of this Agreement for services, shall conform to the requirements and specifications and shall be of good workmanship and quality, free of all defects and fit for the purpose for which they are intended.
13. HOLD HARMLESS/INDEMNIFICATION. Contractor herewith agrees to indemnify and hold City, its officers, agents, officials and employees, harmless from any action, causes of action, claims for relief, demands, damages, expenses, costs, fees, or compensation, whether or not said actions, causes of action, claims for relief, demands, damages, costs, fees, expenses and/or compensations are known or unknown, are in law or equity, and without limitation, all claims of relief which can be set forth through a complaint or otherwise that may arise out of the acts or omissions, negligent or otherwise of the contractor, City or their respective officers, officials, agents, or employees, or any person or persons.
14. LIABILITY AND WORKERS COMPENSATION INSURANCE. Contractor warrants that contractor has obtained and will maintain liability insurance sufficient to support contractor's hold-harmless indemnification promise and in any event in an amount of not less than \$1,000,000. Contractor further warrants that contractor has obtained and will maintain workers compensation insurance as may be required by State law.
15. AGREEMENTS OUTSIDE OF CONTRACT. This Agreement contains the complete agreement concerning the employment arrangement between the parties and shall, as of the effective date hereof, supersede all other agreements between the parties. The parties stipulate that neither of them has made any representations with respect to the subject matter of this Agreement or any representations including the execution and delivery of this Agreement except such representations as are specifically set forth in this

Agreement and each of the parties acknowledges that he or it has relied on its own judgment in entering into this Agreement. The parties further acknowledge that any payments or representations that may have been made by either of them to the other prior to the date of executing this Agreement are of no effect and that neither of them has relied thereon in connection with his or its dealings with the other.

16. **MODIFICATION OF AGREEMENT.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced by writing signed by each party or an authorized representative of each party.
17. **CHOICE OF LAW.** It is the intention of the parties to this Agreement that this Agreement and the performance under this agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and under and pursuant to the laws of the State of Utah and that, in any action, administrative action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the laws of the State of Utah shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted, with the exception that any action arising out of federal law shall be construed in accordance with and under and pursuant to the federal laws at issue.
18. **NO WAIVER.** The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.
19. **EFFECT OF PARTIAL INVALIDITY.** The invalidity of any portion of this Agreement for any reason shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.
20. **UNDERSTANDING AND EFFECT OF AGREEMENT.**
 - A. Parties acknowledge that they have been advised to consult legal counsel and have had the opportunity to consult with legal counsel prior to entering into this Agreement.
 - B. Parties warrant that they enter into this Agreement with full knowledge of the meaning and future effect of the promises, releases, and waivers contained herein.
 - C. And, Parties warrant that they have entered into the releases and waivers contained in this Agreement voluntarily and that they make them without any duress or undue influence of any nature by any person.
21. **PARAGRAPH HEADINGS.** The titles to the paragraphs of this Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.
22. **EMPLOYMENT STATUS VERIFICATION**

- A. Consultant/Contractor shall register and participate in the Status Verification System and comply with Utah Code Annotated Section 63G-11-103 of the Identity Documents and Verification Act. Consultant shall, by contract, require its contractors, subcontractors, contract employees, staffing agencies, or any contractors regardless of their tier to register and participate in the Status Verification System and comply with Utah Code Annotated Section 63G-11-103 of the Identity Documents and Verification Act.
- B. Consultant shall also agree to abide by the Federal and State regulations pertaining to Equal Opportunity Employment that requires project participants not to discriminate against any employee or applicant for employment because of race, color, religion, sex, age, disability, or national origin. The City will make every effort to ensure all bidders are treated fairly and equally throughout the entire advertisement, review, and selection process.

In witness whereof, each party to this Agreement has caused it to be executed on the date indicated below.

Mark Wimmer
Contractor's Signature

MARK WIMMER V.P. SUNROC CORPORATION.
Printed Name of Contractor

326045-5501
Contractor's License No.

2-23-2016
Date

STATE OF UTAH)

County of UTAH (Salt Lake) . SS.

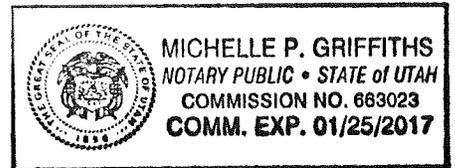
On the day of FEB. 23, 2016, personally appeared before me MARK WIMMER and did say that he/she is the VICE PRES. of SUNROC corporation/LLC, and that he/she has full authority to bind said corporation/LLC by authority of its board of directors or managing members, and said persons acknowledged to me that said corporation/LLC executed the same.

Michelle P. Griffiths
NOTARY PUBLIC, residing in:

My Commission Expires:

Michelle P. Griffiths
City Manager's signature

2/23/2016
Date



ATTEST:

Cindy K. Holcomb
City Recorder





Sunroc Corporation

Construction Division

525 WEST ARROWHEAD TRAIL, SPANISH FORK, UTAH 84660 (801) 722-2100 (801) 722-2130 (FAX)
 3850 SOUTH 1825 EAST, ST GEORGE, UTAH 84770 (435) 634-2260 (435) 652-9889 (FAX)

CONTRACT PROPOSAL

CUSTOMER:
ADDRESS:
CITY, STATE:

DATE: FEB 22, 2016

PHONE:
FAX:

ATTN: BRIAN GABLER

ADDENDUM:

JOB NAME: SARATOGA UPSIZE

SUNROC CORPORATION MAY WITHDRAW THIS PROPOSAL IF WRITTEN ACCEPTANCE IS NOT RECEIVED FROM THE BUYER WITHIN 30 DAYS OF THE PROPOSAL DATE

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
210	REMOVE 8" SEWER	888.00	LF	11.00	9,768.00
215	REMOVE EXISTING 4' MANHOLE	3.00	EA	600.00	1,800.00
220	CREDIT 8" SEWER	-620.00	LF	33.50	-20,770.00
225	CREDIT 4' MANHOLE	-3.00	EA	3,325.00	-9,975.00
230	21" SEWER	1,508.00	LF	75.00	113,100.00
235	CORE EXISTING MANHOLE	3.00	EA	575.00	1,725.00
240	5' SEWER MANHOLE	6.00	EA	3,950.00	23,700.00
250	IMPORT TRENCH BACKFILL	1,775.00	TON	6.00	10,650.00
260	KNOCK DOWN SPOILS	1,050.00	CY	1.25	1,312.50
	*** REMOVE & REPLACE 8" SEWER TOTAL ***				\$131,310.50
310	CREDIT 8" SEWER	-977.00	LF	33.50	-32,729.50
320	CREDIT 4' SSMH	-3.00	EA	3,325.00	-9,975.00
325	CORE EXISTING MANHOLE	2.00	EA	575.00	1,150.00
330	21" SEWER	977.00	LF	75.00	73,275.00
340	5' SEWER MANHOLE	2.00	EA	3,950.00	7,900.00
	*** ALTERNATE OPTION TO KEEP EXISTING 8" SEWER ***				\$39,620.50

NOTES:

EARTHWORK & UTILITIES ARE BID AS A PACKAGE. WE ARE WILLING TO DO THE EARTHWORK AS A STANDALONE NUMBER, BUT NOT THE UTILITIES.

ALL UTILITIES ARE BID TO WITHIN 5' OF THE BUILDING.

EARTHWORK QUANTITIES ARE BASED ON GRADES AS SHOWN ON THE DRAWINGS. IF THE ONSITE GRADES VARY FROM THE GRADES ON THE PLANS, WE RESERVE THE RIGHT TO ADJUST OUR PRICING ACCORDINGLY.

EXCLUDES: SWPPP/NOI PERMIT/EROSION CONTROL INSPECTIONS, SWEEPING, VAPOR BARRIER, ENGINEERING, TESTING, LAYOUT, FEES, PERMITS, BONDS, DEWATERING, TRAFFIC CONTROL, SAW CUTTING, BOLLARD EXCAVATION/INSTALLATION, FOOTING OVEREXCAVATION, SCENING & SPREADING OF TOPSOIL, SHORING, BRACING, SIGNAGE & STRIPING, SURVEYING, OR ANY AND ALL ITEMS NOT SPECIFICALLY STATED IN THIS PROPOSAL.

ASPHALT NOTES:

QUANTITIES ARE BASED ON THOSE PROVIDED BY OTHERS. IF THE ONSITE QUANTITIES VARY FROM THOSE PROVIDED, WE RESERVE THE RIGHT TO ADJUST OUR PRICING ACCORDINGLY. IF QUANTITIES ACTUALLY PLACED VARY FROM THE QUANTITIES QUOTED BY MORE THAN 20%, WE RESERVE THE RIGHT TO ADJUST OUR PRICING.

THIS PRICE ALSO EXCLUDES PRIME/FOG/SEAL COAT (UNLESS OTHERWISE STATED).

SUNROC NOT RESPONSIBLE FOR GRADES LESS THAN 1.5%. THIS PRICE INCLUDES ONE MOBILIZATION UNLESS OTHERWISE STATED.

CONDITIONS OF AGREEMENT: 1. We hereby propose to do the outlined items of work, subject to all terms and conditions as set forth herein. 2. All agreements are contingent upon strikes, accidents, weather or other unforeseen delays beyond our control. 3. Agreement may be withdrawn if not accepted within 30 days. 4. All Bids Subject to Credit Approval. 5. PAYMENTS IS TO BE MADE AS FOLLOWS: All accounts due 15th of month following date of billing. In the event payment is not made by the due date, I or we agree to pay if collection is made by suit or otherwise a reasonable attorney's fee, plus a FINANCE CHARGE OF 1½% per month (ANNUAL PERCENTAGE RATE 18%), and hereby waive all rights to claim exemption under state laws. Signature by owner or agent constitutes acceptance of the above. 6. The owner is responsible to maintain access roads to meet environmental and air quality standards. 7. FORCE MAJEURE: Sunroc Corporations shall not be liable for a ny delay or failure in performance resulting, in whole or in part, from any cause or event of Force Majeure. 8. Asphalt pricing is only valid if liquid asphalt is available and at a current market price.

The term "Force Majeure" means any event or events or any cause or causes which are not within the control of Sunroc Corporation which make it impossible or commercially impracticable for Sunroc Corporation to perform its obligations within the time(s) contemplated by this Agreement, including without limitation events of riot, war, rebellion, blockage, insurrection, interruption of utilities, terrorism, vandalism, fire, acts of God, flood, frost, extreme temperatures, landslide, washout, atmospheric disturbances, lightening, storm, tomado, earthquake, and civil disturbances, strikes, or lockouts, and requirements of law, and acts or orders of governmental authorities.

<p>ACCEPTED: The above prices and specifications are satisfactory and hereby accepted.</p> <p>Buyer _____ Signature _____ Date of Acceptance _____</p>	<p>CONFIRMED: Sunroc Corporation</p> <p>Authorized Signature _____ Estimator: Rhett Housley</p>
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City Council Staff Report

Author: Spencer Kyle, Assistant City Manager
Gordon Miner, City Engineer
Subject: 400 W Extension to Aspen Hills Blvd
Date: March 1, 2016
Type of Item: Direction



Summary Recommendations: Staff is looking for direction from the City Council on the prioritization of the extension of 400 W to Aspen Hills Blvd and to authorize the City Engineer to pursue an RFP for the design of this project.

Description:

- A. Topic:** Staff has been working on the capital budget for next year and saw an opportunity to prioritize this road construction project and have it constructed in 2016.
- B. Background:** Currently, 400 W only extends along the western border of the IHC property on Crossroads Blvd. The City Council recently entered into an agreement with the property owners to the north (IHC and Evans family) to have the land for the road dedicated to the City in exchange for the City constructing the road within five years. During the retreat this road was discussed as a priority and staff is seeking clarification from the Council as to the level or prioritization for this roadway.

C. Analysis:

Each year through the budget process the City Council priorities street construction projects. The current year's budget contains funding for the traffic signal at 800 W and Pony Express Blvd. Next year's budget anticipates a traffic signal at Riverside Dr. and Crossroads Blvd. This traffic signal would be constructed concurrent to the widening project of Crossroads Blvd. and Lehi Main Street.

After reviewing the budgets currently approved and requested, staff determined that the City will have sufficient funding for this project (impact fees) for the extension of 400 W from the IHC facility to Aspen Hills Blvd. It was determined that if the City moves quickly we could get the street constructed this season while asphalt prices are low.

The other major road project that the City is working towards is the extension of Foothill Blvd from Pony Express to the south. This was recently presented to MAG for future funding. Next year's budget includes funding from the City for preliminary design work needed for establishing a scope and possible price estimates for this project. However, the total cost of construction for Foothill Blvd will likely be so high the City doesn't anticipate having the cash for this project in the near future without participation of the land owners for right of way dedication and pioneering agreements.

Prioritizing the extension of 400 W will likely not delay the construction of Foothill Blvd. With the five year window to acquire the 400 W land pursuant to our recent agreement, staff recommends prioritizing this project for immediate design and bid.

