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**CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING MINUTES**

Tuesday, June 7, 2016
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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City Council Work Session

9 **Call to Order:** 5:35 p.m. by Mayor Pro Tem Stephen Willden
10 Present Council Members Bud Poduska, Shellie Baertsch, Stephen Willden, Chris Porter, and
11 Michael McOmber.
12 Mayor Jim Miller arrived 5:43 pm
13

14 Staff City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager
15 Spencer Kyle, Planning Director Kimber Gabryszak, Public Relations Economic
16 Development Manager Owen Jackson, City Engineer Gordon Miner, Assistant Public Works
17 Director George Leatham, City Recorder Cindy LoPiccolo
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Future Agenda Items/Issues.

21 City Manager Christensen reported staff is prepared to address the current water system issue in the southern
22 part of the City and provide information to the public, a temporary water purchase agreement with Central Utah
23 Water has allowed the City to connect to the Central Utah system, staff is working to stabilize the system, and
24 Central Utah Water agreement amendments will be presented to Council as a temporary emergency provision
25 for water this summer should the need arise.
26

27 City Manager Christensen reported the City will contract to receive 50 af of water next summer with the goal to
28 construct the City's water project this year. In response to Council Member Baertsch, City Manager Christensen
29 advised the firm of Hansen Allen & Luce has the design contract for the Utah Lake water project, this is
30 scheduled for design, bid and construction this summer, and to be ready next spring. Staff is arranging a water
31 seminar with the consultant during the Council retreat tentatively scheduled for July 12, this will include long-
32 term strategy and upon Council direction a public informational meeting may also be scheduled.
33

34 City Manager Christensen reported a joint City Council and Planning Commission meeting is also being
35 arranged; Planning Director Gabryszak advised the new General Plan consultant will be present and receive
36 direction.
37

38 **Bicycle and Pedestrian Study Master Plan** (Continued from May 17, 2016). This plan when adopted will
39 become a standalone element of the General Plan, used in concert with the Parks and Trails and Transportation
40 Master Plans.
41

42 Planning Director Gabryszak introduced the draft Bicycle and Pedestrian Study Master Plan, noting there have
43 been no changes in the information presented at the last meeting. Director Gabryszak reported staff is working
44 with the consultant to address concerns in regard to proposed bicycle parking regulations, mountain bike
45 connectivity with adjacent cities, and working in addition with GIS to correct mapping, and integration of bus
46 and transit future locations.
47

48 Council Member Porter noted this is a useful plan for the City and recommended care be taken to not overstep
49 regulations.
50

51 Council Member Willden commented he is also not in favor of parking regulation and noted it appears that code
52 section will be removed, supports incentives, and appreciates the work on the plan.
53

54 Council Member McOmber commented he was familiar with the proposed plan having served on the committee,
55 this document provides clarity and safety standards for the public, noted the City's survey showing 75% saying
56 the City's biking conditions are fair or poor and 50% ride at least a few times a week or more, the City lost a
57 bicycle race event due to unsuitable conditions in the south, however, improvements will be made in
58 conjunction with UDOT, and strongly recommended bicyclist left turn boxes on major highway interchanges.

59
60 City Manager Christensen reported staff is working with UDOT in regard to the Redwood Road widening
61 project, identified the current connecting trails noting the City is a few small properties away from having a
62 continuous trail the entire length of the City.

63
64 Council Member Poduska recommended a policy in regard to snow removal and provision for cross country
65 skiing on trails off of the highway.

66
67 Council Member Baertsch concurred with Council Member McOmber, does not want to impose excessive
68 regulation or hinder economic development with inappropriate mandates on businesses noting many provide
69 employees with bike amenities, recommended allowing winter recreation on soft trails with snow removal on
70 some of the hard surface trails, and inclusion of a trail maintenance report on the City's app to identify cleared
71 trails in the winter.

72
73 **Adjournment:** The Work Session adjourned at 6:00 p.m. to the Policy Session.

74
75
76 **Policy Meeting**

77
78 **Call to Order:** Mayor Jim Miller called the Policy Session to order at 6:02 p.m.

79
80 **Roll Call:**
81 Present Council Members Chris Porter, Stephen Willden, Michael McOmber, Bud Poduska, and
82 Shellie Baertsch.
83 Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager
84 Spencer Kyle, Police Chief Andrew Burton, Fire Chief Jess Campbell, Planning Director
85 Kimber Gabryszak, Finance Manager Chelese Rawlings, Economic Development/Public
86 Relations Manager Owen Jackson, City Engineer Gordon Miner, Human Resources
87 Specialist Holly Neibaur, City Planner Jamie Baron, Assistant Public Works Director
88 George Leatham, City Recorder Cindy LoPiccolo

89
90 Invocation by Council Member McOmber.
91 Pledge of Allegiance Scout Michael Morris, Troop 1034.

