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**City of Saratoga Springs
City Council Meeting
December 1, 2015**

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

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Work Session Minutes

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Present:

Mayor: Jim Miller

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

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Nicolette Fike,
Kayla Moss, Jess Campbell,

Others: Roger Barrus, Taylor Mammen, Troy Harold, Wes Quinton

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Excused:

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Call to Order - 6:00 p.m.

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1. Northwest Utah County Study: Socio-Economic Growth and Transportation Study – Presentation from Consultants for FRI and SITLA

Mark Christensen introduced the team from Farmland Reserve Inc.

Wes Quinton introduced Troy Harold and Roger Barrus from SITLA and a consultant from RCLCO, Taylor Mammen. Wes mentioned that they simply wanted to be good neighbors as stakeholders in the area.

They wanted to see what was going to happen with the region and present us with a tool to help plan and understand the demographics. They used the team of consultants from Fehr and Peers, RCLCO and Landmark Design, sponsored by Farmland Reserve Inc. and School and Institutional Trust Lands Administration (FRI and SITLA).

Taylor Mammen noted a practice they had was helping regions understand how they might benefit from development. He spoke about market-driven growth scenarios for Cedar Valley/NW Utah Valley area. It was surprising to them that their findings suggest the region may grow faster than official projections and unless something is done it will be skewed towards residential instead of employment growth.

Councilwoman Baertsch asked what he saw as contributing to it being more residential.

Taylor Mammen replied that commercial tends to want to be concentrated in small areas. Unless there is something that drives them out into more bedroom types of areas it's unlikely they would do so.

Councilwoman Baertsch asked how much has to do with incentives.

Taylor Mammen said they didn't take the incentives into their consideration. Generally they found economic development is more successful when regions focus on quality of life and education and those things that will attract developers. We looked at how the growth trends might change by modifying transportation inputs. They showed results by decade through 2050. By 2050, Utah County could need to accommodate an additional 310,000 residential units and 40 million square feet of commercial space, supporting 115,000 jobs. The market-driven scenarios suggest the study area remains primarily a bedroom community, but develops some office and industrial real estate to serve local uses.

Councilman McOmber asked if he had looked at our land use maps.

Taylor Mammen replied they did not by design.

Councilman McOmber mentioned he was curious as the projections showed Saratoga's industrial at 3 times that of Eagle Mountain when we didn't have an industrial zone.

Taylor Mammen replied that what they refer to as industrial is more local serving. He had data for development by submarket by decade, and went over the implications. Eastern Utah County captures the lion's share of growth through 2050. Development shifts in the 2020s to Eagle Mountain and Cedar Fort, driven by land values rising in eastern submarkets, and demand for affordable single-family housing. Significant retail development follows these new rooftops. Office/flex development primarily serves local users. Eastern Utah County captures most employment due to office users' desire to cluster along

54 major infrastructure and near “executive housing.” Relatively little warehouse development in western
55 Utah County, (few logistical advantages).

56 Councilman Poduska asked with transportation being a key factor and with the quality of life, is there a
57 tipping point to where as the number of residents’ increases and that the quality of life goes down?

58 Taylor Mammen mentioned that no one has found that tipping point yet. The projection would be that the
59 region becomes significantly more congested before people make different housing choices.

60 Councilman McOmber has a hard time with this if this doesn’t take into account our Prop 6 and our Land
61 Use maps. We don’t have the ability to put in the higher density. He mentioned that this also missed part
62 of our city boundaries in the Loch Lomond area.

63 Taylor Mammen responded that in terms of industrial, they have that today, they aren’t describing large scale
64 logistics. It may be what you are calling office. It’s a matter of how it’s built and used. In order to build
65 vibrant community overtime you need to have a certain portion of it. It’s needed to allow contractors to
66 store things and light manufacturing or artisans and such. The prop. 6 the residents placed, may become a
67 constraint over time. He wouldn’t worry about it near term but be mindful over the long term that to
68 accommodate demand in order to design the type of city that is vibrant you might need more higher
69 density housing.

70 Councilman McOmber noted the projection of a third of building as multifamily/townhomes. It’s hard for
71 him to grasp that when they don’t have the right to eliminate the referendum.

72 Taylor Mammen noted that they broke it down to transportation analysis zones. This is where they would
73 build out today. The value of the land increases over time in Saratoga which also slows development
74 down. Over time the land use will shift to represent the market. Over time they start to see a town center
75 develop which also would become the area to accommodate higher density housing. We are projecting
76 more population growth and less job growth. Jobs/business wants to be clustered and there is plenty of
77 room for clusters in areas that already exist. It speaks to a proactive economic strategy. Eagle Mountain
78 is more affordable housing driven. The implications for the study area, the majority becomes bedroom
79 community with the largest core of commercial being at Pioneer and Redwood Road, office and regional
80 retail and northern Eagle Mountain predominantly retail with office and higher density residential. Local
81 retail follows households. Regional retail clusters in cores near freeway interchanges and residentially
82 driven growth doesn’t need to be sprawled.

