

CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING
Tuesday, March 29, 2016
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

CITY COUNCIL AGENDA - AMENDED

Commencing at 7:00 p.m. or after the completion of Work Session.

- Call to Order.
- Roll Call.
- Invocation / Reverence.
- Pledge of Allegiance.
- Public Input - Time has been set aside for the public to express ideas, concerns, and comments - please limit repetitive comments.
- Awards and Recognitions: Police Promotions; Presentation of the TAP (Trust Accountability Program) Award to the City by Brent Oakeson, Utah Local Governments Trust ULGT
- Budget Presentation

POLICY ITEMS:

REPORTS:

1. Mayor.
2. City Council.
3. Administration Communication with Council.
4. Staff Updates: Inquiries, Applications, and Approvals.

PUBLIC HEARING:

1. Public Hearing: Code Amendments to Section 19.08 – Home Occupations. Ordinance 16-07 (3-29-16) (Continued from 3-1-16).

ACTION ITEMS:

1. Award of Bid: Sports Park Master Plan and Construction Design Services. Resolution R16-21 (3-29-16).
2. Tickville Wash Facilities Reimbursement Agreement. R16-22 (3-29-16).
3. Dedication of Village Parkway – Right-of-Way and Easement Agreement. Resolution R16-23 (3-29-16)

APPROVAL OF MINUTES:

1. March 8, 2016.
2. March 15, 2016.

CLOSED SESSION:

1. Motion to enter into closed session for any of the following: purchase, exchange, or lease of real property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.

ADJOURNMENT

Councilmembers may participate in this meeting electronically via video or telephonic conferencing. The order of the agenda items are subject to change by order of the Mayor.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.



Memo

To: Mayor, City Council and/or Planning Commission
From: Planning Department
Date: March 16, 2016
Meeting Date: March 24, 2016
Re: New Applications & Resubmittals

New Projects:

- 2.18.16 Mountain View Estates II Rezone & Concept (400 N. 700 W.)
- 2.22.16 Catalina Bay Phase 1 Final Plat (McGregor Lane & Harbor Bay Dr.)
- 2.29.16 Smith's Marketplace Permanent Sign Permit (1320 Redwood Rd.)
- 3.1.16 Hillcrest Condominium Phase 3 Bldg P,Q, R & S Final Plat (Crest Rd. & Ridge Rd.)
- 3.7.16 ABC Great Beginnings Rezone & Concept (NW Corner of Redwood Rd & Aspen Hills Blvd)
- 3.11.16 Saratoga Walmart Sub Plat Amendment (Corner of Commerce Way & Crossroads Blvd)
- 3.14.16 Pro Split Pea-Verizon Conditional Use Permit (1461 North 400 East)

Resubmittals & Supplemental Submittals:

- 2.16.16 Riverbend Phase 3B Condominium Project Final Plat (150 E. River Bend Rd.)
- 2.17.16 Legacy Farms Elementary School Site Plan (S. Redwood Rd & E. 400 South)
- 2.22.16 Riverbend Phase 3A Condominium Project Final Plat (Approx. 130 E. Riverbend Rd)
- 2.24.16 Times Square at Saratoga Site Plan (1160 North Redwood Rd.)
- 2.25.16 Denny's Site Plan (1516 N. Redwood Dr.)
- 2.29.16 Murphy Express Site Plan (42 E. Commerce Dr.)
- 3.1.16 Legacy Farms Plat 2C Final Plat (400 S. Redwood Rd.)
- 3.8.16 Denny's Site Plan Resubmittal & Supplemental (1516 N. Redwood Dr)
- 3.9.16 Western Hills Phase 2 & 3 Final Plat (350 W. Aspen Hills Blvd)

Staff Approvals & Actions:

- 2.29.16 Smith's Marketplace Permanent Sign Permit (1320 Redwood Rd.)
- 2.22.16 Riverbend Phase 3A Condominium Project Final Plat (Approx. 130 E. Riverbend Rd)
- 3.1.16 Hillcrest Condominium Phase 3 Bldg P,Q, R & S Final Plat (Crest Rd. & Ridge Rd.)
- Lakeside 27 Temporary Sales Trailer
- Dozens of architectural reviews for Legacy Farms building permits
- Code Enforcement for signage at Legacy Farms, trailer signs, wind signs, and more



City Council Staff Report

Code Amendments

19.08 – Home Occupations

Tuesday, March 29, 2016

Public Meeting

Report Date:	Thursday, March 17, 2016
Applicant:	Staff and Planning Commission Initiated
Previous Meetings:	PC Work Session 1/14/2016 and 1/28/2016 PC Public Hearing 2/11/2016 CC Public Hearing 3/1/2016, hearing closed and decision continued
Land Use Authority:	City Council
Future Routing:	None
Author:	Kimber Gabryszak, Planning Director

A. Executive Summary:

The term “Home Occupations” refers to home based businesses. Due to several recent Home Occupation applications and public hearings, the Planning Commission expressed interest in revising the Home Occupation standards in the City to further streamline the process for simple Home Occupations, and more appropriately address impacts of more impactful Home Occupations. This packet outlines the resulting changes to “Chapter 19.08. Home Occupations” as recommended by the Planning Commission, and with changes suggested by the City Council and Staff. The City Council held a public hearing on March 1, 2016, closed the public hearing, and continued the decision with direction to staff on changes needed and information on potential State legislation affecting home based businesses. **Information in this report that has changed since the March 1, 2016 meeting are highlighted for the convenience of the Council and public.**

Recommendation:

Staff recommends that the City Council review and discuss the proposed amendments, and vote to approve all or some of the amendments with or without modifications, as outlined in Section H of this report.

B. Background:

The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions.

Additionally, the business community, development community, staff, Planning Commission, and City Council have expressed concern over the often lengthy application review process, and have set a goal of streamlining the application review process as the Code is improved.

Other issues been identified through the application of Code to development applications, in this case to Home Occupation Permits. Recent Home Occupation Permit applications have illustrated that first, the current level of review is not necessary for simple Home Occupations such as home offices, and second, that the standards for more impactful Home Occupations are vague and difficult to apply. The resulting

changes propose to categorize Home Occupations by scope and impact, streamline the review for most Home Occupations, and better mitigate impacts to the surrounding neighborhood for larger scale Home Occupations.

Legislation

A House Bill (H.B. 132) was proposed that would have affected home-based businesses, including a prohibition on charging a fee for certain types of businesses. While the bill did not pass, staff has reviewed the proposed bill and code amendments, and finds that the code amendments would substantially comply even if the bill had passed.

C. Specific Request: The working language is attached as Exhibit 1 and a clean copy as Exhibit 2, and is summarized below:

- Categorize Home Occupations in three classes based on size and impact.
- Permit Class 1 (least impactful) Home Occupations with no home occupation permit required. An amendment to business license fees will be forthcoming to ensure that, while a business license will likely be required, no fee will be charged for this category.
- Broaden the definition of Class 2 Home Occupations; allow these to be approved administratively by Staff. Since the March 1, 2016 Council meeting, staff has modified the proposed limits based on Council discussion as well as the potential impacts from the uses per the draft House Bill 132.
- Require Class 3 (the most impactful) to have a public hearing with the Planning Commission.
- Add and clarify currently vague standards, particularly for Class 3 Home Occupations.
- Identify and prohibit impactful uses inappropriate for residential areas.

D. Process: Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.
Complies. There is no application as this is Staff initiated, and has been presented to the Commission for a recommendation.
2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.
Complies. Please see Sections F and G of this report. The Commission included these findings in their recommendation.
3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.
Complies. Please see Section E of this report. The Planning Commission made a recommendation, and a public hearing has been held with the City Council.
4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.
Complies. Please see Section E of this report.

- E. **Community Review:** Per Section 19.17.03 of the City Code, the March 1, 2016 meeting was noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required. **Minutes from the March 1, 2016 hearing are attached.**

The Planning Commission held a public hearing on February 11, 2016; public comment was received and Planning Commission input and changes provided. The Planning Commission voted 5:1 to forward a positive recommendation to the City Council, and minutes from this meeting are attached.

F. **General Plan:**

Land Use Element – General Goals

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, enhance economic development, and implement ordinances and guidelines to assure quality of development.

Staff conclusion: consistent

General changes: the proposed changes help to improve transparency and consistency by clarifying standards and removing ambiguity, and enhance economic development through ability of homeowners to operate home based businesses.

G. **Code Criteria:**

Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;
Consistent. See Section F of this report.
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
Consistent. The amendments enable more economic growth in the city, while both keeping and enhancing regulations that protect the health, safety, convenience, morals, or general welfare of the public.
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
Consistent. The stated purposes of the Code are found in section 19.01.04:
 1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and

future inhabitants, and the public generally, and in particular to:

- a. encourage and facilitate the orderly growth and expansion of the City;
- b. secure economy in governmental expenditures;
- c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
- d. enhance the economic well-being of the municipality and its inhabitants;
- e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
- f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
- g. stabilize and conserve property values;
- h. encourage the development of an attractive and beautiful community; and
- i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

The amendments improve the ability of homeowners to operate home based businesses, which help to enhance the economic well-being of the municipality and its inhabitants; and helps to clarify the process and improve efficiency and consistency in review of home businesses, thus ensuring economy in government expenditures by lessening the cost of application review; and helps maintain a high standard of review and quality development through improved clarity of standards.

4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

***Consistent.** The amendments will better protect the community through more efficient process, clarity and consistency in home business review, enhancement of homeowner ability to operate home businesses, and maintenance of high standards.*

H. Recommendation / Options:

Staff recommends that the City Council **review and discuss** the proposed amendments, and vote to approve the amendments with or without modifications, or choose from the alternatives below.

Staff Recommended Motion – Approval

The City Council may choose to **approve** all or some of the amendments, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to **approve** the proposed amendments to Section 19.08. Home Occupations with the Findings and Conditions in the staff report dated March 29, 2016:

Findings:

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.
4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

Conditions:

1. The amendments shall be edited as directed by the Council: _____
 - a. _____
 - b. _____
 - c. _____

Alternative A – Continuance

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Section 19.08. Home Occupations of the Code to the April 19, 2016 meeting, with the following direction on additional information needed and/or changes to the draft:

Alternative B – Denial

Vote to **deny** all or some of the proposed Code amendments.

Motion: “Based upon the evidence and explanations received today, I move to **deny** the proposed amendments to Section 19.08. Home Occupations of the Code with the Findings below:

Findings

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Council: _____
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Council: _____
3. _____
4. _____
5. _____

I. Exhibits:

1. 19.08 – working copy (pages 6-11)
2. 19.08 – clean copy (pages 12-15)
3. PC Minutes 2/11/2016 (pages 16-19)
4. CC Minutes 3/1/2016 (pages 20-22)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE SARATOGA SPRINGS LAND DEVELOPMENT CODE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Title 19 of the City of Saratoga Springs Code, entitled “Land Development Code” was enacted on November 9, 1999 and has been amended from time to time; and

WHEREAS, the City Council and Planning Commission have reviewed the Land Development Code and find that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

WHEREAS, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Saratoga Springs City Council regarding the modifications and amendments; and

WHEREAS, the City Council has conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Saratoga Springs City Council has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that the following modifications and amendments to Title 19 be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

SECTION I – ENACTMENT

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 shall remain the same.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
 - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
 - ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this ___ day of _____, 2016 .

Signed: _____
Jim Miller, Mayor

Attest: _____
Kayla Moss, City Recorder

Date

VOTE

Shellie Baertsch	_____
Michael McOmber	_____
Stephen Wilden	_____
Bud Poduska	_____
Chris Porter	_____

Chapter 19.08. Home Occupations.

Sections:

- 19.08.01. Purpose.
- 19.08.02. Categories
- 19.08.03. Performance Standards.
- 19.08.0304. Approval Process.
- 19.08.0405. Noncompliance.

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in **single family dwellings** only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

1. Class 1: A Home Occupation that:
 - a. consists only of an office use or similar, and
 - b. does not receive more than two patrons, customers, clients, deliveries, or students, on any given day and
 - c. does not increase the number of deliveries to the home, and
 - d. does not increase odors or noise, and
 - e. does not have any on-premise employees that are not members of the resident family or household.
2. Class 2: A Home Occupation that:
 - a. receives between three and eight total patrons, customers, clients, deliveries, or students on any given day, or
 - b. has up to two on-premise employees that ~~is~~are not a members of the resident family or household, or
 - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.
3. Class 3: A Home Occupation that:
 - a. receives more than eight total patrons, customers, clients, deliveries, or students per day.

