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

Tuesday, June 21, 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

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Call to Order: 6:02 p.m. by Mayor Jim Miller

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Present Council Members Bud Poduska, Shellie Baertsch, Chris Porter, and Michael McOmber.
Council Member Stephen Willden called in to join meeting at 6:10 p.m.

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Staff City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber Gabryszak, Public Relations Economic Development Manager Owen Jackson, City Engineer Gordon Miner, Finance Manager Chelese Rawlings, City Planner Kara Knighton, City Planner Jamie Baron, Assistant Public Works Director George Leatham, City Recorder Cindy LoPiccolo

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Presentation: Communities That Care Update. Communities That Care (CTC) Coordinator Caryn Nielsen, reviewed current and future CTC activities, the new e-CTC web site offering training workshops, latest research and instructional materials that work in concert with the social development strategy; reviewed use and application of the Student Health and Risk Prevention (SHARP) survey, and Council participated in the 2016 Community Perception Survey. Mayor Miller and Council thanked Coordinator Nielsen for her information.

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Presentation: Mountain View Corridor Update, Joe Kammerer, UDOT Mountain View Corridor Project Director. Director Kammerer presented an overview of the Mountain View Corridor (MVC) project S.R. 73 to 2100 North. Director Kammerer reviewed initial project construction beginning in 2017 that will include a two-lane road with a six-foot sidewalk on the east side, reconfiguration of the intersection and traffic signal at Redwood and 2100 North. Director Kammerer reported as future funding becomes available, UDOT will expand the roadway to add a new two-lane frontage road to the west of MVC and convert the open section of frontage road from S.R.73 to 2100 North to two lanes with signalized intersection and trails, future construction will build out the remainder of the corridor by converting intersections to interchanges and adding freeway lanes to achieve a fully functional freeway from S.R. 73 to I-80 in Salt Lake. Director Kammerer reported the project timeline includes final design running 2016-2017 with construction beginning 2017 and completion in 2018. An open house is planned at Harvest Hills Elementary approximately August or September for public feedback and explanation of the frontage road system.

Council Member Baertsch noted the community did not want above grade through the neighborhood and Council concurred there should be a descriptive and thorough review of connections through frontage road slip lanes for the public's understanding; Director noted an interactive map will show the development over the course of time and detail.

Mayor Miller and Council Members thanked Director Kammerer for the information.

Boundary adjustment and Service areas in the North – Jacobs Property (Continued from May 17, 2016). City Manager Christensen introduced this continued item that responds to Council's request to provide rough numbers as to what it may cost to service this area. City Engineer Miner outlined the preliminary cost estimate for installation of a sewer pump station and infrastructure servicing 100 residences, contingency, engineering, legal and administrative costs totaling approximately \$740,000; annual O&M costs \$5,800; some other type of use is variable but will not change cost substantially.

54 Council discussed and concurred this cost is feasible and justifiable providing infrastructure for the east side of
55 the canal, would support this property with commercial zoning and development; were not in support of
56 residential use of the property.
57

58 **Street Lighting Special Improvement District (SID).** Mayor Miller continued this work session item to July
59 19, 2016.
60

61 **Adjournment:** The Work Session adjourned at 6:00 p.m. to the Policy Session.
62

63
64 **Policy Meeting**

65
66 **Call to Order:** Mayor Jim Miller called the Policy Session to order at 7:02 p.m.
67

68 **Roll Call:**

69 Present Council Members Chris Porter, Michael McOmber, Bud Poduska, and Shellie Baertsch.
70 Council Member Stephen Willden present by teleconference/web-x.
71 Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager
72 Spencer Kyle, Police Chief Andrew Burton, Fire Chief Jess Campbell, Planning Director
73 Kimber Gabryszak, Finance Manager Chelese Rawlings, Economic Development/Public
74 Relations Manager Owen Jackson, City Engineer Gordon Miner, City Planner Kara
75 Knighton, City Planner Jamie Baron, Assistant Public Works Director George Leatham, City
76 Recorder Cindy LoPiccolo
77

78 Invocation by Council Member Baertsch.

79 Pledge of Allegiance by Council Member Poduska.
80

81 **POLICY ITEMS:**

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83 **REPORTS:**

84
85 Assistant City Manager Kyle presented information concerning the current water situation in the City and status
86 of the culinary and secondary systems. Assistant City Manager Kyle advised the highest neighborhoods have
87 lost culinary in addition to secondary water which should be resolved within a twenty-four hour period.
88