83 Troy Harold spoke about the transportation scenarios to address demand based on population and land use
84 projections. Fehr & Peers took the 2040 and 2050 projections for the study area and used the Wasatch
85 Front Regional Council Travel Demand Model to analyze how the current Mountainland Association of
86 Governments (MAG) long-range transportation plan network performed. They are seeing that 50% of the
87 trips out of the area are going towards Salt Lake County.

88 Councilwoman Baertsch asked about the Hidden Valley alignment. They talked about that earlier and the
89 landowner was not amenable to that.

90 Troy Harold noted they may be more open to it.

91 Mark Christensen noted that SITLA may have changed their position. It would be a different style of road,
92 not a full freeway width.

93 Troy Harold mentioned that one thing brought to their attention was pinch points that had potential for
94 transportation corridors.

95 Councilwoman Call asked if the Hidden Valley is not going to be a freeway and South of that is more of a
96 expressway type feel, then is there no plan for a freeway on the west side?

97 Troy Harold said that is correct. On the Hidden Valley and North/South they recommend it stay an
98 expressway. Where there is another pinch point. In order for a Bridgeway across they would need a lot of
99 traffic at that location. Once Cedar Valley grows out they could come south and go across at that point.
100 The takeaways are that they need to Preserve east/west corridors now, Substantial congestion even with 4
101 main corridors preserved and expanded, demand for additional 150,000 average daily vehicles. Revisit
102 and plan for high-capacity east/west transit, especially to Northeast Utah County and internal to Cedar
103 Valley. North/South Cedar Valley Freeway alignment preference closer to Eagle Mountain. Encourage
104 balance of population and employment in study area.

105 Councilman McOmber wonders what kind of increased capacity do we get from the expressways vs. a
106 freeway. We want the freeway because it creates a regional shopping zone; we want the Hidden Valley

107 corridor because the majority of the people in Eagle Mountain live in The Ranches. You can't go further
108 South through the mountain.

109 Wes Quinton noted that SITLA didn't have input into the actual width of Hidden Valley, they left it up to the
110 consultants. When they modeled this they took into consideration the cost so it was modeled as the 4 lane
111 at the peak hour where they had the congestion.

112 Councilman McOmber thought the substantial amount was more than just an hour of congestion.

113 Mark Christensen thinks there will be a need for both Hidden Valley and the alternates and some we haven't
114 considered. In our long range planning we have incorporated some of those elements. What happens in
115 Eagle Mountain is based on the infrastructure it's going to be delayed and we need to be proactive with
116 neighbors to the west and find solutions and direct the growth in our community and have less congested
117 environment to ensure the best quality of growth.

118 Troy Harold commented that the goal is to provide a tool the City can have in its toolbox.

119 Councilwoman Call commented that there was a discussion of corridor preservation and lack of foresight for
120 the utilities put in place for us to be able to preserve those corridors. If as land owners, seeing what is
121 needed, we have funds available through our MPO but they have been pilfered with no hope of
122 repayment. These are the types of things those funds were set up for. We need to be preserving but we
123 can't pay for it. The city is not set up for it and the MPO is not managing those funds appropriately. We
124 ask if you can take it to the MPO and let them know these findings.

125 Troy Harold said they have been a part of the presentation and hopefully that will help them.

126 Councilwoman Baertsch asked why we should have to purchase those corridors for you. Why are you not
127 going out and purchasing some of those corridors.

128 Wes Quinton thinks they've been pretty proactive, especially with Pioneer Crossing where we donated that.
129 We have looked at alternatives, he understands what is being said and he suggests that all the stake
130 holders need to come together so they can come up with a larger plan; not only the cities but the
131 stakeholders and the MPO. That is why we came together.

132 Councilwoman Call said one reason for the request is that they have been successful in the past. She is
133 asking that they do it again, those conversations happening up front tend to make results.

134 Mark Christensen noted that right now the corridor preservation with MVC is one of the major focuses and
135 we will continue to work with that solution.

136 Councilman Poduska asked with all the findings is there any indication of possible solutions.

137 Troy Harold noted from a planning perspective he would propose they really think hard about how they want
138 the community to grow. In order to not get traffic to leave you've got to get jobs, jobs need plans for
139 industry and commercial and housing types across the board. I know that's not what the residents say but
140 that may become an issue for you.

