CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING MINUTES
Tuesday, August 16, 2016
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

City Council Work Session

Call to Order: 6:36 p.m. by Mayor Jim Miller

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

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, Public Relations Economic Development Manager Owen Jackson , Senior Planner Sarah Carroll, City Recorder Cindy LoPiccolo

Wildflower Village Plan 1, Applicant DAI. Planning Director Gabryszak presented Wildflower Village Plan 1 (VP1) Community and Village Plan layouts and Village Plan 1 draft encompassing the property located between the future Mountain View Corridor (MVC) (east) and existing Harvest Hills (west), and consisting of a proposal for 1465 residential units on both sides of the corridor. Director Gabryszak noted specific detail will be presented on the preliminary subdivision plats following approval of the plans, and requested Council feedback to address major issues and concerns before moving forward with subdivision plats.

Bryan Flamm, DAI, commented in regard to work being done on offsite utilities, and with UDOT on plans for the frontage road and crossings.

Council discussed the maintained open space requirement, timing for irrigation and maintenance of park and other planned landscaped areas, reviewed plans and location of open space and addressed concern in regard to native seed areas and its possible transition to weeds. Bryan Flamm noted the native seed areas are primarily planned up on the hillside, beneath the power lines and at the detention areas. Council reviewed roadways, access, crossing locations and future improvements, and project phasing. Council discussed a concern with proposed smaller lot sizes in regard to garage site access, turnaround, and limited rear property setback/use; Bryan Flamm noted variation of front setbacks and elevations, and there are fewer smaller lots than originally planned. Council made suggestions in regard to connectivity for safe elementary school access working with school and possible incorporation of a gate at the south end adjacent the townhomes, strongly recommended sidewalks on both sides of streets especially on arterials, recommended loosening open space permitted elements for more reasonable use, recommended appropriate future ERU calculation in regard to churches, and adjustment of fencing to ensure site triangles are maintained.

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

Policy Meeting

Call to Order: Mayor Jim Miller called the Policy Session to order at 7:09 p.m.

Roll Call:

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

Staff Present: City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Public Relations Economic Development Manager Owen Jackson, Police Chief Andrew Burton, Planning Director Kimber Gabryszak, Finance Manager Chelese

Rawlings, City Engineer Gordon Miner, Senior Planner Sarah Carroll, City Recorder Cindy LoPiccolo

Invocation by Council Member Willden.
Pledge of Allegiance by Council Member Baertsch.

Public Input:

Mayor Miller invited public input.

Stuart Collyer, S. Cottage Cove, recommended an expanded ordinance establishing standards in regard to installation of solar systems and panels, and presented a handout with proposed language. Mayor Miller requested staff review this issue with the HOA.

Arron Evans, Fairfield Rd., requested repair and new asphalt on 400 N. Mayor Miller requested staff advise status.

Constance Cove, requested consistant rules within the ordinance concerning solar panels, noting solar importance in regard to medical.

Lisa Swearingen, Realtor, commented in support of more development to serve the current public and business needs and growth.

Ryan Poduska, Osprey Trail, thanked the City for coming to a solution with the landscaper concerning the park water issue, and invited Council to the annual summer party at the park.

POLICY ITEMS:

PUBLIC HEARINGS:

1. **Mt. Saratoga – Rezone, General Plan Amendment, Community Plan, and Master Development Agreement, Ordinance 16-15 (8-16-16), Ordinance 16-16 (8-16-16).**

Mayor Miller introduced the public hearing for Mt. Saratoga Rezone, General Plan Amendment, Community Plan, and Master Development Agreement.

Senior Planner Carroll presented the staff report and recommendation concerning the application for General Plan Amendment and Rezone from Low Density Residential (R-3) to Planned Community (PC) for residential and commercial development, advised the property is located adjacent to the City of Eagle Mountain and existing developments, and is a hillside area with sensitive lands and slopes greater than 30 percent. Senior Planner Carroll reported the applicant wishes to cluster housing types and preserve sensitive lands and noted that type of flexibility is now offered in the Planned Community District Zoning. Planner Carroll reported the application covers approximately 688 acres that includes 7.5 Community Commercial acreage, 445.45 Residential/Civic acreage, 234.98 (34.2%) Open Space acreage, and 2,553 residential units comprised of 988 (39%) Single family units, 285 (11% Single family units in flex neighborhood, 284 (11% two and three Family unites in flex neighborhoods, and 996 (39%) Multi-family units.

