



## MINUTES – CITY COUNCIL MEETING

Tuesday, December 6, 2022

City of Saratoga Springs

City of Saratoga Springs City Offices

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

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### City Council Policy Meeting

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

**Roll Call:** A Quorum was present. This meeting may be conducted with one or more members participating electronically.

**Present:** Mayor Jim Miller (present via electronic means), Council Members Chris Porter, Michael McOmber, Christopher Carn, Stephen Willden (present electronically), and Ryan Poduska

**Staff Present:** City Manager Mark Christensen, Assistant City Manager Owen Jackson, City Attorney Kevin Thurman, Public Works Director Jeremy Lapin, Planning Director Sarah Carroll, Community Development Director Ken Young, Senior Planner Kent Page, Finance Director Chelese Rawlings, Code Compliance Inspector Brad Davis, Deputy City Recorder Nicolette Fike.

**Invocation:** Council Member Poduska.

**Pledge of Allegiance:** Council Member McOmber.

Mayor Miller turned the meeting over to Council Member Porter to conduct at the location.

#### **Public Input:**

Edwin Greer, local franchise owner for Tommy's Carwash, asked that their Use not be excluded from the Gateway Overlay. He is a local franchisee, not a large corporation. They have submitted their site plan and have already spent millions which would bankrupt him if not able to continue. He is concerned about the Code change before them tonight which would limit the distance between another existing carwash and would negatively impact their plans.

Roger Gregory, from Houston TX, partner with Mr. Greer. They are happy about the water conservation action being taken in the code change; but they are just under a mile from the nearest carwash and just under half a mile from the nearest gas-station wash. They are asking them to reduce the distance to allow them to come to the city.

#### **Reports:**

Council Member Carn noted several of the Council Members and Mayor attended the City Tree Lighting Festival. He enjoyed the fireworks and thanked staff for their time. He noted he attend Utah Lake Authority and he will be on the steering committee for a new Utah Lake General Plan.

Council Member McOmber had a chance to visit the new WIC facility in Saratoga Springs, as a young community it is very needed here. They anticipate about 1500 more families that will be able to be serviced. He urged the public to reach out to neighbors for those who may need the service.

City Attorney Kevin Thurman reached out for direction from Council regarding bonding for developments. The current language of the statute indicates the City can require bonding for landscaping and infrastructure

improvements. The Land Use Task Force would like to pass a bill that indicates that only for public landscaping, not private. He shared examples for how it would impact the City.

City Manager Mark Christensen advised the developers are concerned about it. Developers would still need to install, the City just couldn't require a bond for it.

Engineering & Public Works Director Jeremy Lapin noted we have never required bonding for commercial private improvements, only for private improvements on residential that mimic public improvements. They don't bond for things like club houses. We are already prohibited from withholding building permit or occupation for anything not in the building code. Code enforcement would enforce against the property owner, so if the ownership has switched it wouldn't be the developer.

Council asked questions for clarification and discussed the issue.

Council Member McOmber was concerned about trail corridors, especially those that go through private neighborhoods. He felt there may be a way to indicate the trail corridor was public but the HOAs would have to maintain it so it could still be bonded and we could finish the improvements.

Council Member Willden would like it to be known that the City Council was not in favor of the change because of past issues for lack of having a bond.

After discussion Council members felt we should look at changing our policy now to help balance the issue.

Assistant City Manager Owen Jackson presented City Council goals update. He noted projects completed, underway, and still in planning stages.

#### **CONSENT ITEMS:**

1. **Planning Commission Appointment, Douglas Willden; Resolution R22-72 (12-6-22).**
2. **Acceptance of 2022 Audit.**
3. **Fraud Risk Assessment; Resolution R22-73 (12-6-22).**
4. **Garbage Rate Schedule Amendment; Resolution R22-74 (12-6-22).**
5. **Street Light and Secondary Water Rate Schedule Amendment; Ordinance 22-49 (12-6-22).**
6. **City Council 2023 Annual Meeting Schedule; Resolution R22-75 (12-6-22).**
7. **City Council Meeting Minutes November 15, 2022 & November 22, 2022.**

Motion made by Council Member McOmber to remove Item #1 from the Consent Calendar for a separate vote. Seconded by Council Member Carn.