141 Councilman Willden appreciates this analysis. He understands some of the assumptions made for the model.

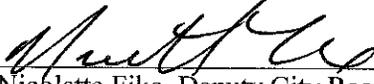
142 We can use this to demonstrate what we want. As a hub we can use that to bring developments and office
143 space to our city. This is a good tool for that and it's been suggested to push MAG and UDOT. This
144 coordinates at least the end result with what we're trying to do.

146 **2. Agenda Review:**

- 147 a. Discussion of current City Council agenda staff questions.
148 b. Discussion of future City Council policy and work session agenda items.
149

150 **Adjourn to Policy Session 7:00 p.m.**

151
152
153 1-5-16
154 Date of Approval



Nicblette Fike, Deputy City Recorder

155 **Policy Session Minutes**

156
157 **Present:**

158 Mayor: Jim Miller

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

160 Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Janelle Wright,
161 Jess Campbell, Holly Johnson, Nicolette Fike, Kerry Cole, Kayla Moss

162 Others: Krisel Travis, Jared Haynie, Lane and Holly Broadhead

163 **Excused:**

164
165 **Call to Order 7:05 p.m.**

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

167 **Invocation / Reverence** - given by Councilman McOmber

168 **Pledge of Allegiance** - led by Councilwoman Baertsch

169
170 **Public Input - Opened** by Mayor Miller

171 No input was received tonight.

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

173
174 **Awards, Recognitions and Introductions**

- 175 • Councilwoman Call was recognized for her service to the City Council and presented with a commemorative
176 Street Sign with her name and dates of service.

177
178 **POLICY ITEMS**

179
180 **Item 3a was moved forward.**

181 **a. Appointment of Kayla Moss as City Recorder – Resolution R15-56 (12-1-15).**

182 Mark Christensen introduced Kayla Moss as the new City Recorder.

183
184 **Motion made by Councilman McOmber to approve Appointment of Kayla Moss as City Recorder –**
185 **Resolution R15-56 (12-1-15). Seconded by Councilwoman Baertsch. Aye: Councilman Willden,**
186 **Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska.**
187 **Motion passed 5 - 0.**
188

189 Kayla Moss was welcomed and then given the Oath of Office.

190
191 **1. Staff Update on the Violence Against Women Act Grant (VAWA)**

192 Kerry Cole shared the history of the grant. They are required to give an update every 6 months.

193 Holly Johnson gave a report of how the program is working. Over 200 victims were served last year. A
194 couple of emerging trends are elder abuse and stalking. They renewed their grant with Deseret Industries
195 this past year to help with victims. They sometimes get community donations. This is the largest victim
196 advocate program in the county. The Advocates get a 40 hour basic training and additional hours each
197 year. The volunteers do various things including help pull cases to identify victims, help with protective
198 orders, answering phones, and help go to crisis calls. This year they planned a domestic awareness
199 program this year. UVU sent people to bring info to the area about women who want to return to college
200 and get college education. She reflected on the growth of the program. She shared some of the training
201 they received this year including strangulation, no contact orders, human trafficking, and stalking. She
202 mentioned the Validly Assessment Project for law enforcement officers to quickly assess and access
203 services. That is something they are working to implement.

204 Councilman McOmber commented that he has had two friends who have spoken highly of this program. He
205 really appreciates it and knowing that people have a safe place to go and have help. He thought it may be
206 a good opportunity for a scout to do an eagle project for this program.

207 Owen Jackson said they have an Eagle project list they can update with Holly's information.

208 Councilman Poduska asked if there was a trend going up or down for abuse.
209 Holly Johnson said in her opinion people in general report more because they know they can and that they
210 will be believed. She doesn't know that means that there is more going on but people feel they can report
211 it more. Also Cyber stalking is emerging.
212 Mayor Miller thanked them for their time and efforts.
213

214 **2. PUBLIC HEARING ITEMS:**

215 **a. Concept Plan and Rezone to R-3 low density residential, for Willow Glen (formerly Parkway**
216 **Estates) located at approximately 1900 East 145 North (8950 West 7350 North Utah County Address),**
217 **PG Property Holdings, applicant.**
218 Jamie Baron introduced the Rezone. The rezone would also include the street to the south. Staff recommends
219 approval with findings and conditions.
220

221 **Public Hearing Open** by Mayor Miller.

222 Lane and Holly Broadhead, just west of this property, felt they had not been contacted by anyone about the
223 property although he did get the notice. His main concern was fencing around this property; he wonders
224 where the secondary water will come from to put this in to the city, culinary or secondary. He wanted to
225 know what type of fencing because of animals next to these houses and there could be problems with
226 grasses over the fence that would harm the horses.

227 Gary Leramie had some concerns about the secondary water, the fencing as Mr. Broadhead was concerned
228 with, and power poles that would need removed when the road is widened and acceleration/deceleration
229 lanes. He also thinks there needs to be firetruck turn around. He is also concerned about his horses, and
230 the possibility of things like residents dumping lawn clippings over the fence.