19.08.0203. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of

the property. All Home Occupations may be allowed if approved and in compliance with the terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. Dwelling Type.

a. Class 1 and 2 Home Occupations ~~Class~~ are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.

b. Class 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.

~~1.2.~~ **Floor Area.** A Home Occupation ~~may be located in any single family dwelling, or an accessory building to such a dwelling, but~~ shall not occupy or use more than ~~one-third~~ 40% of the finished square footage of the dwelling ~~in any 24 hour period at any given time, not including entrances and hallways.~~

~~3.~~ **Prohibited Uses.** ~~Restaurants, or Any uses in Section 19.04.07., which that are permitted or conditional uses solely in the Office Warehouse and/or Industrial Zones, are prohibited as Home Occupations.~~

~~2.4.~~ **Building and Fire Codes.** A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

~~3.5.~~ **Employees.** Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

~~4.6.~~ **Parking.** Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.

~~5.7.~~ **Outdoor Storage.** Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

~~6.8.~~ **Outdoor Activity.** Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

~~7.9.~~ **Signs.** A Home Occupation may display a ~~nameplate sign attached to the home~~ not exceeding ~~four square feet solely for the purpose of identifying the occupation.~~ ~~the size permitted for permanent signage in Section 19.18.~~ The design and placement of a proposed sign must receive approval ~~from the Planning Commission or City Staff per Chapter 19.18.~~ Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

~~8.10.~~ **Hours of Operation.** Class 2 and 3 Home Occupations ~~that receive customers, clients, or students~~ shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m.

~~9.11.~~ **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.

~~10.12.~~ **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.

~~13.~~ **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.

~~11.14.~~ **Capacity.** Class 3 Home Occupations shall not exceed ten patrons, customers, clients, deliveries, or students at any one time, and not to exceed 40 patrons, customers, clients, deliveries, or students in one day, subject to traffic mitigation.

~~12.15.~~ **Traffic and Utilities Use.** The Class 1 Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.

~~13.16.~~ **Business License.** A business license is required for all Class 2 and 3 Home Occupations as allowable per State Code.

~~14.17.~~ **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

~~19.08.0304.~~ **Approval Process.**

~~1.~~ Home Occupations may be approved by the Planning Commission or City staff. Class 1 applicants are not required to obtain a Home Occupation Permit, only a business license.

~~2.~~ All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.

~~3.~~ Decisions regarding Class 2 Home Occupations are made by the Planning Director.

- a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Director may approve the application, approve the application with conditions, or deny the application.

~~1. — Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process. City Staff is delegated the authority to consider and issue Home Occupation permits. However, the applicant shall follow the process for considering a conditional use permit (except that the Planning Commission acts as the land use authority) if:~~

- ~~· the Home Occupation will result in an increase in traffic caused by more than five patrons, customers, vendors, or employees visiting the Home Occupation via automobiles or motorized vehicles on a daily basis;~~
- ~~· the Home Occupation will create a nuisance, as defined in Title 10 of the City Code; or~~
- ~~· more than five customers or vendors will visit or patronize in person the Home Occupation per day whether by foot traffic or motorized vehicles.~~

~~4.~~

~~1. Planning Commission Review.~~

- ~~b.a.~~ The Planning Commission shall review the Home Occupations and determine whether they are it is in full compliance with performance standards of this Chapter. The Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.0405. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

Chapter 19.08. Home Occupations.

Sections:

- 19.08.01. Purpose.
- 19.08.02. Categories
- 19.08.03. Performance Standards.
- 19.08.04. Approval Process.
- 19.08.05. Noncompliance.

19.08.01. Purpose.

The City of Saratoga Springs encourages home-based enterprises as an appropriate form of local economic development. Home Occupations are permitted in **dwelling**s only if the proposed use does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood as described in this Chapter.

19.08.02. Categories.

1. Class 1: A Home Occupation that:
 - a. consists only of an office use or similar, and
 - b. does not receive **more than two** patrons, customers, clients, deliveries, or students, on any given day and
 - ~~c. does not increase the number of deliveries to the home, and~~
 - d. does not increase odors or noise, and
 - e. does not have any on-premise employees that are not members of the resident family or household.
2. Class 2: A Home Occupation that:
 - a. receives between **three** and eight total patrons, customers, clients, **deliveries**, or students on any given day, or
 - b. has up to two on-premise employees that are not members of the resident family or household, or
 - c. is the office for a construction, landscaping, delivery, installation, or similar business and one or more business vehicle are parked or dispatched from the home.
3. Class 3: A Home Occupation that:
 - a. receives more than eight total patrons, customers, clients, deliveries, or students per day.

19.08.03. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of

the property. All Home Occupations may be allowed if approved and in compliance with the terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. **Dwelling Type.**
 - a. Class 1 and 2 Home Occupations are permitted in any single or multi-family dwelling, or an accessory building to such a dwelling.
 - b. Class 3 Home Occupations are only permitted in single family dwellings, or an accessory building to such a dwelling.
2. **Floor Area.** A Home Occupation shall not occupy or use more than 40% of the finished square footage of the dwelling at any given time.
3. **Prohibited Uses.** Restaurants, or any uses in Section 19.04. that are permitted or conditional uses solely in the Office Warehouse and/or Industrial Zones, are prohibited as Home Occupations.
4. **Building and Fire Codes.** A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.
5. **Employees.** Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.
6. **Parking.** Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) under Chapter 19.09.
7. **Outdoor Storage.** Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.
8. **Outdoor Activity.** Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.
9. **Signs.** A Home Occupation may display a sign not exceeding the size permitted for permanent signage in Section 19.18. The design and placement of a proposed sign must receive approval per Chapter 19.18. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.
10. **Hours of Operation.** Class 2 and 3 Home Occupations shall operate only between 7:00 A.M. and 10:00 P.M., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m..

11. **Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire, or cause fumes or odors that may be objectionable to neighboring residents.
12. **Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.
13. **Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.
14. **Capacity.** Class 3 Home Occupations shall not exceed ten patrons, customers, clients, deliveries, or students at any one time, and not to exceed 40 patrons, customers, clients, deliveries, or students in one day, subject to traffic mitigation.
15. **Traffic and Utilities Use.** Class 1 Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses. Class 2 and 3 Home Occupations shall provide parking and traffic plans to ensure traffic increases are minimal and appropriately mitigated. For example, a pre-school may require parents to stagger pick-up and drop-off times to reduce the number of cars present at any one time.
16. **Business License.** A business license is required for all Home Occupations as allowable per State Code.
17. **Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

19.08.04. Approval Process.

1. Class 1 applicants are not required to obtain a Home Occupation Permit.
2. All Class 2 and 3 applicants are required to submit a Home Occupation application, sketch of the floor plan, signed affidavit of meeting and maintaining the requirements of this Section, and an application review fee. If applicable, the applicant shall be required to show required licenses and reviews of other governmental agencies or City departments to legitimize the proposed Home Occupation.
3. Decisions regarding Class 2 Home Occupations are made by the Planning Director.
 - a. The Planning Director shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Director may approve the application, approve the application with conditions, or deny the application.

4. Decisions regarding Class 3 Home Occupations are made by the Planning Commission, per the Conditional Use permit process.

- a. The Planning Commission shall review the Home Occupation and determine whether it is in full compliance with performance standards of this Chapter. The Planning Commission is required to hold a public hearing. After conducting a public hearing and reviewing the application, the Planning Commission may approve the application, approve the application with conditions, or deny the application.

19.08.05. Noncompliance.

A Home Occupation that violates the City Code, Title 19, this Chapter, or any condition imposed by City staff or the planning commission may have its business license revoked in accordance with Chapter 5.01 of the City Code. City staff may investigate non-compliance and forward any complaints to the License Officer, Code Enforcement Officer, or any other responsible City department or employee.

4. Public Hearing: Code Amendments to Section 19.08 - Home Occupations.

Kimber Gabryszak advised that they are proposing breaking up the definition of home occupations into three categories. The least impactful would just get a business license. They do not need to come to Planning Commission. Category two may have a few people visiting but their impact would still be minimal. They would need a home occupation review but that would just be approved by staff and they would not need to go to Planning Commission. Category three would be the most impactful, daycares, dance classes, those that have a lot of traffic coming into and out of the neighborhood. They would go through the whole review required right now. She then reviewed and highlighted changes from the last work session. This also allows the less impactful uses to be allowed in multi-family as well as single family. The majority of home occupations would be approved by staff.

Public Hearing Open – by Chairman Kirk Wilkins

Ryan Woodbury, 1479 Garden View Court. Mr. Woodbury noted his wife has a home occupation, a small hair salon, and asked if existing business would be grandfathered in. They also take their daughter to gymnastics and he has a concern with the amount of traffic that creates. He believes that size of a business doesn't belong in the neighborhood, it has outgrown the capacity. He thinks it should be looked at.

Public Hearing Closed – by Chairman Kirk Wilkins

Kimber Gabryszak noted this only applies to new applications. It is actually loosening up restrictions for the smaller businesses that don't have a lot of impact. It is making it stricter for the larger home occupations like the gymnastics classes in his neighborhood. She noted the change suggested that capacity shall not exceed ten patrons, customers, clients, or students at any one time. Some home occupations have exceeded ten and that may be a use that shows some stricter scrutiny.

Commissioner Williamson noted if they were under the old code, as long as they were in compliance they would not be restricted.

Chairman Wilkins asked what they would do about the gymnastics business if it was found to be having a negative traffic impact on the neighborhood.

Kimber Gabryszak said that if the City received complaints about the business code enforcement would look at that application and see what the code was when it came in and check on it.

Commissioner Kilgore had a few edits. Page 10 of 13, section 2B, changing to reflect plural rather than singular. On page 11, 1A correcting "class one and two class" to either remove class or change to "classes".

Commissioner Cunningham was glad to restrict restaurants and things like tattoo parlors.

Commissioner Williamson thinks this strikes a good balance.

Commissioner Funk assumed if you do not qualify for class one, two, or three you are prohibited. In that case he questioned classes two and three. He thinks 2a says you receive more than eight patrons, customers, deliveries, etc. per day. If he were to have a business in his home and he gets nine deliveries then he doesn't qualify. Kimber adjusted 2a to include more than eight total "patrons" to make sense.

Commissioner Steele mentioned that we need to think about how they affect the composition of the neighborhoods. She said if you have a lot of traffic it gets hard to get to know who is a neighbor or who is not. It has made her uncomfortable to have unknown cars around her house. She does believe in home occupations as they have had one, but the neighbors did not know. She has had deliveries block her driveway with rude drivers. All these things affect the neighborhood. The mail man will also not deliver your mail if your box is blocked by people parking on the street, which is another concern she has. They don't want to increase utility costs due to home businesses that are normally used by residents. She noted something like a gym could have in a day, with six classes, 240 trips. Regular residents should have about 10 trips per day. 240 trips is not normally associated with a residence. She thinks there should be a maximum put on trips per day. She also believes that cul-de-sacs should be looked at differently than a regular street. People usually pay more money to build a home in a cul-de-sac. Traffic in a cul-de-sac causes a lot more problems. She asked about class two and three with more traffic, she can count six home occupations on her street but only one generates a lot of traffic to where they can't get out some times. If

there was a street with 15 houses and five class three businesses generating traffic that would become a big problem. She is also concerned about class two businesses in multi-family zones, two employees are too many in multifamily. She noted Aldara as an example, the streets are tight in there. Employees would have to park in guest parking. That isn't fair to others living there that need guest parking for visitors. She asked about state license or approval requirements for class three businesses.

Kimber Gabryszak advised that most businesses applying for a class three home occupation would need a state license or approval. Once you reach 16 kids you'll need a license.

Commissioner Steele asked Ryan Woodbury who spoke during the public hearing how many patrons his wife has at her business per day.

Mr. Woodbury advised that they live in a double cul-de-sac but she has only three to four customers a day.

They try to be good neighbors and poured a larger parking pad for her patrons to park on. Some patrons choose to park on the street but they have made accommodations to try and help potential issues.

Sandra Steele said that is the type of business that doesn't really impact the neighborhood at all. Maybe you could differentiate between that and a larger salon with more than one station. Two employees would be three total stations and impact parking and the amount of customers. She noted a section on business vehicles. There is a disparity and there may be a loop hole.

Kimber Gabryszak advised that their vehicles would still have to be in enclosed structure, this says that they have a vehicle, below is how they use it. She asked Commissioner Steele if she would prefer to only allow one employee in a class two and if there are more move to a class three.

Commissioner Steele agreed with that idea.

Chairman Wilkins agrees that there should be a number or threshold on number of employees.