Senior Planner Carroll identified road connections, presented the phasing plan, open space master plan for 234 acres of open space, the plan for Mt. Saratoga Blvd., identified a potential elementary school site, and reviewed the proposed entry and commercial signage and theme. Planner Carroll reported in regard to utilities the applicant is required to install a water tank, secondary water irrigation pond, water, sewer and storm drain lines, and acquire water rights to service the development.

Planner Carroll further reviewed further requests and considerations from the applicant as follows:

- to amend the phasing timeline to allow extension of Talus Ridge Blvd. with the other phases, not Phase 2;
- the City maintain the park strips along the arterial and collector roads in locations where no lots front the street;
- a modified street cross section with elimination of park strip and sidewalk along the 30% steep slope on Talus Ridge Blvd. as there are no lots or homes and this reduces the impact to the hillside - the Development Review Committee (DRC) has reviewed this request and finds this acceptable, a sidewalk that is not abutting homes would not see any snow removal or the City would be responsible;
- re sensitive lands analysis, applicant would like to cover fill;
- waiver of peripheral 20 foot boundary requirement in several locations where single family lots are next to single family lots or the power line corridor;
- re the Master Development Agreement, would like discussion concerning water impact fee credits and open space impact fee credits for the 205 acre community park, and potential for utilities in Lehi Fairfield Road, and limited access roadways.

City Attorney Thurman advised in regard to water impact fee credits, the City is bound by an agreement with Lake Mountain Mutual Water Company to apply $2,000 per impact fee collected toward the payoff of that system until paid and this is not something that can be negotiated. In regard to Lehi Fairfield Road, he further advised the City supports use of that road for installation of utilities, however, at this time a property owner disputes the City's rights concerning that road so he advises against the City agreeing to that use by contract due to possible future ruling.

Senior Planner Carroll reported 24 emails were received in opposition of the rezone which were forwarded to the City Council; an email was received from Steve Mumford, Eagle Community Development Director, recommending housing types be switched in certain locations to match their approved development in Eagle Mountain, and to continue discussion to identify two potential access locations between the two cities.

Steve Maddox, representing Edge Homes, introduced Greg Magleby, LIE Engineering, and advised in regard to the request by Eagle Mountain the location of development type was determined during worksession and their interest is what is best for Saratoga Springs, reviewed proposed water development, noted this is a 10-12 year project and they have attempted to present the foreseeable plan, opted to work with the mountain and use the views, and have communicated and worked with church and school representatives.

Mayor Miller opened the public hearing and invited public comment.

Kelsy Dean, Buffalo Drive, expressed concern regarding high density and commercial development.

Sara Merrel, 1000 W, expressed concern regarding phasing between residential and agricultural zones, landfill, recontouring and watershed handling, impact on private water rights and existing wells, native landscape and noxious weeds, school overcrowing, trespassing and lack of policing of the property, commented in opposition of HOAs and in support of Proposition 6.

Rod Eichelberer, Panorama Dr., spoke in opposition of higher density, and expressed concern regarding natural open space.

Jennifer Klingensmith, read letter submitted earlier Council requesting R-3 be protected when a developer does not have vested rights; spoke in opposition to higher density.

Melanie Jex, Mustang Circle, expressed concern regarding the Applicant's request for delay of Mt. Saratoga Blvd. construction and traffic impact.

Vaughn Barrett, Summit View Drive, spoke in support of the development and proposed water infrastructure, in opposition to condominiums and HOAs, requested reduction in density.

Teresa Mendenhall, N. Echo Way, expressed opposition to condominiums and high density.

Natalie Miller, Rift Court, concurred with Jennifer Klingensmith, spoke in opposition of more multi-family homes and traffic on Talus Ridge Blvd.

Taylor Yates, Summit View, spoke in support of the development, conservation of land and the trails, requested the City evaluate future impact in regard to condominiums and high density units.

Rob Jex, Mustang Circle, recommended tying the construction phasing or speed of development to the availability of schools.

There being no further public comment, Mayor Miller closed the public hearing.