231 **Public Hearing Closed** by Mayor Miller.
232

233 Councilman Poduska read about the road adjustments in the Planning Commission minutes and asked for
234 clarification on the alignment.

235 Janelle Wright said they decided to do the alignment with the center line where it was so they wouldn't have
236 a jog in the road that would create problems in the future. This was the best alignment for the future.

237 Councilman Poduska asked with an arterial road will there be deceleration lanes.

238 Janelle Wright replied that it probably would, there would need to be studies to see if the amount of traffic
239 would warrant it.

240 Councilwoman Call went through the engineering requirement and thanked them for complying. As far as
241 infrastructure, she noted that we shouldn't say "shall" in the conditions. She reviewed some of the
242 engineering requirements. It's nice when we can just check the box. She said they brought up important
243 concerns with the animal rights. Hopefully we can come up with a solution that will work with everyone.
244 She had no further comments concerning the road discussion.

245 Councilman McOmber did wonder how the secondary water would be handled. With the Rezone he would
246 say work with staff closely, they know what we are limited to and what needs to happen. He appreciated
247 the people talking about the neighboring properties as it's hard for Council to legislate the potentials for
248 things like clippings over the fence, hopefully as we work together we can figure that out. It's hard for us
249 to provide ordinances around an issue like that but it is a valid concern, he is sure it can be worked out
250 with all involved. He noted that they are meeting the need for traffic, which will be a high traffic road in
251 the future. Thanks for all the work done; we'll look forward to the next stages.

252 Councilwoman Baertsch thought the rezone was fairly straight forward and had no concerns. She wondered
253 as they are going through looking at legal aspects if they could include something where owners are
254 notified of the agricultural protections. We have done a note on plats for agricultural protection in the
255 past. The more we could get notification out that this is an agricultural area the better. As for the turn
256 around, perhaps they could get an easement from the neighbor or maybe they couldn't do the last two
257 lots until it's done. With the difference in the road width, is that equivalent to the amount of land that
258 they are getting a reduction on? One thing developers like to do is max everything out, we don't need to
259 get up to the max, are we equivalent in this scenario to what they are getting through the lot size
260 reduction.

261 Kevin Thurman commented that they are going to get the number of lots that they would have if it weren't
262 for the extra right of way footage.
263 Kimber Gabryszak noted that the overall sq. ft. reduction they are requesting is less than the sq. footage but
264 the reduction allows them to get the same number of lots.
265 Councilwoman Baertsch commented if you look at lots 17 and 18 they might want to consider adjusting lot
266 18 so the fence lines line up and make it cleaner. Her other concern was here are 18 lots and conceptually
267 their open space will have a playground, it's hard to see 18 homes being able to support this. There may
268 be other options with maintenance of storm water on their own lot. She is concerned it would force
269 HOA's on these small subdivisions.
270 Councilwoman Call thinks it's a perfect scenario for Fee In Lieu; perhaps they could get a few more lots and
271 we could have that money to put towards another park in the future.
272 Councilwoman Baertsch noted that they would then need to have another solution for the storm water. They
273 could discuss that with the Engineer. She asked if the annexation was finalized.
274 Kevin Thurman noted that we needed to get the plat back from the County Surveyor who was reluctant at
275 this time to sign it. That would be a point for future discussion.
276 Councilwoman Baertsch asked for clarification on the secondary water, we would plumb it for secondary but
277 for now it would be culinary.
278 Janelle Wright said they were connecting to and pulling the water over from Loch Lomond which is culinary.
279 Culinary and secondary infrastructure would have to be provided.
280 Spencer Kyle said Loch Lomond does use culinary.
281 Councilman Willden thanked the others for coming to express concerns politely. As they work with the
282 applicant he hopes they can come up with something reasonable. He didn't have any concerns with the
283 lot reductions, considering the large right of way. Thanks for working through the process with staff.
284 Mayor Miller supports Councilwoman Call's suggestion to changing the detention basin to Fee in Lieu.
285

286 **Public Hearing Reopen** – by Mayor Miller

287 Gary Leramie asked for clarification on the R-3 zoning.

288 Council clarified that it was single family homes, 3 to the acre.

289 **Public Hearing Closed** – by Mayor Miller

290
291 **Motion made by Councilwoman Baertsch to conditionally approve the zoning designation of Willow**
292 **Glen as R-3 with the Findings and Conditions in the Staff Report dated November 18, 2015** and
293 also ask that staff work with the applicant on detention basins open space type situations, and also on
294 agricultural law language. **Seconded by Councilwoman Call.**
295

296 Councilman Willden asked if they had to state what the conditional approval was based on.

297 Councilwoman Baertsch stated that one of the conditions was the fact that the annexation has to finish.

298 Kevin Thurman said it would be helpful to state the condition of the plat note, they could say that the plat
299 note was the same as the Talus Ridge note.