D. Funding Source: Road Impact Fees. We won't have a formal cost estimate until the road can be designed. Once designed, the City will have an Engineer's estimate. If the Council prioritizes this project staff will receive design bids for this roadway and amend the budget to capture the design and proposed budget and construction contract authorization.

Currently, staff believes that the City will have the funds to construct the road utilizing existing funding. Construction would not begin until the full funding has been identified and authorized by the City Council in a formal contract and budget amendment.

E. Department Review: City Management, Engineering, Public Works

Alternatives:

- A. Approve the Request
- B. Deny the Request
- C. Continue the Item
- D. Do Nothing

Consequences of Not Taking the Recommended Action: If construction of the street is delayed until next year, the City may have higher costs if the cost of asphalt goes up from its current low.

Recommendation: Staff recommends the City Council give direction to prioritize construction of 400 W to Aspen Hills Blvd and direct the City Engineer to pursue an RFP for the design of this project and proceed with the appropriate budget amendments.

RESOLUTION NO. R17-16 (3-1-16)

ADDENDUM TO RESOLUTION OF THE CITY OF SARATOGA SPRINGS PERTAINING TO THE CITY STREET LIGHTING SPECIAL IMPROVEMENT DISTRICT TO INCLUDE ADDITIONAL SUBDIVISION LOTS.

RIVER BEND PHASES 3, 4 AND 5

WHEREAS, on May 10, 2001, the City Council adopted Resolution No. 01-0510-01 creating a street lighting special improvement district (the "Lighting SID") consisting of all lots and parcels included within the Subdivisions set out in said Resolution for the maintenance of street lighting within the Lighting SID.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that additional properties may be added to the special improvement district and assessed upon the conditions set out therein.

WHEREAS, the City Council has given final plat approval to [list name of plats], which plats are more fully described in Exhibit 1 (the "Subdivision") conditioned upon all lots in the Subdivision being included in the Lighting SID.

WHEREAS, the City Council finds that the inclusion of all of the lots covered by the Subdivision in the Lighting SID will benefit the Subdivision by maintaining street lighting improvements, after installation of such by the developer of the Subdivision, which is necessary for public safety, and will not adversely affect the owners of the lots already included within the Lighting SID.

WHEREAS, the owners of the property covered by the Subdivision have given written consent: (i) to have all lots and parcels covered by that Subdivision included within the Lighting SID, (ii) to the improvements to that property (maintenance of the street lighting), (iii) to payment of the assessments for the maintenance of street lighting within the Lighting SID, and (iv) waiving any right to protest the Lighting SID and/or assessments currently being assessed for all lots in the Lighting SID (which consent is or shall be attached as Exhibit 2 to this Resolution).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS THAT:

1. All lots and parcels in the Subdivision be added to and included in the Lighting SID based upon the above findings and the written consent attached as Exhibit 2 to this Resolution.
2. City staff is directed to file a copy of this Resolution, as an Addendum to Resolution No. 01-0510-01 creating the Lighting SID, as required by *Utah Code Ann.* § 17A-3-307.

Exhibit 2 – Owner’s Consent

CONSENT OF OWNER OF PROPERTY
TO BE INCLUDED IN STREET LIGHTING SPECIAL IMPROVEMENT DISTRICT
RIVER BEND PHASES 3, 4 AND 5

WHEREAS the City of Saratoga Springs (the “City”), by and through its City Council (Resolution No. 01-0510-01), has created a Street Lighting Special Improvement District (the “Lighting SID”) to pay for maintenance of street lighting within the subdivisions covered by the Lighting SID.

WHEREAS the undersigned (“Developer”) is the developer of [list name of plats] (the “Subdivision”), which property is more specifically described in Exhibit A, located within the City for which the City Council has given or is expected to give final plat approval.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that before the completion of the improvements covered by a special improvement district, additional properties may be added to the special improvement district and assessed upon the conditions set out therein. Since the improvements covered by the Lighting SID are the maintenance of street lighting in the Lighting SID, said improvements are not completed so additional properties may be added to the Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City is requiring that the Subdivision be included within the Lighting SID in order to provide for the maintenance of street lighting within the Subdivision as a condition of final approval of the Subdivision.

WHEREAS, Developer, as the owner of the property covered by the Subdivision, is required by *Utah Code Ann.* § 17A-3-307 to give written consent to having the property covered by that Subdivision included within the Lighting SID and to consent to the proposed improvements to the property covered by the Subdivision and to waive any right to protest the Lighting SID.

NOW THEREFORE, Developer hereby consents to including the lots and parcels within the Subdivision in the Lighting SID. On behalf of itself and all lot purchasers and/or successors in interests, Developer consents and agrees as follows:

1. Consents to have all property covered by the Subdivision and all lots and parcels created by the Subdivision included within the Lighting SID.
2. Consents to the improvements with respect to the property covered by the Subdivision -- that is the maintenance of street lighting within the Subdivision. The street lighting within the Subdivision will be installed by Developer as part of the “Subdivision Improvements.”

3. Agrees to the assessments by the Lighting SID for the maintenance of street lighting within the Lighting SID.

4. Waives any right to protest against the Lighting SID and/or the assessments currently being assessed for all lots in the Lighting SID.

Dated this ____ day of _____, 201__.

DEVELOPER:

Name:

Authorized

Signature:

Its:

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City of Saratoga Springs
City Council Meeting
February 2, 2016

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, Chris Porter, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Gordon Miner,
Nicolette Fike, Sarah Carroll

Others: Steve Maddox, Brandon Watson, Curtis Leavitt

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Excused:

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Call to Order – 6:00 p.m.

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1. Rezone, General Plan Amendment and Community Plan for Talus at Saratoga Springs Located at Approximately 1200-1900 West Between Pony Express Parkway and SR73, Edge Homes-Applicant.

Sarah Carroll gave an overview of the plans. Edge Homes is proposing 2,649 units in this project on 643.95 acres. That makes the density 4.11 units per acre. There will be single family and multi-family units included. They have an open space plan for the area as well. Staff recommended identifying which pieces of open space are tied with which neighborhood so that isn't questioned later. The Planning Department gave the developer a checklist of things that need to be looked at.

Steve Maddox introduced his team and gave an overview including a little history of the project. He reviewed some of the needs of the community and proposals for best usage. He believes they have remedied many of the problems brought up by Planning Commissioner Sandra Steele. They have spoken with Alpine School District. They would be in need of a middle school around 2018. They may also be in need of another Elementary School. They have also talked to the LDS Church (SLR) and they have asked for a church building for every 400 roof tops. They have agreed to that request. They have also been approached by a charter school for some land in the area. They would like to have flex density to be able to accommodate the requests. They would begin along Pony Express and work north. It will be contiguous with Talus Ridge on the east side. Talus Ridge should be completed in 2016 next to where they plan to start this project. They propose to leave much of the area as Native and work with the land. They will identify the petroglyphs and find a mode of preserving those.

Councilwoman Baertsch noted someone they work with. A representative of this historical preservation group was present that would like to speak with them about it.

Councilman Poduska noted an area west of them that has worked with petroglyphs as well.

Steve Maddox advised that they are adjacent to Eagle Mountain. They are trying to find the best use for everything. They plan on going from a condominium product that is attached unit 10-plexes to ½ acre lots. There will be a lot of larger estate lots. Edge Homes will probably not build on those but go to custom home builders. They came up with a point system that they propose to use.

Craig Magelby with LEI reviewed a packet that was handed out to the City Council. This packet went over their proposed community plan. It includes plans for utilities, land planning, updates to the Master Development Agreement, theming, and landscaping. They will have about 235 acres of open space including a large community park.

Councilwoman Baertsch asked about the powerline corridor for connectivity with trails and who owns it.

Craig Magelby advised that it is owned by Edge Homes and Rocky Mountain Power. The west side is Edge Homes and the east side is primarily Rocky Mountain Power. They are working on getting easements to be able to cross over the portions not owned by the developer.

Councilwoman Baertsch would like to have rural native trails in this area.

54 Steve Maddox advised that there will be a combination of groomed trails and native trails.
55 Craig reviewed the land use map. There are five villages included in the community plan. Within each
56 village there are different neighborhoods. Those neighborhoods are categorized by being single family,
57 multi-family, or single/multi-family. They tried to project out for 10-20 years and they set their density to
58 give them flexibility accordingly.
59 Councilwoman Baertsch noted some unease because of proposition 6. We need to look at percentages of
60 housing types. We need to make it trackable for staff. They don't want to allow them to go from single
61 family back into multi-family because of the laws the residents put on the books.
62 Craig Magelby advised that the different phases would be a little ways into the future. Village 1 is specific to
63 single family homes and multi-family. The extension of Talus Ridge will be single family homes. The
64 flexibility to move between single family and multi-family homes wouldn't need to be for a few years.
65 Mark Christensen noted which phase was which on the map. Yellow is Village 1, light blue is Village 4, and
66 dark blue is Village 2. The roadway is the spine of the project. The higher densities are tucked behind the
67 hill, the topography has been taken into account. It is kind of similar to what is by Mountain View
68 Corridor and the back of Harvest Hills.
69 Craig Magelby advised that they looked at viewpoints from Redwood Road and figure out what could be
70 seen from there. They don't want the high density to be front and center taking the ridgeline. They
71 looked at the density planning along with the topography.
72 Councilman Poduska asked if there was a density difference between the Villages.
73 Craig Magelby said Village 4 has the lowest density. Village 3 has the highest density. There could be a set
74 density per neighborhood that has a blend, flexible to transfer within neighborhoods.
75 Councilman McOmber said it makes sense where the densities are. He thinks the 17.72 units per acre in
76 Village 3 is too high. It is by the road and he would like to see that reduced.
77 Steve Maddox said before they pull first building they will have invested about 7.5 million dollars in water,
78 sewer, and storm drain. In addition to that they will have paid 3.5 million for the road. One of the only
79 ways they can get reimbursed is through building permits. They have a product that is very pleasing in
80 about 22-25 units per acre in other areas of Utah, Herriman specifically. It has been well accepted in
81 those other communities. The area of Saratoga Springs they are building in was originally planned to be
82 commercially zoned. They are trying to marry the ideas and try to get out of the ground as soon as
83 possible. They are right across from an area of Eagle Mountain that is denser.
84 Councilman McOmber understands but we need to help the public understand. We may need pictures of the
85 product in Herriman to let residents see what to expect. He suggested that they may be able to make the
86 densities a little more even at around 11 units to the acre throughout the project rather than having 6 units
87 to the acre in one spot and 17 in another.
88 Steve Maddox advised that they were trying to keep the view-scape from Redwood Road pristine. They
89 created a natural barrier and tried to force densities in areas that are less visible from Redwood Road.
90 Consolidation seemed to be easier rather than taking away the green space.
91 Councilman McOmber thought that they may be able to take some of the 17 and put it into the lower areas.
92 Councilwoman Baertsch advised that there are recent multi-family developments that they approved but they
93 were able to show that overall they are under the threshold that was put forth in proposition 6.
94 Steve Maddox pointed out that they are at 4.11 units to the overall acreage.
95 Councilman McOmber thinks that the overall density is great, but they need to show that to the residents.
96 Chris Porter mentioned previously there was more commercial in the master development agreement. He
97 would be willing to explore putting more commercial in. He knows they aren't a commercial developer
98 but with the amount of homes going in they will probably want more things close to home.
99 Mark Christensen noted that there is commercially zoned property off of SR73 that has a different owner and
100 is north-east of this project.
101 Steve Maddox mentioned that people want to congregate in commercial areas. They have made the area by
102 Pony Express Neighborhood Commercial. The area on SR73 would be the appropriate spot for more
103 commercial.
104 Craig Magelby gave the Council an example of a pedestrian underpass. The intent is to get people across the
105 Boulevard. The connection of the open space is right at the saddle of the hills.