89 To provide information on what actions the City has been taking Assistant City Manager Kyle reviewed the
90 water system fundamentals, constraints of the current water system, and reviewed what systems the City has put
91 in place 2014 - 2015, the 2016 conditions of those systems. Assistant City Manager Kyle reported the City has
92 contracted with an outside Engienering firm to assist in advising the City water department. Reported the City
93 received notice today from the State Division of Drinking Water recommending the City issue a boiled water
94 advisory to those neighborhoods that have lost culinary pressure, this is a standard notice for the State and a
95 precaution, wells are chlorinated and water is being tested, notification has been issued through facebook, the
96 City's website, and email notification system, and the City will continue to update the public; reported the City
97 is encouraging residents to water a maximum of once every three days which will assist in filling the tanks,
98 ponds and wells.
99

100 Assistant City Manager Kyle identified short-term and long-term solutions the City is currently implementing
101 and planning, reporting these projects will provide water to the City, improve redundancy and provide
102 secondary irrigation water to those areas currently using culinary water for irrigation.
103

104 Short term:

105 Culinary well #3 brought online to help supplement for failed well in Fox Hollow.

106 Engineers have modeled water system and recommended valve changes to optimize system.

107 Contract with Central Utah Water Conservancy District for additional 200 acre feet of water connected today
108 and currently pumping at 1,000 gpm
109 Once culinary wells are caught up (approximately 24 hours) we can begin to fill secondary ponds.
110 Central Utah Water should get City through 2016 irrigation season.

111
112 Long term:
113 Marina Secondary Water Pump Station
114 South Zone 2 Lake Mountain Reservoir
115 400 North ULDC Canal Zone 1&2 Pump Station and 3 AF Pond
116

117 Council Member McOmber noted the City is one of the few cities with water rights in Utah Lake, and
118 appreciates the forward thinking on the lake and canal pump stations and reservoir projects.
119

120 In response to Council Member Poduska in regard to water for the City's growth, Assistant City Manager Kyle
121 reported the City has more than enough culinary water, the issue is secondary water, water infrastructure needs
122 to be brought on in conjunction with development before additional approvals, noted infill development with
123 Church properties in the center of the City and they will be coming into the City with water resources purchased
124 from Central Utah Water. Advised one of the biggest bottlenecks to moving water around the City is the current
125 lack of development in the middle and the additional infrastructure will add water lines helping the pressure and
126 water get where it needs to be.
127

128 City Manager Christensen reported the completion of Riverside Drive included a water line currently helping
129 Legacy Farms, the culinary water is coming in today from Central Utah Water should help the City get ahead
130 and in the next few days the ponds and tanks should be full for the south end of the City, this will be a
131 significant increase for us from a capacity standpoint and staff will provide this information to the public .
132

133 In response to Council Member Baertsch's question concerning the well that failed, if we could drill another
134 well in the same location and why the sensor on the culinary tank failed, Assistant City Manager Kyle
135 responded that the south water project in the marina more than replaces the need for the well that failed, and the
136 City is still investigating the cause of the booster pump sensor tripping in the night.
137

138 Mayor Miller requested communication be issued to the north part of the City requesting voluntary limited use
139 and turn off of their sprinklers.
140

141 **Presentation:**
142

143 Police Chief Andrew Burton introduced new Police Officer Cody Black and Mayor Jim Miller presented Officer
144 Cody Black with his Commission; Mayor Miller and Council welcomed Officer Black to the Department and
145 City.
146

147 **Public Input:**
148

149 Mayor Miller requested staff take note of questions for response and provision of information.
150

151 Ralph Edson, Stetson Ave., commented in regard to the current water issue, the effect of secondary water
152 pressure loss on professional landscape and timing of irrigation, submitted a 24 hour pressure report.
153

154 Andrea Vehrs, Cimarron Ave., commented in regard to the current water issue, requested additional
155 communication and alerts in addition to FB, inquired when pressure will be available, expressed concern about
156 the amount of future development, provision of water, and effect on the lake.
157

158 Ashur Dunn, Kitfox Dr., commented in regard to the current water issue, inquired how new construction will
159 help in regard to water, who is responsible for the new yards going in when they cannot water and what does the
160 City expect of the residents, how do some areas have pressure and they do not.

