



MINUTES – CITY COUNCIL MEETING

Tuesday, December 1, 2020

City of Saratoga Springs

City of Saratoga Springs City Offices

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

City Council Work Session

Call to Order: Mayor Jim Miller called the meeting to order at 6:00 p.m.

Roll Call:

Pursuant to the COVID-19 Federal Guidelines, this Meeting will be conducted electronically.

Present Mayor Jim Miller, Council Members Stephen Willden, Ryan Poduska, Michael McOmber, Chris Porter and Christopher Carn.

Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, City Manager Owen Jackson, Economic Development and Public Relations Director David Johnson, Planning Director David Stroud, Police Chief Andrew Burton, Fire Chief Jess Campbell, City Engineer Gordon Miner, Public Works Director Jeremy Lapin, Planner Gina Grandpre, Planner Tippe Morlan, Finance Director Chelese Rawlings, Senior Planner Sarah Carroll and Deputy City Recorder Kayla Moss.

1. Mixed Use Zones, Artificial Turf. (Continued from 11/10/20)

Council Member Willden mentioned that the mixed use zone is his least favorite zone because you get a bunch of residential in one area and commercial in one area. He doesn't think it has functioned as how it was intended. He would like to see what other cities have done that have been effective in producing the product wanted.

Council Member Porter agreed with what Council Member Willden said about having buildings having to be separated by private roads instead of public roads. He is interested in what council members are looking for in mixed use zones.

It was determined that the original intent was to create a walkable community.

Planning Director Stroud advised that he isn't aware of any undeveloped land right now that is zoned as mixed use. If someone comes in requesting a rezone the council can make sure the development is what they intend for the zone.

Council Member Poduska would like to see some options of what developments are available for this type of zone. He would like to have the zone available for developments to use.

City Manager Christensen advised that staff can facilitate this by pulling together pictures and examples. Then they can send them on to get an idea of what the council likes and what they're looking for.

Council Member McOmber loves the direction the Council is going on this discussion. He also recommended talking to developers on what they think a good code is.

Council Member Porter thinks the city needs to find a way to allow artificial turf that looks good and avoid the “cheap looking” types.

Council Member Willden suggested that there be requirements on replacement if it gets significantly worn and or faded.

Council Member McOmber mentioned enforcement issues that may happen due to the high cost in replacing artificial turf when it gets destroyed or worn out. It is hard to match the color and look of the turf to patch spots that may wear out quicker than other spots.

Council Member Poduska is afraid that this may be creating code that isn’t enforceable. How would the city keep track of when the turf is put in.

Planning Director Stroud wondered if the City could require a permit for placing artificial turf to have record of when it is placed.

City Attorney Thurman advised that a legal review will be done on the artificial turf section of the code and see what can be done enforcement-wise.

Council Member Poduska is concerned the City would have to become like an HOA in enforcing the requirements for artificial turf.

Council Member Willden isn’t supportive in becoming an HOA as far as enforcement and things but would like to be consistent in what is required for other landscaping.

City Council Policy Meeting

Call to Order: Mayor Jim Miller called the meeting to order at 6:34 p.m.

Roll Call:

Pursuant to the COVID-19 Federal Guidelines, this Meeting will be conducted electronically.

Present Mayor Jim Miller, Council Members Stephen Willden, Ryan Poduska, Michael McOmber, Chris Porter and Christopher Carn.

Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, City Manager Owen Jackson, Economic Development and Public Relations Director David Johnson, Planning Director David Stroud, Police Chief Andrew Burton, City Engineer Gordon Miner, Public Works Director Jeremy Lapin, Building Director Mark Chesley, Budget Administrator Spencer Quain, Planner Gina Grandpre, Finance Director Chelese Rawlings Planner Tippe Morlan, Senior Planner Sarah Carroll and Deputy City Recorder Kayla Moss.

Invocation: Council Member Poduska

Pledge of Allegiance: Owen Jackson

Public Input: None

REPORTS: Council Member Poduska advised the Council that he needs to recuse himself from business item 5 regarding Utah Lake Estates. The builder of this project is also building on his mother’s property.

City Manager Christensen advised that a question was raised about alcohol sales. Planning Director Stroud advised that Maverick called and asked if the City's code prohibits them from selling alcohol at any times during the day. The state code used to not allow sales between 1 am and 7 am but that has been taken out so they can sell at all times of the day. The Council decided to mirror the state code that doesn't put any restrictions on alcohol sales.