Steve Maddox commented these are issues that are being worked out over time, they are building toward the future and the goal of Edge is to delivery a product that lasts the test of time, hopes their track record withi architecture and quality are considered; pointed out millenials are the loudest right now, noted rentals are an issue state and country wide, local wages are not that of Silicon Valley, and it is hoped this is a solution to some of that issues all municipalities are trying to address. Advised much of the development came from an architectural perspective and a lot from a functional perspective, wanted to provide the underground bridge for the school children and create pedestrian connectivity.

Council Member Willden referenced the City of Eagle Mountain's communication sent into public record from their city planner. Eagle Mountain would love this community to come into their city and they already have infrastructure in place to support the development. This infrastructure would result in lower cost to the developer. Also, Eagle Mountain has already offered a much higher density to the developer if the land owner would be willing to annex their property into Eagle Mountain. If this were to happen, Saratoga Springs would have no control over that development and we would see much higher density than we are seeing proposed tonight. Eagle Mountain could put high density all around our City residents with no concern about water, impact to traffic, impacts to our schools, and other times. The question is do we want to work with this developer and find a suitable middle ground so we can control our own density, or do we want to turn this over to Eagle Mountain. We are trying to meet the intent of Proposition 6 by lowering the density from what it could be if they went to Eagle Mountain. Council Member Willden thanked the developer for working with the City, pointed out the best solution ib n to address existing water concerns is to bring in new development because the city does not have the funds to build out infrastructure to benefit current residents, without the support and funding from new development. This specific development is bringing in both water rights and needed infrastructure. Council Member Willden would like to see sidewalks on both sides of the street for walkability and safety; he is okay with narrow restricted park strips so not cutting into the hills so much, and lot sizes at 3000 sf is a very small for single family. Council member Willden stated he has other concerns, but he will hold his comments at this point so the other Council Members could express their concerns as well.

Council Member Poduska clarified the proposed density in each Village plan, noted R-3 is planned adjacent to Talus Ridge so neighbors will be single family homes, density does not occur until west side, the entire project is planned to be 80% single family, 10% multi family single story and 10% multi family more stories. Council Member Poduska commented if the 3500 sf lot size is rare that is not as much a concern, however, if that were the standard size that would be a concern; noted with the Mt. Saratoga artery going through and exiting on SR-73 and Pony Express Pkwy. that would appear to take care of the heavy density traffic on the west side and redirect it away from going into Talus Ridge, so there would only be single family traffic in the area of concern; expressed appreciation for the amount of open space and manicured green space, clarified the City is being asked to maintain the 205 acres of open space.

City Attorney Thurman advised the request for impact fee credits for the 205 acres community park is a policy decision that would be considered by Council. City Manager Christensen noted Council may determine the community park has a regional benefit and has the ability to amend the Parks and Trails Master Plan to include

extensive trail corridors for public use; noted although this would have a different feel from the type of park historically done, this provides for a different type of recreation, amenitities and the view corridor could be a public benefit. Steve Maddos noted this was an abandoned portion of property that was not going to be developed, so it has not been looked at for a regional park, tried to consolidate the open space to try to create something for the residents of the entire area.

Council Member Baertsch thanked the applicant for this project in general, expressed appreciation for the preservation of open space and trails and providing connectivity throughout and between the City and Eagle Mountain, and for reducing density in Village 5 from multi-family to single family. Council Member Baertsch expressed concern and requests as follows:

- N3 multi-family has not been moved for a better buffer away from the five acre parcels as discussed in work session, transitions and buffers must be done properly which would decrease some density,
- the Community Plan does not provide specific numbers and types of multi-family units for public information;
- would like traffic considered with ERUs on schools and churches in the future;
- extension of Mt. Saratoga Blvd. concurrently with Phases 1 and 2 is necessary to stop residents from going through another neighborhood, this has been required in other developments, and circulation plan review is necessary for provision of an access point coming out without impacting other neighborhoods;
- uncomfortable granting Community Commercial prior to knowing what it will be, okay with giving Neighborhood Commercial to start noting it is going to be next to homes.