Vote:

Council Member Chris Carn	Yes
Council Member Chris Porter	Yes
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes
Council Member Michael McOmber	Yes

Absent: None.

Motion carried 5-0.

Motion made by Council Member McOmber to approve Consent Items 2 through 7 as listed on the agenda. Seconded by Council Member Poduska.

Vote:

Council Member Chris Carn	Yes
Council Member Chris Porter	Yes
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes

Council Member Michael McOmber Yes

Absent: None.

Motion carried 5-0.

Council Member Willden recused himself from taking action regarding Consent Item #1.

Motion made by Council Member McOmber to approve Consent Item #1, Planning Commission Appointment for Douglas Willden; Resolution R22-72 (12-6-22). Seconded by Council Member Carn.

Council Member McOmber noted he had the opportunity to interview the candidate and was impressed with his answers and qualifications as well as his experience on a Planning Commission in another city. Council Member McOmber expressed his appreciation for residents who volunteer of their time for the City.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Michael McOmber Yes

Abstain: Council Member Stephen Willden (recused).

Absent: None.

Motion passed 4-0.

#### **BUSINESS ITEMS:**

**1. River Walk at Saratoga Springs Development Agreement, Stephanie Gricius Applicant, ~210 East Brookshire Drive (Southeast of Devonshire Park); Ordinance 22-50 (12-6-22) (Continued from November 15, 2022).**

Senior Planner Kent Page advised to table the item.

Motion made by to Council Member McOmber to postpone Business Item #1, River Walk at Saratoga Springs Development Agreement, Stephanie Gricius Applicant, ~210 East Brookshire Drive (Southeast of Devonshire Park); Ordinance 22-50 (12-6-22) to a future City Council session. Seconded by Council Member Carn.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Stephen Willden Yes

Council Member Michael McOmber Yes

Absent: None.

Motion carried 5-0.

**2. Rider's Station General Plan Land Use Map Amendment from Community Commercial to Medium Density Residential and Rezone from Community Commercial to MF-10. ~1193 W. Fairfield Rd. URE Fund1 – Rider's Station, LLC/Greg Cronin Applicant. Ordinance 22-51 (12-6-22).**

Senior Planner Kent Page presented the item. The proposed changes would permit the development of a plat similar to the Concept Plan in the Staff Report. The proposed General Plan amendment is just for the residential units.

Greg Cronin was present for applicant. He noted the time they have spent with staff and they are taking feedback to heart. He is aware the Proposition 6. They have tried to fit product types in this space that fit in with the City's vision. He shared their plans and felt the new Development Agreement would work well for the City. They have accepted the requests from staff for trails and things. He felt they would see it as a unique multifamily type product. He shared product renderings and their unique views. He noted access restrictions from Pony Express and how the canal makes a natural separation to the next property. He

mentioned the traffic study in their packet and that this would open another access to Fairfield road and would help alleviate all the traffic needing to exit or enter from Foothill Blvd.

Council Member McOmber commented they want commercial to be viable and advised the applicant that Pony Express and Mountain View Corridor, currently Foothill Blvd., were going to have increased traffic with access to this area. He commented there is a big type of wall created with this design between the commercial and residential. He appreciated the architecture but it still is very dense. He likes the commercial plan and felt it was well laid out; but, he doesn't feel he can support this with the larger density.

Council Member Carn agreed with some of the previous comments. He noted the current land use map shows the area east as low density residential and doesn't feel this would flow very well.

Council Member Poduska noted the right-in/right-out and the amount of visibility for those coming from Eagle Mountain. He mentioned looking at the zoning around this, the residential density doesn't seem to meet the feathering needed.