Ken Kilgore doesn't think it will control how much traffic, it could be a cleaner that doesn't increase traffic, if we do by employee then they have to describe the position

Commissioner Kilgore did not think that the number of employees would necessarily impact parking or traffic at the business. If it's a family member there wouldn't be any more traffic. It would depend on impact to the neighborhood.

Mark Christensen said it's interesting because of a bill in legislature. At the state level they are saying two or more employees would trigger needing a business license. If the business has no impact then state law, if it passes, would preempt us and they wouldn't need a license. The second employee is kind of the threshold they are working on.

Commissioner Kilgore mentioned that getting a business license is not the same thing as the traffic impact.

Commissioner Williamson said maybe rather than looking at the number of employees there could be a provision that you must supply parking for your employees. For a salon it could be fine if they aren't generating too much traffic.

Kimber Gabryszak advised that the provision is one stall for each employee that lives outside of the home.

You most likely couldn't have an employee at a multi-family dwelling because they couldn't provide the parking.

Kimber Gabryszak gave an example that if someone had a small daycare with people walking in, they are not generating traffic so they could allow that use. She also mentioned that if a childcare only has five or six kids they can still be considered a class two home occupation.

Chairman Wilkins asked if there is something in code already that prohibits a home occupation if they are going to be blocking the sidewalk.

Kimber Gabryszak said it's already in code they aren't allowed to do that.

Commissioner Cunningham noted per Mark Christensen's comment it is House Bill 132 that is being considered.

Commissioner Steele thinks 40% is too much area for home occupation. If it remains at 40% she thinks that they should not exempt hallways and entrances. She sent that to Kimber Gabryszak earlier. She thinks they got it right in the dance studio because the only reason the hallway was there was to get kids to and from the studio. On the cooking school for children the hallway was for residential use and should have been exempt. When the percentage is being increased she doesn't think that's an unreasonable request. If you have an accessory unit in a basement of a home she wondered if both could have a home occupation.

Kimber Gabryszak advised that this is looked at per dwelling so she would need to look into the answer to that.

Commissioner Steele advised that the question would be asked so that needs to be looked into.

Commissioner Steele asked that if when we say one permanent sign in the sign code then that would take your one sign. She looked at the code and saw that permanent could be six square feet and this says four square feet. She thinks they should match. She also asked if signs would be allowed for multi-family.

Kimber Gabryszak made a reference to section 19.18 of the code. Whatever they are allowed per that section is what they can have.

Commissioner Steele asked about those that work from home for a large corporation. She wondered if they need a business license.

Kimber Gabryszak advised that they do not need a business license if they just work from home for a business housed elsewhere.

Commissioner Steele does not think that home occupations with visitors should be allowed because there is not going to be sufficient parking.

Kirk Wilkins advised that under the section talking about restaurants it should say “and” not “and or”.

Kimber Gabryszak noted that in section three they took out the automobile refueling stations part. They do not need to be specifically prohibited.

Chairman Wilkins said trip generation is limited to eight. It is an impact to the neighborhood.

Commissioner Funk had a question on the new addition of hallway being deducted from the percentage of use.

Kimber Gabryszak noted if it was used by the family it would be deducted but if it is being used by the business it will not be deducted from total percentage.

Commissioner Kilgore didn't think that we should worry about it anymore and just say 40%. They are still considering impact to the neighborhood, what happens inside the house doesn't impact the neighbors. It shouldn't make a difference.

Commissioner Williamson thought the point with the 40% was to say this is where we draw the line.

Chairman Kilgore thinks the square footage consideration is no longer an issue as long as they define what incidental is and the impact to the neighborhood, identifying noxious fumes etc. He didn't know why hallways and entryways and other things need to be considered.

Kimber Gabryszak advised that any square footage they are using has been counted.

Commissioner Wilkins asked how the specific square footage would be enforced.

Commissioner Kilgore thinks we should define what counts as 40% but not nitpick on whether they are using it for business or not.

Commissioner Williamson wondered if there was another way to draw a line in the sand on what would be considered incidental.

Kimber Gabryszak said most cities go with a percentage because it is easily measurable.

Commissioner Kilgore wanted to decide if hallways or entryways were counted or not.

Commissioner Williamson was fine with it not including entrances and hallways.

Commissioner Williamson thinks Commissioner Steele was on to a point on maximums on class three businesses having no more than ten trips at a time but no more than 50 trips per day.

Commissioner Steele said some of these generate a lot of traffic, it's hard to say what is reasonable.

Commissioner Kilgore advised that if we generate a number and residents complain about the traffic generated then what recourse do they have. He thinks it should be set low so there is a recourse.

Kimber Gabryszak it's better to have a set class size because it is harder to track trips. Class size is the only thing that can really be limited.

Sandra Steele thinks 200 trips a day is too many.

Kimber Gabryszak advised that it is subject to traffic mitigation. That is one protection that they still have.

Commissioner Kilgore asked if when two people want to apply for a class three businesses one can be denied because the traffic is too high as a whole.

Kimber Gabryszak doesn't think we can because we aren't doing traffic studies.

Commissioner Steele advised that she thinks trip generation needs to be monitored because a lot of class three businesses can be on one street. Neighborhoods can be impacted greatly.

Chairman Wilkins advised that we can't regulate all the possible problems. They can have recourse for people to have the opportunity to complain and have it mitigated. He doesn't like a number on it.

Kimber Gabryszak advised they can lower the number to 40 then that is five classes of eight students. We do have some grandfathered businesses that would have 100 students. She also mentioned that a day care may have ten kids all day, and they are not rotating students.

Chairman Wilkins asked how many complaints come in about traffic or parking.

Kimber Gabryszak advised that they do get an occasional complaint but more for classes that have frequent changes. Like dance studios or gymnastics turning over every hour or two.

Commissioner Williamson asked if it would be possible to put in that if they get more than three complaints in a year they could revisit their home occupation permit. It might give them the incentive to play nice.

Kimber Gabryszak advised that if the owner is not following all of the conditions the City can revoke their license. They work with businesses on a case by case basis.

Chairman Wilkins noted to an audience member that the public hearing had been closed but it will go back to the City Council.

Kimber Gabryszak noted they would like the Planning Commission to move this on and make a decision.

Quite a few business license applications have been put on hold pending these changes.

Motion made by Commissioner Williamson to forward a positive recommendation to the code amendments to Section 19.08 Home Occupations to the City Council with the changes as discussed tonight. Second by David Funk. Aye-David Funk, Kirk Wilkins, Hayden Williamson, Troy Cunningham, Ken Kilgore. Nay-Sandra Steele. 5-1

Commissioner Steele advised that she voted nay because of concerns about the 40% requirement and the impacts to neighborhoods and safety to neighborhoods. Many parts are a great improvement but voting on it in its entirety, she couldn't do.

A 5 minute break was then taken.

6. Work Session: Code Amendments for Mixed Waterfront.

Kara Knighton advised that the purpose of Mixed Waterfront is to create a vibrant community that takes advantage of the scenic and recreational opportunities of the area. There are some shortcomings with the way the code is currently written. Since its adoption it has not been used in the City so they would like to take action now so that the zone does not go away. The name was changed from Mixed Lakeshore to Mixed Waterfront to be able to take advantage of Utah Lake and the Jordan River. She gave a history and noted some takeaways from their trip. She then reviewed sections of other community's code that would work well in our community. Next steps for this would be to get feedback from Planning Commission and City Council. They will begin drafting code for the Mixed Waterfront zone and the buffer overlay after receiving the feedback.

Kimber Gabryszak advised that the biggest take away they saw was that the other communities they looked at looked at the whole waterfront. In Boise they reclaimed the river from being a canal and made it good. We need to look at it holistically and make a buffer to be successful. There are the two pieces to it the mixed waterfront zone and the buffer overlay zone.

Commissioner Steele asked if they could put the overlay on existing development.

Kimber Gabryszak advised that any development already done is grandfather in. Any redevelopment down the road would be held to those requirements.

Commissioner Steele asked what a wide trail would be, 10 feet, 20 feet?

Kimber Gabryszak advised that the most successful trails were between 10-12 feet. There needs to be enough space to pass safely if there are multiple people using the trails. On trails that were 14-20+ they were seen with sections and directions. The minimum was wider than what they are installing currently

Mark Christensen noted right by Boise State University for example they were almost road width. Making a change to all our trails today may not be appropriate but existing trails will need to be resurfaced long before we have the demand. It will add to our maintenance costs. He thinks we need to preserve it and look at it but it's not the right thing to do now to require the road width.

Commissioner Steele said someone came to her that wants to put a restaurant along the water front and asked when could that happen.

159 Fire Department Chief Jess Campbell introduced new Fire Fighter-Paramedics Ryan Rackman, Nick McQueen,
160 and Trent Jenkins. Mayor Miller gave the oath of office and welcomed the new officers to the City.
161

162 Police Chief Andrew Burton introduced new Police Officers Terry Cox and Jason Blake. Mayor Miller gave the
163 officers the oath of office and welcomed them. Chief Burton presented the officers with a Certificate of
164 Commission.
165

166 Civic Events Coordinator AnnElise Harrison announced the Miss Saratoga Springs Pageant event will be held
167 on Saturday, March 5, 7:00 p.m. at Vista Heights Middle School. Coordinator Harrison reviewed the program
168 and contestant qualifications noting the Saratoga Springs Pageant format is being followed by other entities.
169 Coordinator Harrison introduced and thanked Pageant volunteers Tyfani Balzotti, Rebecca Crookston, and
170 Janelle Cropper for their hard work and involvement, and encouraged attendance and support.
171

172 **POLICY ITEMS:**

173
174 **Reports:**

175
176 Public Relations and Economic Development Manager Jackson announced the City of Saratoga Springs Spring
177 Festival and Egg Hunt will be held on Saturday, March 19, 9:00 am sharp at the Neptune Park, and invited
178 attendance.
179

180 Planning Director Kimber Gabryszak presented a staff update on new and supplemental Planning Department
181 submittals.
182

183 Council Member Baertsch presented a legislative update, noting the bill concerning home occupations is being
184 watched and recommended holding off a decision on the City's ordinance amendment until resolution of the
185 bill. She recommended the Council and staff figure out a strategy and ways to improve economic development
186 in the City including obtaining membership on current regional development committees, as the City has missed
187 several economic development opportunities.
188

189 Council Member Willden reported in regard to the proposed access points (Jordan River Commission), Spencer
190 Kyle has the information and will identify them on the parks and trails plans; and he has also been attending the
191 same league meetings.
192

193 Council Member Porter reported Camp Williams will conduct live fire exercises March 18-20, March 30-April
194 3, and April 15-20. Also reported the Camp is establishing a training program, the Utah Fire Academy will hold
195 wildland fire training at the Camp and surrounding Fire agencies are invited to attend and participate to establish
196 future inter-local assistance. Council Member Porter reported Camp Williams is working to establish a buffer of
197 open space along the northern edge of the City, which would be an amenity to the City as well as protect the
198 Camp. He inquired if staff could approach Western States and see if they had interest in participating in this
199 program.
200

201 Mayor Miller invited legislative participation, and reported he is talking with people in the building industry as
202 certain businesses have gone to other areas, they are looking at business trends and how to improve business
203 approval process as there is a need to go forward, be competitive with the right businesses, and grow Saratoga
204 Springs.
205

206 **PUBLIC HEARING:**

207
208 **1. Code Amendments to Section 19.08 – Home Occupations. Ordinance 16-07 (3-1-16).**
209

210 Mayor Miller opened the public hearing.
211

212 Planning Director Gabryszak presented the staff report addressing proposed code amendments to Section
213 19.08 Home Occupations as they apply to home based business applications. Director Gabryszak reported
214 this issue has been discussed in work sessions, the Planning Commission held a public hearing on February
215 11, 2016 and forwarded a positive recommendation to the City Council. She advised the goal is to clean up
216 the Home Occupations code section, categorize types in Class 1, 2 and 3 home occupations depending on
217 impact, adding and clarifying current standards, adding example language and some restrictions. Director
218 Gabryszak reviewed Class description and examples, and the specific recommended code changes from
219 staff and the Planning Commission.

220
221 Mayor Miller invited public comment - None.

222
223 Mayor Miller closed the public hearing for discussion.

224
225 Council Comment:

226
227 Council Member Porter inquired concerning the analysis for Class 3 number of 8, expressing the opinion it
228 may be low; recommended uses in office warehouse “and” industrial be “and/or”; noted the sign code
229 19.18 allows residential signs to be free standing or attached and there should be consistency; approval
230 costs should be based on impact to the neighborhood, however, he noted some proposed metrics seem to
231 address size instead of impact.