Engineer Magleby clarified the number and difference concerning stacked units and townhomes, noted the density is capped, and Council has final approval on the Village Plan where a specific ratio can be imposed; noted the change in demographics with greater number of empty nesters +55 residents in the state, cost and mobility are factors, it is not only transient short term occupants. Council Member Baertsch pointed out single family homes have more impact on the schools than multi-family used by newlyweds and seniors.

Engineer Magleby explained they were hopeful the extension of Mt. Saratoga Blvd. would happen when development is happening from the south, which they will connect, they did not want to build it prematurely and not have it used; noted it is not fronting or accessing any lots, they are looking for leeway to wait and construct when the traffic connections can be made and it can be used; pointed out although Talus Ridge Blvd. extension was required, no one could use it and it was basically used to park cars. Steve Maddox noted houses have not been designed to back onto major corridors, and there is no direct access with Mt. Saratoga Blvd. or Talus Ridge, they have planned to overbuild and over engineer these roads for the future, if they are not serviceable with that connectivity they are just asking that proceed when connectivity becomes available.

Council Member Baertsh continued with comments as follows:

- requested correction of ERU calculations on page 6; Council Member Willden noted incorrect wording on page 21;
- in review of ERUs in general with flex units you have to have at least 50% single family, believe the numbers are off, and if Proposition 6 was used for 20% multi-family that would be 692 units instead of 996, think it should come down;
- does not have a problem concerning most buffers, however, regarding Villages 1 and 2 on the south, there us generally a buffer between single and multi-family units, and single family should be closer to the road;
- believes a larger buffer on Pony Express Pkwy. is appropriate due to the size of the road;
- okay with Villages 4, 5 and 6;
- agrees with requiring sidewalks on both sides of the street;
- concerned with minimal lot sizes especially in Village 4, understand a mix of sizes, however, going from .5 lots to 5,000 sf lots is too substantial a change, 3,000 sf is too small.

Following discussion, Senior Planner Carroll clarified in regard to the buffer between the development and Eagle Mountain, feed back is to keep the single and multi-family locations as it is with addition of a 20' buffer to create a transition at the grade break.

Engineer Magleby explained an exception has been requested concerning the sidewalk because the road leading to the natural open space is quite steep. Council Member Baertsch commented this can be made a trail as long as it is near that walkway.

In response to Council Member Baertsch's request for clarification, Planner Carroll reviewed the proposal and parking standards for the different types of housing. Council Member Baertsch noted many neighbors use garages as storage areas and where this has been done cars are often parked all over the road, there is never enough parking, and this is a problem especially in a school zone. She does not want to perpetuate that problem and would like to see it fixed with a requirement for two enclosed spaces in addition to driveways, without taking up visitor spots.

In response to Council Member Baertsch, City Manager Christensen reported some of Lehi Fairfield Road right-of-way is clearly in City's name, some is not, noted the City is concerned with being contractually obligated foro use of the road for utilities, and is working on those issues.

Council Member Porter noted there are a substantial number of issues that needed a work session, does not feel this could get to a point where he would feel comfortable passing tonight. Provided comment as follows:

- was glad to see the Community Commercial zoning, understands the concerns, however, can see stepping toward that;
- in regard to Mt. Saratoga Blvd., recommended completion of section from the large middle intersection connecting to Phase 1 to allow traffic to transition to Pony Express Pkwy., and allow later construction of the other half, noting splitting the phasing at that intersection maintains the two access points;
- concerned with single family lot size of 3,000 sf;
- concerned with multi-family next to .5 acre lots, multi-family needs to be close to or on the other side of Mt. Saratoga Blvd.;
- noted ability of HOAs to have a rental quota. Steve Maddox agreed and advised this could be included in place in the bylaws and managed by the HOA;
- okay with buffer waiver in 4, 5, and 6, needs more information for 1, 2, and 3.

Council Member Porter commented he not comfortable moving forward and recommended tabling for further discussion. Council Member Willden concurred noting many last minute issues have come in, and he has not had the opportunity to review public comment correspondence.

Following discussion, the Mayor and Council determined with the number of unresolved issues a work session be scheduled for Tuesday, August 30 at 6:30 p.m. for this one item, with continuation of the action for this matter to the next regularly scheduled meeting date on September 6. Mayor Miller encouraged Council to give comments to Senior Planner Carroll as soon as possible this week so she may share them with the Applicant to allow Edge Homes the opportunity to address them.