PUBLIC HEARING:

- 1) (a) Drinking Water and Secondary Water Amended Impact Fee Facilities Plan (IFFP) and Analysis (IFA); Ordinance No. 20-36 (12-1-20), and Ordinance No. 20-37 (12-1-20).
(b) Sanitary Sewer Amended Impact Fee Facilities Plan (IFFP), and Analysis (IFA); Ordinance 20-38 (12-1-20).

Public Works Director Jeremy Lapin advised the Council that a summary of the fee change proposals in the packet. There are two different drinking water standards depending on whether they have ground water or if central Utah water is being used. Drinking water is dropping and secondary water is increasing. The need for secondary water infrastructure is much greater than drinking water infrastructure. The sanitary sewer impact fee is increasing.

City Manager Christensen advised that public comment was submitted via email and forwarded to the Council.

Mayor Miller opened the public hearing at 6:64 p.m.

Steve Jones read the questions presented via email for public comment and responded. The questions and responses are summarized below:

"Level of Service"- Before there were state minimum requirements for the whole state. The City did have a level of service that met those minimum requirements. Now the state code has changed and each city has a minimum sizing requirement based on actual usage by the City. The level of service does not have to be at the minimum, in fact setting it there would be irresponsible. The consultant recommended a level of service that would be responsible so the City wouldn't run out of water.

"Methodology Used to Determine Existing System Capacity"- They did not use 5 feet per second for any development standards. They used a pressure used. The five feet per second was only used to distribute the cost proportionately to the fire suppression system and the usage system. The second comment they made they used 3 different requirement numbers.

"Water Source and Remaining Capacity"- The variability factor only covers the variance of year to year water use. So every day the peak use changes. The City redundancy is only a pump redundancy and pumps will fail. It would be irresponsible for the City to not take that into account. The City's redundancy is based on pumps and the City needs to have a way to meet City demand if demand fails. If you have a pump station and one fails that whole zone would be out of service. Having two pumps is the responsible thing for the City to do. The previous impact fee also had this accounted for. Central Utah supplies their own redundancy. This is only for the City's own pumping capacity.

"Northshore"- This is true in a physical sense but the communication to the developer is that all of the existing wells were already allocated to other developers. Well #7 had capacity that they could move their connections to.

“Storage Facilities and Remaining Capacity”- The minimum sizing requirement calculated by the state for the City is a minimum. There are several reasons that 21% should be added to the sizing requirement. The calculation from the State used 2018 data. 2019 data is already higher than what was used in 2018. The City also has to flush water out of the system to maintain water quality because water is being used from Central Utah now that is surface water that reacts with the city’s groundwater. Water loss is low because the system is newer now but over time there will likely be more water loss as it ages. He thinks it is smart to allow for more water loss in the future. He also allowed for a drought contingency. The secondary system is being supplemented by the drinking water system. It is planned to have them independent in the future but drought conditions in the future may impact that plan. The last reason is for fire suppression.

“Water Rights and Remaining Capacity”- He referenced the list for why he thinks it is responsible of the City to increase the states standard by 21% that was written on the bullet point above.

“Growth Projections”- The growth assumptions match exactly. It’s the units that make it look like they don’t match. A drinking water ERC doesn’t exactly match a sewer ERU. However the growth rates are exactly the same. It was looked at several times to make sure that they matched exactly.

“Cost of Existing and Future Facilities”- When the well was tested it is drinking water capable. It is being equipped to be drinking water capable but can be used for secondary water as well. When the data was looked at the usage is almost exactly matching the level of service. They don’t see the reduction yet.

“Northshore Project L9”- The developers portion will come to the council in a future meeting. They have tentatively proposed a 60/40 split. The future costs will be recouped over a 30 year period. Everything that is impact fee eligible has been included spread out of years of use.

Public Works Director Lapin read the email sent for public comment by Deann Huish. He responded by advising that the break down he gave her included 4 different items. The biggest chunk of the cost was developing the capital facilities cost. The IIFP and IFA were also included. The modeling and ground work were put into the capital facilities planning. To suggest the City doesn’t include any of the cost of the CFP is incorrect. The work done to create that was critical in creating the IIFP and IFA. This is only for the current studies. Keith Larson has not heard anyone suggesting to not include the capital facilities planning in impact fees before.