92
93 **Public Input:**
94
95 Michael Morris, eleven year old Scout, Harvest Hills, as part of his work on his citizenship in the community
96 merit badge, presented information and a petition containing 222 signatures requesting the City make a cemetery
97 a high priority. Scout Morris reported he met with City staff and outlined the importance of a local cemetery,
98 possible means for obtaining property, the public benefit and honor of military veterans. Mayor Miller and
99 Council thanked Scout Morris and expressed appreciation for his work, involvement and information.

100
101 **POLICY ITEMS:**

102
103 **REPORTS:**

104
105 Mayor Miller reported he and Council Member Baertsch attended the Mountainland Association of
106 Governments (MAG) meeting last Thursday evening; requested staff investigate and clarify with the County
107 Attorney in regard to retaining a seat on the Sewer Board; reported Tour de Utah visited with the City, Council

108 Member Baertsch asked for information to possibly have the Tour be part of the City's 20th year celebration with
109 one leg in the race held in the City next year.

110
111 Council Member Baertsch reported MAG Regional Planning Committee approved the addition of the Lake
112 Shore Trail funds for missing sections and completion of the study for the remainder of the right-of-way (ROW)
113 from SR73 south.

114
115 In response to Council Member McOmber's inquiry, City Manager Christensen reported he has heard Utah
116 Lake's peak level for the year was reached yesterday, has not heard the low level was to control carp; Council
117 Member Baertsch also verified it was not related to the carp.

118
119 **PUBLIC HEARINGS:**

120
121 **1. FY 2016-17 Final Budget, Resolution R16-32 (6-7-16).**

122
123 Mayor Miller introduced the public hearing concerning the FY 2016-17 Final Budget.

124
125 Finance Manager Rawlings presented the staff report and recommendation for approval of the final FY 2016-17
126 Budget.

127
128 Mayor Miller opened the public hearing and invited public comment; there being none, closed the public
129 hearing.

130
131 Council Member McOmber commented in regard to the employee compensation schedule noting its purpose is
132 to give Council guidance, takes out the politics out of people's livelihoods, and allows it to be regulated by
133 bench mark data from all the cities throughout the state.

134
135 Council Member Baertsch noted it is also good to remember the amounts shown in the budget may not always
136 be used or expended at the highest level, the budget is the maximum of what the City expects to expend.

137
138 Motion by Council Member Willden to approve the FY 2016-17 Budget and adopt Resolution R16-32 (6-7-16).
139 was seconded by Council Member McOmber

140 Roll Call Vote: Council Members Baertsch, Poduska, McOmber, Willden and Porter – Aye
141 Motion carried unanimously.

142
143 Mayor Miller and Council Members thanked Finance Manager Rawlings for the excellent work on the budget.

144
145 **2. Employee Compensation Schedule, Ordinance 16-12 (6-7-16).**

146
147 Mayor Miller introduced the public hearing concerning the Employee Compensation Schedule FY 2016-17
148 Final Budget.

149
150 Mayor Miller opened the public hearing and invited public comment; there being none, closed the public
151 hearing.

152
153 In response to Council Member Baertsch, Human Resources Specialist Neibaur explained there is only one
154 Crossing Guard Supervisor, staff has been unable to bench mark the positions of Crossing Guard, Seasonal
155 Maintenance, and Part-Time Firefighter which currently have flat pay scales, however, are working on this for
156 next year.

157
158 Council Member Willden noted in speaking with a number of other City representatives found them envious of
159 this methodology and are also going to consider this direction in order to de-politicize the way it is done, what
160 Saratoga Springs is doing sets a good precedent and believes we are one of the more innovative cities in the state

161 in this thought process. Council Member Willden commented he supports the methodology being adopted, not
162 the dollar amount, noting wages may go down depending on the economy.

163
164 Council Member Porter commented although understanding this is a way of depoliticizing the salary schedule,
165 he has issue with Council being included in the pay plan and it is his preference the Council and Mayor receive
166 minimum pay. Council Member Porter advised his vote is based on his position concerning Council and Mayor
167 compensation, not in regard to the employee compensation.

168
169 In response to Council Member McOmber, City Manager Christensen clarified they have established they will
170 try to hire to the minimum, however, on occasion it may be necessary to offer up to the midpoint if the right
171 candidate comes along for the City. Council Member McOmber concurred with Council Member Willden in
172 regard to necessary adjustment based on the economy.