Mayor Miller reported he and Eagle Mountain Mayor Pengra have met to discuss policing of ATV riding on the property, Steve Maddox was requested to post the property in the area between both cities, and both Mayors have requested their respective Police Chiefs to start keeping an eye on that property; this is something that is currently in the works. Steve Maddox advised the property has been posted.

<u>Motion by Council Member Willden to continue the public hearing for Mt. Saratoga Rezone, General Plan Amendment, Community Plan, Master Development Agreement and Ordinances 16-15 and 16-16 to September 6, 2016, was seconded by Council Member Poduska</u>
<u>Roll Call Vote: Council Members Porter, Baertscj, Poduska, and Willden - Aye.</u>
<u>Motion carried 4-0; Council Member McOmber excused</u>.

Recess: 9:50 p.m. – 10:01 p.m.

2. **Land Development Code Amendments – Sections 19.02, 19.05, 19.06, 19.09, 19.14, 19.15, and 19.18, Ordinance 1-17 (8-16-16).**

Mayor Miller introduced the public hearing for Land Development Code Amendments.

Director Gabryszak presented the staff report and recommendations for minor amendments to the Land Development Code, advising the goals is to remove inconsistencies, clarify standards, correct unintended consequences from previous amendments, reduce homeowner requirements, and add standards for electronic and park/trail and special event signage. Director Gabryszak reviewed the proposed amendments as follows:

19.02 Definitions. Add definition for "protective ground cover" to accompany changes to 19.06.
19.04 Zone Districts. Postponed to accompany Fall 2016 amendments.
19.05 Supplementary Regulations. Clarify that IceCream Trucks are allowed in residential zones. Clarify standards for wireless telecommunications towers.
19.06 Landscaping. Clarify landscaping requirements for backyards, to reduce requirements. Clarify parallel fencing prohibition.
19.09 Parking. Clarify requirements for covered parking for multi-family development. Correct parking requirements for Mixed Use and similar zones that the parking requirement for commercial uses is based on square footage, but the parking requirement for residential luses is based on the number of dwellings.
19.14 Site Plans. Clarify access width language.
19.15 Conditional Uses. Remove requirement to protect viewsheds.
19.18 Signs. Create provision for electronic signs in limited circumstances. Create provisioin for directional signage for approved special events. Create signage standards for parks and trails.

Mayor Miller opened the public hearing and invited public comment.

Michelle Forsythe, Lake Mountain, commented in opposition of reducing backyard landscaping requirements and allowing weeds to be protective groundcover, noting effect on property value.

Rod Eichelberger, Panorama Drive, spoke in support of simplifying code and property owner rights to make decision in regard to bacluard landscaping.

There being no further public input, Mayor Miller closed the public hearing.

Council Member Porter commented that this was a property rights issue. He hoped to find a mitigation that would allow residents to use their property as they see fit, but to also not cause damage to neighbor's property or cost neighbors money. He agreed that requiring a fence would be appropriate if a property owner chose to use natural landscaping. He was okay with other amendments and supportive of electronic signs in Residential Commercial (RC) with the requirements included in the code amendment.

Council Member Willden commented he is fine with the proposed changes in Sections 05, 09, 14, 15, 16, and 18, in regard to electronic signs believes there is sufficient restrictions and mitigation, and in regard to Section 06 concurs with Council Member Porter and is supportive of deregulation, however, uncontrolled weeds can impact the value of adjacent homes and supports a requirement that it be fenced.

Council Member Poduska commented he is in agreement with the proposed amendments and clarified the provision that the maximum height limit of 6" for protective ground is still applicable; Director Gabryszak advised this provision is within the Fire Code and would apply to this.

Council Member Baertsch noted in view of the definition for protective ground cover, inorganic material cannot be grown and recommended change in wording; pointed out many backyards are front yards and recommended modification of the wording requiring all back yards shall either be stabilized or completely landscaped. Director Gabryszak proposed specific wording. Council Member Baertsch noted where it is fenced she can have flexibility, however, believes it a bad idea to allow weeds to be part of landscaping due to their negative appearance.