232
233 Council Member Baertsch commented she agrees with Council Member Porter in part; has a question when
234 is a home business inappropriate for residential areas, has concern with high impact home businesses in
235 regard to traffic and sharing amenities e.g. parking, noting the City needs to limit impact but not ability to
236 use private property; code should include provision for possibility of an accessory building; percentage of
237 home if 40% should include hallways etc., should be incidental; noted cul-de-sacs have a greater traffic
238 impact; free standing signs okay as long as they meet code standards; and recommended in view of current
239 legislation having this public hearing but holding on decision until legislation final.

240
241 Council Member McOmber commented Home Occupancy code should exclude residents conducting
242 hobbies and clubs and train staff to evaluate appropriately; pointed out the City should be careful not to
243 give home occupancy businesses an unfair advantage over other businesses, if big, get the building.

244
245 Council Member Poduska noted the majority of home occupations are computer based businesses unless
246 daycare or lessons; inquired regarding possibility of restricting the number of home occupation businesses
247 per area, such as three day cares on one street. Director Gabryszak noted the only time the City has done
248 that is with less desirable types of businesses where you do not want a lot of them.

249
250 Council Member Willden stated he is uncomfortable with the proposal that more than eight occupants
251 arriving at a home during the day should automatically trigger a class 3 business. He can see a piano
252 teacher having 8 or 9 students and teaching them all on the same day during the summer. The City should
253 not require a piano teacher to appear in front of the Planning Commission and submit a nearly \$500
254 application fee when students walk to the piano teacher’s house and there is relatively zero impact on the
255 neighbors. He understands the needs for classifying various businesses due to the impact to the City, but
256 utilizing the number of visitors during the day is not an appropriate trigger.

257
258 Planning Director Gabryszak responded they could consider the number of concurrent visits at one time.
259 Council Member Willden agreed this was a good suggestions and noted he was comfortable with the 40%
260 threshold as long as incidental use to the business such as walking down the stairs to get to the basement
261 office was not incorporated into the percentage calculation. He also expressed the opinion the City should
262 not legislate out of fear of isolated incidents that may possibly occur at some point.

264 Council discussed possible limitation of the number of patrons at one time or simultaneously, home
265 business percentage, and day care licensing requirements. City Manager Christensen recommended as
266 there is no consensus, and there are many changes and edits to make, staff will bring the ordinance back.
267

268 Motion by Council Member Baertsch to table the public hearing for Code Amendments to Section 19.08 –
269 Home Occupations until staff can bring back ordinance with discussed changes, was seconded by Council
270 Member Poduska

271 Roll Call Vote: Council Members Willden, Porter, McOmber, Poduska and Baertsch – Aye
272 Motion passed unanimously.
273

274 ACTION ITEMS:

275 1. **Appointment of City Recorder. Resolution R16-16 (3-1-16).**

276 City Manager Christensen introduced and recommended appointment of Cindy LoPiccolo as City
277 Recorder.
278

281 Motion by Council Member Porter to adopt Resolution R16-16 (3-1-16) appointing Cindy LoPiccolo as
282 City Recorder, was seconded by Council Member Baertsch

283 Roll Call Vote: Council Members Baertsch, Poduska, McOmber, Willden, and Porter – Aye
284 Motion passed unanimously.
285

286 4. **400 West Extension to Aspen Hills Blvd.**

287
288 Assistant Manager Kyle presented the staff report and recommendation for direction on the prioritization of
289 the extension of 400 W to Aspen Hills Blvd. and authorization to the City Engineer to proceed with an RFP
290 for the project design; advised funding is available for this construction season with the advantage of
291 receiving favorable pricing on asphalt due to current oil prices.
292

293 Council Member Poduska commented in favor of construction of the street as soon as possible noting
294 access will be provided from the northern portion of the City and connectivity to the commercial area;
295 pointed out that the City goal is to inter-connect communities and neighborhoods, and allow free
296 movement; understands some Aspen Blvd. residents have concerns, however, believes they will find the
297 availability to the commercial area will serve them; notes the City has funds available due to low bidding
298 from other projects, there is a time limit on the use of this land, and recommends approval.
299

300 Council Member Porter reported he received some concerns about traffic in this neighborhood, however,
301 this extension has been on the master plan for several years and believes it serves the greater interest.
302

303 Council Member McOmber reported he has consistently referred possible new residents to master plans,
304 the City needs connectivity, and with the additional connections residents will see less traffic impacts
305 because alternative routes are created and there is more access; he is in favor of this extension.
306

307 Council Member Baertsch reported she has received both positive and negative feedback concerning this
308 extension, some residents have concern about additional traffic impacts, however, she believes many non-
309 residents will continue to use Aspen Hills Blvd. as a short cut from Redwood Road to SR-73. She does not
310 think this road will alter that, but that those issues will be mitigated when Foothill Blvd. goes in, this is
311 important as another connection, it benefits the residents of Aspen Hills improving their connectivity and
312 additionally helps the land developer with their process; so in favor of this. She reported one resident
313 requested consideration of changing the name of 400 W to Brighton Way.
314

315 Council Member Willden noted as with other development, the City must look at and plan in regard to
316 traffic in the long term for future and existing residents. Council Member Willden stated he is more

City Council Staff Report



Author: Mark T. Edwards, Capital Facilities Manager
Subject: Sports Complex Design Contract
Date: March 29, 2016
Type of Item: Award of Contract for Design Services

Description:

A. Topic:

This agenda item is for the award of a Design Contract for the new Sports Complex

B. Background:

The 100 acre Sports Park parcel is located at the northwest corner of the intersection of 4th South and Saratoga Road and is presently owned and operated by the LDS Welfare Farm Group, PRI.

The Scope of Work for the chosen designer will include Master Planning and programming for the entire 100 acres, designing and providing bid and contract documents, project management and daily construction inspections. The first phase will occupy approximately 25 acres and will be primarily programmed for baseball with associated amenities.

The City issued a Request for Qualifications (RFQ) on January 21, 2016, and received 8 Statements of Qualifications (SOQ) in order to prequalify bidders for this design project. Evaluations and scoring for each SOQ was provided by the advisory committee. Scoring was based on 4 criteria; Qualifications, Ability to Provide Services, Performance on Past Projects of Similar Size and Type and Project and Client Experience. After eliminating one firm, Staff issued a Request for Proposals (RFP) which were evaluated and scored on Fees and Wage Scales, projected design timeline and field personnel. As shown in the SOQ scoring data, most of the firms were ranked together pretty closely. The advisory committee felt most of the proposals were very strong and all were considered qualified to provide the City with the appropriate design services. The more costly proposals were not given as much consideration as others and a few had design timelines that ran too long for our perceived schedule. After close reviews, 2 of the prequalified firms, PEC and Blu Line Design became the standouts. PEC is \$227,665 lower in design fees which was one of the reasons why PEC became the designer of choice by the majority of the advisory committee.

There were two issues of concern identified in PEC's proposal; the first issue was too few hours of construction inspection. Staff feels more hours of the inspector's time will be needed. The

proposal also only contemplated designing the central announcer booth and not the others as the plan contemplated. Staff feels both inadequacies can be negotiated with PEC while still keeping the additional costs to a minimum and well under Blu Line's costs.
Funds for the design will come from Park Impact Fees, GL Acct. # 32-4000-694

Recommendation:

Staff recommends that the City Council award the Sports Complex Design and Contract Administration to Project Engineering Consultants (PEC) for the amount of \$154,918.

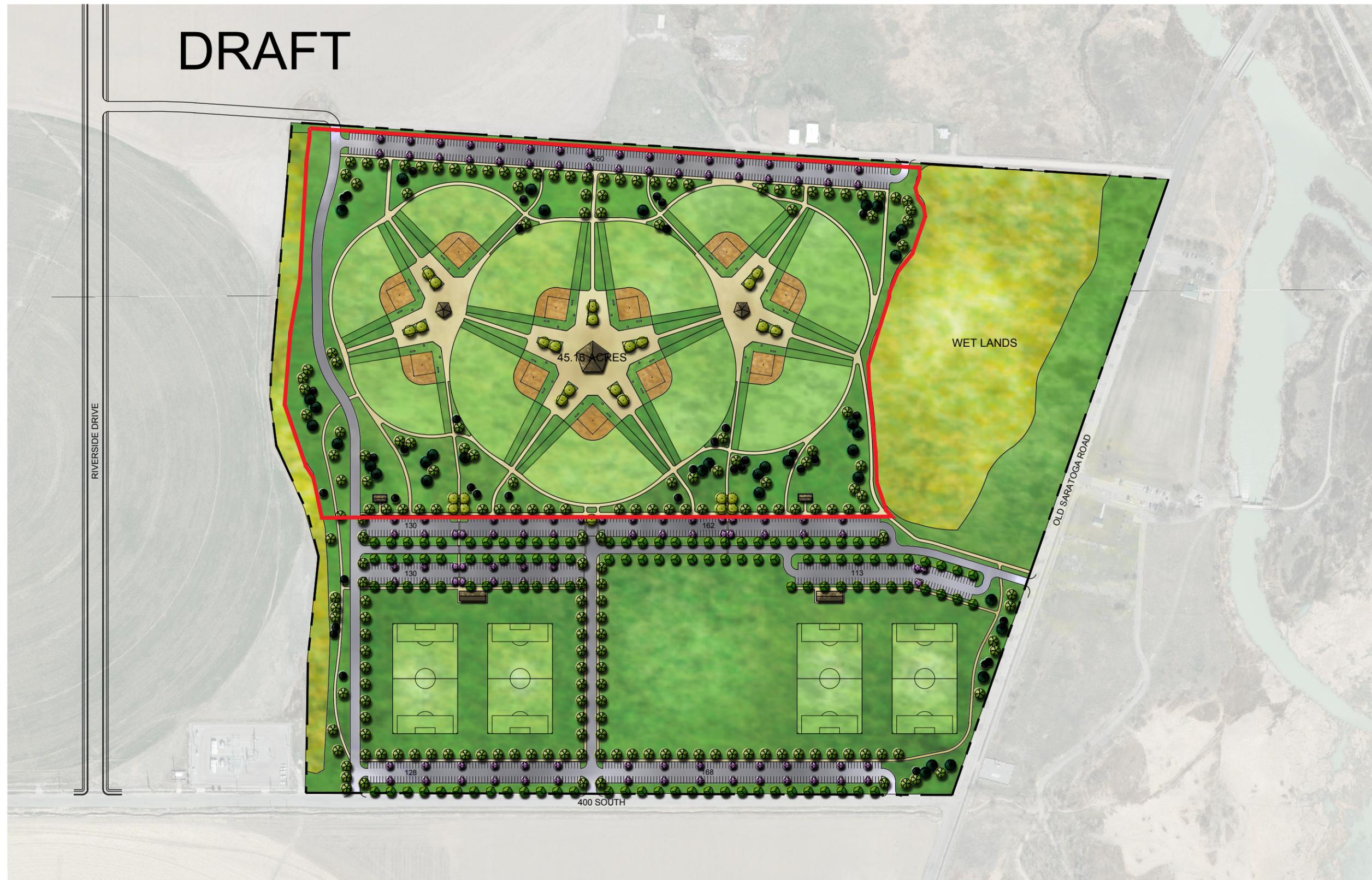
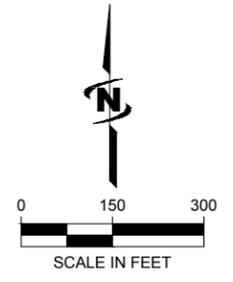
Evaluation Decision Results

City of Saratoga Springs

Project #: Saratoga Springs Sports Park Master Plan and Construction Design Services RFQ/RFP

Bidder	Statement of Qualifications (SOQ) Committee Scores							SOQ Total Score	Fee	Schedule	RFP Committee Votes
	308	70	326	276	320	308	274				
Landcurve Landscape Architecture	308	70	326	276	320	308	274	1862			
MGB+A The Grassli Group	334	100	308	328	360	334	350	2114	\$713,285	January 30, 2017	
Project Engineering Consultants (PEC)	306	40	334	260	252	306	292	1790	\$154,918	July 29, 2016	5
Landmark Design	342	100	342	312	342	342	332	2112			
JUB Engineers	350	100	360	328	360	350	334	2182	\$507,775	September 30, 2016	
Think Architecture	280	70	324	328	360	280	334	1976	\$365,955	November 22, 2016	
blu line designs (blu)	170	80	308	312	334	170	316	1690	\$382,583	September 2, 2016	3
Environmental Planning Group (epg)	130	60	314	286	360	130	296	1576	\$391,455	February 7, 2017	

DRAFT



REGIONAL SPORTS COMPLEX
CONCEPTUAL PLAN

RESOLUTION NO. R16-21 (3-29-16)

**A RESOLUTION AWARDING A BID TO PROJECT
ENGINEERING CONSULTANTS FOR THE
SPORTS PARK MASTER PLAN AND
CONSTRUCTION DESIGN SERVICES**

WHEREAS, the City Council of the City of Saratoga Springs has found it in the public's interest to obtain services for master planning, programming and design services for the new Sports Complex located at the northwest corner of the intersection of 4th South and Saratoga Road; and

WHEREAS, the City issued a Request for Qualifications on January 21, 2016 in order to prequalify bidders for this design project, and Project Engineering Consultants ("PEC") was one of the firms prequalified; and

WHEREAS, staff issued a Request for Proposals, and seven proposals from prequalified firms, including PEC, were evaluated and scored on the criteria of fees and wage scales, projected design timeline, and field personnel; and

WHEREAS, an advisory committee determined that PEC was the most qualified to provide the services to the City and that PEC's bid was the lowest bid by prequalified consultants; therefore, the majority of the advisory committee recommended that the bid be awarded to PEC; and

WHEREAS, the City Council has determined that awarding the project to PEC is in the best interest of the public, will further the public health, safety, and welfare, and will assist in the efficient administration of City government and public services.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARATOGA SPRINGS, UTAH, THAT:

1. The City of Saratoga Springs does hereby award the Sports Complex Design and Contract Administration to Project Engineering Consultants for the amount of \$154,918.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

Passed on the 29th day of March, 2016.