106 Steve Maddox mentioned the tabulation and point system. They want to make the area a walkable
107 community. They don't want to clear the snow in the winter. They would like to let people snow shoe
108 and cross country ski in the area. If the point system is different than what the Council would like to see
109 they would like to discuss that. They have the most control over what they will do with the open space.
110 Councilman McOmber pointed out that Pickle Ball is a popular sport right now. Pools are in high demand as
111 well. He also likes the number of club houses in the project. He is a bigger fan of having a few big parks
112 and not so many little pocket parks. Having fewer parks with nice playgrounds and a lot of space brings
113 the community together because people congregate at the park.
114 Craig Magelby reviewed the open space plan and showed what areas are designated right now.
115 Councilman Poduska noted that being able to preserve beauty is important. He asked if setbacks had been
116 worked out.
117 Councilman Willden thinks that with all the open space and sensitive lands it would look open and not so
118 dense. He noted they should look at feathering things. He also thinks they need to retain the zoning
119 around existing houses because of the expectations they had when they built their homes.
120 Councilwoman Baertsch loves the trails and connectivity. She would like to see them make some areas not in
121 an HOA. She likes Mount Saratoga as the name. Talus at Saratoga Springs gets confusing with Saratoga
122 Springs Development. Typically the name following "at" is the main subdivision name so Talus at
123 Saratoga Springs makes it sound like they are a part of the Saratoga Springs Development. She believes
124 the ERU at 4.11 needs to include commercial, which should be a separate ERU. They are higher than
125 4.11 if the commercial area is included. They need to work with church and school ERU's and make sure
126 those are equivalent in exchanges. She thanked him for working with the point system. It gave the City
127 good insight on what works, and what doesn't.
128 Councilman Porter agreed that anywhere they can get away with not having an HOA that should be done.
129 One of the driving factors that they bought in Talus Ridge was that they didn't have an HOA. He would
130 also like to see Village 5 have the higher density closer to the road that is going in to keep it away from
131 the existing homes.
132 Councilwoman Baertsch pointed out that there are 5 acre home lots in that area so the high density needs to
133 be pushed away from those homes.
134 Chris Porter thinks that the open space is going to be a great amenity and he thinks they should be available
135 to the whole city and not private HOA.
136 Councilman McOmber likes HOA's. He is concerned that if they have pools and club houses that are
137 available for some, but not all, there will be bad neighbors. Those that live in the areas that wouldn't be
138 able to use the amenities will sneak in. It was a big concern for the neighbors next to Legacy Farms. This
139 is going to be a great product and he likes the Mount Saratoga Name as well. He also likes Talus at
140 Mount Saratoga.
141 Mayor Miller thinks this project looks exciting. He likes Mount Saratoga as well. They have done great in
142 the process and the City appreciates the feedback the developer has given them.
143

144 **2. Transportation Master Plan Update. – This item was moved to the policy session.**

145
146 **3. FY2016 Budget Adjustment for the Police Department.**

147 Chief Burton noted that some of this was given at the retreat. They know about his concerns for officer safety
148 and liability, and the workload increases. He is also concerned about the time to recruit and train new
149 officers, it takes about 4 months. If they decide to start the hiring process the first part of July they
150 wouldn't see those officers until around November. That is part of the rationale for considering hiring
151 more officers now. He made calculations based on starting March 1, 2016 rather than half of a year. The
152 startup cost is pretty high because it includes the vehicle and equipment that is needed for the vehicle.
153 His immediate request is for a Sergeant, two patrol officers, and a part time detective. That would leave
154 one more officer starting the first of July. About \$125,000 of the cost is startup cost. He thinks that they
155 could safely utilize \$50-75,000 of the current budget towards the implementation of the officers.
156 \$150,000 is what is remaining that they would need to increase the budget by.
157 Councilwoman Baertsch asked about changing an officer from III or II instead of starting at an officer 1.

158 Chief Burton advised that the last time they added an officer was two years ago. That officer was an officer
159 1. They are attempting to try and maintain a balance in ranks so that there is a natural progression. There
160 is not too much of a difference between an officer III and an officer II it is \$5,000 a year.
161 Councilwoman Baertsch noted the amounts include the ongoing cost for URS as well. Bringing on so many
162 officers and also at the higher level is hard for her to justify. She suggested having two officers in a
163 single car to help reduce some of the cost but also keep the officer's safe. She can't see adding 4 officers
164 at this time because that is a huge cost.
165 Chief Burton noted it is actually three full time officers right now and 1 in July. There is also a part time
166 detective being requested right now as well. If the Police Department had grown by one or two officers
167 each year they would probably be okay, but the department hasn't grown for a while. If they grew
168 regularly they wouldn't need it all at once. As the regular work load grows, so does the administrative
169 job. Some supervisors are not able to get to some of the administrative things. The area they have the
170 most work is in administrative reports. If they are able to do all of the work they need to be it would also
171 help free up time from other departments as well.
172 Mark Christensen asked that this discussion be continued to later in the evening or at a meeting at a later date
173 so the Policy Session could be started.
174

175 **4. Agenda Review:**

- 176 a. Discussion of current City Council agenda staff questions.
177 b. Discussion of future City Council policy and work session agenda items.
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179
180 **Adjourn to Policy Session**
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183 _____
184 Date of Approval

Nicolette Fike, Deputy City Recorder

Policy Session Minutes

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Present:

Mayor: Jim Miller

Council Members: Michael McOmber, Shellie Baertsch, Chris Porter, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Gordon Miner,
Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton, Nicolette Fike, AnnElise Harrison

Others:

Excused:

Call to Order 7:08 p.m.

Roll Call – a quorum was present

Invocation / Reverence – given by Councilman Willden

Pledge of Allegiance – led by Councilman Porter

Public Input – Opened by Mayor Miller

Rod Turner, 1462 LaPoma in the Gables, noted a severe problem with the Water Department. He noted the average amount of the water bills and how the bills have jumped. It went from about \$75 per household to \$135 per household. This happened in August and September. They have tried to figure this out for about 7 months. They have 32 meters but they can only get a total amount for all of the meters every month. Many of the residents can't afford the water bill every month. He thinks they have been wronged. Their board members met with Spencer Kyle in December. He said there was a problem but they didn't hear back and then they were told the water would be turned off. There are 136 homes in the neighborhood and they are all upset. He would like an itemized bill by meter.

Mayor Miller asked that we work with this and make sure their water is not turned off until it's worked out.

He would also like to bring it back for a work session

Spencer Kyle noted he had spoken with him. Markette just received a request for the records which she is working on. She is in the process of getting those records for them. He will keep the Council updated.

Rod Turner again spoke to the high amount of the bills. A month went by without hearing anything back and they would really like to be updated on what is going on.

Beth Cannelly, 181 Catagena Parkway in the Gables, is as a homeowner and not a member of the board. She said her dues were \$113 a month when she first moved in and they have gone up to \$135. The Board has cut services in order to keep the rates down. They were told that if the water stands at this level their fees will go up to \$211 a month which is a 56% increase. She can't afford that increase. It will affect their ability to sell their property as well. It is high for their income. This will affect everyone if they don't get this meter problem fixed. She thinks that we need to have someone read the meters instead of relying on electronics.

Mayor Miller asked if there is a master meter in the area or individual meters.

Spencer Kyle advised that there are several master meters.

Jason Davis, the Gables, advised that in their personal inspections of the meters they found many were broken. One was spewing out about 3 gallons a minute. They are finding they will need to bring in independent people to read the meters and verify whether they were working. They have compared with HOA boards around the cities and they are paying less. They have video and pictures of broken equipment. They may be broken along the lines that they can't see. They wanted to bring this to Council's attention because they can't sell their property because of their fees. They feel it's a critical issue. They cannot afford the cost.

Councilwoman Baertsch commented that the City has an app that they can report broken meters, lines, street lights, etc. They can also include pictures and videos. It gives the City a record of the problem and also helps track the problem and resolution.

Amy Nielsen, 1464 N LaPoma Place in the Gables, stated concern about people inside the city building. She got the phone call being told that the water was going to be shut off. She felt that she was treated very rudely. Thinking about telling all the neighbors their dues are going up to \$211 is hard. This needs to be fixed as soon as possible. She feels they are getting nowhere in seven months.

238 Mayor Miller apologized for this happening and asked Mark Christensen to make sure this gets taken care of.
239 **Public Input - Closed** by Mayor Miller

240

241 **Awards, Recognitions and Introductions**

- 242 • AnnElise Harrison introduced the Youth City Council. They went to the day at the Legislature on
243 Wednesday. They participated in a mock bill and toured the Capitol building. They are hoping to hold a
244 mock meeting sometime in the next few months to be more familiar with the workings of City government.
245 She introduced Alexis Corpron who is the Youth City Council Mayor. They help out in the City's Civic
246 Events, coming up they will help with the Easter Egg hunt.
247 Councilwoman Baertsch noted they have received a lot of compliments on the Youth council. She gets asked
248 how they get the youth so involved.

249

250 **The meeting was returned to discussion on the police department budget request.**

251

252 Chief Burton is recommending adding a Sergeant, two patrol officers, and a part time detective. Then in July
253 he would like to add one more patrol officer.

254 Councilman Poduska is concerned about the safety of the officers. There were some incidents at the South
255 side of Saratoga Springs. The first car can show up fairly quickly but the second car takes a little longer.
256 Chief Burton pointed out that protocol is that unless there is an immediate threat the first car will wait for the
257 second car causing a delay in response.

258 Councilman Poduska mentioned that the city is growing. Two years ago we added one officer and last year
259 we added none. In three years only one new officer was added and we have added about 5,000 people in
260 that time. He sees a need for one patrol officer and one Sergeant to relieve the others. It's a new fiscal
261 year coming up and our ability to fund all of it right now would be difficult. He would like to fund some
262 of it for sure. He would recommend that we set up a means of monitoring population crime incidents as
263 an indicator of when we need to add another officer, the same way we look at adding inspectors to the
264 building department. He would like to see the increase done more regularly so that they don't have to
265 come and request this because safety of officers is becoming an issue.

266 Councilwoman Baertsch asked that they request increases based on population and workload, not just
267 population.

268 Chief Burton noted these requests were based on number of calls for service, number of reports required for
269 calls for service, and the types of calls that they have. The request is to maintain the current level of
270 service.

271 Mark Christensen noted that part of what they did at the retreat was bringing forth how we deal with growth.
272 He suggests we jump to what the City Council is comfortable with and bring back a residual request. A
273 budget adjustment needs to be done with 10 days advanced notice.

274 Councilman McOmber noted that the City is already working on a reduced level of service than what is
275 recommended by state and federal standards. The community is very safe and he doesn't want to lose
276 that. He will take some blame for this issue because when he came on the council it was tough economic
277 times. He pushed back on keeping the Police Department tight and make it stretch, he was that way with
278 every department. The departments have done that and now we have some excess funds. We need to
279 increase service or give it back to the residents. He doesn't think it's the right time to lower the taxes
280 because of the demand in staffing in all the departments. His number one responsibility is safety; they
281 trust the Police and Fire Chiefs. He suggested that instead of a sergeant right now they put that into the
282 annual budget for 2016/2017 and have the two patrol officers and part time detective added now. We
283 could start the hiring process. We should start at least one patrol officer at a II and one at a III; there
284 needs to be opportunities for advancements. They could then reevaluate the needs of the department in
285 May or June for the July budget.

286 Councilman Willden asked what the chief would prefer.

287 Chief Burton would say if you are going with two full time employees and the part time employee he would
288 like one sergeant and one patrol officer and the part time detective. They are drowning in some of the
289 administrative work, to the point that it is just not happening. The sergeant's duties would have some

290 flexibility which would relieve some of the burden of patrol and also help some of the administrative
291 issues. The focus could also go to some of the other issues rather than just patrol.
292 Councilman Willden knows he wouldn't request the employees if he didn't need them. However, he feels it
293 does need to be scaled down. He has a hard time committing to it all. He wants to make sure we aren't
294 funding ongoing positions with one time fees instead of ongoing revenue. He can support the request for
295 one sergeant, one patrol officer, and the part time detective. He asked if they could post for the positions
296 now.
297 Mark Christensen said they could post it but not fill it until the budget amendment takes place.
298 Councilman Porter agrees that he is not ready to fund the full request. He is leaning towards the one sergeant
299 and one patrol officer. He knows some others are leaning toward the part time detective as well. He
300 wondered why that would be funded over the second patrol officer.
301 Chief Burton advised that priority would be to add another patrol officer but with the hesitation of cost the
302 part time detective is fairly low cost in comparison. There is no vehicle involved and helps with the work
303 load.
304 Councilwoman Baertsch said with the proposal for sergeant and patrol it would mean hiring the patrol officer
305 at a level III. With growth levels, she wondered if they look first within the current employees and see
306 who needs to be promoted and then go out to fill the lower position.
307 Chief Burton also noted there are requisite requirements and they couldn't fill it until they met those. They
308 typically bring in an officer II first. They don't usually bring in a new officer III. They do typically
309 promote within and hire the lower position.
310 Mayor Miller thinks that hiring a sergeant, patrol officer, and part detective is the way to go.
311 Mark Christensen advised that they will schedule a budget amendment and bring that request back to them.
312

313 **POLICY ITEMS**

314
315 Item 5 was moved out of order on the agenda.

316 **5. Appointment of Mayor Pro Tempore, R16-09 (2-2-16).**

317
318 **Motion made by Councilman McOmber to approve Councilman Willden as Mayor Pro Tempore for 2016.**
319 **Second Councilman Poduska. Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber,**
320 **Councilman Poduska, Councilman Porter, Councilman Willden. Motion Passed 5-0.**
321

322 **Master Transportation Plan Update.**

323 Steven Lord, Horrocks Engineering, advised that this is an update and not a brand new plan. This helped to get in
324 line with MAG and UDOT and be aligned with what they are doing. This also helps with funding
325 applications. Four of the five funding applications the City submitted to MAG made it through the cuts. He
326 reviewed existing conditions. The 2040 no build projection shows failure on almost all major roads. He
327 highlighted the proposed 2040 road network. Mountain View Corridor was downgraded a little from the
328 original plan. MAG's model did not include the same plan as what was originally planned. It will be six lanes
329 until SR73 and then four lanes about half way then it will be an arterial. That seems to work based on
330 numbers. The study that MAG is doing will help answer whether it will for sure. Hidden Valley has been
331 taken off of MAG's plan. It is not on the model for freeway. Eagle Mountain wants to keep it on the plan for
332 a connector road rather than a freeway. If the Council would like to keep it on the plan for right-of-way for a
333 larger road he can, but travel demand doesn't seem to require it. It has been taken off completely but he can
334 put it back on as a collector road.