Council Member Baertsch commented she is in agreement with most of the proposed amendments, she has a concern in regard to fencing and parallel fencing wherein in a backyard a wire fence is allowed and can be used just inside the property line, not an actual fence outside to contain animals. Director Gabryszak advised the intent is to allow for someone to have or not have a fenced yard but still have a dog run, or meet the requirements for keeping animals. Council Member Baertsch referred to a residence with wire fencing around their entire property and would like to see it limited to a portion of the yard such as 50%, and it should be allowed in Aagriculture and Rural Residential; Council Member Willden concurred. City Manager Christensen noted this may be a case where at some point a challenge or complaint will be made going opposite, it is a challenge to find the right balance.

Council Member Baertsch commented she is opposed to allowing car ports for any type of housing due to crime and believes it is inappropriate, noting developers have been required to enclose parking for years. Director Gabryszak advised the current code does not technically prohibit car ports, they must have enclosed parking but can add carports as a second parking space. Council Member Baertsch commented she would rather see required parking be completely enclosed.

Council Member Baertsch commented in opposition to electronic signs, noting the new Smiths marketplace could not have this as it is within the Planned Community (PC) zone, the old Smiths could, however, the majority of commercial businesses in the City could not; noted concern in regard to the enforcement of the lumens; and recommended inclusion of the dark sky ordinance. In regard to signage on parks and trails, requested provision allowing more signage in regard to City sponsored events.

Council Member Porter noted there are several reasons to hold off on taking action concerning these amendments to make sure we have it all.

Motion by Council Member Baertsch to continue the public hearing for Code Amendments to September 6, 2016 for approval after all the changes have been made, was seconded by Council Member Willden
Roll Call Vote: Council Members Baertsch, Poduska, Willden, and Porter - Aye
Motion carried 4-0; Council Member McOmber excused.

ACTION ITEMS:

2. **Harvest Hills Quad Lots - Fence Variations**, Applicant Aaron Crosby.

Senior Planner Carroll presented the staff report concerning the application for fence variations on quad lots in Harvest Hills Plat I, a PUD; the Applicant is requesting a variation to the front yard fencing requirements, the lot layout in this development creates a unique situation where front yards abut back yards, and the applicant would like to install six foot tall fencing in his back yard area because his home is in front of another home which creates a situation for a six foot fencing in the front yard because this is also a rear property line. Planner Carroll presented the conditions and criteria for variations with findings this complies or can comply, reviewed the aerial of the quad lots, and reported an email was received from the Harvest Hills HOA advising the Applicant would additionally need a variance from the HOA.

Council Member Baertsch noted if an exception is allowed here it spreads, in addition there are easements that run there and it is already closed off enough without having more fencing on small lots; to her this is not a good idea.

Aaron Crosby, Applicant, 484 Bountiful Way, commented his property is the third house in, there will be 6' fence along the back and side of the home, however, in the front of the home it drops down to a 3' fence.

Council Member Poduska commented in support of the request, noting if the owner wants to fence in their yard and there is no streets it would seem practical to make a variance for that type of situation.

Council Member Willden noted this would have gone to the HOA ACC for approval; in this situation he is okay approving it with a condition the HOA provide documentation of its approval directly to the Planning Director.

Council Member Porter commented he does not think City should be dictating to the HOA

City Attorney Thurman advised any decision made by Council tonight would not affect a more restrictive HOA rule to City standards. Director Gabryszak clarified the Applicant is requesting a variation from the City standard, however, HOA approval is still necessary.

Motion by Council Member Willden to approve the Harvest Hills Quad Lots fence variations specific to the application for Lots 1540-1549, with staff findings and conditions, also that it is conditional upon written approval being submitted directly from the HOA to the Planning Director demonstrating that they have approved this variation, was seconded by Council Member Poduska
Roll Call Vote: Council Members Porter – Aye; Poduska – Aye; Willden – Aye, Baertsch - Nay
Motion carried 3-1; Council Member McOmber excused.

1. **Final FY2016-17 Budget Document.**

Finance Manager Chelese Rawlings presented the staff report and recommendation for approval of the Budget Policy Document for fiscal year 2016-17. Manager Rawlings reported the budget was adopted by City Council on June 7, 2016, this budget document includes the sections of Executive Summary, Operating Budgets, Financial Policies and Objectives, Supplemental, and Appendixes, and following approval will be submitted to Government Finance Officers Association (GFOA) for consideration of the Disinguished Budget Presentation Award, which the City has received each year from 2012 to 2016.