**CITY OF SARATOGA SPRINGS
A UTAH MUNICIPAL CORPORATION**

Jim Miller, Mayor

Attest: _____
Cindy LoPiccolo, City Recorder

TICKVILLE WASH FACILITIES REIMBURSEMENT AGREEMENT

THIS TICKVILLE WASH FACILITIES REIMBURSEMENT AGREEMENT (this “Agreement”), dated as of _____, 2016 (the “Effective Date”), is entered into by and among the CITY OF SARATOGA SPRINGS, a municipal corporation of the State of Utah (the “City”), SUBURBAN LAND RESERVE, INC., a Utah corporation (“SLR”), D.R. HORTON, INC., a Delaware corporation (“DRH”), and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (“CPB”).

RECITALS

1. The natural drainage feature commonly referred to as Tickville Wash (the “Tickville Wash”) is situated within the City and runs through property owned by SLR and DRH.

2. Certain improvements have been identified that need to be made relating to the Tickville Wash, which improvements constitute “system improvements” within the meaning of the Utah Impact Fees Act, Title 11, Chapter 36a of the Utah Code (the “Impact Fees Act”) and qualify for reimbursement under the Impact Fees Act (as more particularly described herein, the “Improvements”).

3. The Improvements will provide additional storm water drainage capacity for lands that either naturally drain, or with reasonable engineer and cost (and City approval) can be made to drain, to the Tickville Wash drainage basin (the “Tickville Wash Basin”).

4. SLR owns property within the Tickville Wash Basin, a portion of which property (the “Property”) was sold to DRH pursuant to the terms of that certain Real Property Purchase and Sale Agreement, dated as of July 5, 2013, as amended (the “Purchase Agreement”).

5. Portions of the Property are located in Special Flood Hazard Area “Flood Zone A” and cannot be developed until FEMA has amended and revised the Flood Insurance Rate Map(s) (FIRM Panel # 4902500115A dated July 17, 2002).

6. In order to obtain a Letter of Map Revision that amends the map to designate the affected portions of the Property as Zone X, it is necessary for the Improvements to be completed.

7. The City is not prepared or required to fund the initial construction of the Improvements at this time.

8. SLR and DRH have agreed in the Purchase Agreement to advance the costs necessary to complete the Improvements, subject to partial reimbursement by the City of such costs as provided herein.

9. The City is authorized pursuant to Section 11-36a-402(2)(b) of the Impact Fees Act to reimburse a portion of the costs of the Improvements as provided herein.

10. The parties desire to document their mutual agreement with respect to the method of reimbursement by the City of the costs of the Improvements.

NOW THEREFORE, for and in consideration of the foregoing, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

SECTION 1. COMPLETION OF IMPROVEMENTS. The Improvements to be constructed by DRH are more particularly described in Exhibit A attached hereto.

SECTION 2. FUNDING. SLR and DRH shall advance 100% of the costs of designing and constructing the Improvements and obtaining the necessary rights-of-way and/or easements necessary for the Improvements. The City shall not be required to advance payment for any of the costs of the project. Funding of up to, but not in excess of, \$2,200,000 will be advanced by SLR, with DRH to advance 100% of the costs in excess of \$2,200,000. Attached hereto as Exhibit B is an estimate of the anticipated costs of the Improvements. In no event shall City be responsible for reimbursing the parties for improvement costs exceeding 110% of the estimated cost of the Improvements in Exhibit B.

SECTION 3. REIMBURSEMENT.

a. Upon final inspection, the posting of a warranty bond, the recordation of all applicable access and maintenance easements to the City, and approval and acceptance of the Improvements by the City, SLR shall notify the City of the total costs of the design and construction of the Improvements, which costs may include only those amounts allowed by the Impact Fees Act, and shall provide the City with such evidence as shall be reasonably required to substantiate such costs (the "Costs"). If the Impact Fees Act does not authorize reimburse for an invoiced improvement or cost, the City shall have no obligation to reimburse DRH or SLR.

b. To satisfy its reimbursement obligations, the City agrees to issue to SLR and DRH storm water impact fee credits in an amount equal to 89.5% of the total Costs ("Credits") so long as such reimbursement is authorized under the Impact Fees Act, and subject to the limitations of subsection (c) below. The value of the Credits to be issued to SLR shall not exceed \$1,969,000 (which represents 89.5% of \$2,200,000); with all additional Credits to be issued to DRH for the balance of the City's reimbursement obligations (i.e., Credits valued at 89.5% of all Costs in excess of \$2,200,000). The City shall confirm the value of the Credits allocated to SLR and DRH within ten (10) business days after submission of the final Costs by SLR to the City.

c. SLR and DRH may apply their respective Credits, as provided below in this subsection (c), against the storm water impact fees that are due and payable by SLR, DRH, and other developers as provided in 3.c.iii below, at then applicable rates, with respect to future development on land identified on Exhibit C.

(i) For SLR development on property now owned or acquired in the future by SLR/CPB, Credits may be applied directly by SLR.

(ii) For DRH development on property now owned or acquired in the future by DRH, Credits may be applied directly by DRH.

(iii) For development on property that, at the time of development, is not owned by SLR/CPB or DRH, the City shall pay to SLR all storm water impact fees it receives from the developer, in exchange for a dollar-for-dollar reduction of the outstanding balance of the Credits. Such reduction shall be allocated by the City between SLR and DRH as directed by SLR, in accordance with a separate agreement between SLR and DRH. The City agrees to rebate such storm water impact fees to SLR until all of the Credits have been exhausted. This Section 3.c.(iii) shall not apply to the extent the developer of such property is not subject to storm water impact fees per the Impact Fees Act.

d. For development on property now owned or acquired in the future by DRH outside of the land identified in Exhibit C, the City shall allow DRH to use its Credits for development of its property in exchange for a dollar-for-dollar reduction of the outstanding balance of the Credits pertaining to DRH. This provision is designed to help DRH recover the full benefit of its reimbursement Credits, recognizing that DRH does not currently have sufficient land holdings within the land identified in Exhibit C or elsewhere in the City to use all of its reimbursement Credits.

e. All Credits (and related rights under this Agreement) shall be freely assignable by SLR and DRH (or any subsequent holder of the Credits) to each other, and to any other person or entity (“assignee”), for development of land identified on Exhibit C. Each such assignment shall be evidenced by a document executed and notarized by SLR or DRH, as the case may be, and describing the land to which the Credits apply. The assignment shall be delivered to the City. Neither SLR or DRH, on the one hand, nor the assignee of the Credits, on the other hand, shall have any claims against the City regarding the Credits so long as the City correctly accounts for (and gives credit for) the Credits.

f. The City reserves the right to purchase the Credits from SLR or DRH at any time at an amount mutually agreed to by the parties.

g. The application of Credits as provided above shall be accounted for on the ledger attached hereto as Exhibit D or substantially similar instrument (the “Ledger”). The City shall provide SLR and DRH with copies of the then current Ledger upon request. Any discrepancies identified by any of the parties shall be addressed and reconciled immediately.

h. The Credits granted hereunder shall never expire, and shall remain valid until all of the Credits have been applied against storm water impact fees or until all of the Tickville Wash Basin has been developed, whichever occurs earlier.

i. SLR and DDRH agree to release, indemnify, defend, and hold the City harmless from any claim by any person, entity, or party claiming that the Costs were not reimbursed to the party that installed the Improvements.

SECTION 4. AMENDMENT OF IFFP; IMPACT FEES. The City shall, if necessary and as allowed by the Impact Fees Act, amend the IFFP to include all of the Improvements, so that all of the Improvements qualify for funding and reimbursement, in the full amount of 89.5% of the Costs, out of impact fees under Section 11-36a-402 of the Impact Fees Act.

SECTION 5. PRIOR AGREEMENTS. This Agreement supersedes any conflicting provision of prior agreements between the parties, both oral and written, to the extent such prior agreements relate to the subject matter hereof; provided that that certain Tickville Wash Agreement, dated as of May 10, 2001, by and among the City, the Utah Lake Distributing Company, CPB, Saratoga Springs Development, LLC, Wardley-McLachlan, LLC, Utah County, Paul Mendenhall, Mark Jacob and Curtis Beverly, shall remain in effect in accordance with its terms, except that this Agreement shall satisfy all and any City's obligations to CPB under said Agreement.

SECTION 6. FURTHER ACTS. The parties shall perform those acts and/or sign all documents required by this Agreement or which may be reasonably necessary to effectuate the terms of this Agreement.

SECTION 7. NO AGENCY OR PARTNERSHIP. This Agreement does not create any kind of joint venture, partnership, agency, or employment relationship between or among the parties.

SECTION 8. LEGAL COMPLIANCE. The parties shall comply with all applicable federal, state, and local laws and ordinances in the performance of this Agreement. Any terms which the parties are mandated by law to include in this Agreement shall be considered part of this Agreement.

SECTION 9. AMENDMENT. This Agreement cannot be amended except by a written instrument signed by the parties.

SECTION 10. SEVERABILITY. If a court, governmental agency, or regulatory agency with proper jurisdiction determines that any provision of this Agreement is unlawful, that provision shall terminate. If a provision is terminated, but the parties can legally, commercially, and practicably continue to perform this Agreement without the terminated provision, the remainder of this Agreement shall continue in effect.

SECTION 11. AUTHORITY. Each individual executing this Agreement hereby represents and warrants that he or she has been duly authorized to sign this Agreement in the capacity and for the entities identified.

SECTION 12. GOVERNING LAW. This Agreement shall be interpreted and enforced under the laws of the State of Utah. Venue for any legal action brought on this Agreement shall lie with the Fourth Judicial District Court for Utah County, Utah.

SECTION 13. COUNTERPARTS; SIGNATURES. This Agreement may be signed in multiple counterparts, all of which taken together shall constitute one and the same agreement. Further, copied or electronically or facsimile transmitted signatures of an original signature shall be treated for all purposes as an original signature. After execution and delivery of this Agreement, a copy of the signed Agreement shall be considered for all purposes as an original of

the Agreement to the maximum extent permitted by law, and no party to this Agreement shall have any obligation to retain a version of the Agreement that contains original signatures in order to enforce the Agreement, or for any other purpose, except as otherwise required by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF SARATOGA SPRINGS, a
municipal corporation of the State of Utah

By: _____
Its: _____

ATTEST & COUNTERSIGN:

City Recorder

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS,
a Utah corporation sole

By: _____
Name (Print): _____
Its: Authorized Agent

SUBURBAN LAND RESERVE, INC., a
Utah corporation

By: _____
R. Steven Romney
Its: President

D.R. HORTON, INC., a Delaware
corporation

By: _____
Name (Print): _____
Its: _____

EXHIBIT A

[Here attach description of Improvements and required easements.]

EXHIBIT B

[Here attach estimate of total Costs.]

