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

Tuesday, July 19, 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: 6:30 p.m. by Mayor Jim Miller

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Present Council Members Stephen Willden, Michael McOmber, Chris Porter, and Bud Poduska.
Council Member Shellie Baertsch was excused.

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Staff City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber Gabryszak, City Engineer Gordon Miner, Finance Manager Chelese Rawlings, Senior Planner Sarah Carroll, City Planner Jamie Baron, City Recorder Cindy LoPiccolo

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Street Lighting Special Improvement District (SID). Assistant City Manager Kyle reviewed the history of the Street Lighting Special Improvement District put in place approximately ten years ago to obtain fees for the operations, maintenance, and capital expenditures of the City's street lighting infrastructure. Assistant City Manager Kyle advised this has been brought as requested by the Council to discuss whether the City should continue with the SID or implement a utility fee.

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Manager Kyle reviewed the problems with the current street lighting SID, the current fee implemented prior to 2003 has not kept up with inflation and general funds are currently subsidizing the maintenance and operations, an audit has found not all plats in the City have been added to the SID, and the code is unclear in regard to the SID fee for multi-family and commercial developments, so there is a question whether the City should charge one fee per unit. Manager Kyle reported staff is currently reviewing options to update the current SID or create a street light utility fee, there may be the possibility of combining all SIDs into one SID covering City limits, staff is leaning toward adopting a utility fee and reducing the SIDs \$0 which would retain the districts in the event legislation changes to not allow the utility fee, keep the same fee which should cover the costs if all residential units are individually charged.

City Attorney Thurman noted lighting is a type of utility similar to water and sewer as opposed to streets and believes legislative action slim, implementation of a utility fee could be done following determination of costs and a fee study can be done following as long as the fee is reasonable, noted cleanup of the City SIDs will be difficult and will review if combininb into a city-wide SID is feasible.

Council Member Porter commented concerning proper clarification of fee within the code, his preference would be for the utility fee, and inquired concerning non-payment; City Attorney Thurman reviewed collection process for SID and utility fees.

Council Member Poduska commented it makes sense administratively to make the City one inclusive SID, with the fee for every unit which may cover the deficit without increase; Manager Kyle noted some work and calculation would need to be done in regard to commercial.

Council Member Willden commented in favor of a utility fund, retaining the SID at \$0, check into ability to combine the SIDs even if it is \$0 to allow switching back without have to go through a two month indemnification process and various Resolutions for those that did not get updated during that time frame, and believe having a consistent fee for all unit types makes sense.

Council Member McOmber commented from a policy standpoint we should follow the code and standard -- would rather stay with city-wide SID which would provide for the ability to lien property, noted utility fee collection is difficult and does not see an upside, would like to see recommendation from staff for a reasonable

55 process, and inquired if we can provide for development of the city-wide SID which allows approval of lighting
56 at time of final plat recording to streamline the process. City Attorney Thurman reported the process requires
57 initiation by a petition and passage by Council Resolution; also noted Council action concerning the SID should
58 be as the Board of Trustees, there is a lot of clean up with this and the City must follow the process.
59

60 Council Member McOmber commented implementation of a utility fee was his concern and does not want to
61 raise issue or open up questions; Assistant City Manager Kyle clarified the name of the Street Lighting SID fee
62 would be amended to a lighting utility fee following truth in taxation requirements. Council Member McOmber
63 advised he is okay with a utility fee and reducing the SID to \$0.
64

65 City Manager Christensen reported email from Council Member Baertsch states she likes the teeth of the SID,
66 however, would like further staff information and discussion. Assistant City Manager Kyle advised staff can
67 work on this, and develop and return with specific options for Council consideration, including a factor for
68 future LED upgrade.
69

70 **Future Items.** City Manager Christensen reported after conferring with the Planning Director it is necessary for
71 the City to submit an application to go through the Site plan and Conditional Use Permit (CUP) process for the
72 City's Utah Lake Distribution Canal Pump Station on 400 N, this will be brought before the Planning
73 Commission and Council, and following that will move quickly with design and construction. He
74 recommended future consideration of delegation of CUP to the Planning Commission which may assist with
75 efficient processing of similar projects., and reported staff is working with Hansen, Allen & Luce
76 representatives and pushing forward with all of those projects discussed during retreat.
77

78 **Adjournment:** The Work Session adjourned at 7:00 p.m. to the Policy Session.
79