173
174 Motion by Council Member Poduska to approve the Employee Compensation Schedule and adopt Ordinance
175 16-12f (6-7-16), was seconded by Council Member McOmber

176 Roll Call Vote: Council Members Poduska – Aye, Baertsch – Aye, Porter – Nay, Willden – Aye, and McOmber
177 – Aye. Council Member Porter – Nay.

178 Motion carried 4-1, Council Member Porter dissenting.

179

180 **ACTION ITEMS:**

181

182 **2. Western Hills Preliminary Site Plan, Phase 2 & 3 – reconsideration of Preliminary Plat Approval**
183 **Decision from May 17, 2016 and Condition Related to Connectivity.**

184

185 City Attorney Thurman advised procedures for reconsideration pursuant to the City's by-laws.

186

187 Motion by Council Member McOmber that the City Council discuss and possibly reconsider the motion made
188 on May 17, 2016 for Western Hills Phase 2 & 3 Preliminary Plat approval, was seconded by Council Member
189 Willden

190 Roll Call Vote: Council Members Porter, Baertsch, Poduska, McOmber, Willden – Aye

191 Motion carried unanimously.

192

193 Planner Baron presented background information and the request from the Applicant for the opportunity to
194 discuss the feasibility of applying the condition to stub a street to the adjacent property to the east to allow for a
195 potential future connection to Sergeant Court.

196

197 Director Gabryszak reported as this condition was added during the May 17, 2016 meeting staff did not have the
198 opportunity to fully review it, on its surface it seemed like a good condition to add future connectivity, however,
199 the area connecting the property is likely to be developed as commercial and the connection would be putting
200 residents through a commercial development. Director Gabryszak reported the Applicant also identified issues
201 in regard to a storm drain pipe at the access location, and the property owners between Western Hills and
202 Sergeant Court (the Buckland's) have submitted a statement objecting to the proposed connection.

203

204 Dick Hanson, H&H Engineering, representing the Applicant, advised the impact to the neighboring commercial
205 property is the primary concern, the only connection point could be through the commercial parking lot, a storm
206 drain line exists along the easterly boundary of Western Hills and a substantial elevation difference between the
207 properties.

208

209 Council Member Baertsch pointed out the importance of the connectivity, noting the two areas where there is
210 none and strongly recommended connectivity be given, however, that is accomplished; would like more
211 information if Council is going to reconsider this. In response to City Manager Christensen, Council Member
212 Baertsch noted Sergeant Court residents are unable get out of their neighborhood even if there is a commercial
213 drive through to Aspen Hills Blvd., there will be no left turn onto Redwood Road, Aspen Hills Blvd is where the
214 left turn signal is and that is why when they discussed this with Sergeant Court she asked for the connecting

215 road to be moved closer to the elementary school so they would have access further out, and during Sergeant
216 Court it was promised this would be the second access.

217
218 Council Member Poduska noted Western Hills has access to Redwood Road and someday access to Aspen Hills
219 Blvd. and does not understand imposing another access for connectivity to commercial, noted loss to the
220 commercial and residential properties, cost, engineering issues, believes the simple solution is to build a parking
221 lot in front of the commercial and he is in favor of reconsidering and providing a business friendly
222 accommodation for this project.

223
224 Director Gabryszak reported the City worked extensively with the Sergeant Court applicant and Fire Chief on
225 different solutions, at the time a potential solution was an access point to the north which was approved with the
226 modification to the width of the existing landscaping median at the development entrance and additional fire
227 lane striping, however, they were not able to obtain the northern property owner's permission for the access. In
228 this matter staff is in favor of connectivity through here, however, the code language specifies it applies to any
229 new subdivision, streets and walkway linkages between neighborhoods and the City has not been calling
230 commercial a neighborhood, so staff is not necessarily recommending removal of the condition but there is
231 enough ambiguity here for a reconsideration.

232
233 Council Member McOmber noted it was good to hear both opinions, connectivity is a concern and Council
234 Member Baertsch has done an exceptional job ensuring new developments have connectivity, with this
235 information he is in favor of reconsideration, however, that does not mean he will necessarily vote for it,
236 information and details are necessary in regard to the elevation difference, storm drain, engineering and roads,
237 noted there are circumstances where Council cannot fix mistakes of the past, however, will work with Western
238 Hills.

239
240 Council Member Willden recalled in regard to the issue with Sergeant Court, concurring with Council Member
241 McOmber there was an old problem they could not solve, the Fire Chief was not enthusiastic, however, said it
242 met his requirements, remembered the corner property was not a willing participant and it was an unfortunate
243 circumstance and difficult decision.