335 Councilman McOmber said with what Eagle Mountain is planning for their industrial zone, he would like the
336 right-of-way needs to be preserved. Lehi tried to do the same thing on Pioneer Crossing with putting homes
337 right on the road which limits the growth that can happen on that road.

338 Councilwoman Baertsch said SITLA's study is different than MAG's study.

339 Councilman McOmber pointed out that Eagle Mountain grew more than Saratoga Springs last year so we need to
340 make sure that the people that live there get through our city easily. The City has been proven right in the
341 past on needed corridors.

342 Mark Christensen mentioned SITLA may be interested in the Hidden Valley Corridor. He thinks they saw a need
343 for it but not as a freeway. It is the City's plan, so by all means keep it on the plan.
344 Councilwoman Baertsch suggested that it is put in as a major arterial like Redwood Road.
345 Councilman McOmber pointed out that keeping it on the plan doesn't mean we have to build the road; it just
346 means we maintain the right-of-way in case the road needs to be built.
347 Steven Lord noted this could be part of the vision plan, at some point we are going to get there. Having it in the
348 vision plan could work for corridor preservation.
349 Mark Christensen thinks that even though MAG is leaning to narrowing Foothill Boulevard towards the end of
350 the City, we need to plan for it. Just because a model says we don't need it doesn't mean we don't need to
351 preserve it.
352 Councilwoman Baertsch asked if the City gets to make a map of the vision showing a six lane all the way down.
353 Steven Lord advised that they can show that is still desired. There is a map that they have in the plan that shows
354 the whole vision.
355 Councilwoman Baertsch advised that if they aren't going to go to 6 lanes right away they can still show that is
356 desired and it allows the City to preserve the right-of-way.
357 Steven Lord noted other highlights. There was some tweaking done on South Commerce Drive where the
358 development plan is that matches a little better. The alignment for Talus was also changed slightly. They also
359 changed the interchanges on Mountain View Corridor from collector streets to minor arterials. It gives some
360 better access control. There was also a big change done with Pony Express Parkway. The idea for the change
361 was to get the traffic off the road in front of the school. MAG was not happy with the road. The road would
362 be very expensive to build without funding. They did submit an application for the road to MAG.
363 Councilwoman Baertsch said the nice thing is it gives us another tie in, in case Redwood Road shuts down.
364 Steven Lord advised that they ran the model and with the proposed plan everything would flow nicely in the
365 2040 projection except for the UDOT roads. They were missing roads between residential and a collector in
366 the plan. They proposed three alternatives to go between the collector and residential. His preference would
367 be to have a 70' right-of-way and provide an option of either on-street parking or bike lanes.
368 Councilman McOmber agreed and said we need this as an option. He is working on the bike lane study with
369 Kimber and this is needed.
370 Steven Lord noted the next steps. They will look at the streets that are collectors now and see where they could
371 replace it with the 70' cross section, capital facilities plan, impact fee facilities plan, and the Mountain View
372 Corridor study with MAG.
373 Councilwoman Baertsch advised that they want to use the new road size in front of schools and parks where
374 there is more congestion.
375 Councilman Poduska noticed that Mountain View Corridor is still under long term study. We have plans and
376 growth in 5 years. He wondered how soon we can expect Mountain View Corridor up to 2100 N. or on
377 through to completion.
378 Steven Lord noted that is next steps. He has through 2040 but he will then look at 2025 to see what it might look
379 like.
380 Councilman Porter would also like to use the new 70' cross-section in high density residential like parks and
381 schools because they tend to have a lot of on street parking. It's hard to get down these streets with so much
382 parking on them.

383
384 **REPORTS:** This item was skipped.

- 385 **1. Mayor.**
- 386 **2. City Council.**
- 387 **3. Administration Communication with Council.**
- 388 **4. Staff Updates: Inquires, Applications, and Approvals.**

389
390 **ACTION ITEMS:**

- 391 **1. Preliminary Plat for Fox Hollow N12 Irrigation Pond Located at 3250 South 800 West, Matt Scott/JF**
392 **Capital-Applicant.**
393 Sarah Carroll presented the Plat. The Master Development Agreement requires an irrigation pond inside of
394 Neighborhood 12 for Zone 3 secondary water. The pond has been constructed and the purpose of the plat

395 is to formalize the boundaries of the pond and dedicate it to the City. There will also be access easements
396 over gravel roads to access the pond site. Staff recommends approval for this plat.
397 Matt Scott was present to answer questions.
398

399 **Motion made by Councilwoman Baertsch to approve the Fox Hollow Neighborhood 12 Irrigation**
400 **Pond Preliminary Plat, located at 3250 South 840 West, with the Findings and Conditions in the**
401 **Staff Report. Seconded by Councilman Porter.**
402

403 Sarah noted the address was wrong in the report and asked that be fixed.
404 Mark Christensen wanted to put a condition on approval to make sure that taxes are paid before
405 dedication to the city.
406

407 **Amended motion made by Councilwoman Baertsch to include the noted address change and condition**
408 **of approval. Seconded by Councilman Porter.**

409 **Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska,**
410 **Councilman Porter, Councilman Willden. Motion Passed 5-0.**
411

412 **2. Preliminary Plat for Catalina Bay Located at Approximately 3500-3700 South, Between Redwood**
413 **Road and Utah Lake, Desert Peak Management Group, LLC-Applicant.**

414 Sarah Carroll noted that a payment in lieu was mentioned for the deficiency for improvements in the marina
415 park. When they develop there is a portion they do not have frontage for on McGregor Lane. The city
416 would like to work with them to complete the improvement. It also does not line up with the street across
417 from Redwood Road and they would like to coordinate with the applicant on aligning that as well. They
418 will work on developing open space as the phases come along. The payment in lieu would be in the later
419 phases. There is a condition of approval to say that they are conditionally approved. They ask that final
420 approval be delegated to staff. They are proposing a detention basin with a soccer field. Staff has added a
421 condition that they add one playground and one picnic pavilion with tables. They recommend the
422 playground be a 3-4 platform playground that serve children ages 1-12. She touched on conditions of
423 approval. There is a settlement agreement in works that needs to be entered in as well before plat
424 recordation.

425 Kevin Thurman noted the settlement agreement was a housekeeping item. The Redwood Road trail was
426 never completed and they are obligated to install the Redwood Road trail through the development to get
427 the money for reimbursement.

428 Councilwoman Baertsch advised that the trail won't go all the way into the neighborhood.

429 Councilman McOmber noted that they have waited to see this come and would love to see this growth. They
430 feel this is the better use for this land. He likes the fee in lieu of open space because it is near the marina.
431 It makes sense and will benefit the community. He likes the soccer field. He appreciates City staff's
432 forward thinking on the Redwood Road trail and getting it down as far as possible and being fair with the
433 reimbursement.

434 Councilman Willden likes the soccer field; it's a great option that will help. He asked why there has to be a
435 condition that staff approves the final plat. He thought that was already changed in the code.

436 It was clarified that the landscaping just needs to be approved by staff before final approval.

437 Councilman Porter is in favor of the fee in lieu. It's a benefit and much more than the City would have gotten
438 otherwise. He asked about the payment in lieu in phases 7-9, he believes it could be tied into the Lake
439 Commission money but the City won't see it in time to have for the match needed to improve the park.

440 Mark Christensen said we did receive the grant and we will have to use other funds to match.

441 Councilman Porter asked about the realignment of McGregor, he doesn't see how they can create a 90 degree
442 intersection without going onto the properties in the north.

443 Sarah Carroll said they would have to purchase property. They haven't made contact with all the land owners
444 yet.

445 Mark Christensen advised that the agreement is written so when it gets to that point, that we work with the
446 adjacent land owners to make the realignment happen.

447 Councilwoman Baertsch asked if Harbor Bay Road fits in the street name standards for the City since Harbor
448 Bay Parkway is just a few blocks away.
449 Sarah Carroll advised that they are going to amend that.
450 Councilwoman Baertsch asked for clarification that the discord was on payment in lieu discrepancy with
451 previous donation and the City owing them impact fees.
452 Sarah Carroll advised that the \$433,000 is a meet in the middle number. The other is the agreement that
453 Kevin Thurman will be working on.
454 Councilwoman Baertsch asked why the City is reimbursing all impact fees in this scenario.
455 Mark Christensen advised that they constructed a segment of the sewer. The City made an agreement with
456 the previous developer. It's a localized line from Catamaran to the north that hits Spinnaker.
457 Councilwoman Baertsch pointed out that we usually do development agreements when the improvement will
458 be servicing other developments and not their own.
459 Mark Christensen mentioned that the line goes over to Heron Hills and benefits them.
460 Kevin Thurman advised that it does run out in 2020, they get a certain portion of impact fees until then.
461 Councilwoman Baertsch mentioned that the City has been seeing large lots and she is concerned that there
462 should be connections and there aren't.
463 Mark Christensen said that the City could do a cul-de-sac of some sort that comes off of McGregor. Harbor
464 Bay Drive does also increase the connectivity to the neighborhood.
465 Councilman Poduska looks forward to getting utilities to his home.
466

467 **Motion made by Councilman Poduska to approve the preliminary plat for Catalina Bay Located at**
468 **Approximately 3500-3700 South between Redwood Road and Utah Lake and that the landscape**
469 **plans are conceptually approved as proposed and delegated to the staff for final approval and all**
470 **other findings and conditions. Seconded by Councilman McOmber.**

471 **Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska,**
472 **Councilman Porter, Councilman Willden. Motion Passed 5-0.**
473

474 **3. Salt Lake County Officer Involved Shooting Protocol Interlocal Agreement (Amended), R16-08 (2-2-**
475 **16).**

476 Chief Burton advised that the Attorney General's office discovered that they were left out of the deal and
477 wanted to be included. He also suggested that the mayor be able to sign future amended agreements
478 without coming to the whole Council.
479

480 **Motion made by Councilman McOmber to approve R16-08 for the interlocal agreement as amended.**
481 **Second Councilwoman Baertsch. Roll Call Vote: Aye: Councilwoman Baertsch, Councilman**
482 **McOmber, Councilman Poduska, Councilman Porter, Councilman Willden. Motion Passed 5-0.**
483

484 **4. 2nd Quarter Financial Update.**

485 Chelese Rawlings highlighted some things from analysis. Revenue is up compared to what was received in
486 second quarter of last year. We had a good trend that looks like it will continue. The City's expenditures
487 were higher due to building the 911 building we contributed to and the fire department grant that had
488 offsetting revenues. Also the full time employees that were hired this year and general liability insurance.
489 Mayor Miller thanked her on behalf of the Council. They appreciate all of the work that she does.
490 Councilwoman Baertsch asked about that when they met a couple months ago elections were about 62% and
491 they are at 214% of budget. It was supposed to be cheaper. They need to figure out what went on in that
492 situation.
493

494 **6. Appointment of City Treasurer, R16-10 (2-2-16).**
495

496 **Motion by Councilwoman Baertsch to appoint Deborah Elms as City Treasurer. Seconded by**
497 **Councilman Willden. Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber,**
498 **Councilman Poduska, Councilman Porter, Councilman Willden. Motion Passed 5-0.**
499

500 7. **Legacy Farms VP 1 and 2 Reimbursement Agreement, R16-11 (2-2-16).** This item was not ready for
501 discussion at this meeting. Kevin Thurman asked that it be continued at a later meeting.

502
503 Mayor Miller asked for it to be continued.

504
505 **Council vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska,**
506 **Councilman Porter, Councilman Willden.**

507
508 **8. Award of Contract for Architectural Consulting Services.**

509 Spencer Kyle advised that they received bids from 7-8 firms. The selection committee narrowed those down to
510 who had the most experience. They interviewed two of the firms and were impressed with both. They both
511 have considerable experience with public safety and municipal experience. They went with the one who was
512 half of the price. This will give the City elevations, floor plans, site plans, and a needs assessment.

513
514 **Motion made by Councilwoman Baertsch to award the contract to Think Architecture in the amount**
515 **of \$14,600. Seconded by Councilman Porter. Roll Call Vote: Aye: Councilwoman Baertsch,**
516 **Councilman McOmber, Councilman Poduska, Councilman Porter, Councilman Willden. Motion**
517 **Passed 5-0.**

518
519 **The Council then moved the Approval of Minutes out of order.**

520
521 **Approval of minutes**

522 **1. January 19, 2016**

523
524 **Motion made by Councilman Willden to approve January 19, 2016 minutes included all of the posted**
525 **changes. Seconded by Councilman Poduska. Roll Call Vote: Aye: Councilwoman Baertsch,**
526 **Councilman McOmber, Councilman Poduska, Councilman Porter, Councilman Willden. Motion**
527 **Passed 5-0.**

528
529 **The Council then went back to Action Item #9 on the agenda.**

530
531 **9. Discussion of Peck Landfill.**

532 Spencer Kyle noted that they brought this to Council to make sure the City has clear direction from the Council.
533 Councilman McOmber is opposed because of the development in the area. The trucks broke the rules multiple
534 times. The trucks were flying by at 2 or 3 in the morning. They did not retain their garbage on-site either.