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Ryan Poduska, Osprey Trail, commented in regard to the current water issue, thanked Mayor Miller on behalf of the HOA Board for answers, updates and plan information, and for jumping quickly for resolution, pleased with the short and long term planning, hopefully plans will negate the issues and address the growth; recommended the City work with a landscape architect to reassess landscaping requirements for common areas, incorporating more zeroscape, security for ponds, communication of shut offs to HOA landscaping companies, updating utility maps and shut off valve locations.

Derek Cannon, Cahill Ave., commented in regard to the current water issue, expressed concern with catching up, future provision of water for anticipated growth, inquired when the City can expect to get ahead, recommended review of the landscape ordinance and promotion of desert landscape.

Heather Bruck, Cahill Ave., commented in regard to the current water issue, appreciated the presentation, expressed concern with having problems from day 1, have had to call the City frequently because of no water pressure, residents pay more to water lawn, no water this morning, slow communication, effect on Utah Lake.

Jeremy Schreiner, Weatherby Dr., commented in regard to the current water issue, asked for information in regard to funding infrastructure to support new development, use of development and residential revenue, how it breaks out.

Richard Tanner, Cimarron Ave., commented in regard to the current water issue, expressed concern with diminishing provision of water.

Shawn Beddes, Thoroughbred Dr., commented in regard to the current water issue, expressed concern with amount of money spent on required landscaping, if mid-day watering is required cost of water increases.

Gordon Cook, Stetson Ave., commented in regard to the current water issue, requested additional information concerning the City's water system and when residents will have relief from problems.

Gwenda Beddes, Thoroughbred Ave., commented in regard to the current water issue, recommended landscaping education, put requirement for water wise plants and use of irrigation as little as possible into landscape ordinance, inquired what the reason was to have 25% living plant life and why there is not a greenspace cap on residential.

Jessica Turner, Cimarron Ave., commented in regard to the current water issue, worked with a landscape designer, received warning letters last year to put in their landscaping or suffer fines, new sod requires a certain amount of water, it is brown when you cut back, the problem is residences are not getting water pressure, it took eight years for Harvest Hills to get water pressure – that is not acceptable they had no water for drinking washing everything – can't bring in new people because existing residents do not have what they needm needs to be resolved immediately and for future residents

Steffani Roff, Western Dr., commented in regard to the current water issue, a lot of trouble is not knowing there was no water and their landscape begins to die, requested the City use the email system to advise residents.

Debbie Woolsey, Cimarron Ave., commented in regard to the current water issue, reported they have never had culinary water pressure in Jacobs Ranch, the City has checked it and it is as high as it is allowed to go; requested warnings and information such as the boiling water advisory get to residents sooner, should be advised more than on Facebook.

Richard Tanner, Cimarron Ave., inquired if there is water for a house fire. Fire Chief Campbell reported the Fire Department has sufficient water, pumps and pressure to respond to structure fire; they are checking and closely working with water management.

215 City Manager Christensen reported new development may only pay its proportional cost for the system plus for
216 their future impact; the City is funding these projects through various revenue streams; staff is discussing an
217 open house in July to provide information and talk about water. City Manager Christensen advised since this
218 morning several feet of culinary water has been added to the tanks, the concerns in regard to water are a City
219 priority and culinary water has been solved; acknowledged some residents have had no water and this was a bad
220 situation, however, throughout the day the water department has restored water to those areas.
221

222 Council Member McOmber commented he appreciates residents taking time to attend the meeting and inform
223 them, he has forwarded emails received to staff, and suggested information be taken to neighborhoods in
224 multiple locations.
225

226 Council Member Baertsch asked staff to include comprehensive water information on the City's website.
227 Council Member Porter noted several comments in regard to communication; Council Member McOmber
228 advised the City will utilize the newsletter, email if the resident opts in for that, reverse 911 calls only work with
229 home phone numbers, noted the social media is the best way to communicate information and alerts at this time.
230