Council Member McOmber asked when the fees will be implemented.

City Attorney Thurman advised that the law states that none of the fees have to go into effect for 90 days but the City has always changed to lower fees right after the ordinances are passed.

With no more comments submitted the public hearing was closed at 7:24 p.m.

Council Member Willden thinks that the concerns were addressed very well and he is comfortable with moving forward on this item.

Council Member Porter also thinks that the concerns were addressed well. He also clarified if it is typical to include the other studies created in the impact fees. It was answered that it is very typical.

Public Works Director Lapin clarified that some cities in the future have included estimated costs in the future. The home builders association was very concerned about that. They did not include any future costs in the current impact fees. Only costs that have already been incurred.

Motion by Council Member Willden to approve the 1) (a) Drinking Water and Secondary Water Amended Impact Fee Facilities Plan (IFFP) and Analysis (IFA); Ordinance No. 20-36 (12-1-20), and Ordinance No. 20-37 (12-1-20) (b) Sanitary Sewer Amended Impact Fee Facilities Plan (IFFP), and Analysis (IFA); Ordinance 20-38 (12-1-20) with the typo corrections mentioned by Public Works Director Lapin was seconded by Council Member Porter.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

BUSINESS ITEMS:

1) Acceptance of FY 2019-20 Audit.

The City's auditor Ron Stewart with Gilbert and Stewart CPAs presented the audit to the Council.

Motion by Council Member Carn to accept the FY 2019-20 Audit, was seconded by Council Member McOmber.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

2) Approval of Fraud Assessment; Resolution R20-50 (12-1-20).

City Manager Christensen advised the City is in the low category. They can get down to the very low category but a lot of training is required and it wasn't on the radar soon enough to get that done.

Motion by Council Member Willden to approve the Fraud Assessment; Resolution R20-50 (12-1-20), was seconded by Council Member Poduska.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

3) Canton Ridge Preliminary Plat, Fieldstone Applicant, West of Rocky Ridge Lane.

Planner Gina Grandpre presented this item to the City Council. This is an 89 lot subdivision with 3.12 acres of open space in the forms of a detention basin, a city park, and a trail. It is approximately 32 acres in total.

City Attorney Thurman advised that the maintenance of the trail and park depends on it being complete. The HOA will need to maintain the trail and park until they are all done.

Council Member Willden asked that each plat includes a note that they will be up against a major road.

Council Member McOmber is concerned about the connection to Foothill Boulevard. He is concerned about the possible accidents and traffic that will be created from it.

Motion by Council Member Porter to approve the Canton Ridge Preliminary Plat, Fieldstone Applicant, West of Rocky Ridge Lane, and that a plat note be added for every lot stating that they are in close proximity to foothill boulevard and that a note be added to each plat on fallow boulevard that they connect to foothill boulevard but it may be closed off in the future and have staff work with applicant to work on traffic calming on west side of fallow drive and the HOA maintain open space until it is fully connected and constructed by the City was seconded by Council Member Carn.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

4) Drywood Meadow Preliminary Plat, Keaton Morton Applicant, 1900 South 1100 West. Planner Gina Grandpre presented this item to the City Council.

The applicant, Keaton Morton, thanked the staff. He feels they have been great to work with.

Council Member Carn appreciates the size of the lots and thinks it is a good use for the area. However they are on an island and he wonders where the utilities are and how the connection is being made.

Council Member Willden appreciates that there are so many “complies” in the packet.

Motion by Council Member Porter to approve the Drywood Meadow Preliminary Plat, Keaton Morton Applicant, 1900 South 1100 West, with all staff findings and conditions was seconded by Council Member McOmber.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

5) Utah Lake Estates Preliminary Plat, LeGrand Woolstenhulme Applicant, 86 McGregor Lane.

Council Member Poduska recused himself from this item due to a personal connection to the applicant.

Planner Gina Grandpre presented this item to the City Council. There are some concerns in regards to the sewer capacity with the development.

City Engineer Gordon Miner advised that the sewer is at capacity. He listed off what projects need to be completed before the development can proceed. The way to address this is to include it in the bond payment. He realizes that this is not reasonable for a development of this size so they have contacted a number of stakeholders to try and get rid of the bottlenecks.

Motion by Council Member Willden to approve the Utah Lake Estates Preliminary Plat, LeGrand Woolstenhulme Applicant, 86 McGregor Lane, with all staff findings and conditions was seconded by Council Member Porter.