300 Councilwoman Baertsch said the Talus note didn't mention grass specifically; she would like them to
301 work with the owners to get that.

302 Councilwoman Call noted that Talus was essentially notifying people that they were next to the use; this
303 is to protect the assets on the agricultural use next door. Notify buyers that not only are they next to
304 agricultural use but there could be civil penalties if they cause problems.

305 Councilman McOmer thinks there are other solutions they could look at rather than concerning the city
306 with civil penalties; they could be hiring a company to do landscaping that may dump the grass over
307 the fence or a kid. It's opening it up to too many problems. Maybe buffering it would be a solution.

308 Councilwoman Call asked legal what they would suggest, if the City stamps agricultural use on the plat,
309 would that take care of it.

310 Kevin Thurman responded that it's tough for the City because we are getting in the middle of what could
311 become a civil dispute. He commented that they are covered under nuisance law; we could work
312 with the property owner on a note that would be sufficient. The only question would be the binding
313 effect of this condition, if it's not specific enough than it's tough to enforce.

314 Kimber Gabryszak commented that this is an approval of the Rezone and only informal comments on the
315 plat so it doesn't need to be in the motion.

316 Councilwoman Baertsch said to **take that part out of the motion.**
317 **Amended motion was accepted.**

318
319 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
320 **Councilman Poduska. Motion passed 5 - 0.**

321
322 **b. General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed**
323 **Waterfront: Richard Chiu Property, Parcel 588:032:0142, located at approximately 940 North**
324 **Redwood Road (North of Dalmore Meadows Subdivision), City initiated.**

325 Kimber Gabryszak presented the application. The neighbors were concerned about the changes to the density
326 and in being surrounded by commercial development. The background is that it is zoned agriculture but
327 the GP designation has changed a few times. As part of the easement agreement he requested being
328 zoned Mixed Use, we then proposed the Mixed Waterfront and he agreed.

329 Councilwoman Baertsch asked if we heard from him on what the planning commission suggested with the
330 Neighborhood Commercial.

331 Kimber Gabryszak said he has not yet. The Planning Commission suggested it more as a future overhaul, the
332 neighbors didn't get noticed for that or have a chance to discuss that. The proposal in front of them is the
333 Rezone to Mixed Waterfront. They could bring another city initiated rezone at a later date. If they did it
334 now they would have to start over. This way we can get the mixed waterfront put on and be in
335 compliance with the agreement.

336
337 **Public hearing Open** by Mayor Miller.

338 No input was received.

339 **Public hearing Closed** by Mayor Miller.

340
341 Councilman Willden did not have an issue with this rezone. He thinks that it will be good for the residents as
342 it will get residential for them there and the property owner could do some great things that would be
343 good for the existing residents. He is not in favor of rezoning the corners now.

344 Councilwoman Baertsch thinks this is the general direction we want to go but there is a lot of work to do on
345 Mixed Waterfront. It also makes her nervous when the owner isn't here to talk to. She has mixed
346 thoughts on whether or not to do the Commercial rezones. The Planning Commission may have been
347 concerned that they would put all the commercial against the river.

348 Councilman Willden isn't permanently against it, but we haven't identified the specific coordinates and the
349 owner isn't here to comment.

350 Councilwoman Baertsch commented that we seem to be doing things on our end and seeing nothing on his
351 end.

352 Kevin Thurman said the main part of the agreement was the Storm Drain Easements, which have been
353 installed.

354 Councilwoman Baertsch believes it was tied to him bringing in more of his property.

355 Mark Christensen said the additional point was bringing in property; he is in the process of doing that and
356 making the request of Lehi who still needs to agree. There are still some steps to follow through on that.

357 Kimber Gabryszak said he has been in communication with Jeremy on how to take those next steps.

358 Councilman McOmber remarked that for him, even though Mixed Waterfront isn't where we want it to be
359 yet, as the first landowner to come into this designation it will have a lot of work to be done and be a sort
360 of guinea pig situation. In terms of the Neighborhood Commercial he would rather see this as potentially
361 on the Land Use Map. Then the owner can request it later if he wants it to be Neighborhood Commercial
362 instead of it being City sponsored.

363 Councilwoman Baertsch asked if we have been properly noticed in the meeting tonight to do that.

364 Kimber Gabryszak said there was a General Plan Notice. There was an option if the Council felt strongly but
365 she would want that to be reviewed by Kevin.