EXHIBIT C

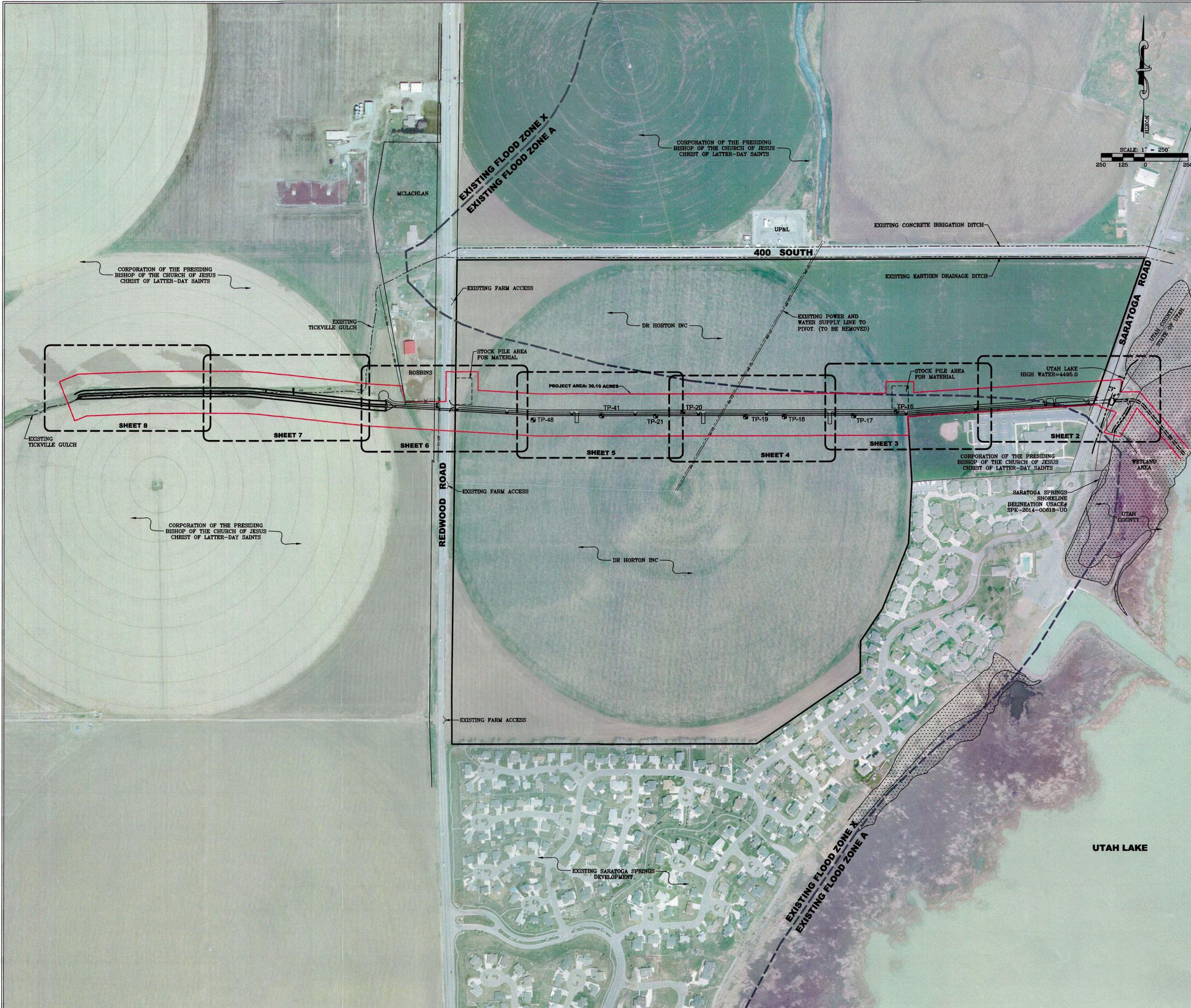
[Here attach map of eligible reimbursable land.]

EXHIBIT D

STORM WATER IMPACT FEE CREDITS LEDGER

(Related to Tickville Wash Facilities Reimbursement Agreement by and among the City of Saratoga Springs, Utah, Suburban Land Reserve, Inc., D.R. Horton, Inc. and Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, dated as of _____, 2016)

Date	SLR Credits Applied or Assigned / Name of Project or Assignee	DRH Credits Applied or Assigned / Name of Project or Assignee	Remaining SLR Available Credits	Remainin g DRH Available Credits	Initials: City	Initials: SLR	Initials: DRH
03/__/16			\$1,969,000	\$_____			



VICINITY MAP

SCALE: 1" = 250'

250 125 0 250

LEI
 - A Utah Corporation -
ENGINEERS
SURVEYORS
PLANNERS

3302 N. Main Street
 Spanish Fork, UT 84660
 Phone: 801.798.0555
 Fax: 801.798.9393
 office@lei-eng.com
 www.lei-eng.com

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TABLATIONS

OVERALL TICKVILLE GULCH RE-ALIGNMENT LENGTH	5,919 FT. (1.12 MILES)
RE-ALIGNMENT OPEN CHANNEL LENGTH	1,780 FT.
RE-ALIGNMENT OPEN CHANNEL AREA	2.02 ACRES

SCANNED
 JUL 14 2015

COVER NOTES

- ORIENTATION OF COVER SHEET TO NORTH. ALL PLAN & PROFILE SHEETS ORIENTED TO SOUTH TO ACCOMMODATE CHANNEL ALIGNMENT REQUIREMENT.
- THE DATUM USED FOR SHOWN ELEVATIONS IS NGVD 29. NGS MONUMENT K41 WITH AN ELEVATION OF 4494.20 WAS USED AS A BENCHMARK.
- THE FOLLOWING PERMITS AND ASSOCIATED TIMING MUST BE COMPLETED:
 - UDOT - PRIOR TO CONSTRUCTION ACTIVITIES WITHIN REDWOOD ROAD. THIS PERMIT WILL BE ISSUED TO THE CONTRACTOR.
 - ARMY CORP OF ENGINEERS - PRIOR TO CONSTRUCTION ACTIVITIES WEST OF STA. 58+32.
 - FFSL RIGHT OF ENTRY AND GENERAL PERMIT - PRIOR TO PHASE I OR PHASE II IMPROVEMENTS WITHIN THE STATE LANDS AS DETAILED ON SHEET CH-1. FINAL CROSS SECTION AND PLAN & PROFILE DRAWINGS TO BE SUBMITTED TO FFSL FOR APPROVAL.
- PRIOR TO ACCEPTANCE OF THE IMPROVEMENTS, AN EASEMENT WILL BE PREPARED AND CONVEYED TO SARATOGA SPRINGS CITY. EASEMENT EXHIBIT TO SHOW PLAN VIEW AT EASEMENT RELATIVE TO IMPROVEMENTS.

<input type="checkbox"/> NO EXCEPTION TAKEN	<input type="checkbox"/> SUBMIT O&M DATA
<input checked="" type="checkbox"/> FURNISH AS CORRECTED	<input type="checkbox"/> REVISE & RESUBMIT

SEE LETTER DATED _____

CORRECTIONS OR COMMENTS MADE DURING THIS REVIEW DO NOT RELIEVE THE CONTRACTOR FROM COMPLIANCE WITH THE CONTRACT DOCUMENTS. THIS CHECK IS ONLY FOR A REVIEW OF GENERAL CONFORMANCE WITH THE DESIGN CONCEPT OF THE PROJECT AND GENERAL COMPLIANCE WITH INFORMATION GIVEN IN THE CONTRACT DOCUMENTS. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THE CORRELATION OF ALL QUANTITIES AND DIMENSIONS, FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION, AND COORDINATION OF HIS WORK WITH THAT OF ALL OTHER TRADES, AND THE SAFE AND SATISFACTORY PERFORMANCE OF HIS WORK.

CITY OF SARATOGA SPRINGS
 Date: 7/14/15 By: [Signature]

PROJECT CONTACTS

DEVELOPER / OWNER	ENGINEER
SUBURBAN LAND RESERVE 79 SOUTH MAIN STREET NO. 600 SALT LAKE CITY, UT 84111	LEI CONSULTING ENGINEERS 3302 NORTH MAIN SPANISH FORK, UTAH 84660 (801)798-0555
UDOT	CITY ENGINEER
RIZ ROWLAND UDOT REGION 3 658 NORTH 1500 WEST OREM, UTAH 84057 801.227.8000 rrowland@utah.gov	JEREMY LAPIN CITY ENGINEER FOR SARATOGA SPRINGS 1307 N COMMERCE DRIVE #200 SARATOGA SPRINGS, UT 84045 801.798.9793 EXT. 137 jlapin@saratogaspringscity.com

REVISIONS

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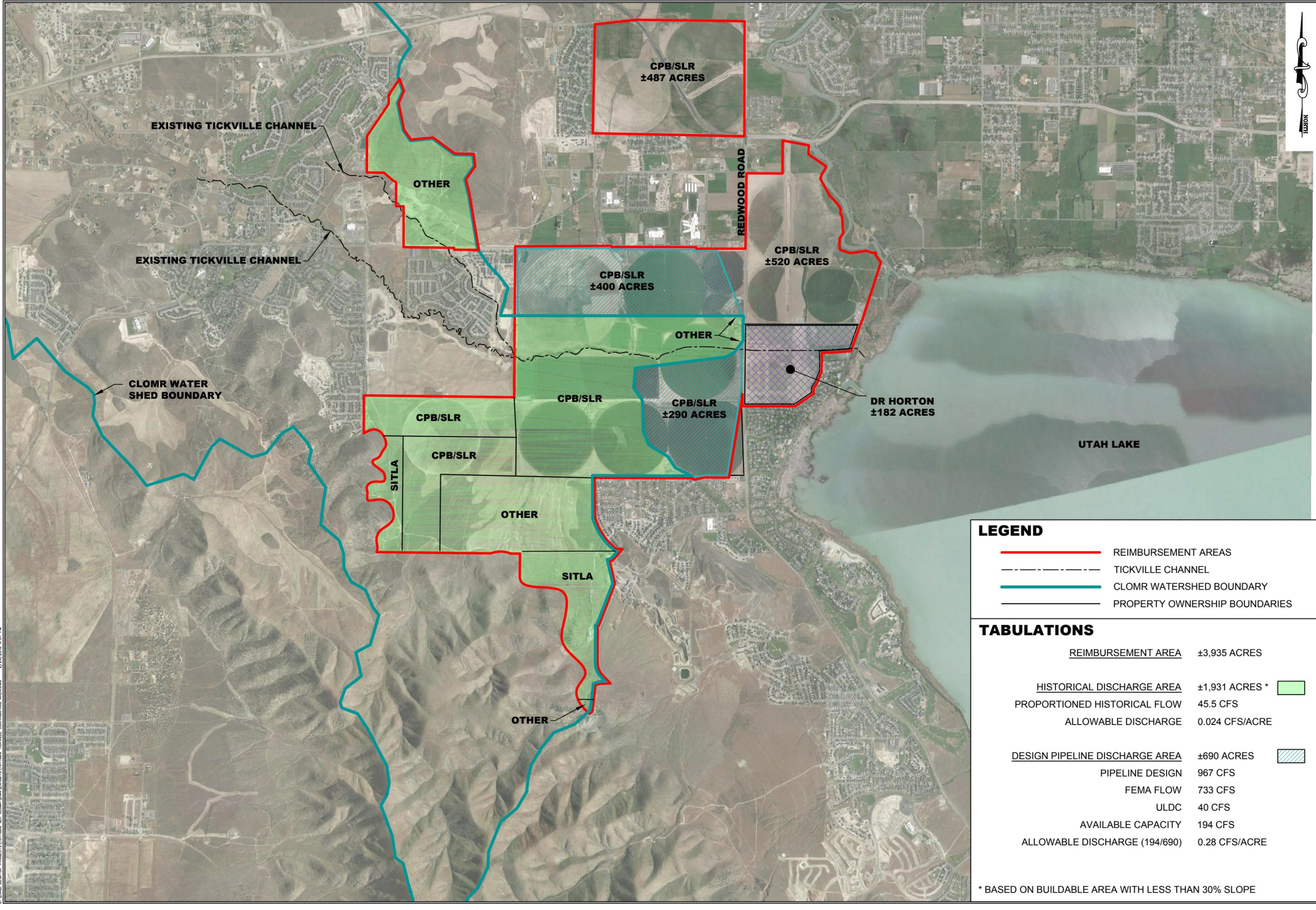
LEI PROJECT #: 2013-1869
 DRAWN BY: RWH
 CHECKED BY: NKW
 SCALE: 1" = 250'
 DATE: 07/13/2015
 SHEET