Vote: Council Members Porter, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

6) The Crossing Village Plan 3, The Boyer Company Applicant, Southwest Corner of Market Street and Redwood Road.

Planning Director Stroud presented this item to the City Council. This will complete a majority of The Crossing development but won't complete it entirely. The Planning Commission recommended approval.

Council Member Porter asked when they expect to break ground.

Wade Williams advised that they are hoping to break ground in spring. Tenants are hoping to open in spring 2022.

Motion by Council Member Willden to approve the Crossing Village Plan 3, The Boyer Company Applicant, Southwest Corner of Market Street and Redwood Road, with all staff findings and conditions was seconded by Council Member Carn.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

7) Transportation Master Plan Amendment; Ordinance 20-39 (12-1-20).

City Engineer Gordon Miner advised that this has been updated in a piecemeal fashion in the past. It became apparent that it needed to be completely overhauled. A consultant was hired to update it.

Thomas McMurty shared the changes that were made to the Transportation Master Plan to the City Council.

Motion by Council Member Porter to move the Transportation Master Plan Amendment; Ordinance 20-39 (12-1-20) to the first meeting in January was seconded by Council Member Carn.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

8) 2021 Annual City Council Meeting Schedule; Resolution R20-51 (12-1-20).

Motion by Council Member McOmber to approve the 2021 Annual City Council Meeting Schedule; Resolution R20-51 (12-1-20), was seconded by Council Member Poduska.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

9) Code Amendments Title 19 Section 19.03 and Title 3 Section 3.04, and City of Saratoga Springs Planning Commission Bylaws and Rules of Procedure Amendment; Ordinance 20-40 (12-1-20), Ordinance 20-41 (12-1-20), and Ordinance 20-42 (12-1-20).

Assistant City Attorney Maren Barker presented these changes to the City Council.

Motion by Council Member Willden to approve the Code Amendments Title 19 Section 19.03 and Title 3 Section 3.04, and City of Saratoga Springs Planning Commission Bylaws and Rules of Procedure Amendment; Ordinance 20-40 (12-1-20), Ordinance 20-41 (12-1-20), and Ordinance 20-42 (12-1-20), was seconded by Council Member McOmber.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

10) Foothill Boulevard Design Engineering Services Contract Task Order; Resolution R20-52 (12-1-20).

City Engineer Gordon Miner advised that they were given authorization to get design done on portions of Foothill Boulevard. A request for qualifications was advertised. Avenue Consultants was selected.

Motion by Council Member McOmber to approve the Foothill Boulevard Design Engineering Services Contract Task Order; Resolution R20-52 (12-1-20), \$690,467.25 was seconded by Council Member Porter.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

11) Code Amendment Title 19 Section 19.12.03; Ordinance 20-43 (12-1-20).

City Attorney Thurman advised that this is a simple cleanup for the code.

Motion by Council Member Carn to approve the Code Amendment Title 19 Section 19.12.03; Ordinance 20-43 (12-1-20), was seconded by Council Member Poduska.

Vote: Council Members Porter, Poduska, McOmber, Willden, and Carn, - Aye
Motion carried unanimously.

MINUTES:

1) **November 10, 2020.**

Motion by Council Member Porter to approve the Minutes of November 10, 2020, with all submitted changes, was seconded by Council Member Willden.

Vote: In Favor – All Aye

Motion carried unanimously.

CLOSED SESSION:

Motion by Council Member Willden to enter into closed session for the purchase, exchange, or lease of property, discussion regarding deployment of security personnel, devices, or systems; pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual, was seconded by Council Member Porter.

Motion Carried Council Members Unanimously in Favor

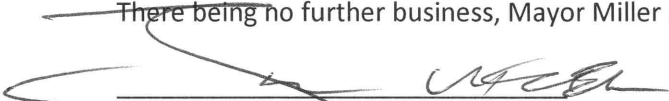
The meeting moved to closed session at 9:05 p.m.

Present: Mayor Miller, Council Members Willden, Carn, Porter, Poduska, McOmber, City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Deputy City Recorder Kayla Moss.


Closed Session adjourned at 9:24 p.m.

ADJOURNMENT:

There being no further business, Mayor Miller adjourned the meeting at 9:25 p.m.


Jim Miller, Mayor

Attest:


Cindy LoPiccolo, City Recorder
Approved: 1-5-2021