80 **Policy Meeting**

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83 **Call to Order:** Mayor Jim Miller called the Policy Session to order at 6:59 p.m.
84

85 **Roll Call:**

86 Present Council Members Chris Porter, Stephen Willden, Michael McOmber, and Bud Poduska.
87 Council Member Shellie Baertsch was excused.
88 Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager
89 Spencer Kyle, Police Chief Andrew Burton, Fire Chief Jess Campbell, Planning Director
90 Kimber Gabryszak, Finance Manager Chelese Rawlings, City Engineer Gordon Miner,
91 Senior Planner Sarah Carroll, City Planner Jamie Baron, City Recorder Cindy LoPiccolo
92

93 Invocation by Council Member Willden.

94 Pledge of Allegiance by Council Member McOmber.
95

96 **Public Input:** Mayor Miller invited public input – None.
97

98 **POLICY ITEMS**

99 **REPORTS:**

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101
102 Council Member McOmber thanked staff for fulfilling his request for a joint meeting with the School District, it
103 was well received and was pleased to hear the District would like meet on a more regular basis, as he believes it
104 is beneficial in regard to construction for the City, School District and Church to have a close relationship.
105

106 Council Member Poduska commented the meeting today with the Alpine School District was productive and
107 provided important information, concurred with the benefit of working together.
108

109 Mayor Miller reported North Pointe Solid Waste Special Service District is looking to purchase air space for
110 future trash through a coalition of landfill groups and transfer stations called North Utah Regional Landfill
111 Association (NURLA); he reported the City has requested delay until August 2 to allow review of the District's
112 financial by the City Manager and himself to ensure this is in the City's best interest.

113
114 Council Member Willden reported he was contacted by Jacob Ranch/Ring Road residents inquiring concerning
115 the status of the proposed Fire Training facility; and inquired if there was an update concerning City
116 membership on Timpanoga Special Service District (TSSD). Chief Campbell reported staff is working on the
117 permit application which will go through a Planning Commission public hearing and Council decision.
118 Assistant City Manager Kyle reported he and City Attorney Thurman have researched that TSSD did initially
119 operate a small facility built by the developer before being given to the City, did not operate long, and they are
120 attempting to determine dates, however, locating documents from that time frames has been difficult. City
121 Attorney Thurman noted he has spoken to the County Attorney responsible for advising the Commission on this
122 and he affirmed to just give them information and could appoint, explaining the City was on a list that they are
123 fixing. Council Member McOmber recommended staff contact Michael Dorscht the original plant operator who
124 could testify and or attest, he was there during that transition. .

125
126 City Manager Christensen introduced his son Micah Christensen, who is attending the meeting tonight.

127
128 Council Member Willden reported he received an appointment for the day long Jordan River
129 Commission meeting in September. He would like to attend and participate, but can not be there all
130 day long and would like a member of staff to participate if possible. He will provide the meeting
131 information to the Planning Director.

132
133 **POLICY ITEMS:**

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135 **PUBLIC HEARINGS:**

136
137 1. **Annexation Policy Plan Amendment, Ordinance 16-14 (7-19-16).**

138
139 Mayor Miller introduced the public hearing concerning the Annexation Policy Plan Amendment.

140
141 Senior Planner Carroll presented the staff report and recommendation for the proposed amendment to the
142 Annexation Policy Plan boundary. Planner Carroll reported the purpose of this process is to add a small area to
143 the Plan in anticipation of future applications for annexation; identified the location of the area to be
144 approximately 400 North Saratoga Road, current zoning Agricultural, and current use undeveloped. Pursuant to
145 Utah State Code notice was sent to all affected entities, a Public Meeting was held on June 9, 2016 with the
146 Planning Commission to allow the effected entities to provide comment on the proposed amendment, no public
147 comment was given at that meeting or received prior; and a Public Hearing was held with the Planning
148 Commission on June 23, 2016, again no public comment was given at that meeting or received prior to it.

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

152
153 Motion by Council Member Porter to approve the proposed amendment to the Annexation Policy Plan
154 Expansion Area Map, as shown on Exhibit A and based on Findings in the staff report, and Ordinance 16-14 (7-
155 19-16) , was seconded by Council Member Poduska

156 Roll Call Vote: Council Members Porter, Willden, McOmber, and Poduska - Aye.
157 Motion carried 4-0; Council Member Baertsch excused.