TICKVILLE GULCH RE-ALIGNMENT
 SARATOGA SPRINGS, UTAH
COVER

Tickville Gulch Realignment Reimbursement Summary

DESCRIPTION	QTY	UNIT	PRICE	AMOUNT
Base Installation Bid:				
Mobilization/UDOT Permits	1	LS	\$9,454.00	\$9,454.00
Silt Fencing	12,540	LF	\$2.00	\$25,080.00
Cobbled Construction Entrances	3	EA	\$1,800.00	\$5,400.00
LOD Fencing	6,000	LF	\$1.35	\$8,100.00
Clear and Grub	280,000	SF	\$0.01	\$2,800.00
Haul off Grubbings	1,500	CY	\$7.24	\$10,860.00
Strip Topsoil/Stockpile on Site	1	LS	\$15,515.00	\$15,515.00
Cut/Grade Open Channel West of Redwood Rd	1,900	LF	\$74.05	\$140,695.00
Reseeding Channel Disturbance	215,000	SF	\$0.09	\$19,350.00
Reseeding Limits of Disturbance	1,096,161	SF	\$0.08	\$87,692.88
Temp. Maintenance Road along Pipeline	1	LS	\$75,223.12	\$75,223.12
Inlet Structure on West Side of Redwood Rd	1	LS	\$146,135.44	\$146,135.44
Redwood Rd Reconstruction	1	LS	\$89,453.01	\$89,453.01
Traffic Control	1	LS	\$5,750.00	\$5,750.00
Dry Utility Relocates	1	LS	\$3,515.00	\$3,515.00
Waterline Loop	1	LS	\$15,261.00	\$15,261.00
Install 96" RCP	3,815	LF	\$101.00	\$385,315.00
Access Manways	10	EA	\$1,285.20	\$12,852.00
Transition Structure West Side of Saratoga Rd	1	LS	\$161,170.56	\$161,170.56
Saratoga Rd Pour In Place Culvert	115	LF	\$1,334.51	\$153,468.65
Outlet Structure on East Side of Saratoga Rd	1	LS	\$78,780.52	\$78,780.52
Saratoga Rd Reconstruct	1	LS	\$128,589.59	\$128,589.59
Traffic Control	1	LS	\$8,223.15	\$8,223.15
Utility Relocates	1	LS	\$87,115.27	\$87,115.27
Misc. Grading on East Side of Saratoga Rd	1	LS	\$15,815.45	\$15,815.45
Excavate for Drainage Swale Along Church Fence	1,130	LF	\$3.17	\$3,582.10
			Subtotal	\$1,695,196.74
Option:				
Phase II Channel Construction out to Lake	1	LS	\$354,035.50	\$354,035.50
Clear/Grub/Cut Down Trees	1	LS	\$14,013.00	\$14,013.00
Excavate Channel to Lake as per plan	445	LF	\$492.50	\$219,162.50
Construct 12ft Access Rd/Berm and 18" RB	130	LF	\$281.00	\$36,530.00
Reseed Channel	445	LF	\$27.00	\$12,015.00
Additional Rip Rap Pad as per plan	1	LF	\$32,315.00	\$32,315.00
Haul off/dispose of excavated material	80	LD	\$500.00	\$40,000.00
				\$354,035.50
Pipe and Manway Materials	1	LS	\$1,130,105.90	\$1,130,105.90
Misc. Other:				
Video Inspection of Pipe	3,800	LF	\$2.65	\$10,070.00
Surveying/Certification of Slope	1	LS	\$97,270.10	\$97,270.10
Compaction Testing (City/UDOT ROW)	1	LS	\$1,800.00	\$1,800.00
Engineering & Design	1	LS	\$240,180.48	\$240,180.48
Easement Land Purchase	1	LS		\$0.00
			Subtotal	\$349,320.58
Total Cost of Eligible Improvements				\$3,528,658.72
Total Amount of Reimbursement based on 89.5%				\$3,158,149.55
Credit to SLR				\$1,969,000.00
Credit to DR Horton				\$1,189,149.55
				\$3,158,149.55

56%
34%



LEGEND

- REIMBURSEMENT AREAS
- - - - - TICKVILLE CHANNEL
- CLOMR WATERSHED BOUNDARY
- PROPERTY OWNERSHIP BOUNDARIES

TABULATIONS

<u>REIMBURSEMENT AREA</u>	±3,935 ACRES	
<u>HISTORICAL DISCHARGE AREA</u>	±1,931 ACRES *	
PROPORTIONED HISTORICAL FLOW	45.5 CFS	
ALLOWABLE DISCHARGE	0.024 CFS/ACRE	
<u>DESIGN PIPELINE DISCHARGE AREA</u>	±690 ACRES	
PIPELINE DESIGN	967 CFS	
FEMA FLOW	733 CFS	
ULDC	40 CFS	
AVAILABLE CAPACITY	194 CFS	
ALLOWABLE DISCHARGE (194/690)	0.28 CFS/ACRE	

* BASED ON BUILDABLE AREA WITH LESS THAN 30% SLOPE

U:\LAND DESKTOP PROJECTS\13-1869_SLR_CLOMR\EXHIBITS\13-1869_TICKVILLE_CONTRIBUTING_AREA.DWG 2/24/2016 4:07 PM

REVISIONS	
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LEI PROJECT #:
2013-1869
 DRAWN BY:
RWH/TJP
 DESIGNED BY:
NKW
 SCALE:
1" = 3000'
 DATE:
02/24/2016

RESOLUTION NO. R16-22 (3-29-16)

**RESOLUTION OF THE CITY OF SARATOGA SPRINGS,
UTAH, APPROVING A FACILITIES REIMBURSEMENT
AGREEMENT FOR TICKVILLE WASH**

WHEREAS, certain improvements have been identified as necessary within the natural drainage feature commonly referred to as Tickville Wash, which is situated within the City and runs through property owned by Suburban Land Reserve, Inc. (“SLR”) and D.R. Horton, Inc. (“DRH); and

WHEREAS, SLR and DRH have agreed to complete the improvements and advance such costs necessary to complete the improvements, subject to partial reimbursement by the City of such costs as provided within the Facilities Reimbursement Agreement; and

WHEREAS, the City is authorized pursuant to Section 11-36a-402(2)(b) of the Impact Fees Act to reimburse a portion of the costs of the improvements as provided within the Facilities Reimbursement Agreement;

WHEREAS, it is in the best interests of the citizens of Saratoga Springs that the improvements be built and that the Facilities Reimbursement Agreement be approved.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Saratoga Springs, Utah that the Tickville Wash Facilities Reimbursement Agreement attached as Exhibit 1 is approved and that the Mayor is authorized to sign said Agreement. This resolution shall take effect immediately upon passage.

PASSED AND APPROVED this ____ day of _____, 2016

City of Saratoga Springs

Mayor

Attest:

City Recorder

EXHIBIT 1



City Council Staff Report

Authors: Kevin Thurman, City Attorney
Subject: Dedication of Village Parkway
Date: March 29, 2016
Type of Item: Legislative, Policy Decision

Summary: Consideration of the Dedication of Village Parkway.

Description:

A. Topic:

This item is for the approval of the dedication of the remainder of Village Parkway, which will be accomplished through a Right-of-Way and Easement Agreement.

B. Background:

SCP Fox Hollow (aka, JF Capital) is ready to record Neighborhood 6 (“N6”) in the Villages at Saratoga Springs (aka, Fox Hollow) development. N6 will consist of approximately 144 single family homes. In order to do so, they must improve and dedicate the remainder of Village Parkway, which road is necessary to provide access to Neighborhood 6. This remaining portion of Village Parkway is owned by Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (“CPB”) and Pronova Holdings 4, LLC (“Pronova”). CPB and Pronova are not willing to fully dedicate the road in fee simple to the City because of the dedication costs. As a result, the parties have drafted the attached agreement, and Staff recommends that the City Council approve it.

C. Analysis:

In accordance with Utah Code § 72-5-103, a city may acquire a road or highway through “fee simple or any lesser estate or interest.” This means that Saratoga Springs can own a road through an easement, which is a “lesser estate or interest” than fee simple (i.e., deeded property). This does not affect our ability to own and maintain it and receive Class C road funds through the State of Utah. Because Village Parkway is necessary for N6, and the fee title owners are not willing to deed it in fee simple at this time, the easement dedication is necessary to allow N6 to move forward with development. Per the

attached agreement, once CPB and Provova are ready to develop their property, they will be required to record a plat dedicating Village Parkway in fee simple to the City.

JF Capital has provided the City with a cash bond for Village Parkway and signed the City's Installation of Improvements and Bond Agreement, which guarantees that Village Parkway will be installed and continue to meet City standards during a 1-year warranty period. The City will have no obligations to complete the road improvements, but will be required to maintain the pavement once fully installed and accepted. The Villages at Saratoga Homeowners Association has agreed to maintain the landscaping in the median and park strips. Staff believes it is in the City's best interests to approve the agreement and that the City will not be prejudiced by doing so.

Recommendation: Staff recommends that the City Council consider and approve the Right-of-Way and Easement Agreement for the dedication of Village Parkway.

Recommendation: Approval of the attached agreement and resolution.

WHEN RECORDED, MAIL TO:

Mitchell Fielding, Esq.
1148 W. Legacy Crossing Blvd., Suite 400
Centerville, Utah 84014

City Recorder
City of Saratoga Springs
1307 N. Commerce Drive, Suite 200
Saratoga Springs, UT 84045

(Above space for county recorder use only)

RIGHT-OF-WAY AND EASEMENT AGREEMENT

THIS RIGHT-OF-WAY AND EASEMENT AGREEMENT (this “**Agreement**”) is made and entered into as of _____, 2016, by and between PRONOVA HOLDINGS 4, LLC, a Utah limited liability company (“**Pronova 4**”); and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (“**CPB**”, together with Pronova 4, each an “**Owner**” and collectively, the “**Owners**”); and CITY OF SARATOGA SPRINGS, a political subdivision of the State of Utah (the “**City**”). Pronova 4, CPB, and City are collectively referred to herein as “Parties.”

RECITALS

A. Pronova 4 is a residential developer and owner of certain real property located in Saratoga Springs, Utah County, Utah, as more specifically set forth in Exhibit A, attached hereto and incorporated herein by this reference (the “**Pronovo 4 Property**”).

B. CPB is the owner of certain real property located adjacent to the Pronovo 4 Property, as more specifically set forth in Exhibit B, attached hereto and incorporated herein by this reference (the “**CPB Property**”). The Pronovo 4 Property and CPB Property are sometimes referred to herein collectively as the “**Properties**.” A graphic depiction of the Properties is attached as Exhibit D hereto.

C. The Properties are a part of that certain development project commonly known as “The Villages at Saratoga Springs,” which is sometimes referred interchangeably as “Fox Hollow,” located in Saratoga Springs, Utah County, Utah.

D. The City desires to obtain a perpetual, exclusive right-of-way and easement for the location of Village Parkway and all associated public improvements, utilities, and infrastructure (the “**Easement**”), which the parties intend will eventually be dedicated in fee simple to the City by the Owners upon development of each Owner’s respective property. The Easement is located on, over, under and across portions of the Properties, as more particularly described on Exhibit C, and depicted in the drawing on Exhibit D, both exhibits attached hereto and incorporated herein by this reference (the “**Easement Area**”).

E. It is the intent of this Agreement that the Easement provides a public road, or a

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Class “C” road under Utah Code § 72-3-104, for pedestrian and vehicular ingress and egress to and from subdivisions within the City and all other rights associated with a Class C road.

F. In addition, the Parties and The Villages at Saratoga Springs Homeowners Association (the “**HOA**”) desire to set forth the Parties’ respective maintenance obligations for the Improvements (defined below), as described in that certain Second Master Development Agreement, recorded as Entry No. 59718:2013 in the Utah County Recorder’s Office (the “**Second MDA**”).

NOW, THEREFORE, to these ends and in consideration of the terms and conditions of this Agreement, as well as the mutual benefits to be derived herefrom and other good and valuable consideration acknowledged and received by each of the parties hereto, Owners and the City hereby agree as follows:

RIGHT OF WAY AND EASEMENT

1. **Grant of Permanent Easement.** Each Owner hereby conveys, without warranty, to the City the Easement as a permanent, public right of way upon, over, under, and across the Easement Area, for the benefit of the City and public, for the purposes of (collectively, the “**Improvements**”): (i) constructing, designing, installing, repairing, replacing, and/or using a paved road public right-of-way to be used for vehicular and pedestrian ingress and egress into and out of the Properties, and (ii) constructing, designing, installing, repairing, replacing, and/or using any and all public utilities, including, but not limited to, water, sanitary, sewer, storm water drainage, electricity, telecommunications, natural gas, fiber optic, and high-speed internet transmission lines.