231 Recess: Mayor Miller recessed the meeting at 8:20 p.m.; the meeting reconvened at 8:33 p.m.
232

233 **POLICY ITEMS:**
234

235 **PUBLIC HEARINGS:**
236

237 **1. FY 2015-16 Budget Amendments, Resolution R16-38 (6-21-16).**
238

239 Mayor Miller introduced the public hearing concerning the FY 2015-16 Budget Amendments.
240

241 Finance Manager Rawlings presented the staff report and recommendation for approval of FY 2015-16 Budget
242 Amendments for completion of this fiscal year; reported these amendments primarily address the transfers going
243 to the capital fund for capital projects in excess of 25%, a garbage fund adjustment for the current contract,
244 reimbursement agreements, and secondary water impact fund expenditures.
245

246 Mayor Miller opened the public hearing and invited public comment; there being none, closed the public
247 hearing.
248

249 Motion by Council Member Poduska to approve FY 2015-16 Budget Amendments and adopt Resolution R16-
250 38 (6-7-16), was seconded by Council Member Baertsch

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

252 Motion carried unanimously.
253

254 **2. FY 2016 Certified Tax Rate, Resolution R16-39 (6-21-16).**
255

256 Mayor Miller introduced the public hearing concerning the FY 2016 Certified Tax Rate.
257

258 Finance Manager Rawlings presented the staff report and recommendation for the tax year 2016 Saratoga
259 Springs Certified Tax Rate of 0.001994, noting the rate has decreased from the 2015 rate of 0.002031 and the
260 expectation is for the same revenues as the current fiscal year due to inclusion of new growth.
261

262 Mayor Miller opened the public hearing and invited public comment; there being none, closed the public
263 hearing.
264

265 Motion by Council Member Porter to approve the FY 2016 Certified Tax Rate, Resolution R16-39 ((6-21-16),
266 was seconded by Council Member Baertsch

267 Roll Call Vote: Council Members Willden, Baertsch, Poduska, McOmber and Porter – Aye.

268 Motion carried unanimously.

269
270 3. **Mountain View Estates II – Rezone (A to R-4) and Concept Plan Review**; Applicant Brian Sudweeks,
271 Owner Sudweeks Construction.
272
273 Mayor Miller introduced the public hearing concerning Mountain View Estates II – Rezone.
274
275 City Planner Jamie Baron presented the staff report and recommendations concerning the request for rezone
276 from Agricultural (A) to Low Density Residential (R-4) of 6.287 acres of property located at approximately 700
277 West 400 North. Planner Baron reported on May 26, 2016, the Planning Commission held a public hearing and
278 forwarded a positive recommendation of the rezone with inclusion of a condition for a note placed on the plat
279 advising in regard to the agriculture proximity as required per the City Standard Plat. Planner Baron advised the
280 applicant has submitted a concept plan for the proposed development of 6,291 acres, nine 9,000 square foot lots
281 and future City-owned irrigation pond, for review and feedback.
282
283 ~~Mayor Miller opened the public hearing and invited public comment.~~
284
285 Paula Heaton, 782 W 400 N, expressed concern with the proximity of agriculture impacts.
286 \

287 Mayor Miller, there being no other public comment, closed the public hearing.
288
289 In response to Council Member Porter, City Attorney Turman reported the draft purchase agreement for parcel
290 B shows approximately \$59,000 per acre, the same price per acre as was purchased from Alpine School District.
291 Council Member Porter recommended an additional plat note advising in regard to the future Mountain View
292 freeway corridor.
293
294 Applicant Brian Sudweeks reported the open space requirement is 6% short, would do a payment in lieu of for
295 that shortfall, trying to preserve enough property for a usable pond.
296
297 Council commented in support of the fee in lieu for the residual open space requirement and zoning of R-4 due
298 to the developers cooperation with the detention pond. Council Member Porter suggested specification of funds
299 to any local park. Council Member McOmber noted in lieu fees must be spent on any park service in the City, is
300 not in favor of isolating or eliminating options. Council Member Baertsch commented it was best to use on
301 current priorities coming up i.e. sports park, marina second phase - projects the residents want. Council
302 Member Willden commented supports applying these fees to a defined project, does not want to tie up funds on
303 an unspecified project
304
305 In response to Council Member Poduska, City attorney Thurman responded if Parcel C is noted as future
306 developable space and determined to be open space to meet the City’s subdivision ordinance, it would require
307 burying the power lines at significant cost.
308
309 Council Member Baertsch noted the cross section of N 400 appears to decrease in size from the church lot next
310 door, expressed concern in the event of future widening and that impact to the residential property. Planner
311 Baron reported the street meets current right-of-way width requirements, the area by church is wider than
312 normal. City Manager Christensen advised the Transportation Plan shows there will be a sizable collector nearby
313 on Church property that will service this area to the east-west. Council Member Baertsch noted the name of the
314 HOA may cause some confusion as Mountain View Estates II is not connected with Mountain View Estates;
315 inquired concerning the road shooting west with a 164’ turnound - Chief Campbell reported he has provided
316 feedback and that is to be brought back within 150’; Applicant Brian Sudweeks explained the road is 150’, and
317 is 164’ with the sidewalk going around it.
318
319 Motion by Council Member Baertsch to approve Mountain View Estates II rezone from Agriculture (A) to Low
320 Density Residential R-4, with inclusion of all staff findings and notations, and plat notations in regard to the
321 proximity of agricultural and Mountain View Corridor as discussed, was seconded by Council Member
322 McOmber