535 Councilwoman Baertsch clarified that they had to reclaim the construction hole. They have five years left on
536 their DEQ permit. Inert construction material is a good way to do reclaim the hole.

537 Councilman McOmber advised that they were only supposed to go to a certain height but they brought in dirt and
538 wrapped it around and exceeded the fill.

539 Councilwoman Baertsch wasn't aware of some of those issues. What they had talked about with residents was
540 that they would be able to continue for five years until the DEQ permit expires. It expires October 20, 2020.

541 Mayor Miller commented on the trucks and that we need to think of the jobs and people that are working out
542 there. The City needs to look at the picture as a whole. Making it tied to the expiration of the DEQ permit
543 might be something of interest. They need to look at what the long term plan for the area is as well. He talked
544 with the County about it this week.

545 Councilman McOmber said we need to make sure we represent the residents. It's not just that residents don't like
546 it; they are in fact in breach of contract. We are not affecting that many jobs and SITLA doesn't get that
547 much from it. It comes down to if they want to fight it and get the board of adjustments to extend their
548 permit. He doesn't think the City should endorse the extension.

549 Councilwoman Baertsch said if they are going to extend it we are going to limit it to the length of the DEQ
550 permit and also make sure the original conditions continue onto the extension.

551 Kevin Thurman noted it is a conditional use. It is basically a permitted use if they can demonstrate that they are
552 mitigating the detrimental impact to the residents of the area. If the original conditions are imposed again and

553 they have someone follow through that they are complying that would go a long way to mitigate those
554 impacts. If there are other conditions now that development is getting closer they should demonstrate those to
555 the County. At the end of the day they are probably entitled if they show how they can mitigate the
556 detriments.

557 Troy Herald with SITLA was at the meeting to answer questions if needed. Maybe they weren't aware of some
558 reclamation. The reclamation model currently is to knock down the sides and stabilize it with a native grass
559 seed. It's not what they would like to see in the development group. They would like to develop it into a
560 master plan type of project. They have been in on preliminary plans of what that might look like. The mining
561 area is planned to be open space, a park, soccer field or something like that.

562 Mayor Miller asked what the lease was on the property.

563 Troy Herald advised that is a renewable 20-30 year lease.

564 Mark Christensen said that when their approval expires the City would love to see the lease expire as well. From
565 a strategy standpoint from the city, as those agreements come due let's not automatically renew.

566 Troy Herald advised that from a planning and development point of view that is his intent but SITLA looks at
567 landholding long term and they want to extract benefit as long as they can. As long as the clay pit is active
568 and making money for the trust it would be a difficult jump to close the clay pit. That section is in a higher
569 water service district and not immediately developable. Some portions in the southern end are in a
570 developable area. They are looking at bringing that portion in soon.

571 Councilwoman Baertsch advised that once their DEQ expires they need to go through the process again to verify
572 that it's worth it.

573 Troy Herald advised that it's not their intent for their leases to be a bad neighbor. They can mention issues with
574 the property to the mining groups.

575 Kevin Thurman said they already have type restriction by the County. They were supposed to spray the road,
576 they should mention that the trucks should be sprayed down before entering the road. They are all good
577 things the board of adjustment should hear. It's probably a permitted use but there are impacts that have to be
578 mitigated.

579 Troy Herald is happy to share any of these concerns.

580

581 Mayor Miller advised that the Tenney's daughter died and they asked something in Shay Park be named after
582 her.

583 Councilwoman Baertsch mentioned that they are doing the rail cars on a donation level but if we were to build a
584 sign and name one of the lines Brighton Tenney they would be working with the club. Maybe the High
585 School could get the metal shop involved.

586 Councilman McOmbler advised that there are people willing to donate and it can be fundraised.

587

588 Mark Christensen advised that MAG study legislation is moving forward to fund the Envision Utah regional area
589 in this area. There is some potential that the state could be appropriating money for economic development
590 on the old prison site. He was asked to share direct thoughts on other communities that would be in direct
591 competition with that site.

592 Councilwoman Baertsch advised that she and Mayor Miller have been in conversations with the envision Utah
593 people to see if they can be on board.

594 Mark Christensen advised that being in the study area would be of value and benefit to the community. There are
595 going to be interesting politics involved with this but beneficial for our community to be involved.

596

597 **Closed Session**

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

601

602 **Motion made by Councilman Poduska to enter into closed session for the purchase, exchange, or lease**
603 **of property, pending or reasonably imminent litigation, the character, professional competence, or**
604 **physical or mental health of an individual. Seconded by Councilman Willden.**

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Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter, Councilman Willden. Motion Passed 5-0.

Meeting Moved to Closed Session 9:00 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 9:19 p.m.

Policy Meeting Adjourned at 9:19 p.m.

Date of Approval

Mayor Jim Miller

Nicolette Fike, Deputy City Recorder

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City of Saratoga Springs
City Council Meeting
February 16, 2016

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, Chris Porter, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Gordon Miner,
Nicolette Fike, Kara Knighton

Others:

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Excused:

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Call to Order - 6:00 p.m.

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1. Rezone, General Plan, and Concept for Grandview Commons.

Kara Knighton advised everyone that this is located at the corner of Grandview and Redwood Road. She then gave an overview of the plans. The applicant is asking for a zone that would accommodate multi-family housing, but they plan to make those smaller single family lots. Lake View Terrace Road was previously required to be dedicated as public access but that has not happened yet. There is a planned right in right out onto Grandview and entrance onto Redwood Road that is pending approval from UDOT. The concept that was put into the packets was their second plan. There will be a public hearing for this item at a later date as well. The notice for that public hearing will be sent to property owners in the area when it is scheduled.

LeGrand Wolstenhume, applicant, advised the Council that they will not be asking for any variances on the property. There is about a three mile stretch that there wouldn't be any commercial. That is a lot of distance between commercial for a growing city. They plan to have a pizza chain, orthodontist, or other things like that in the development. In the area they plan to zone Regional Commercial they don't have any residential zoning adjacent to it. They are also flexible with where the Neighborhood Commercial zone would be. They can extend the R-10 zone so that no commercial zone is surrounding the existing homes. Anything they put in the Neighborhood Commercial zone would be services for the community.

Councilman Porter is not comfortable with Regional Commercial that close, even with the R-10.

Neighborhood Commercial is more appropriate in this City. This is the second time we've had someone ask for this type of rezone for a gas station. He would be more comfortable putting the gas station use into Neighborhood Commercial or create a Community Commercial zone, something like that rather than developers having to go to Regional Commercial. We would have to put so many condition that it would force him back into Neighborhood Commercial. Some of the lots are just 5,000 square feet in the R-10 zone. He would feel more comfortable with R-6 than R-10. That would be 6,000 square foot lots which he feels would be more appropriate in this part of the City.

Councilwoman Baertsch appreciates him coming in. They worked hard on the master land use plan. They did not want Saratoga Springs to look like State Street in Orem or Redwood Road in West Valley City. They want areas that are residential and other areas that are commercial. She does not think this area is appropriate for a Regional Commercial type of use. The traffic issues that already exist in the area does not lend itself to having a gas station right there. There is a lot of Planned Community zone close by that they don't have plans for yet. It is close by this area. She feels they need to be careful to safeguard the residential areas. She is not sure how Avondale was zoned Neighborhood Commercial. Schools technically fit into Residential. It is an area that is already congested so adding more congestion with the gas station does not make sense to her. She does not want to allow R-10 in the area either. She appreciates single family homes but she would like to see R-6 in the area instead. That would allow for

54 6,000 square foot lots. There are R-6 lots to the South and R-3 to the West. If the land were to be sold to
55 someone else and it is still zoned R-10 someone could build very dense units and they don't want that. If
56 there was a master development put together with an R-6 zone she would be a little more comfortable
57 with that.

58 Legrand Wolstenhume advised that they would not have proposed this concept if UDOT had not agreed to
59 widen Redwood Road to four lanes, two in each direction. He thinks that will help alleviate the
60 congestion. Holiday Oil is who wants to put the store on this lot. They have agreed to have construction
61 coincide with when Redwood Road will be under construction. They are also meeting with UDOT to see
62 if they will allow for a double left hand turn lane off of Grandview onto Redwood Road. UDOT does not
63 think that the traffic count is high enough to warrant the double turn lane. They are hoping to show them
64 that it really is warranted.

65 Councilwoman Baertsch noted that she was not talking about the traffic on Redwood specifically but more
66 about the traffic that would be added to the neighborhood immediately surrounding this proposed
67 development.

68 Councilman McOmber noted that this is the third time this type of development has been brought to them in
69 the six years that he has been on the City Council. He believes that residents aren't there in mass because
70 it's a work session item. When it comes time for public hearing they will be here. He has lived in this
71 neighborhood in the past. When he lived there it wasn't as developed but now the traffic issue is even
72 worse. He noted the history of the preschool. There was no other place to put a preschool. Since it was a
73 private preschool and not associated with Alpine School District they could not go into a Residential
74 zone. The promise to the residents at the time is that they wouldn't add any other higher density around
75 the preschool. The residents just to the north of this proposed development are some of the oldest homes
76 in the City. He would be okay with an R-6 zone but would like to see R-3 in the back part and R-6
77 towards Redwood Road. He thinks we need continuity because of the trail plan but it gets the homes off
78 of Redwood Road. No resident is going to have a problem with a little bit of a smaller lot because no one
79 is going to build a big fancy dream home backing Redwood Road. Lake View Terrace Road is extremely
80 busy because of the preschool. There is already a lot of congestion there. If there is a gas station added it
81 would get really confusing and possibly dangerous. He reiterated that he would like to see R-3 in the
82 back section and R-6 up front.

83 Councilman Poduska also remembers when the preschool came in. We are trying to preserve neighborhoods
84 and communities and not have it divided up by zones. There is a commercial area already set aside on
85 Ring Road. There will probably also be lights at that intersection when they become warranted. He does
86 not think that Regional Commercial should be inserted into this Residential area since there are other
87 options for placing this commercial use nearby. Lakeside Terrace is a nice planned community that you
88 can have larger homes on smaller lots. He would like to see them continue R-6 and buffer it along the
89 road like has been done in the area already.

90 Councilman Willden does appreciate the fact that he is trying to bring commercial to the south end of the
91 City but he doesn't think this is the right spot. It's not a good fit with all of the single family homes
92 around the area. It doesn't protect the rights for the homeowners that area already there. He hopes that
93 they can work with the City to find a spot that is a better fit. If they approve a higher concentration of
94 homes he would like to tie it to a specific width and it has to be single family homes. If it changes to
95 anything else they would revert to the prior zone if the conditions weren't met.

96 Mayor Miller advised that he lives in this neighborhood and it's a tough piece of property. It is by Redwood
97 Road and the development just to the North doesn't seem to be selling homes right along Redwood
98 Road. With school traffic it gets to be a crazy intersection. With more added there it would get even
99 worse.

100 Councilman McOmber noted with the new school boundaries many residents are still driving north to
101 Saratoga Shores Elementary.

102 Legrand Wolstenhume noted that there is no sewer on Redwood Road so it's hard to do residential more
103 toward there. They did look at putting residential there but it is difficult to do there without extending
104 sewer lines to it.

105 Kevin Thurman responded about a conditional rezone. It is the preference of staff to determine if it makes
106 sense to have a certain zone there. If it makes sense by a policy standpoint. If it makes sense to have R-6

107 zone it is their preference to make it that way. You can have conditions based on a certain plan or project
108 but it is best to make the decision now to change it to what they think it should be.
109 Councilman McOmber clarified whether there can be attached homes in an R-6 zone such as duplexes or
110 triplexes.
111 Kimber Gabryszak advised that there can be duplexes or triplexes in an R-6 zone.
112 Councilman McOmber advised that he would not be comfortable with R-6 in that area then. The zone he
113 would be most comfortable with there would be R-5. If there isn't an MDA with the development he
114 wouldn't want to go beyond and R-5.
115 Councilwoman Baertsch agrees with that. On the land use map it is marked as low density residential which
116 only goes up to R-5.
117 Councilman McOmber advised that according to the land use map they would be giving them the most
118 generous zone to allow R-5.
119 Legrand asked if the R-5 zone allows for any PUD.
120 Councilwoman Baertsch noted they don't allow PUD's anymore.
121 Legrand Wolstenhume mentioned that cul-de-sac's are hard. You cannot have an access road from Redwood
122 Road. Anything you do has to come out on Lake View Terrace or possibly a right in-right out on
123 Grandview. The planning on this is not as easy as you'd like it to be for residential. When you look at
124 land use and turn around or cul-de-sac size the lots are not as appealing because of the funny sizes and
125 shapes.
126 Councilwoman Baertsch submits that the different types or developments all come with their unique
127 challenges. She encouraged him to work with staff to work it out the best they can.
128 Legrand Wolstenhume thanked them for their time.
129
130

131 2. Discussion of Mixed Waterfront

132 Kara Knighton reviewed the purpose of the new code and shortcomings of the old Mixed Lakefront zone.
133 She reviewed the background of the Mixed Waterfront zone. The Mixed Lakeshore zone has not been
134 used in the city. Developers are choosing to utilize low density residential and this is not necessarily a
135 zone that they would like to see go away. They changed the name to encourage use of the zone. They did
136 research in several cities and came back with several takeaways. She noted things from the different
137 cities to take into account.
138 Councilwoman Baertsch asked if there was any need to coordinate view corridors between lots to open it up
139 completely.
140 Kara Knighton noted each lot takes the view corridor into account on its own is how they have done it in
141 Spokane. She continued with the presentation. Staff proposes a buffer/overlay zone over the Jordan River
142 and Utah Lake in addition to the Mixed Waterfront zone. Within the Mixed Waterfront zone you would
143 have things regulated such as building height or density. The buffer/overlay zone would be more of the
144 building articulation and trail regulations. She then showed the Council a conceptual drawing of what the
145 zone and overlay could look like.
146 Councilwoman Baertsch asked how the buffers would be laid out.
147 Kimber Gabryszak said that it is conceptual but they would identify a permanent line like the compromise
148 line. When someone submits a design they would need to have engineering done and submit the wetland
149 delineation showing where all the lines are. That would be the most accurate but they could have an
150 overlay that shows the approximate area.
151 Kara Knighton said staff would recommend considering the Jordan River best practices when we do they do
152 the overlay and zone. Staff would like the City Council's feedback. They will be drafting the zone and
153 overlay after receiving their feedback.
154 Councilman Poduska asked about a table in the Richland area and what the distance of 0 meant.
155 Kara Knighton advised that means they allow for multifamily uses.
156 Councilman Poduska likes the building setback aspect in Spokane. He then noted that it mentioned buildings
157 were oriented towards the water rather than the street and some had a street in between. He wondered if
158 the trail system take precedence over some of the side streets.