Council Member Willden felt the density was too high. He noted the recent bond that failed with Alpine School District and the problem with overcrowded schools. That brings a significant concern to having more increased density.

Council Member Porter mirrored much of what had been said. He understood the developer may not see Community Commercial as viable across the whole property but they are thinking of the future and the need for commercial acreage. He was concerned with the residential density. He understands the residential complementing the businesses but there are several hundred homes nearby already. He liked the layout of the Community Commercial area and felt it would be more successful than the applicant may think.

Greg Cronin felt it was better as a package for commercial and residential together. He didn't know if they would move forward with more commercial on the east side at this time. They are excited to still come to the community. Their objective wasn't to get the apartments, it was about getting products they felt didn't exist in this market right now.

Council Member Carn was not opposed to tabling, and would be happy to meet with the developer at some point, he would need to see a substantial reduction in density to approve the change. Council Member Porter mentioned he would be available as well.

Council Member McOmber indicated it would have to be a substantial decrease in density for him to approve it. He noted if they proposed more commercial to the east of their current concept that made a better argument, having all of it being Community Commercial.

Council Member Willden was open to tabling but felt it would need to be a significant decrease to approve a change in zone.

Motion made by Council Member McOmber to Deny the Rider's Station General Plan Land Use Map Amendment from Community Commercial to Medium Density Residential and Rezone from Community Commercial to MF-10 and the Development Agreement, listed as Item 2 in Business Items. Seconded by Council Member Willden.

Planning Director Carroll commented an applicant was always welcome to apply for a separate rezone.

Vote:

Council Member Chris Carn	Yes
Council Member Chris Porter	Nay
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes

Council Member Michael McOmber Yes

Absent: None.

Motion carried 4-1.

**3. Code Amendment: Title 19.20 Internal Accessory Dwelling Unit (IADU) Map Review, City-Initiated, City-Wide; Ordinance 22-52 (12-6-22).**

Community Development Director Young presented the proposed amendments which should provide more specific direction to the criteria that will be required and reviewed for future IADU map amendment applications.

Motion made by Council Member McOmber to approve Item 3, Title 19.20 Internal Accessory Dwelling Unit (IADU) Map Review, Ordinance 22-52 (12-6-22). Seconded by Council Member Carn.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Stephen Willden Yes

Council Member Michael McOmber Yes

Absent: None.

Motion carried 5-0.

**4. Code Amendment: Titles 19.02, 19.04, and 19.05 - Accessory Structures, City-Initiated, City-Wide; Ordinance 22-53 (12-6-22).**

Community Development Director Young presented the item. The proposed amendments would provide improved criteria for the quality of construction and compatibility of accessory buildings in residential neighborhoods.

Council Member McOmber felt this would reduce ambiguity and make code enforcement more clear.

Council Member Willden wanted to make sure references to needing a building permit were not confused here. Community Development Director Young advised Building dept. would not issue a building permit for structures under 200 sq. ft. City Attorney Kevin Thurman advised to leave it out of the code and refer to the building code. Community Development Director Young advised it was here for the height clarification.

Motion made by Council Member Carn to approve Item 4 proposed amendments to Titles 19.02, 19.04, and 19.05 - Accessory Structures, with the findings and conditions in the staff report dated today with staff findings and conditions. Seconded by Council Member Poduska.

City Attorney Kevin Thurman related a scenario of needing to match an older existing farm building and how that might work with this amendment.

Council discussed verbiage regarding 200 sq. ft. or less and building height.

Council Member Carn amended his motion to add: Direct staff to clean up the verbiage as discussed.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Stephen Willden Yes

Council Member Michael McOmber Yes

Absent: None.

Motion carried 5-0.

At this time Council Member Carn suggested they remove item 6.

Motion made by Council Member Carn to pull Business Item 6 Code Amendment: Title 10.10.02, 10.10.03, and 10.11 Nuisance, City-Initiated, City-Wide; Ordinance 22-55 (12-6-22) from the agenda for further discussion with staff. Seconded by Council Member McOmber.