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

325
326 **ACTION ITEMS:**

327
328 **1. Award of Bid – 2016 Road Repair Project; Resolution R16-40 (6-21-16).**
329

330 Assistant City Manager Kyle presented the staff report and recommendation Award of Bid for the 2016 Road
331 Repair Project, reporting funding will come from B&C Road funds.

332
333 Council Member McOmber pointed out the deterioration of Grandview Blvd. Council Member
334 Baertsch noted several locations on Harvest Moon Drive, specifically was surprised of the condition in
335 front of the Daybreak condos and would like that on the list. Council Member Baertsch referred to the
336 Mountainlands Association of Governments (MAG) notification concerning miscalculation and
337 decrease of B&C revenue. City Manager Christensen reported the City has not budgeted this revenue
338 yet waiting for actual amount, the legislature redirected a portion of these taxes and the League
339 (ULCT) is working to undo that action.

340
341 Motion by Council Member Baertsch to award the bid to the lowest qualified bidder, Sumsion Construction
342 DBA Eckles Pavings for \$83,789.10, and Resolution R16-40 (6-21-16), was seconded by Council Member
343 McOmber

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

346
347 **2. Catalina Bay – Final Plat Phase 1;** Applicant Desert Peak Mngement Group, LLC Owner(s) Casey
348 Development, LC, OilWell Properties, LC, Blackrock Homes, LLC.

349
350 City Planner Kara Knighton presented the staff report and recommendation concerning the request for final plat
351 approval for Catalina Bay Plat Phase 1, which consists of 50.61 acres in the R-3 zone, 131 lots, resulting in a
352 density of 2.59 units per acre. The open space total is 5.27 acres with 2.02 acres proposed with the first phase.

353
354 City Planner Knighton reported the proposed Final Plat application requests a deviation to the approved
355 Preliminary Plat layout, replacing a through-street with two cul-de-sacs, resulting in the City Council being the
356 approval authority pursuant to Section 19.12.03; and reported the Settlement and Development Agreement has
357 been signed and submitted.

358
359 Council Member Porter commented he is in support of the changes, phasing and fee in lieu of open space.

360
361 Council Member McOmber commented he is okay with the fee in lieu, connectivity, and phasing if staff is
362 comfortable; is disappointed in regard to the loss of additional connectivity, however, this is meeting code;
363 noted change in Lot 121 – Planner Knighton reported the lot will be fixed.

364
365 Council Member Poduska expressed appreciation for the open space and assistance with the marina; pointed out
366 Phase 1 usually comes in a block, this configuration is spread out – City Manager Christensen explained the
367 shape was contingent on the infrastructure going in with the Church, it was extended. Applicant Representative
368 Susan Palmer commented the reason was also because the subdivision needed to have a second access.