159 Kimber Gabryszak advised that there are places where Riverside Drive will be right by the water. There are
160 also locations where they will be facing the road. It will be a case by case analysis.
161 Councilman Porter asked what the open space requirement is for Mixed Waterfront.
162 Kimber Gabryszak advised that it is 20-25% but they are looking at overhauling it.
163 Councilman Porter doesn't know that putting an overlay that adds more restrictions would bring more
164 development. He wondered if it would be possible to give additional credit for open space to encourage
165 people to build in this zone. He thinks the credit would make it more attractive.
166 Councilwoman Baertsch advised that a lot of the areas are within sensitive areas anyway so they would only
167 have about 50% open space credit anyway. She doesn't think it is more restrictions, it's just taking the
168 restrictions and clarifying them.
169 Councilman Porter understand that but thinks that we need to do something to attract development in this
170 zone.
171 Kimber Gabryszak clarified that they are recommending a two prong approach. The buffer/overlay would
172 apply no matter what zone it was over. That way they get a consistent trail system and consistent
173 treatment. Then the things they have talked about such as building articulation and building setback
174 would apply to Mixed Waterfront and all zones. They are just looking at the Mixed Waterfront zone to
175 have an increased concentration and a mixed use in the Mixed Waterfront zone to entice development to
176 come.
177 Councilman Porter also mentioned that they want to encourage people to face the water. He suggested to
178 give them an incentive to do that rather than face Redwood Road or the commercial development.
179 Councilman Willden suggested that they look at the minimum size of one of the areas to make sure that it
180 isn't densely populated in just that area.
181 Councilman McOmber likes the idea of the consistency of the overlay, it makes sense here as it overlays all
182 the zones. He would recommend talking to Lehi about what Saratoga Springs is doing on our side of the
183 lake. They have already gone right next to the river and it looks bad. If they stop now they can fix it in
184 the future. If they keep going the way they are everyone will want to live in Saratoga Springs rather than
185 Lehi because our side will look so nice. He thinks that when it's right and when it looks good people will
186 come and develop. He doesn't think we need to give anything away to get a developer to come because
187 once it looks right that will happen anyway. He doesn't think there is a big rush to get this developed
188 very fast. Having the overlay will give them incentive to come and put a restaurant or something in.
189 More field research can also be done. Even if they don't go to the places they can call and ask other
190 city's such as San Antonio to see what they did to rehabilitate similar areas they have had. We've got
191 some beautiful things that will attract the right kinds of business. He thinks staff has done a great job on
192 this and thanked them for all of their work.
193 Councilwoman Baertsch commented that as you go over the overlay sections to be careful about landscaping.
194 She would like it to be very safety oriented with the shrubs and trees to make sure you can have an eye
195 on the trail and edges of the lakeshore and river shore.

196
197 **3. Agenda Review:**

- 198 a. Discussion of current City Council agenda staff questions.
199 b. Discussion of future City Council policy and work session agenda items.
200

201 Mark Christensen asked if they would do Action Item 7 along with item 3 in the public hearings.
202

203 **Adjourn to Policy Session 6:55 p.m.**
204
205

206 _____
207 Date of Approval

City Recorder

208 **Policy Session Minutes**

209
210 **Present:**

211 Mayor: Jim Miller

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

213 Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Gordon Miner,
214 Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton, Nicolette Fike, Melissa Grygla, Kara
215 Knighton

216 Others: Kara Traveller, Carter Traveller, Amy Wilson, Rod Turner, Erock Nielson, Tanja Neth, Tony Neth,
217 Rod Eichelberger, Doug Turner, Diane Porter, Tyler Durdette, Jackson Marble, Mike Bagley, Brayden
218 Ross, Michael Pirente, Will Perdue, Cole Perdue, Jonathan Warner, Garrett Seely, Addison Morford,
219 Mason Morford, Steve Chidester, Logan Chidester, Christopher Tyte, Matt Scott, Krisel Travis

220 **Excused:**

221
222 **Call to Order** 7:01 p.m.

223 **Roll Call** – a quorum was present

224 **Invocation / Reverence** - given by Councilwoman Baertsch

225 **Pledge of Allegiance** - led by troop 1851

226
227 **Public Input – Opened** by Mayor Miller

228 Mason Mumford, 531 Muskmelon, wondered what they are doing for Harvest Hills so they don't have to go
229 to schools in Lehi.

230 Councilwoman Baertsch advised that they have been meeting with and talking to Alpine School District
231 about finding good locations and building schools as fast as they can. The City doesn't have a lot of
232 control over the school district but they will work with them as much as they can. The School District
233 will probably put a bond on the ballot to build a high school in Eagle Mountain so the kids in Saratoga
234 Springs don't have to go to Lehi.

235 **Public Input - Closed** by Mayor Miller

236
237 **Awards, Recognitions and Introductions**

- 238 • Chief Burton introduced Allen Smithy who has agreed to become the Chaplain for the police department. A
239 lot of the bigger policy departments have a Chaplain who help do a variety of things like death notifications
240 or visit with department members or say the prayer at the awards banquet. Mr. Smithy is uniquely qualified
241 for this position. He worked at the state penitentiary in Idaho and was a reserve office for a small community
242 there. He joined the army and ended up in Special Forces. That is where he and the chief became acquainted.
243 He retired from active duty as a command sergeant major. Being a command sergeant major will help him as
244 he works with police officers that have a similar mentality. He has done many tours of duty. He obtained a
245 master's degree and became a teacher and is working on his PhD. He was presented with his chaplain badge
246 so he can provide identification if needed.

247
248 **POLICY ITEMS**

249
250 **REPORTS:**

251 **1. Mayor.**

252 Mayor Miller advised that they broke ground on the retail shopping complex for Smith's Marketplace. This
253 is the first part of the development. It shows a continued investment of the community by Smith's. They
254 were one of the first businesses out here when the City wasn't a very big community yet. The new
255 investment in the community and the commitment to backfill the current building so there isn't a vacancy is
256 a continuation of their commitment to the community. He thanked Smith's for investing in the community
257 and Boyer Company for putting together the commercial development. This has been six years in the
258 making. It takes a while to get companies to commit to building. It is a great accomplishment to see this
259 happening.

260 **2. City Council.**

261 Councilwoman Baertsch asked for staff follow up on the Gables water issue.
262 Chelese Rawlings said they are meeting Thursday with them. They have found a few issues to discuss.
263 Councilwoman Baertsch also asked for an update on whether they have figured out about mining permits and
264 expirations.
265 Mark Christensen advised that they have not yet.
266 Councilwoman Baertsch advised that they have talked a lot about that amongst themselves. The next step is
267 to figure out when they expire and what they need to do to mitigate potential issues moving forward.
268 Also they are working with MAG on Foothill Boulevard but there isn't an exact alignment. She asked if
269 staff would update on everyone on what they need to do to be able to go out to bid or create the exact
270 alignment.
271 Mark Christensen advised that they discussed this earlier in the day as they were discussing capital projects.
272 They discussed setting some money aside to do some provisional scoping for the project on what the
273 distance is and what the alignment would be. They are not going to design the road because if it is a
274 UDOT road they are going to it. If it is a City road they will have some preliminary work done. This is a
275 long section of road. The expense on the road is going to be large. So right now they are just looking at
276 budget to do some preliminary work.
277 Councilwoman Baertsch asked for follow up on the non-motorized put-ins and where the locations were
278 going to be.
279 Councilman Willden did not follow up yet. He will get those to staff to put on the master trails plan.
280 Councilman McOmber had a follow up with the street signs in Saratoga Springs Development. We as a
281 council need to have a discussion on that. He believes street signs are a public safety issues. He thinks
282 the street signs should be maintained by the city. The City sets the standard as far as how they need to
283 look so he thinks that the City should also maintain them. There are many signs that you cannot read.
284 Even though Saratoga Springs Fire Department may be familiar with the roads there are shared services
285 with other agencies so they may not have as easy of a time navigating through the roads. There are also a
286 few streets without signs. We need to set a better standard going forward. Then in regards to the sports
287 complex he would like to have Mayor Miller, or whoever he designates, to be involved in the process as
288 it's one of the largest projects in the city coming up. The more involvement they have from the Mayor
289 and Council the better.
290 Mayor Miller asked to get the street sign discussion on the work session.
291 Mark Christensen advised that Fire Chief Jess Campbell has been working with Saratoga Springs
292 Development on the street sign issue. They will bring it back to the next work session. He also advised
293 the Council that they are in the process of pre-qualifying architects and firms to work on the Sports
294 Complex.
295 Mayor Miller advised that he along with one council member would like to be involved. Councilman Porter
296 will be the other person to be involved in the project with the Mayor.
297 Councilman McOmber advised that sometimes the meetings are during the day so he would be happy to step
298 in as well if needed.
299 Councilman Willden advised that he has been attending the Utah League of Cities and Towns meetings with
300 Councilwoman Baertsch and the City Manager Mark Christensen. There has been a lot of legislation
301 proposed this year that could have a significant impact on homeowners rights that may be detrimental.
302 He asked that people pay attention to what their state legislators are doing. A lot of times their bills go
303 unopposed that may have a significant impact. He also attended his first Jordan River Commission
304 meeting as a voting member.
305

306 **3. Administration Communication with Council. – None**

307
308 **4. Staff Updates: Inquires, Applications, and Approvals.**

309
310 **PUBLIC HEARING ITEMS:**

311 **They moved Action Item 7 up with Public Hearing item 3.**

312

313 **3. Vacation of Easements in Villages at Saratoga Springs (Fox Hollow), Various Locations, Matt Scott - JF**
314 **Capital, Applicant; Ordinance 16-06 (2-16-16)**
315

316 **7. Reimbursement Agreement and Release of All Claims with JF Capital for The Villages at Saratoga**
317 **Springs (Fox Hollow), Neighborhood 6; Resolution R16-14 (2-16-16).**
318

319 Kevin Thurman advised that these items pertain to vacating easements in the Villages at Saratoga Springs,
320 also referred to as Fox Hollow. The easements were determined to no longer be necessary by the
321 engineering department. There is a provision in the mast development agreement that says if a property
322 owner and the city agree to vacate the easement they can do so without the permission of other property
323 owners. It requires a public hearing and also an ordinance be passed. There is a water tank in a small
324 corner of the property that is being vacated because it will be overlapping a couple of lots. There is also a
325 sewer easement and a road easement that won't be necessary for the development of this property.

326 Councilwoman Baertsch doesn't see a problem with the tank or sewer easement. She did wonder about the
327 Foothill Boulevard second access easement. Where they don't know where the alignment will be or
328 where the elevations would be would it be wise to vacate the easement at this time. Her thought would be
329 to hold on to it for now and wait until they know what will be happening with the property. It doesn't
330 seem wise to cut off possible connectivity.

331 Councilman McOmber had the same concern. He wondered why they would make it so they have to go back
332 and get the easement again.

333 Mark Christensen said the reason is to vacate is that it's quite steep and to get the right grades and things and
334 it would be more intrusive. In order to make that access point work it would need to be a much larger
335 easement.

336 Councilwoman Baertsch advised that if Mountain View Corridor comes in the road is actually supposed to
337 be sunken in so it would work. She thinks vacating the easement would be inappropriate at this time.

338 Matt Scott with JF Capital noted that one of the big things on the plat is they got final approval with lots on
339 where the road easement is. It was intended that the easement was no longer going to be needed. The
340 subdivision was completed with lot services in that place.