158
159 2. **FY 2016-2017 Budget Amendments, Resolution R16-45 (7-19-16).**

160
161 Mayor Miller introduced the public hearing for FY 2016-2017 Budget Amendments.

162

163 Finance Manager Rawlings presented the staff report and recommendation for budget amendments for fiscal
164 year 2016-2017, identifying the amendments within the General Fund, General Capital Fund, Roads Impact,
165 Storm Drain Impact, Sewer Impact, and Secondary Water Impact Fund amendments. City Manager Christensen
166 provided information in regard to the Storm Drain project PN1 scheduled in tangent with the Redwood Road
167 project.

168
169 Mayor Miller opened the public hearing and invited public comment; there being none, closed the public
170 hearing.

171
172 Council Member Willden commented in regard to capital expenditures when the budget is increased on
173 expenditure it would be interesting and informative to see the impact on the ending balance.

174
175 Council Member McOmber commented in appreciation of the City being proactive in scheduling necessary City
176 projects during the same construction time frame as the Redwood Road project; recommended additionally
177 contacting potential developments/developers to check if they can get their necessary construction work done at
178 the same time. City Manager Christensen concurred reporting there may be new projects and betterments to add
179 and check if this is a good time to do those, as the project is evolving staff is asking what makes sense in regard
180 to adjacent developments.

181
182 Motion by Council Member Poduska to approve the FY 2016-2017 Budget Amendments, Resolution R16-45
183 (7-19-16), was seconded by Council Member McOmber
184 Roll Call Vote: Council Members Poduska, McOmber, Willden, and Porter - Aye.
185 Motion carried 4-0; Council Member Baertsch excused.

186
187 **ACTION ITEMS:**

- 188
189 1. **Discount Tire – Proposed Site Plan, Conditional Use Permit (CUP), Applicant Discount Tire (Scott**
190 **Fournier), Owner Amsource Saratoga NWC, LLC.**

191
192 City Planner Baron presented the staff report and recommendation concerning the application for the Discount
193 Tire Site Plan and Conditional Use Permit for an Automotive Repair, Minor business on 1.325 acres located at
194 1413 North Exchange Drive within part of the Walmart Subdivision. Planner Baron reported the parking
195 requirement for the site is 42 parking stalls, because of engineering limitations only 41 spaces were able to be
196 provided, advised the City may approve a maximum of 25% parking reduction, however, noted if bay parking is
197 counted the site will exceed the requirement. Planner Baron reported signage can comply with the condition to
198 modify so that Secondary Signs do not to exceed 50% of the Primary Sign size, and lighting can comply with
199 the condition to meet the City’s lighting standards within code section 19.11.

200
201 Zach Johnson, Civil Engineer/Consultant, representing the Applicant, reported they are in the process of
202 adjusting the signage for compliance, evergreens will be provided outside the electrical cabinet for landscaping
203 and the site plan has been readjusted to meet engineering requirements; the company is looking forward to being
204 part of the community and will sell tires and wheels only.

205
206 Council Member McOmber complimented Discount Tire stores noting the good location, he appreciates their
207 making the necessary adjustments, requested staff meet with the representative concerning City advertising
208 requirements, and advised he has no problem with the necessary reduction of parking stalls as there is
209 substantial parking across the street.

210
211 Council Member Poduska concurred, noted its ideal location and he approves the bays being counted as parking
212 stalls, clarified concerning the truck turnaround on the site, and commented he was glad the business is coming
213 to the City.

214
215 Council Member Willden commented he had no concerns with the business or the parking.

216

217 Council Member Porter welcomed the business to the City, noted it makes sense to count the bays for parking
218 and he looks forward to the business opening.

219
220 Motion by Council Member Willden to approve the Discount Tire Site Plan and Conditional Use Permit with
221 all staff Findings and Conditions, was seconded by Council Member McOmber
222 Roll Call Vote: Council Members Porter, Poduska, McOmber and Willden - Aye.
223 Motion carried 4-0; Council Member Baertsch excused.
224

225 **2. Bach Homes, River Heights Plat D - Final Plat;** Applicant/Owner Bach Investments, LLC.
226

227 Senior Planner Carroll presented the staff report and recommendation concerning the application for final plat
228 approval for River Heights Plat D, their last phase located approximately 300 East Verano Way, which consists
229 of 19 single family lots and 0.39 acres of open space within 3.79 acres, the property is zoned R-10. Planner
230 Carroll reported with the addition of the detention basin to Phase 4 this change results in an additional 0.154
231 acres of open space and the applicant would like to offer some of the townhomes the option to fence off small
232 areas as they have requested. Senior Planner Carroll reported there are 37 townhomes in Plat B and this would
233 allow each of them a fenced area of approximately 181 square feet, still meeting the open space requirement of
234 20%.
235