244
245 City Attorney Thurman advised he is not sure if there is an issue of ambiguity as in applying the land use
246 ordinance there may be differing ways to interpret, it is not a weighing of the evidence as long as there is
247 substantial evidence on the record to support Council's decision, it is making sure there are articulable facts on
248 the record explaining and defending the decision, and cautioned Council from using the Sergeant Court matter
249 as a basis of their decision because you cannot impose a condition on this development to solve an existing
250 problem, if Sergeant Court needs connectivity, that cannot be accomplished by imposing a condition on this
251 development unless you determine this development needs that logical connection for interconnectivity which is
252 a criteria in the code. Council Member Baertsch noted this was mentioned in the motion for the condition;
253 Council Member McOmber commented in his opinion it has always been a connectivity issue.

254
255 In response to Council Member Willden, Director Gabryszak reported connectivity for Western Hills only are
256 two access points onto Aspen Hills Blvd. Council Member Willden noted his preference is to ensure the
257 Applicant has an opportunity to present their case with more information.

258
259 Council Member Porter commented he was in agreement with Council Member Baertsch that more information
260 is needed and agrees with what has been discussed.

261
262 Dick Hanson, H&H Engineering, representing the Applicant, stated they are willing to work it out with Council
263 and requested tabling for more information and further consideration.

264
265 Motion by Council Member Porter to table the motion made on May 17, 2016 Western Hills Phases 2 and 3
266 Preliminary Plan approval and direct staff and the applicant to provide information, was seconded by Council
267 Member McOmber.

268

269 Amended Motion by Council Member Porter that we table the motion made on May 17, 2016 Western Hills
270 Phases 2 and 3 Preliminary Plat approval and direct staff and the applicant to provide engineering confirmation
271 of grade changes and other applicable information, was seconded by Council Member McOmber.
272 Roll Call Vote: Council Members McOmber, Porter, Poduska, Baertsch, Willden – Aye
273 Motion carried unanimously.

- 274
275 4. **City Street Lighting Special Improvement District (SID) Adding Hillcrest Condos Phases 3P – 3S,**
276 **Resolution R16-34 (6-7-16); and**
277 5. **City Street Lighting Special Improvement District (SID) – Adding Jacobs Ranch Phase 2 Plat I,**
278 **Resolution R16-35 (6-7-16).**

279
280 Motion by Council Member McOmber to approve City Street Lighting Special Improvement Districts (SIDs)
281 adding Hillcrest Condos Phases 3P – 3S, Resolution R16-34 (6-7-16), and Jacobs Ranch Phase 2 Plat I,
282 Resolution R16-35 (6-7-16), was seconded by Council Member Baertsch
283 Roll Call Vote: Council Members Porter, Willden, McOmber, Poduska, Baertsch – Aye
284 Motion carried unanimously.

285
286 Mayor Miller requested staff schedule work session discussion or update on status of the change in regard to
287 Street Lighting SID.

288
289 **Presentation:**

290
291 **State Fire Officer Designation – Cindy Coombs.**

292
293 Fire Chief Jess Campbell presented a Utah Fire Officer Designation award and pin to Fire Fighter/Paramedic
294 Cindy Coombs for her personal achievement in the areas of certifications, education, experience and training
295 and congratulated her on her achievement. Chief Campbell reported the Utah Fire Officer Development System
296 is based on the International Association of Fire Chiefs (IAFC) Professional Development Handbook with some
297 additional Utah requirements, the fire officer designation reflects a level of knowledge and a comprehensive
298 skill set that exceeds NFPA standards; it is intended to be a guide for those seeking a career path and recognition
299 of achievement leading to a higher degree of professionalism.

300
301 Mayor Miller and Council thanked Officer Coombs for her service and excellent work for the City and
302 community.

303
304 1. **Pro Split Pea – Site Plan and Conditional Use Permit (CUP).**

305
306 Planner Baron presented the staff report and recommendation concerning the application for the Pro Split Pea
307 Site Plan and Conditional Use Permit for the purpose of constructing a cellular tower at 1461 North 400 East,
308 parcel zoning Agricultural (A), reported the Planning Commission forwarded a positive recommendation with
309 the condition that the vinyl slates in the proposed chain link fence match the color of the vinyl fence in the
310 adjacent development.

311
312 Council Members discussed cell tower research, code compliance, position and reviewed driveway location;
313 further discussed fencing and screening as applicable to adjacent future medium density residential criteria.