Motion by Council Member Baertesch to approve the Fiscal Year 2016-2017 Budget Policy Document, was seconded by Council Member Porter
Roll Call Vote: Council Members Poduska, Willden, Baertsch, and Porter - Aye
Motion carried 4-0; Council Member McOmber excused.

3. **Madison Meadows** (prior name Mountain View II) – **Lot Split Subdivision Exception**, Applicants Saratoga Springs and Brian Sudweeks.

Planning Director Gabryszak presented the staff report and recommendation concerning a request for approval of a lot split between two parcels in preparation of a future preliminary subdivision plat for a residential development. As part of the subdivision plat, Parcel B is intended for a City pond. To enable the City to move forward with construction of the pond and bring it online in a timely manner, this subdivision has been requested which will create the pond parcel through a deed, which will then be formalized as Parcel B as part of the final plat at a later date.

City Attorney Thurman advised this would only be implemented if necessary and recommended the motion include the understanding it is an option of staff.

Amended Motion by Council Member Porter to approve the Madison Meadows Lot Split Exception as outlined in exhibit 2 with the findings and conditions, and that this would be an option of City staff if they find it necessary in the event the final plat will not be recorded in a timely manner, was seconded by Council Member Baertsch
Roll Call Vote: Council Members Porter, Willden, Poduska, and Baertsch - Aye

Motion carried 4-0; Council Member McOmber excused.

6. **Settlement Agreement and Development Agreement; Ordinance 16-18 (8-16-16) - Hadco Construction Company and Affiliates JD V, LLC, JD VI, LLC, TM Crushing, LLC, Granite Construction Co. (Settlement Agreement only).**

City Attorney Thurman presented the staff report and recommendation concerning the proposed Settlement and Development Agreements for the resolution of two lawsuits against the City. City Attorney Thurman reported as background the City was sued in 2014 over the use of 800 West by heavy construction traffic by Hadco and its affiliates, and again sued in 2015 over the annexation of several parcels of Western States property owned by Hadco and/or its affilitates (collectively "Hadco"). City Attorney Thurman advised the Settlement Agreement has been negotiated over the last year by and through meetings with Staff, Council Members, and through City Council direction to City Staff, and presented a summary of the provisions contained in the documents. City Attorney Thurman clarified the annexation, rezone and Development Agreement must still go through public process, and the proposed Ordinance approves the documents subject to going through that process.

Council Member Willden clarified there would be no access restrictions in regard to the use of the road as long as there is some language for reasonable restrictions by the City. City Attorney Thurman agreed explaining the document provides for their right to use the road in perpetuity, with the intent the ongoing use was subject to the City's statutory common law authority to place reasonable restrictions, now they honor the City's rights to place reasonable restrictions on the use of the road.

Council discussed prior conversations concerning a requirement to move the scale within the Saratoga Springs side to help recover some of the costs of maintaining 800 West, and that this language should be included. City Attorney Thurman confirmed there is no language about that currently in the documents and it is best to hear from the applicant whether or not they are okay with that addition.

John Hadco, Applicant, commented in their review a scale would not be a substantial sales tax benefit for the City.

Brad Cahoon, Legal Counsel for the Applicant, advised this is because the tax would be applied at point of sale of the concrete, however, other types of commercial properties and use such as a hotel would bring a higher revenue source and that is recommended. Council Member Baertsch noted other companies would use the scale, not only Hadco.

John Hadco commented they are willing to work through the request in regard to the scale. Noted they are working with Collins Brothers and Utah Power, however, were not aware there was going to be a cost for the acquisition of the easement, their settlement was based on the City's discussions with Utah Power and Colins Brothers and they were okay with it. City Manager Christensen reported there have been preliminary conversations with Collins Brothers representatives and believes they will wrap this up by the time of the Development Agreement consideration, along with a probable couple of other things to negotiate through. Attorney Cahoon advised the point Mr. Hadco is trying to make is they are willing to bear cost of acquisition and construction of the access road, which is a tremendous cost savings to the City, making the addition of the condition for the scales diminished in importance. They look forward to working through the details – think we are close.