236 Council Member Porter commented he was glad people could have the fenced space.
237

238 Council Member Poduska noted the change is for the betterment and he had no problem with allowing the
239 fencing.
240

241 Council Member Willden noted he was glad Council was approving single family homes.
242

243 Council Member McOmber commented he was okay with the fenced area as long it does not exceed the open
244 space, and the official amount of open space (20%) needs to be documented with the fences in order for the
245 City to show other developers inquiring for fencing this development met the required open space with closed
246 fencing; otherwise no problem. Senior Planner Carroll affirmed Planning has separate documentation that
247 shows that.
248

249 Amended motion by Council Member Porter to approve Bach Homes, River Heights Plat D, with all staff
250 findings and conditions, with addition of a condition for official documentation showing the overall open space
251 for the entire development is meeting, and not exceeding, the open space requirement with inclusion of the
252 fenced in areas, was seconded by Council Member Poduska
253 Roll Call Vote: Council Members Porter, Willden, McOmber, and Poduska - Aye.
254 Motion carried 4-0; Council Member Baertsch excused.
255

256 **3. Temporary Purchase of Central Utah Water - Approval.**
257

258 Mayor Miller introduced the document for temporary purchase of CWP Water for consideration of approval.
259

260 City Manager Christensen reviewed the City's use of the Central Utah Water purchased in June to improve the
261 City's water position; reported it is anticipated the City will exceed 200 acre feet and vastly exceed that if the
262 canal water is taken off line, as Council will not meet again until August 19 staff is recommending additional
263 Council authorization be given to allow continuation of the contract and use water necessary to get through the
264 rest of the season, noting they did not want to get in a position in mid-August if something else happened.
265

266 Mayor Miller inquired if Murdoch Canal water is diverted to Salt Lake, do they pay the cost of us finding other
267 water because that is the City's water, or do they have that legal right; City Manager Christensen responded he
268 believes all of the Utah Lake water users and canal companies are asking those questions, does not have an
269 answer tonight, believes there is most likely some loop hole language, however, he will look into it. Mayor
270 Miller requested contractual language be included the next time the City contracts for a culvert to address that.

271 City Manager Christensen reported staff will report back in September with a reconciliation, the goal is to not
272 exceed the use by much, however, does not want the City to get back into a tight spot.
273

274 Council Member McOmber requested the record show we have all had conversations that our water goes from
275 Deer Creek, by-passes Utah Lake to a staging point where it is pumped, the water from Deer Creek for the
276 Murdoch Canal. City Manager Christensen noted this information comes from a phone conversation staff had
277 with the president of the canal company on Monday afternoon.
278

279 **APPROVAL OF MINUTES:**

280
281 **July 5, 2016.**
282

283 Motion by Council Member McOmber to approve the minutes for July 5, 2016 with no changes, was seconded
284 by Council Member Willden

285 Roll Call Vote: Council Members Porter, Willden, Poduska, and McOmber - Aye.

286 Motion carried 4-0; Council Member Baertsch excused.
287

288 **CLOSED SESSION:**

289
290 Motion by Council Member McOmber to enter into closed session for the purchase, exchange, or lease of
291 property, discussion regarding deployment of security personnel, devices, or systems; pending or reasonably
292 imminent litigation, the character, professional competence, or physical or mental health of an individual, was
293 seconded by Council Member Porter

294 Roll Call Vote: Council Members Willden, Poduska, McOmber and Porter - Aye.

295 Motion carried 4-0; Council Member Baertsch excused.
296

297 The meeting moved to closed session at 7:45 pm.

298
299 Present: Mayor Miller, Council Members Porter, Willden, McOmber, City Manager Mark Christensen, City
300 Attorney Kevin Thurman, Assistant City Manager Kyle, City Recorder LoPiccolo.
301

302 Closed Session Adjourned at 7:52 p.m.
303

304 **ADJOURNMENT:**

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306 There being no further business, Mayor Miller adjourned the Policy Meeting at 7:52 p.m.
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308
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310 
311 Jim Miller, Mayor

312 Attest:

313 
314 Cindy LoPiccolo, City Recorder
315

316 Approved: *August 16, 2016*