City Manager Mark Christensen advised they could proceed with the portions they are comfortable with.

Council Member Carn Amended the motion to Remove Title 10.11 from Item 6 for a future meeting. Seconded by Council Member McOmber.

Council Member Willden preferred to not have 10.11 come back at all.

Council Member Carn requested his motion to be Withdrawn. The Second was also withdrawn. There being no objection the motion was withdrawn and Council proceeded to the next item.

**5. Code Amendment: Title 19.05 and 19.18 Regulations, City-Initiated, City-Wide; Ordinance 22-54 (12-6-22).**

Planning Director Carroll presented the proposed amendments to add new Drive-thru preview and curbside board signage and add regulations to the Car Wash Code. She noted any existing carwash would be grandfathered. She added it had come up recently to add a distance from residential for sound.

Planning Director Carroll mentioned that Mammoth Holdings LLC sent communication today indicating their opposition to the 5,000 ft. distance between car washes, as well as the comments received in the meeting today from Tommy's Carwash applicant.

Council Member Carn likes the idea of adding the language of restricting distance from residential. He expressed his agreement to the amendments. He doesn't want to exclude applicants who have had significant investment and have applications in currently.

Council Member McOmber felt we have a pending ordinance for a reason, we worked hard on the entry corridors. He felt the current application infringed on both of those. He was not a fan of carwashes or having the distance reduced between them. He noted it would be a loss on sales tax. He mentioned how other carwashes were left empty during the last recession and became unsightly and were neglected; unable to repurpose the buildings.

Council Member McOmber felt the carwash applicants had time to know about changes coming and perhaps they weren't as far into the process as they indicated. Applicants should do their due diligence. He felt other than after big storms carwashes aren't that busy. He doesn't want to lose every major corner to a carwash. They have worked to protect the major entrances to the City. He was in support of the 5000 foot distance.

Council Member Poduska felt the frustration where they spend a lot of time and effort on the General Plan and they still seem to have a lot of piece meal changes and don't really stick to the plan. For the carwash applicant, he was frustrated that they hadn't completed the process and yet already purchased the land and building, a little cart before the horse.

Council Member Willden was supportive of the 5000 foot distance, not in opposition to car washes but to help protect some of the prime areas at entrances to the City. He is comfortable the way the code was written. He agrees it is a challenge for those in the process but felt if someone was truly that far along in the process then they shouldn't need to make it effective at a future date.

Planning Director Carroll was concerned with a future effective date and how it may affect other applicants. She gave a bit of history about the concerned applicant.

Council Member McOmber wants to be cautious to not set precedence. Concerning the signage, he noted several existing signs with several preview boards and with lots of new drive-thrus coming into the city; there would be an overabundance. On curbside pick-up he does appreciate signage but is concerned it's affecting the required parking for the sites. He felt pick-up spots should be in addition to the required parking spaces. Staff was advised to bring back parking for future code amendments.

Motion made by Council Member McOmber to approve 19.18; but, remove curbside signs and not allow a second sign on the drive-thrus. Also on 19.05 to maintain the 5,000 foot distance on carwashes and have it be effective as a pending ordinance.

Council and staff received clarifications on the motion, Council Member McOmber would like the curbside signs to come back with parking requirements as discussed.

Motion failed due to no Second.

City Attorney Kevin Thurman received clarification from Planning Director Carroll that a concept plan was filed in August by a carwash applicant. The applicant was notified of the code amendment and the gateway overlay. The applicant was not up to speed on the process and did not realize they needed a site plan application, which they submitted Dec. 1<sup>st</sup>. some items of it are missing and it has not been accepted yet. There have been inquiries from other carwashes, they have let the applicants know about pending ordinance.

City Attorney Kevin Thurman felt they needed a certain date for effectiveness but there should be a restriction on the application, that they complete it by a certain date.

Planning Director Carroll felt if they gave the applicant 1-2 weeks that should be sufficient.