Motion by Council Member Baertsch to approve Ordinance 16-18 (8-16-16), with the condition that there may be an addition to the Settlement Agreement through the public process whereby the scales and sales tax remain as previously discussed, was seconded by Council Member Willden
Roll Call Vote: Council Members Porter, Willden, Poduska, and Baertsch - Aye
Motion carried 4-0; Council Member McOmber excused.

7. **Water Bond Parameters; Resolution R16-47 (8-16-16) Authorizing the Issuance and Sale of Not More Than $13,000,000 Aggregate Principal Amount of Water Revenue Bonds, Series 2016.**

City Manager Christensen introduced the Resolution setting the wide parameters and authorizing the issuance of water revenue bonds to finance the construction of improvements to secondary and culinary water facilities of the water system, setting a maximum amount and interest rate for bonding, and providing for a public hearing on September 20, 2016 to receive public input.

Motion by Council Member Poduska to approve Resolution R16-47 (8-16-16) authorizing the issuance and sale of water revenue bonds, was seconded by Council Member Willden
Roll Call Vote: Council Members Baertsch. Poduska, Willden, and Porter - Aye
Motion carried 4-0; Council Member McOmber excused.

4. **Sudweeks Construction, LLC, Real Estate Purchase Contract.**

City Manager Christensen presented the staff report and recommendation concerning the Sudweeks Construction real estate purchase contract that will allow the City to purchase 1.156 acres of property to construct the secondary pond and pump station on this property on 400 North.

Motion by Council Member Porter to approve the Sudweeks Construction LLC Real Estate Purchase Contract, in the amount of $69,094.25, was seconded by Council Member Baertsch
Roll Call Vote: Council Members Willden, Poduska, Baertsch. and Porter - Aye
Motion carried 4-0; Council Member McOmber excused.

8. **Settlement Agreement and Mutual Release with Jeffery Conant Pertaining to 2012 Dump Fire Suppression Costs; Resolution R16-48 (8-16-16).**

City Manager Christensen presented the staff report and recommendation concerning the settlement agreement with Jeffery Conant with respect to the June 21, 2012 fire known as the Dump Fire, Utah County, Utah. City Attorney Thurman noted the City negotiated with state and federal agencies resulting in an increase of the City's portion from 3% to 29% of the settlement amount; explained due to the Defendants right to bankruptcy all agencies determined this settlement was the best that could be obtained.

Motion by Council Member Willden to approve the Settlement Agreement and Mutual Release with Jeffery Conant, and Resolution R16-48 (8-16-16), was seconded by Council Member Porter
Roll Call Vote: Council Members Baertsch. Poduska, Willden, and Porter - Aye
Motion carried 4-0; Council Member McOmber excused.

APPROVAL OF MINUTES:

July 12, 2016.
July 19, 2016.

Motion by Council Member Baertsch to approve the minutes of July 12, 2016 and July 19, 2016, with changes as emailed and posted, was seconded by Council Member Willden
Roll Call Vote: Council Members Porter, Willden, Poduska, and Baertsch - Aye
Motion carried 4-0; Council Member McOmber excused.

ACTION ITEMS (Continued):

5. **Utah Fallen Heroes Day, Resolution R16-46 (8-16-16).**

Motion by Council Member Porter to approve Utah Fallen Heroes Day Resolution R16-46 (8-16-16), was seconded by Council Member Poduska
Roll Call Vote: Council Members Baertsch, Poduska, Porter, and Willden - Aye
Motion carried 4-0; Council Member McOmber excused.

CLOSED SESSION:

Motion by Council Member Willden to enter into closed session for the purchase, exchange, or lease of property, discussion regarding deployment of security personnel, devices, or systems; pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual, was seconded by Council Member Poduska
Roll Call Vote: Council Members Willden, Poduska, McOmber and Porter - Aye.
Motion carried 4-0; Council Member Baertsch excused.

The meeting moved to closed session at 11:20 pm.

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

Closed Session Adjourned at 11:30 p.m.

ADJOURNMENT:

There being no further business, Mayor Miller adjourned the Policy Meeting at 11:30 p.m.

Jim Miller, Mayor

Attest:

Cindy LoPiccolo, City Recorder

Approved: 9-6-2016