369
370 City Attorney Thurman inquired concerning completion of the deficient piece of the Redwood Road Trail as
371 required within the settlement agreement, the offsite portion. Applicant Representative Susan Palmer
372 commented the City decided to take care of that piece rather than the HOA, there is no way to put a water line
373 up through there and hook up to the water meter until they go with phase 3. City Manager Christensen clarified
374 this was an offsite os improvement that was being resolved, part of the terms was that they were going to install
375 the trail, the applicant was asking for water credits, and it was decided that section would be metered and shown

376 for the City in its accounting, from a long term standing the cost of the water and meter valve compared to the
377 long term cost of the trail maintenance, City will maintain and control the water for the section in front of
378 Harbor Bay, with the changed phasing this is scheduled for completion by or at Phase 3; Susan Palmer affirmed
379 this.

380
381 In response to Council Member Poduska, City Manager Christensen advised the three lots north of the Church
382 were sold to the property owner to add that extra acreage to their adjacent lots.

383
384 Council Member Baertsch thanked staff for completion of the settlement agreement, commented while she has
385 no problem with fee in lieu, is concerned with four plus pages of engineering conditions plus all the staff
386 conditions noting this should have been taken care of before bringing to Council as final plat, she wants to make
387 sure these conditions are taken care of, especially of concern is making sure the landscaping is done properly
388 and does not have to return with problems, and she would like to see Lot 121 fixed before Council finalizes this
389 plat; noted two road name conflicts – the change with Garibaldi Way stubbing off north will have future
390 connection with Heron Hills and she believes the Heron Hills portion is named Ute Road, it will be the same
391 road with two names, also Garibaldi now wraps to the south and comes down to the east towards the lake
392 connecting to a road with a different name, will need to look at the map. Council Member Baertsch commented
393 she believes there are many issues that need to be fixed and is personally more comfortable tabling this until
394 cleaned up, she has no problem with the phasing, wants to make sure landscaping is in and staff has approved it.

395
396 City Attorney Thurman noted in review of the phasing plan and settlement agreement he finds he did not
397 address the timing of completion of the deficient section of the Redwood Road Trail through the Harbor Bay
398 section, asked if Council would make this a condition of approval for completion with Phase 3.

399
400 Council Member Willden commented he is comfortable the conditions will be met and approving with
401 conditions – they are a check box that staff goes through and validates – he personally does not need to see it
402 come back as long as those issues can be handled by staff.

403
404 Council Member McOmber commented in his opinion the final plat is normally approved by staff, and he is
405 okay as long as we put in another condition that all these things have to be met before they can move forward, it
406 is because of the change it is here before Council, and he concurs with Council Member Willden.

407
408 Motion by Council Member Willden to approve Catalina Bay Phase 1 Final Plat located approximately 3500 –
409 3700 S , between Redwood Road and Utah Lake, with the findings and conditions listed in the staff report, and
410 inclusion of conditions the Redwood Road Trail through the Harbor Bay section be completed with Phase 3, and
411 staff checks all conditions complies before they approve, was seconded by Council Member Porter

412 Roll Call Vote: Council Members Willden – Aye; Council Member Baertsch – Nay; Council Member Poduska
413 – Aye; Council Member McOmber – Aye; and Council Member Porter - Aye.

414 Motion carried 4-1.

415
416 Council Member Baertsch requested Council never receive 4.5 pages of conditions, it is too excessive, and to
417 work things out prior.

418
419 **3. Resolution Declaring Delinquency and Default of Unpaid Special Assessment Taxes for Special**
420 **Improvement District 2005-1, Accelerating Payment of Special Taxes on the Delinquent Property,**
421 **and Authorizing Foreclosure Proceedings; Resolution R16-41 (6-21-16).**

422
423 Eric Johnson, with the Law Firm of Blaisedell, Church and Johnson, LLC, introduced himself and reported he
424 assisted with preparation of the Resolution, there are a number of delinquencies in one of the City's special
425 improvement districts that have not been paid with the annual special tax assessment, they have been notified
426 and have not responded, explained the two options the City can do, this is the more aggressive approach
427 pursuant to the authorizing resolution payments will be accelerated on taxes applicable to the property.

428

429 Mr. Johnson reported notices will be issued to the property owners and all lienholders on the property, they will
430 be given a chance to pay within a specified time frame, if the taxes are not paid the property can go to
431 foreclosure and be sold, when the property sells the taxes are collected. Mr. Johnson explained usually at some
432 point the owner realizes the City is serious about getting paid the taxes and the owner or a lienhold will step
433 forward. A lienholder has a vested interest because the tax lien has priority, occasionally a lienholder will make
434 the payment because if the property is sold their lien could get wiped out. It is fairly rare instance when the
435 property goes to sale, however, with the downturn over the last seven years it has been known to happen.