Council Member Poduska received clarification on the number of signs per drive-thru. Planning Director Carroll advised it could be a preview board and menu board on each lane.

Council Member Willden received further clarifications on what was currently allowed. He was ok not approving the preview boards, noting 6' is a significant height. Curbside pick-up signs would be a benefit to businesses but he would be in favor of bringing it back as well.

Motion made by Council Member Carn to approve Business Item #5 Code Amendment to Title 19.05 and 19.18 Regulations, City-Initiated, City-Wide; Ordinance 22-54 (12-6-22). With the following changes: Strike language on preview boards entirely. Have staff come back on curbside signs and come back with parking regulations. To be Effective January 1, 2023. Seconded by Council Member Porter.

Council Member Willden was not comfortable with the effective date.

Council Member Carn felt it would allow applicants time to complete the needed process for vesting.

Council Member McOmber was concerned about other applications not started yet coming in during this time.

Council Member Carn Amended the motion to make the ordinance effective as of publication date and any application currently in process to have 14 business days to complete their application.

After further advice by counsel to not specify business days, Council Member Carn made a further amendment for any application currently in process to be completed by January 1<sup>st</sup> 2023. Seconded by Council Member Porter.

Council Member Willden wanted to specify that no further applications be considered. He received clarification from staff that there was another application in process but it could comply without exceptions.

Council directed staff to bring back proposed amendments to code related to carwash proximity to residential. Council Member Willden felt something they did similar to a previous hotel application would be appropriate.

Vote:

<u>Council Member Chris Carn</u>	Yes
<u>Council Member Chris Porter</u>	Yes
<u>Council Member Ryan Poduska</u>	Yes
<u>Council Member Stephen Willden</u>	Yes
<u>Council Member Michael McOmber</u>	Nay

Absent: None.

Motion carried 4-1.

**6. Code Amendment: Title 10.10.02, 10.10.03, and 10.11 Nuisance, City-Initiated, City-Wide; Ordinance 22-55 (12-6-22).**

Code Compliance Inspector Brad Davis presented the proposed amendments to change the definition for weeds and add certain exceptions to what properties are allowed weeds. It would add additional requirements for weed and property maintenance. This would also add a new section to current code regarding snow, sleet, and ice removal from public sidewalks. He noted as code enforcement he deals often with residential lots that have not been improved.

City Attorney Kevin Thurman advised the Wildland Urban Interface Code may have more restrictive rules, he advised if they approve the motion to include that exception or whichever is more restrictive.

Motion made by Council Member McOmber to approve Code Amendment Title 10.10.02 and 10.10.03, and Remove Title 10.11 amendments from the City-Initiated, City-Wide; Ordinance 22-55 (12-6-22), with the findings and conditions in the staff report. With an additional condition that any buffer that is more restrictive in Wildland Urban Interface Code and what we are talking about be enforced. Seconded by Council Member Carn.

Vote:

<u>Council Member Chris Carn</u>	Yes
<u>Council Member Chris Porter</u>	Yes
<u>Council Member Ryan Poduska</u>	Yes
<u>Council Member Stephen Willden</u>	Yes
<u>Council Member Michael McOmber</u>	Yes

Absent: None.

Motion carried 5-0.

**7. Code Amendment: Title 19.09.10 Required Minimum Parking Commercial Kennel, Joanna Graham Kimley-Horn & Associates Applicant, City-Wide; Ordinance 22-56 (12-6-22).**

Senior Planner Kent Page presented the item. The applicant has requested to amend the minimum parking requirement for Commercial Kennels from 4 stalls per 1,000 sq. ft. of building area to 2 stalls per 1,000 sq. ft.

Joanna Graham and Jonathan Zilch of Kimley-Horn & Associates, were present as applicant. They noted that it is standard parking for their type of use and their other PetSuites facilities. They are mainly a drop off and pick up business as a daycare, patrons are not parked for long periods of time. They need the additional space for an outside area for the dogs. They feel it would be a benefit to the community. They also explained if another use were to follow them, they could turn the Outside play/landscape area into more parking at 3/1000.