366 Kevin Thurman said they would have to re-notice it.

367 Councilman McOmber would rather see the applicant request Neighborhood Commercial; it is an increased
368 zone so why would the City sponsor it.
369 Councilwoman Call echoes Councilwoman Baertsch's hesitation with the Mixed Waterfront, she is not
370 agreeable to Rezone or Land Use Map the areas for Neighborhood Commercial. Only because she thinks
371 Mixed Lakeshore when it's done will have more teeth. It will have all the meshing components where
372 commercial and residential need to mix, rather than relying on the zones we already have. She sees more
373 planning and ability to vision the entire development in a single zone and would rather keep it all as
374 mixed waterfront.
375 Councilman Poduska commented that tonight the request is to Rezone to Mixed Waterfront and that is what
376 we should rezone tonight and that should take care of the residential and commercial concerns.
377

378 **Motion made by Councilman Poduska to approve the General Plan Amendment and Rezone of the**
379 **approximately 45.08 acre parcel 58:032:0142, from Low Density Residential and Agriculture to**
380 **Mixed Waterfront, as identified in Exhibit 1, with the Findings listed in the staff report. Seconded**
381 **by Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**
382 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
383

384 **3. ACTION ITEMS:**

385 (Item a. moved forward in the meeting)

386
387 **b. Interlocal Cooperation Agreement Modifying the 2010 Interlocal Cooperation Agreement that**
388 **Established the Jordan River Commission – Resolution R15-57 (12-1-15).**

389 Councilwoman Call noted this brings things into compliance with State law. There are reduced Board terms
390 from two years to one year but added a Past Chair for continuity.
391

392 **Motion made by Councilwoman Call to approve the Interlocal Cooperation Agreement Modifying the**
393 **2010 Interlocal Cooperation Agreement that Established the Jordan River Commission –**
394 **Resolution R15-57 (12-1-15). Seconded by Councilman Willden. Aye: Councilman Willden,**
395 **Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska.**
396 **Motion passed 5 - 0.**
397

398 **c. America First Federal Credit Union Road Impact Fee Refund and Settlement Agreement.**

399 Mark Christensen noted when we approved this we agreed to do a study after they were open and
400 reimburse them the difference. They are challenging our traffic impact fee. So we will be giving
401 them a refund of \$27,724.00 based off of traffic standards.

402 Councilwoman Baertsch noted that their study was for one day of only two hours, we are supposed to
403 take that as this is what happens all the time?

404 Mark Christensen commented that Jeremy Lapin was ok with their study; he would suggest that the use
405 isn't as high as we figured.

406 Kevin Thurman said it was originally based on an outdated manual. (6th edition) The most recent version
407 (9th edition) had a lower number of trips. So it's not just based on the studies but also the manual. If
408 we were to adopt new transportation impact fees it will be based on the most current manual.

409 Councilwoman Baertsch asked how it impacts our other traffic impact fees; would we not get a flood of
410 developers coming in? At what point do they not have the ability to appeal?

411 Kevin Thurman said impact fee reductions are looked at on a case by case basis. Each developer can't
412 come and ask for the reduction based on what happened to someone else.

413 Mark Christensen advised that there is a time limit, but they brought this concern forward at the time of
414 their impact fees. That is consistent with other developers that have had concerns.

415 Councilwoman Baertsch thought the study was faulty, that we are basing a \$27,000 reimbursement on.
416 Right now she is a no.

417 Mark Christensen suggested they could table this if there was the concern and Jeremy could be at the
418 next meeting to explain better.

419 Councilwoman Call mentioned in addition, the City paid a lot for an impact fee study to be done. If they
420 could bring to the Council what manual it was based on that would be good.
421 Mark Christensen said we haven't updated our Traffic Impact Fees yet, but are in the process of doing
422 so. They will bring that back at a future Council meeting
423 Kevin Thurman noted that the number of trips was higher in their report than the 9th Edition so they are
424 paying more than they would pay if it was based on the 9th Edition alone.
425 Councilwoman Call commented that our Impact fees are assessed because of the impact, if they are
426 impacting more than what we are basing the impact fees on then shouldn't we raise our impact fees?
427 Councilman McOmber is ok with the refund, he would like to see a better study, but we probably over
428 charged for all intents and purposes. Let's clean it up a little and make it feasible to go to the public
429 and say this is why we gave the money back. In terms of the traffic study, one of the things with
430 financial institutions is the automation, sometimes we are behind on trends, the brick and mortars are
431 seeing less and less traffic because you don't have to go to the teller as much but the banks are still
432 necessary.
433 Mark Christensen mentioned that the 9th edition would be less than what our maximum might be and it's
434 always safer to be under the maximum. If the study does artificially lower that then it gives an added
435 layer of protection.
436