436
437 In response to Council inquiry, Mr. Johnson reported as a less aggressive approach the City could do the general
438 tax collection which takes five years , the City would shoulder the delinquency for five years. Council Member
439 Baertsch noted some of these have been due since 2009. City Attorney Thurman reported the original notice
440 was issued October last year and they have been given plenty of reminders since then. Mr. Johnson noted
441 having worked with foreclosures, this process gets their attention, they can pay what the taxes overdue, fees and
442 expenses, right up to the time of sale, it clears it.
443

444 **Explanation of Resolution Declaring Delinquency:**

445 The Assessment Area Act provides the City several tools to ensure that property owners pay for
446 improvements benefitting their properties. Perhaps the strongest tool is the ability to foreclose on property
447 when it is delinquent, as if foreclosing on a deed of trust (11-42-502 UCA). If desired, the City may by
448 resolution declare the delinquent amount immediately due, accelerate the total amount outstanding and
449 declare it immediately due and payable, and charge all costs of collection, including attorney fees (11-42-
450 505 UCA). The purpose of the resolution is to make these declarations by resolution, as required.
451 Accelerating the delinquent assessment payments will allow the City to collect all of the assessment in a
452 foreclosure proceeding, rather than having to revisit delinquencies each and every year. While it is possible
453 that the foreclosure will result in a property sale, for almost all properties, someone with an interest in the
454 property, such as a property owner, or a secured lender on the property, will pay that delinquent assessment
455 and collection fees, before a foreclosure sale is finalized, which is known as a redemption.
456

457 Motion by Council Member McOmber to approve Resolution declaring delinquency and default of unpaid
458 special assessment taxes for Special Improvement District 2005-1, accelerating payment of special taxes on the
459 delinquent property, and authorizing foreclosure proceedings, Resolution R16-41 (6-21-16), was seconded by
460 Council Member Baertsch

461 Roll Call Vote: Council Members Willden, Baertsch, Porter, Poduska, and McOmber – Aye
462 Motion carried unanimously.
463

464 **4. Temporary Purchase of CWP Water.**

465
466 Mayor Miller introduced the document for temporary purchase of CWP Water for consideration of approval.
467

468 Motion by Council Member Baertsch to ratify the purchase of temporary CWP Water, was seconded by Council
469 Member McOmber

470 Roll Call Vote: Council Members Porter, McOmber, Willden, Baertsch, and Poduska – Aye
471 Motion carried unanimously.
472

473 **APPROVAL OF MINUTES:**

474
475 **June 7, 2016.**

476
477 Motion by Council Member McOmber to approve the minutes for June 7, 2016 with corrections as submitted
478 and posted, was seconded by Council Member Porter

479 Roll Call Vote: Council Members Willden, McOmber, Poduska, Baertsch, Porter – Aye
480 Motion carried unanimously.
481

482 **CLOSED SESSION:**

483

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

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

488 Motion carried unanimously.

489

490 The meeting moved to closed session at 9:35 pm.

491

492 Present: Mayor Miller, Council Members Porter, Willden, McOmber, Baertsch, City Manager Mark
493 Christensen, City Attorney Kevin Thurman, City Recorder Cindy LoPiccolo.

494

495 Closed Session Adjourned at 10:09 p.m.

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497 **ADJOURNMENT:**

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499 There being no further business, Mayor Miller adjourned the Policy Meeting at 10:10 p.m.

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503

504 Attest:

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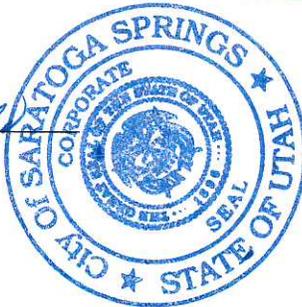
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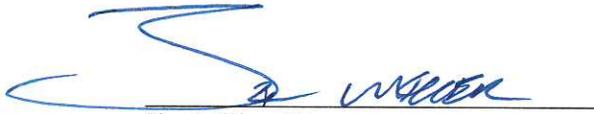
508 
Cindy LoPiccolo, City Recorder

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Approved: 7-5-16




Jim Miller, Mayor