Council Member Carn did not have a problem with the reduction. He received clarification that if another use came in they would have to comply with the parking requirements for their new use.

Council Member Porter liked the 20 year lease but was concerned about future uses.

Senior Planner Kent Page advised a financial institution was also parked at 2/1000.

Council Member McOmber was concerned it was next to other commercial uses that also require 4 but maybe need more; they left the parking the way it was because they allowed shared parking. He is also concerned with future uses not having the required amount of parking. Because of that he was not comfortable reducing the parking. He was concerned about having an outdoor dog area near other uses; noting the fencing would need to be solid material.

Planning Director Carroll advised on what a Daycare parking was, it depended on occupancy and staff level.

Joanna Graham explained further that the site was large enough that if a future use tore this down and put in another building there was sufficient space on the site for more parking with the smaller size building.

Council Member McOmber was concerned that we didn't allow a dog park in Regional Commercial, and felt the outdoor area was essentially a dog park. He felt many businesses wouldn't be comfortable with that near them. He doesn't feel it's a good use in the Gateway area.

Council Member Poduska shared concern about parking and that any future use of the same building would probably need to be a kennel to comply with parking.

Council Member Willden was concerned about the limit of the use in the future. He understands this use may not need the parking but there are many buildings going around this which would benefit from shared parking.

Motion made Council Member McOmber to Deny item 7; that Title 19.09.10 Required Minimum Parking Commercial Kennel, Joanna Graham Kimley-Horn & Associates Applicant, City-Wide; Ordinance 22-56 (12-6-22 and that the parking requirement remain at 4 stall per 1,000. Seconded by Council Member Poduska.

Vote:

Council Member Chris Carn	Nay
Council Member Chris Porter	Yes
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes
Council Member Michael McOmber	Yes

Absent: None.

Motion carried 4-1.

**8. Code Amendment: Title 19.02 and 19.18 Trailer Signs, City-Initiated, City-Wide; Ordinance 22-57 (12-6-22).**

Code Compliance Inspector Brad Davis presented the proposed amendments regarding sign code definitions and prohibited signs to add clarity for Trailer signs and Storage Trailers. He noted the change to parking in required parking stalls.

Council Member McOmber received clarification on neon signs in residential zones. Planning Director Carroll advised they have this on a list for further code amendments, it wasn't before them tonight. Council Member McOmber appreciated staff cleaning the code; we need to stay on top of being able to enforce as needed.

Council Member Carn was in favor of the intent of these changes. He received clarification that regular day to day operations such as a framer at a home that may be parked there for a few days was not the intent of this change.

After further discussion, Staff advised City Council may choose to table the item.

Motion made by Council Member Carn to table Business Item 8 Code Amendment: Title 19.02 and 19.18 Trailer Signs, City-Initiated, City-Wide; Ordinance 22-57 (12-6-22). With direction to staff to bring back clarity to serve the spirit of the intent. Seconded by Council Member Poduska.

Vote:

Council Member Chris Carn	Yes
Council Member Chris Porter	Yes
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes
Council Member Michael McOmber	Yes

Absent: None.

Motion carried 5-0.

**CLOSED SESSION:**

Motion made by Council Member Porter 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.

Vote:

Council Member Chris Carn	Yes
Council Member Chris Porter	Yes
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes
Council Member Michael McOmber	Yes

Motion carried 5-0.

The meeting moved to closed session at 8:53 p.m. after a 5 minute recess.

Present: Mayor Miller, Council Members Willden, Porter, Carn, McOmber, and Poduska, City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Engineering & Public Works Director Jeremy Lapin, and Deputy City Recorder Nicolette Fike.

Closed Session adjourned at 9:10 p.m.

**ADJOURNMENT:**

There being no further business, the meeting adjourned without objection at 9:10 p.m.

Jim Miller, Mayor

Attest:

Cindy LoPiccolo, City Recorder

Approved: 1-3-23