437 **Motion made by Councilwoman Baertsch to table at this time the America First Federal Credit Union**
438 **Road Impact Fee Refund and Settlement Agreement and ask that staff to come back next time**
439 **with clarification on numbers and study and other things we asked for. Seconded by**
440 **Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**
441 **Councilwoman Call. Nay: Councilman Poduska. Motion passed 4 – 1.**
442

443 **d. Lakeside Plats 25 - 27 Upsized Improvements Reimbursement Agreement.**

444 Mark Christensen noted they are doing some improvements for the sewer line. We overestimated the impact
445 fees so this will be a credit to them.
446

447 **Motion made by Councilwoman Baertsch to approve the Lakeside Plats 25 - 27 Upsized Improvements**
448 **Reimbursement Agreement. With all staff findings in the amount of in the amount of \$64,742.95.**
449 **Seconded by Councilman McOmber Aye: Councilman Willden, Councilwoman Baertsch,**
450 **Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
451

452 **e. Multiple Preliminary Plats for Legacy Farms Village Plan 2, Plats 2A, 2B, 2C, 2D, & 2E, located at**
453 **400 S. Redwood Road, D.R. Horton Inc., Applicant.**

454 Councilwoman Baertsch would like to table this; her concern is that she knows D.R. Horton is trying to work
455 with the School District. So perhaps we could approve plat 2B that has the school parcel. She feels she
456 didn't have the chance over the holiday to go over it.

457 Krisel Travis gave a quick presentation of the plats. Plat 2B has a note that the school would be required to
458 do 3 acres of shared open space. She shared some specifics and transect zones from each plat. Plat 2D is
459 in the flood zone so it would not be recorded yet but they ask for preliminary approval at this time.

460 Councilwoman Baertsch shared her concern on 2A and B; she didn't see any lot sizes that were below the
461 minimum. On the 6000 sf lots, we were pretty specific that they couldn't go down more than 5400 sf.
462 But this doesn't appear to go to that. Along the school they are all above 7000, on those two we are
463 doing she is ok. But with not being able to go through like she normally would she is not prepared to
464 approve all. She asked if they got the shared use agreement from the school.

465 Krisel Travis said they were directed by staff that they didn't need one, the Joint Use Agreement would be
466 for after hours. There would be a note on the plat.

467 Kimber Gabryszak noted there would be a note on the plat permanently protecting the acreage so if it's not
468 the school and something changes it will remain permanent open space.

469 Councilwoman Call said as the City has no teeth when it comes to the Schools, if the school needed to
470 expand with trailers, they may then say they don't have to get permits from the City.

471 Kimber Gabryszak advised that schools do have to go through the Site Plan process with the City, if there is
472 some other contract binding them then that is separate.
473 Kevin Thurman said anyone would buy that property subject to that restriction.
474 Councilman McOmber also did not look at all these over the weekend. He would be amenable with
475 approving Plats A and B because the densities were in the right place and before we come back with C-E
476 he would encourage her to work with staff and get some of the hiccups worked out. He noticed that staff
477 notes the address as 400 S and Redwood Road. Perhaps going forward we could update the address.
478 Kimber Gabryszak said the addresses are pending until the plats are recorded.
479 Krisel Travis suggested they use the address of the Clubhouse.
480 Councilwoman Call is fine with approving these two tonight.
481 Councilman Poduska thought A, B and C were under the same conditions but D and E were under the flood
482 plain. He would recommend that we approve A B and C with the condition that they meet approvals
483 working with staff and let them continue constructing.
484 Councilman Willden doesn't have concerns with A and B and probably has less with C than Councilwoman
485 Baertsch. He is fine approving A and B.
486

487 **Motion made by Councilwoman Baertsch to approve the Multiple Preliminary Plats for Legacy Farms**
488 **Village Plan 2, Plats 2A and 2B located at approximately 400 S. Redwood Road, D.R. Horton Inc.,**
489 **Applicant, with the Findings and Conditions in the Staff Report. Seconded by Councilman**
490 **McOmber**
491

492 Mayor Miller reminded her about the tabling.

493 Councilwoman Baertsch said **and tabling plats 2C, 2D, 2E until January 5th meeting.**

494 Councilman McOmber accepted.

495 Kimber Gabryszak asked if they could add **"Preliminary Plats"** to the motion.

496 Councilwoman Baertsch and Councilman McOmber accepted that Amendment.
497

498 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
499 **Councilman Poduska. Motion passed 5 - 0.**
500

501 **f. Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping.**

502 Kevin Thurman noted that, based on the Council's feedback, we added to the policy that the Lakeshore trail
503 would be based on what the state allows on their land but ideally we want concrete. It clarified the intent
504 and also changed the format a little.

505 Councilman McOmber thought he did a really good job, it had an ease of read and clear intent. He
506 appreciates how the wording puts the City in a better position when people do come in. He appreciates
507 him listening and it appears he incorporated everything they asked.