341 Kevin Thurman advised that it is a very small portion of Foothill Boulevard that they are asking to have
342 vacated. It is labeled R-6, it is not the whole road.

343 Councilwoman Baertsch said we also require connectivity to trail easement so she is not ok with vacating
344 something that could be used for access or connectivity later. She would rather not vacate it at this time.

345 Councilman Poduska had no problems with the vacations. He asked if these easements would interfere with
346 the new plots.

347 Matt Scott advised that the homes would be directly on top of the easement. He also advised that there is
348 access to the trail a couple feet away from where this easement would be. He pointed out where there is
349 access to the pond and trail.

350 Councilman Willden is not particularly concerned about the trail connectivity. He thinks that the request is
351 reasonable. It would be more costly to use the easement then it would be to vacate it. The concerns that
352 were brought up are valid but he feels they have been sufficiently mitigated.

353 Councilman McOmber has no problem with vacating the easements. He appreciates Councilwoman bringing
354 up the concerns that she has. He also appreciated seeing where the access to the trails are. Their main job
355 is to main trail connectivity and he thinks they meet the needs with the proposed vacations.

356 Councilman Poduska sees how the overlay would interfere with what they are trying to do in the
357 development.

358 Chris Porter understands the concerns that were brought up as well. He thinks that the trail connectivity that
359 were shown are sufficient. The roadway is very steep. Foothill Boulevard is planned to be a dual frontage
360 road but he thinks that is a strange place to put the access. He is okay with the vacations as outlined.

361 Councilwoman Baertsch clarified that it doesn't show the actual numbers on what the original cost was
362 versus what we are reimbursing.

363 Kevin Thurman advised that the numbers are what their upsize cost is.

364 Mark Christensen clarified that this was something that was done two summers ago. An agreement was made
365 at that time for improvements that were going to be made. They are not just finalizing the agreement.
366 The preliminary conversations were some time ago.
367 Councilwoman Baertsch advised that this is different than what they normally see so it makes her a little
368 uncomfortable. She would like to wait until they see the numbers.
369 Matt Scott asked what numbers she is looking for.
370 Councilwoman Baertsch advised that they normally see the cost and the upsize cost so it's clearer on what
371 they would be reimbursing.
372 Matt Scott advised that the lines being discussed are not an upsize, they are new lines that would have to be
373 put in.
374 Councilman McOmber clarified that it is an upsize because the City is requesting them to put in a bigger line
375 than what is required and they are willing to pay for that extra cost but they haven't been given all of the
376 numbers.
377 Matt Scott advised that the lines would not be servicing their project. They have gotten their water by other
378 means. A study was done in regards that determined they needed additional pressure for future
379 development so they are completely new lines. They put the lines in for the City because they were
380 there.
381 Mark Christensen advised that Jeremy Lapin has all of the itemized bids and apologized if they weren't the
382 actual cost.
383 Councilwoman Baertsch advised that the clarification from Matt Scott was helpful.
384 Kevin Thurman said they are not sure of the time of the closing, prior to that they are required to settle the
385 original development agreement for the property. The developer owes them some money for that so they
386 are wanting to offset the reimbursement amounts by settling the amounts that are owed to the City.
387 Councilwoman Baertsch said that was okay. Now that she understands it's not an upsize she is okay with it.
388 Kevin Thurman asked that the Council authorize the City to use the money that the developer owes us to
389 offset the reimbursement amounts in the agreement.
390 Councilman Willden noted that it would be helpful to outline how they are going to pay for the
391 reimbursement in the staff report. He knows it is in the body of the agreement but it would be helpful to
392 pull it out of there to make it clearer.
393 Mark Christensen advised that this was a very complex agreement. It is the agreement with SCP Fox Hollow
394 and Henry Walker Homes that was entered into in 2012. The City had collected bond money and that
395 was to finish paying for certain improvements. There is a number the City owes them and a number they
396 owe us. It is worked out in escrow right now for the developer to sell the property and make everyone
397 whole.
398 Councilman Willden advised that it would be helpful for him to have the funding source pointed out.
399 Kevin Thurman believes it would be helpful to give a background in the future. Anything over \$25,000, per
400 the purchasing policy, has to be brought to the Council. It would be helpful to share how much is left in
401 the capital expense budget.
402

403 **Motion made by Councilman McOmber to approve vacation of easements of the Villages of Saratoga**
404 **Springs (Fox Hollow) in the various locations as outlined in the report Ordinance 16-06. Seconded**
405 **by Councilman Willden.**
406

407 Councilwoman Baertsch will be voting no strictly because of the easement on Foothill Boulevard.
408

409 **Roll Call Vote: Aye: Councilman McOmber, Councilman Porter, Councilman Poduska, Councilman**
410 **Willden. Nay- Councilwoman Baertsch. Motion Passed 4-1.**
411

412 **Motion by Councilwoman Baertsch for item 7 to approve the reimbursement agreement and release of**
413 **all claims with JF Capital for the Villages at Saratoga Springs (Fox Hollow) Neighborhood 6 R16-**
414 **14 and authorize that it can be offset by fees owed by developer or impact fees as charged.**
415 **Seconded by Councilman Poduska. Roll Call Vote: Aye: Councilwoman Baertsch, Councilman**
416 **McOmber, Councilman Porter, Councilman Poduska, Councilman Willden. Motion Passed 5-0.**

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The Council then moved back to Public Hearing item 1.

1. Budget Amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget; Resolution R16-11 (2-16-16).

Chelese Rawlings brought back budget amendments as directed at the last meeting. The three major amendments are the personnel costs for a third of the year for a sergeant, police officer III and a part time detective. The cost associated with these for a third of the year is \$90,000. The one-time costs can be funded by existing funds that they have this year. They realize they have a little bit of excess and can fund it from estimations that were done. There is also an adjustment for GIS software that is needed and some increase for wild land expenses for the fires that went on. Councilman McOmber thanked the police department for working with them and being proactive. He was also grateful that they found some money from this year's budget to fund the one-time costs.

Motion by Councilman Willden to approve Budget Amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget- Resolution R16-11 (2-16-16). Seconded by Councilman McOmber.

Public hearing open-No comments were received.
Public hearing closed.

Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Porter, Councilman Poduska, Councilman Willden. Motion Passed 5-0.

2. Rezone and Concept Plan for Lake Mountain, located approximately 3750 S and West of Lake Mountain Estates, Nick Baird Applicant; Ordinance 16-05 (2-16-16)

Kimber Gabryszak reviewed the request. The property is located towards the south end of the city. The applicants are requesting a rezone to R-3. It is low density residential and they are not asking for a variance on the density. The zone request is consistent with the general plan. The Planning Commission forwards a positive recommendation for the rezone as long as the issues with the site are addressed. This is just a concept plan so no approval is given for the units or layout. At this time there are issues with water pressure, connectivity and second access to the site. They need to make sure the natural sensitive lands are protected. They have quite a few man made sensitive land; slopes over 30% made by mining activity that will be reviewed for appropriate stabilization prior to development. There are hillside development requirements. They need to make sure that open space and amenities are provided. There are also some technical code requirements that need to be met. The biggest issues are the water pressure and the location of Foothill Boulevard. The property is required to provide two points of access so they will review that throughout the process. There are a couple of other developments on the south side of the City that are on hold until the water pressure issue is resolved.

Public hearing open.

Rod Eichelberger, 3901 Panorama Drive. Mr. Eichelberger advised that they are commonly told, after asking why development seems to be going fast, that you can't infringe on property owners rights to develop their property. He understands the legal reason for that response but he doesn't think it is completely accurate. The ability to control the zoning of the property is a method to control growth. When this property was bought it was Agricultural. They knew that a rezone would be needed. The City uses zoning regularly to control what is being done on the property. Part of the code states that certain things need to be taken into account when deciding whether to approve a rezone or not. He thinks that changing the zone of the property will negatively affect the safety and general welfare of the public and is not in the interest of the public or community. He thinks the water pressure issue can be fixed but the only two connection points will be Harrier or Harbor Park. They are both residential roads. They are not designed for the traffic of 250 more homes. The route through Harrier is particularly dangerous. There are a lot of kids on Harbor Park. Neither or the routes are good and there are no other options right now. The

470 widening of Redwood Road will also not make it to Lake Mountain. There is too much going on in other
471 places. Public schools will also not be able to meet the needs of the additional houses that would be
472 going in. In the eyes of the community the City doesn't have a good track record of taking care of the
473 needs. He thinks it is getting better but there is still question there. He thinks this would be a mess and
474 thinks that the City's infrastructure needs to catch up before they consider this.
475

476 Mike Bagley, 71 East Turnbuckle Road. Mr. Bagley advised that he understands that the City doesn't have
477 any control over Redwood Road. However, he wondered if the City could help petition with the state to
478 get some of the issues with Redwood Road resolved.
479

480 **Public hearing closed.**
481

482 Councilman Willden appreciates whoever did the Planning Commission minutes. He thought they were well
483 done and helped follow what happened and understand the conversation. He understands the problems
484 with water and secondary water and schools but a lot of times bringing in new developments helps fix
485 those problems. New water infrastructure helps new residents and also the existing residents. It will also
486 help bring in schools that may not get built unless there are more hopes built on the south end of the
487 school. There are a lot of issues that need worked out. He is interested in helping the existing residents
488 by bringing in the infrastructure in for the new development. This will help bring some of the things they
489 need. He is in favor of this to show the school district we need more schools and more roads and things.

490 Councilman McOmber understands the frustrations. The Council always look at the impacts to the
491 neighboring community and the traffic and safety impact. The fire marshal will look at this to see if there
492 is adequate access. He doesn't know if the access as proposed will work but that will be looked into.
493 Lake Mountain was started a long time ago and they didn't really think of what was going to go in
494 behind them. New development is the best way to take care of the issues in that area of the City. There
495 isn't any budget to put in a water tank on that end of the City. If a bond was proposed for this he doesn't
496 think it would be passed. A lot of the water issues are being resolved by new development currently.
497 There was a hole from the north to the south for water connectivity. A conditional approval is what he
498 would be looking at for this. This has to be strongly conditioned based on traffic studies and fire marshal
499 review. Redwood Road is not considered a failing road on the south end currently. It is lucky that they
500 are getting it widened at this time because of projections for the future. This is coming in at a very low
501 density which is more desirable than other requests that they more normally hear about. They usually
502 have to push back to get lower density. Being a conditional approval is key and all of the conditions need
503 to be met. He has been in favor of reducing density and has given a lot of push back to developers that
504 have proposed high density.

505 Councilman Poduska noted one thing they strive to achieve in the City is connectivity. Lake Mountain
506 Estates is isolated now. There is no way to go from one community to another. This development will
507 provide that connectivity. With the concerns about water pressure and availability this has been one of
508 the problems Lake Mountain Estates has had. So for them to have more connectivity to water would be a
509 great advantage. It has been there experience that UDOT has responded to need for roads as quickly as
510 possible. Pioneer Crossing and the expansion of Redwood Road has happened a lot quicker than
511 originally thought. They will also petition them to expand Redwood Road to Harbor Bay.

512 Councilwoman Baertsch advised that when the City works with MAG and UDOT they don't like to build
513 "roads to nowhere". They don't see Redwood Road as a failure yet. As they do get more development
514 that is how the City gets funding. It becomes necessary to look at new development to get the
515 infrastructure that is needed. They don't want to overdo it either. As she looked at the open space she
516 didn't see that they had any improved open space. It looks like it is all unimproved natural open space.
517 That would need to be addressed. She would like to see Harrier go all the way through to Wild Life. It
518 makes more sense to give more direct routes to the collectors. Harbor Bay has the same asphalt as a
519 collector. Harrier does not have the same width of asphalt. She also wondered why Harbor is not
520 connected all the way up to Foothill. She thinks that seems foolish unless there is something else planned
521 up there that she doesn't know about.

522 Kimber Gabryszak said it is currently planned that way in the Transportation Master Plan. They need to look
523 into it.

524 Councilwoman Baertsch thinks they need to make sure there are connection points in there. In between
525 Foothill and the sensitive lands it doesn't seem like there is an access point. She is worried that the
526 homes will surround it and there will be a triangle of land that has no access to it. Some of the open
527 space parcels are very small. She doesn't know why they are there. They do not connect to anything
528 either. She would like to see increased connectivity and better utilization of the open space. The low
529 density of the project will be beneficial to other residents but they need to make sure the traffic of these
530 homes don't negatively impact the existing residents.

531 Councilman Porter thinks the conditional approval of the rezone is the right way to go. He clarified that this
532 project is going to be put on hold until the issues are resolved.

533 Kimber Gabryszak advised that if water is the only issue have given preliminary approval to other
534 subdivisions to move forward to work out issues in the process but no homes would be built.

535 Councilman Porter mentioned that UDOT only uses approved homes as what infrastructure is needed. Since
536 it can't be moved forward until the other issues are resolved they won't be able to address that problem
537 right away.