314
315 Dakota Hawks, Technology Associates, representing Owner Kent Thompson, commented they would like to
316 stay away from vinyl as it breaks or can be spray painted, rod iron is okay, would prefer a solid fence in lieu of
317 landscaping due to maintenance and irrigation.

318
319 Motion by Council Member Willden to approve the Pro Split Pea site plan and conditional use permit (CUP)
320 with staff findings and conditions as outlined in the staff report, and include condition that the fence may not be
321 a barbed wire or chain link fence, and the fence and screening shall be approved by the Planning Director, was
322 seconded by Council Member Porter.

323
324 Amended Motion by Council Member Willden to approve the Pro Split Pea site plan and conditional use permit
325 (CUP) with staff findings and conditions as outlined in the staff report, and replacing condition 4 with condition
326 that the fence may not be barbed wire or chain link, and the fence and screening shall be approved by the
327 Planning Director, was seconded by Council Member Porter
328 Roll Call Vote: Council Members Porter, Baertsch, McOmber, Poduska, Willden – Aye
329 Motion carried unanimously.

330
331 **APPROVAL OF MINUTES:**

332
333 **May 17, 2016.**

334
335 Council Member Porter requested amendments as follows:

336 Line 121 - Council Member Porter commented he originally envisioned ~~something~~ regulations similar to...

337 Line 231 - Council Member Porter reported he attended the Camp Williams eCommunity pPartnership with...

338 Council Member Baertsch requested amendment as follows:

339 Line 425: to work with applicant on the parking...

340
341 Motion by Council Member Porter to approve the minutes for May 17, 2016 with corrections as submitted,
342 posted and requested, was seconded by Council Member Baertsch

343 Roll Call Vote: Council Members Willden, McOmber, Poduska, Baertsch, Porter – Aye

344 Motion carried unanimously.

345
346 **6. Resolutions Enacting Pending Ordinance Doctrine Regarding Signs in Parks and Open Spaces,**
347 **Resolution R16-36 (6-7-16), R16-37 (6-7-16).**

348
349 Planning Director Gabryszak presented the staff report and recommendation addressing the recent Scout project
350 signage in the park and open spaces.

351
352 Motion by Council Member Baertsch to approve Resolutions R16-36 (6-7-16), R16-37 (6-7-16) Enacting
353 Pending Ordinance Doctrine regarding signs in parks and open spaces, was seconded by Council Member
354 McComberWillden

355 Roll Call Vote: Council Members Baertsch, Poduska, McComber, Willden, Porter – Aye

356 Motion carried unanimously.

357
358 **CLOSED SESSION:**

359
360 Motion by Council Member Baertsch to enter into closed session for the purchase, exchange, or lease of
361 property, pending or reasonably imminent litigation, the character, professional competence, or physical or
362 mental health of an individual, was seconded by Council Member Porter

363 Roll Call Vote: Council Members Baertsch, Porter, Willden, Poduska, McOmber – Aye

364 Motion carried unanimously.

365
366 The meeting moved to closed session at 7:20 pm.

367
368 Present: Mayor Miller, Council Members Porter, Willden, McOmber, Baertsch, City Manager Mark
369 Christensen, City Attorney Kevin Thurman

370
371 Closed Session Adjourned at 7:30 p.m.

372
373 **3. Option and Purchase Agreement, Suburban Land Reserve, Inc., Resolution R16-33 (6-7-16).**

374
375 City Attorney Thurman presented the staff report and recommendation concerning the Option and Purchase
376 Agreement with Suburban Land Reserve, Inc., allowing the dedication of 25 acres of property to the City which

377 will be developed as a City park, and the option to purchase an additional 75 acres, which will allow the City to
378 develop a park in the public interest due to increased recreational opportunities in the City.

379
380 Council concurred with Council Member Baertsch that the first twenty-five acres is a good place to start and
381 decision can be made later in regard to the remaining acres.

382
383 Motion by Council Member Porter to approve the Option and Purchase Agreement with Suburban Land
384 Reserve, Inc. and Resolution R16-33 (6-7-16), was seconded by Council Member Poduska

385 Roll Call Vote: Council Members Baertsch, Poduska, McOmber, Willden, Porter – Aye
386 Motion carried unanimously.

387
388 **ADJOURNMENT:**

389
390 There being no further business, Mayor Miller adjourned the Policy Meeting at 7:35 p.m.

391
392
393
394
395 Attest: 
396
397
398
399 Jim Miller, Mayor

400
401

Cindy LoPiccolo, City Recorder
Approved: *Cindy LoPiccolo*
6-21-2016