508 Councilwoman Baertsch thought it would be very workable and thanked him for taking it into consideration.

509 Councilwoman Call asked for clarification on the words "exaction" in the policy.

510 Councilwoman Call said people challenge an exaction. Anything we do is public and we are saying to be
511 proportionate we are going to exact things from you but when we call it an exaction it sounds worse.

512 Kevin Thurman understands the concern is about the word "exaction"; however, this is a legal term. He
513 would be concerned that they would choose a word that doesn't fit. This verbiage is directly from Utah
514 Code.

515 Councilwoman Call said thanks for putting in the Forestry Fire and State Lands, also in 5.b.iii. what does that
516 do to somewhere like the Jacob's Ranch area. It says we will only maintain the trail, not landscaping but
517 we maintain Jacob's Ranch landscaping.

518 Kevin Thurman responded that this would be a proactive policy, we could put a statement in at the beginning
519 to say it is meant to be proactive not retroactive.

520 Councilwoman Baertsch thought all policy was proactive.

521 Kevin Thurman said this may be a little different, as we can always take up maintenance of an existing trail.

522 Councilman Poduska appreciates all the work he did because it needed clarification for some time.

523 Kevin Thurman noted he got a lot of help from staff.

524 Councilman Willden said it looks good and thanked him for his work.
525

526 **Motion made by Councilwoman Call to approve the Policy for Dedication and Maintenance of Parks,**
527 **Trails, Open Space, and Landscaping as written with the caveat that we are adding at the**
528 **beginning that the policy is to be proactive not retroactive. Seconded by Councilman McOmber.**
529 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
530 **Councilman Poduska. Motion passed 5 - 0.**
531

- 532 4. Approval of Minutes
533 a. November 10, 2015
534 b. November 17, 2015
535

536 Changes were posted and read for the record.
537

538 **Motion made by Councilman McOmber to approve the minutes for November 10, 2015 and November 17,**
539 **2015 and all those (changes) that were posted and read tonight and brought up. Seconded by**
540 **Councilwoman Baertsch. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**
541 **Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
542

533 5. REPORTS

- 544 a. Mayor
545 b. City Council

546 Councilwoman Call said Jordan River Commission is meeting on the 10th. The Lake Commission is
547 moving forward with the idea of doing a Nature Center on the Lake; the legislature is not supportive
548 of it. She and Deedra Henderson voted against the application as they don't see it as the Lake
549 Commission's Job. They are voting for all the cities within Utah County. They are looking at
550 working with some universities to do research but we have state agencies that already are doing
551 those things. Lake Commission doesn't really have that role. Owning a large building would be a
552 financial burden. We could be left holding the bag. She brought up her concerns with budget as far
553 as City employees retirement. Rich Cunningham could come out and have a short seminar.

554 Spencer Kyle took note of that.

555 Councilman McOmber commented that he would like these Reports at the beginning of the meeting.

556 Councilwoman Call noted they did get their money for the Marina expansion. It was approximately half
557 of all the money from the Utah Lake Commission.

558 Councilman Willden noted he got added to the two distribution lists for the commissions Councilwoman
559 Call has been attending. He mentioned he did work with Chelese Rawlings on the budget.

560 c. Administration communication with Council.

561 d. Staff updates: inquires, applications, and approvals.

562 Mark Christensen said we would need a closed session. They also needed to discuss logistics of the
563 January retreat. There have been some changes that affect the cost and they will need to adjust some
564 things.
565

566 Mayor Miller said he would be ok if we moved Reports to the first of the meeting as long as we can avoid
567 prolonged reports and soap boxes. Big announcement types of things.
568

- 569 6. Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or
570 reasonably imminent litigation, the character, professional competence, or physical or mental health of
571 an individual.
572

573 **Motion made by Councilman McOmber to enter into closed session for the purchase, exchange, or**
574 **lease of property, pending or reasonably imminent litigation, the character, professional**
575 **competence, or physical or mental health of an individual. Seconded by Councilwoman Call . Aye:**

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Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and Councilwoman Call. Motion passed unanimously

Meeting Moved to Closed Session 9:04 p.m.

Closed Session

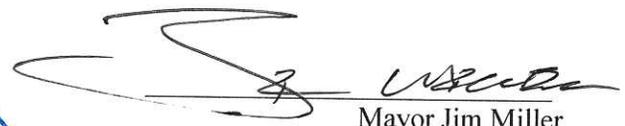
Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike, Kayla Moss, Kimber Gabryszak, Owen Jackson

Closed Session Adjourned at 9:15 p.m.

Policy Meeting Adjourned at 9:15p.m

1-5-16
Date of Approval




Mayor Jim Miller


Nicolette Fike, Deputy City Recorder