538 Kevin Thurman noted one of the conditions of approval is the agreement attached to the staff report. One of
539 the conditions of approval in the agreement were the water improvements. It's specific to what is needed
540 by the developer and at the time the plat is submitted. The City is adequately protected in that regard.
541 The actual alignment of Foothill Boulevard was requested to not be tied to a specific location but be
542 more general. It is required of the developer to install Foothill but not be tied to the exact location. He
543 thinks that is reasonable.

544 Councilman McOmber noted that agreement is critical and he will be looking at it more closely when it
545 comes for a preliminary plat approval.

546 Kevin Thurman noted this agreement would be approved in the same form as the agreement. It defers to the
547 current city regulations at the time the plat is approved. They are conditionally approving the agreement
548 as well in substantially the same format as what was given to them in the staff report.

549 Nick Mango, for applicant, was present. He thanked the Council for taking the time on the application.

550
551 **Motion made by Chris Porter to conditionally approve rezone for Lake Mountain located at**
552 **approximately 3750 South and West of Lake Mountain Estates including staff findings and**
553 **conditions. Seconded by Councilman Poduska. Roll Call Vote: Aye: Councilwoman Baertsch,**
554 **Councilman McOmber, Councilman Porter, Councilman Poduska, Councilman Willden. Motion**
555 **Passed 5-0.**
556
557
558

559 **ACTION ITEMS:**

560 **1. Library Board Bylaws Amendment.**

561 Melissa Grygla commented that the library board would like to change their meeting times. Instead of
562 designating a specific time it states a time established on the regular meeting scheduled. If they want to
563 change the time again in the future they will not have to come back to do so.

564 Councilwoman Baertsch also suggested that they add the location can be designated on the meeting schedule
565 as well. When they eventually have the City Offices somewhere else they won't have to change their
566 bylaws again.

567
568 **Motion made by Councilwoman Baertsch to approve the library bylaws amendment also including a**
569 **standing place or location. Seconded by Councilman Porter. Roll Call Vote: Aye: Councilwoman**
570 **Baertsch, Councilman McOmber, Councilman Porter, Councilman Poduska, Councilman Willden.**
571 **Motion Passed 5-0.**
572

573 **2. Bid Award: Library RFID.**

574 Melissa Grygla advised that they were awarded a grant in September for this project. They received four
575 different quotes. The grant was for \$45,000. Tech Logics quote includes a self-check kiosk and is
576 \$42,370 and there are some other costs that would bring the total cost to \$45,560. The library has the
577 \$560 to cover the overage. They requested to have approval for the City Manager to go into contract with
578 Tech Logic.

579 Councilwoman Baertsch asked what the difference was between the original and the modified bid.

580 Melissa Grygla advised that the initial bid were self-check kiosks that would require a counter be installed
581 with computers. The self-check kiosks units are all contained and completely mobile if they need to be
582 moved in the future. They will also fit in the existing facility much more easily.

583 Mark Christensen noted the alternative would be that a counter top would have to be built in where the copy
584 machine and displays are currently.

585

586 **Motion by Councilman Poduska to award bid for library RFID to Tech Logic for \$42,370. Seconded**
587 **by Councilwoman Baertsch.**

588

589 Councilman McOmber clarified that none of the other programs are being impacted.

590 Melissa Grygla noted that there was some money donated that they still had available to use for this project.

591

592 **Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Porter,**
593 **Councilman Poduska, Councilman Willden. Motion Passed 5-0.**

594

595 **3. Bid Award: Phase 2 – North Gravity Sewer Outfall for Redwood Road Sewer Project.**

596 Mark Edwards reviewed the bid, they wanted to get this in before Boyer got started. They are connecting to
597 an existing manhole that was put in under Pioneer Crossing a couple of years ago.

598 Mayor Miller noted this is following the city's long term plan for infrastructure.

599 Mark Christensen noted we will be running this next segment because they don't want to be conflicting with
600 Boyer in the future. They will be in and out. The infrastructure will be there when they want to make this
601 section live. They will just need to go into a manhole to change where the flow needs to go.

602 Councilman McOmber noted that our sewage is pumped out of the city. This will help us move to a gravity
603 system that is cheaper and more sustainable in the long term.

604

605 **Motion made by Councilman Porter to approve bid award for Phase 2 North Gravity Sewer Outfall**
606 **for Redwood Road Sewer Project to Knowland and Son Construction in the amount of \$647,607.**
607 **Seconded by Councilwoman Baertsch. Roll Call Vote: Aye: Councilwoman Baertsch, Councilman**
608 **McOmber, Councilman Porter, Councilman Poduska, Councilman Willden. Motion Passed 5-0.**

609

610 **4. Public Improvements Extension and Reimbursement Agreement for Legacy Farms Village Plans 1 & 2;**
611 **Resolution R16-12 (2-16-16).**

612 Mark Christensen advised the Council that this is the reimbursement for Village Plan 1. It connects a lot of
613 infrastructure throughout the area. Village Plan 2 has extended their sewer line through all of the
614 Saratoga Springs Development and Legacy Farms. That prevented the City from having to rip out the
615 existing sewer line. It was very cost effective. There will be about a block of construction in Saratoga
616 Springs to connect the old line to the new line but that is much less impact than it could have been. They
617 are phasing the installation with the different village plans that they are doing. The source of funding for
618 this reimbursement is Legacy Farms now paying impact fees to the City for the development.

619 Councilwoman Baertsch asked if it would be mostly impact fee credits. Going back to Councilman Willden
620 comments to have that information in the packet.

621 Councilman Porter asked how long the connection through Saratoga Springs Development would take to
622 know how long the neighborhood would be impacted.

623 Mark Christensen noted it would not be in this phase. This segment will be very minimalistic. The impact to
624 the Saratoga Springs development will be in a future phase. At this point they don't need to connect
625 because they can't start flowing it until between phases three and four. With advance planning they are
626 able to save a huge amount of infrastructure cost.

627 Krisel Travis noted the leg that goes back to Saratoga Springs Development in the proposal is an option. She
628 asked if they are authorizing just what is approved right now or to add the connection back to the
629 Saratoga Springs Development.
630 Mark Christensen advised that they think it's advantageous to do the connection. They worded Village Plan 2
631 in such a way to be able to award that.

632
633 **Motion by Councilman Willden to approve the public improvements extension reimbursement**
634 **agreement for Legacy Farms Village Plan 1 and 2 R16-12 (2-16-16). Seconded by Councilman**
635 **Poduska. Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman**
636 **Porter, Councilman Poduska, Councilman Willden. Motion Passed 5-0.**
637

638 **5. Legacy Farms Village Plan 2 Plats 2A & 2B Agriculture Protection Area Removal; Resolution R16-13**
639 **(2-16-16).**

640 Kara Knighton are requesting that the Agriculture Protection Area be removed from Plats 2A and 2B. Staff
641 recommends approval.

642
643 **Motion by Councilwoman Baertsch to approve the removal of the agricultural protection from the**
644 **area of approximately 23.419 acres based on the analysis of this report and findings and conditions**
645 **of section f of the report, R16-13 (2-16-16). Seconded by Councilman Porter. Roll Call Vote: Aye:**
646 **Councilwoman Baertsch, Councilman McOmber, Councilman Porter, Councilman Poduska,**
647 **Councilman Willden. Motion Passed 5-0.**
648

649 Councilman McOmber thanked DR Horton for including single family homes in the development along with
650 multi-family. He knows they didn't have to, but he appreciates it.

651
652 **6. Final Plat Approval for Lakeside at Saratoga Springs, Plat 27, Located at approximately 2800 S**
653 **Redwood Road, Woodside Homes, Applicant.**

654 Sarah Carroll reviewed the request. They are requesting additional variations to their setbacks. The main
655 change is to the front setback. It would be 15 feet to the living space and 20 feet to the garage. On corner
656 lots it would be 20 feet to the front and 15 feet on the corner side. The applicant has supplied a detail
657 indicating they comply with the requirements for clear site triangle. They laid out their model home on
658 their proposed lot and realized it didn't fit and they need more space for the product they propose to
659 build on these lots.

660 Councilwoman Baertsch did not want to allow the change to the setbacks. The code requires that every time
661 you decrease the front setback you increase the garage setback so this request doesn't fit that. At this
662 point if you went to a 15 foot setback the garage setback would be 30 feet. They have discussed this
663 before and she was uncomfortable with it then and still doesn't like it. She will not approve this.

664 Councilman Poduska is not sure why the variance is being requested.

665 Garrett Seeley, Woodside Homes, advised that they did a study through Saratoga Springs Development. The
666 15 foot setback is what is standard versus the 20 foot setback that was originally approved. There is 13
667 feet from the curb to the property line. There is 15 feet to the living space or 20 feet to the garage. If you
668 take that into account there is actually 33 feet to the garage which is a lot of space. They would like to
669 provide larger homes with a three car garage. Without the variance they can't do that on a corner lot.

670 Mark Christensen advised that this was encountered during the discussion with Legacy Farms. He doesn't
671 see a public utility easement on this. There needs to be a minimum of a 10 foot setback for the public
672 utilities. If this were approved they may not be complying with the public utility setback.

673 Sarah Carroll clarified that the proposed setbacks will not interfere with the public utility setbacks that are
674 required. The public utility requires 10 feet from the property line and the setback is 15 feet from the
675 property line.

676 Garrett Seeley advised that in Fox Hollow they are doing a small lot product that have a shared driveway.
677 Power and gas are separated by 3 feet and the driveways are 2 feet away from the gas line. He thinks
678 there will be plenty of room for the easements.

679 Councilman Poduska is not sure why there is a need to do this variance here and why it isn't needed
680 somewhere else.
681 Sarah Carroll advised that this is a PUD that would allow the Council to approve variations up to a certain
682 point. She believes the main reason is because the lot size is 7,000 square feet and they are trying to
683 maximum that area.
684 Councilwoman Baertsch asked how they could get away with approving this when the code states that if
685 decrease the variance to the front you have to increase it to the garage.
686 Sarah Carroll advised that has been modified.
687 Councilman Poduska asked if this would meet all of the code requirements.
688 Sarah Carroll advised that this would meet the PUD ordinance which allows for modifying it up to 25%.
689 Councilman Poduska feels that if they are meeting code they need to approve it.
690 Councilman McOmber doesn't feel this is about whether they meet code or not. This is about offering a
691 variance or not. They gave a variance to this developer. They took it from 25 to 20. They made their lots
692 too small to fit the product they want to build. He has a right to say no to this variance. They gave a
693 variance from 25 to 20 already.
694 Councilwoman Baertsch advised that the original approval allowed them to go to 20 feet instead of the 25
695 feet that was required at the time.
696 Councilman McOmber believes they have been very generous on this development. They have allowed them
697 to count the golf course as part of the open space among other things. He is going to vote no for this.
698 Councilman Willden advised that there have already been variances given on the side and back. He doesn't
699 feel comfortable with creating the appearance of higher density.
700 Councilman Porter agrees with what has been said already. The variance has already been granted.

701
702 **Motion made by Councilwoman Baertsch to deny the variances and approve the final plat as originally**
703 **approved and not grant the additional variances. Roll Call Vote: Aye: Councilwoman Baertsch,**
704 **Councilman McOmber, Councilman Porter, Councilman Willden. Nay: Councilman Poduska.**
705 **Motion Passed 4-1.**
706
707

708 **8. Resolution R16-15 (2-16-16) Appointing Bud Poduska as an Alternate Board Member of the Utah**
709 **Valley Dispatch Special Service District.**

710 Mark Christensen noted they need an alternate person to serve on the board by resolution. During the retreat
711 they identified Councilman Poduska as that person.
712

713 **Motion by Councilwoman Baertsch to approve R16-15 appointing Bud Poduska as an alternate board**
714 **member of the Utah Valley Dispatch Special Service District. Seconded by Councilman Porter.**
715 **Roll Call Vote: Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Porter,**
716 **Councilman Poduska, Councilman Willden. Motion Passed 5-0.**
717

718 **APPROVAL OF MINUTES:**

719 **1. February 2, 2016.**

720 Councilwoman Baertsch advised that she sent in some changes to the minutes and they have been posted.

721 Councilman McOmber advised that he was not able to review the minutes and asked if they could table the item
722 until he could review them. He ran out of time.
723

724 **Motion by Councilwoman Baertsch to table the minutes. Seconded by Councilman McOmber. All in**
725 **Favor-All Aye- Councilwoman Baertsch, Councilman McOmber, Councilman Porter, Councilman**
726 **Poduska, Councilman Willden. Motion Passed 5-0.**
727

728 **Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or**
729 **reasonably imminent litigation, the character, professional competence, or physical or mental health of**
730 **an individual.**
731

732 **Motion made by Councilman Willden to enter into closed session for the purchase, exchange, or lease**
733 **of property, pending or reasonably imminent litigation, the character, professional competence, or**
734 **physical or mental health of an individual. Seconded by Councilman McOmber. Aye: Councilman**
735 **McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and**
736 **Councilwoman Call. Motion Passed 5-0.**

737
738 **Meeting Moved to Closed Session 8:54 p.m.**

739
740 **Closed Session Adjourned at 9:03 p.m.**

741
742 **Policy Meeting Adjourned at 9:03 p.m.**

743
744
745 _____
746 Date of Approval

Mayor Jim Miller

747
748
749 _____
750 City Recorder