2. **Access.** Any party who exercises use of this Agreement, including use of the Improvements, hereby release the Owners from any and all claims relating to the condition of the Easement Area and the entry upon the Easement Area by said users.

3. **Acceptance of Right of Way; Condition of Grantor’s Property/Release.** The City accepts the Easement and right of way across the Easement Area and all aspects thereof in “AS IS”, “WHERE IS” condition, without warranties, either express or implied, “with all faults”, including but not limited to both latent and patent defects. The City hereby designates and establishes the Easement Area as a Class C Road, within the meaning of Utah Code § 72-3-104, with all rights of public access appurtenant thereto. The City hereby waives all warranties, express or implied, regarding the title, condition and use of the Easement Area, including, but not limited to any warranty of merchantability or fitness for a particular purpose.

4. **Construction and Dedication of the Improvements.** Upon completion of the Improvements by the Owners according to the City’s ordinances and construction requirements, the City shall accept the dedication and ownership of the Improvements and to maintain and repair the Improvements, provided that the City, after an inspection, determines in writing that the Improvements meet all the City’s ordinances and reasonable construction requirements. Notwithstanding anything to the contrary herein, in the event the City requires the Improvements to be upgraded to meet City ordinances in order for the City to accept dedication and ownership of the Improvements, each Owner shall be solely responsible for those costs or expenses associated with upgrading the Improvements on the Owner’s property.

5. **Maintenance.** The City and HOA shall be responsible for the maintenance and repair of all Improvements installed on the Easement Area. The allocation between the City and the HOA of the

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maintenance and repair obligations of the Easement Area shall be as set forth in the Second MDA. Notwithstanding anything to the contrary herein, the Parties hereby agree that any third party granted rights to use the Easement Area pursuant to this Agreement shall be responsible to maintain and repair those improvements installed within the Easement Area by the respective third party, which improvements include, but are not limited to, public utilities, telecommunication lines, and high speed internet lines and all associated conduits and facilities constructed within the Easement Area.

6. Indemnification.

6.1. The Owners. CPB and Pronovo 4 shall each indemnify, defend and hold the other harmless from and against all claims, losses, costs, damages, expenses, liabilities, liens, actions, causes of action, assessments, fines and penalties of any kind including court costs and attorneys' fees (collectively, "**Claims**"), incurred by the party seeking indemnification from any cause, other than the party seeking indemnification's gross negligence or willful misconduct, arising out of or relating directly or indirectly to this Agreement. This hold harmless provision extends to and includes Claims for: (i) the acts and omissions of the Owner or the Owner's agents; or (ii) the use of the Easement Area or the exercise of the rights granted hereunder by the Owner, or the Owner's agents, or their successors or assigns, and their agents, servants, employees, consultants and/or contractors. The foregoing indemnity shall survive any termination of this Agreement.

6.2. The City. The City shall at the City's sole expense and with counsel acceptable to Owners, defend and hold harmless the Owners from and against all Claims incurred by the City from any cause, other than the Owner's negligence, gross negligence, or willful misconduct, arising out of or relating directly or indirectly to this Agreement. This hold harmless provision extends to and includes Claims for: (i) the acts and omissions of the City or the City's agents or guests; or (ii) the use of the Easement Area or the exercise of the rights granted hereunder by the City, or the City's guests, or their successors or assigns, and their agents, servants, employees, consultants and/or contractors. The foregoing indemnity shall survive any termination of this Agreement.

7. Dedication. Either Owner shall, upon development of their respective property, dedicate in fee simple, via recorded plat, the Easement Area to the City, or to the governing authority having jurisdiction over public right-of-ways (the "**Governmental Entity**"), which shall include the conveyance of both the Easement and the underlying property to the Governmental Entity for use by the public as a public utility and road right-of-way, pursuant to a plat or otherwise. The parties agree to fully cooperate with each other in the dedication and conveyance of the Easement and the underlying property to the Governmental Entity, which cooperation includes, but is not limited to, signing dedication documents (including dedication plats), easements, deeds, and other instruments necessary for the Easement to become a fully dedicated and accepted, in fee simple, public road.

8. Termination Upon Dedication and Acceptance. If a portion of the Easement Area is dedicated to, and accepted by, the Governmental Entity as a public street, this Agreement, with respect to the portion of the Easement Area dedicated and accepted by the Governmental Entity, shall automatically terminate, effective the date the portion of the Easement Area is formally dedicated and accepted as a public street by the Governmental Entity, unless a provision herein by its terms expressly survives termination of this Agreement or dedication of the Easement and Easement Area. Notwithstanding the foregoing, should a portion of the Easement Area remain not deeded in fee simple to and accepted by the Governmental Entity, this Agreement, and all terms and conditions contained herein, shall continue in full force and effect solely with respect to the portion of the Easement Area not deeded to and accepted by the Governmental Entity.

9. Waiver of Governmental Immunity. The parties acknowledge that the City is an entity of the State of Utah, and/or other similar governmental entity, and as such is subject to and bound by the provisions of the Utah Governmental Immunity Act, Utah Code Section 63G-7-101 et. seq., and/or other similar laws (collectively, the “Act”). Notwithstanding the foregoing, the City hereby waives such provisions of the Act, and any other immunity related laws or statutes, that may invalidate in any way (i) the obligations, duties and/or responsibilities of the City to the Owners under this Agreement (including without limitation, the City’s indemnity obligations hereunder), or (ii) any express rights or remedies of the Owners hereunder. This paragraph shall terminate upon dedication of the property to the City pursuant to Paragraph 7 above

10. Liens. The Owners and the City shall keep the Properties free from any liens arising out of any work performed, materials furnished, or obligations incurred by, through, for or under the Owners and/or the City, but only for work performed pursuant to this Agreement, and the lien causing party shall indemnify, hold harmless and agree to defend the non lien causing party from any liens that may be placed on the Properties pertaining to any work performed, materials furnished or obligations incurred by, through, for, or under the Owners and/or the City or any of their respective agents, but only for work performed pursuant to this Agreement.

11. Not a Partnership. The provisions of this Agreement are not intended to create, nor shall they be in any way interpreted or construed to create, a joint venture, partnership, or any other similar relationship among Owners, the City, or with the HOA.

12. Choice of Law; Recordation. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah, without regard to conflicts of law principles. This Agreement shall be recorded in the official records of the County Recorder of Utah County, Utah.

13. Successors and Assigns; Run with the Land. All of the provisions in this Agreement, including the benefits and burdens, shall be and are binding upon and inure to the benefit of the successors and assigns of the parties hereto. The covenants agreed to and the restrictions imposed herein shall continue as a servitude running in perpetuity with the Property and shall survive any death or termination of any party’s existence. The easements, agreements, duties, responsibilities and covenants herein contained shall be easements and covenants running with the land.

14. Waiver. The failure of a person to insist upon strict performance of any of the terms, covenants, conditions or agreements contained herein shall not be deemed a waiver of any rights or remedies that said person may have, and shall not be deemed a waiver of any subsequent breach or default in any of the terms, covenants, conditions or agreements contained herein by the same or any other person.

15. No Third Party Beneficiaries. Except for the general public using the Easement Area as a public right-of-way, nothing in this Agreement is intended to create an enforceable right, claim or cause of action by any third party against any party to this Agreement.

16. Authority of Signatory. Each person executing this Agreement certifies that he or she is duly authorized to execute this Agreement on behalf of the party for which he or she is signing, and that the person has the authority to bind said party to the terms of this Agreement.

17. Independent Provisions. If any provision herein is held invalid or unenforceable, such a finding shall not affect the validity of the remainder of the Declaration, the parties hereto hereby stipulate that all provisions are deemed severable and independent.

18. Counterparts. This Agreement and any originals of exhibits referred to herein may be executed in any number of duplicate originals or counterparts, each of which (when the original signatures are affixed together with the applicable acknowledgment) shall be an original but all of which shall constitute one and the same instrument.

19. No Joint and Several Liability. Owners, the City and the HOA shall not be jointly and severally liable in connection with this Agreement. Under no circumstances shall an Owner, the City, or the HOA have any liability for any action, failure to act, omission, act of negligence, gross negligence, willful misconduct, breach, or default of an Owner, the City, or the HOA.

[Signature Page Follows]

EXHIBIT "A"

LEGAL DESCRIPTION OF PRONOVO 4 PROPERTY

Property located in Utah County, Utah, more particularly described as follows:

COM S 124.62 FT & E 1322.65 FT FR W 1/4 COR. SEC. 13, T6S, R1W, SLB&M.; ALONG A CURVE TO R (CHORD BEARS: N 27 DEG 25' 31" W 815.74 FT, RADIUS = 2590 FT); N 72 DEG 44' 28" E 90 FT; ALONG A CURVE TO R (CHORD BEARS: N 16 DEG 25' 41" W 172.45 FT, RADIUS = 2669.5 FT); N 14 DEG 27' 5" W 424.41 FT; N 75 DEG 32' 54" E 414.14 FT; S 89 DEG 45' 30" E 99.21 FT; N 0 DEG 13' 16" E 30.88 FT; ALONG A CURVE TO L (CHORD BEARS: N 35 DEG 35' 21" E 828.83 FT, RADIUS = 749.98 FT); S 87 DEG 57' 14" E 123.55 FT; S 1 DEG 56' 25" W 53.61 FT; N 87 DEG 57' 13" W 71.83 FT; ALONG A CURVE TO R (CHORD BEARS: S 24 DEG 46' 30" W 520.8 FT, RADIUS = 803.5 FT); S 46 DEG 14' 19" E 52.42 FT; N 62 DEG 35' 58" E 270.6 FT; ALONG A CURVE TO L (CHORD BEARS: N 58 DEG 41' 10" E 55.82 FT, RADIUS = 409 FT); ALONG A CURVE TO R (CHORD BEARS: N 73 DEG 56' 50" E 240.4 FT, RADIUS = 366 FT); ALONG A CURVE TO L (CHORD BEARS: N 86 DEG 19' 40" E 96.73 FT, RADIUS = 409 FT); ALONG A CURVE TO R (CHORD BEARS: N 82 DEG 6' 30" E 35.06 FT, RADIUS = 391 FT); N 84 DEG 40' 39" E 123.94 FT; ALONG A CURVE TO L (CHORD BEARS: N 63 DEG 8' 40" W 584.49 FT, RADIUS = 696.5 FT); N 1 DEG 56' 25" E 53.61 FT; ALONG A CURVE TO R (CHORD BEARS: S 56 DEG 22' 6" E 785.65 FT, RADIUS = 750 FT); ALONG A CURVE TO L (CHORD BEARS: S 31 DEG 44' 0" E 217.83 FT, RADIUS = 896.04 FT); S 0 DEG 16' 0" W 84.1 FT; ALONG A CURVE TO R (CHORD BEARS: N 33 DEG 40' 47" W 294.92 FT, RADIUS = 952.88 FT); ALONG A CURVE TO L (CHORD BEARS: N 27 DEG 0' 9" W 53.97 FT, RADIUS = 809.53 FT); S 63 DEG 57' 52" W 68.02 FT; N 80 DEG 45' 30" W 103.52 FT; S 80 DEG 32' 14" W 154.38 FT; N 0 DEG 46' 49" E .94 FT; S 62 DEG 52' 41" W 150.8 FT; S 48 DEG 11' 51" W 135.59 FT; S 31 DEG 20' 0" W 109.51 FT; S 22 DEG 23' 13" W 21.18 FT; S 3 DEG 14' 16" W 48.18 FT; S 54 DEG 12' 39" E 248.23 FT; S 31 DEG 26' 6" E 385.75 FT; S 31 DEG 26' 6" E 146.24 FT; S 31 DEG 26' 5" E 49.14 FT; S 63 DEG 6' 12" E 68.02 FT; S 32 DEG 32' 58" E 326.91 FT; S 36 DEG 20' 45" E 102.18 FT; S 0 DEG 16' 0" W 313.32 FT; S 74 DEG 20' 2" W 56.78 FT; S 54 DEG 43' 44" W 73.61 FT; N 52 DEG 0' 25" W 20.94 FT; N 37 DEG 59' 36" E 72.83 FT; ALONG A CURVE TO L (CHORD BEARS: N 0 DEG 49' 26" E 223.55 FT, RADIUS = 184.99 FT); N 36 DEG 20' 46" W 90.98 FT; ALONG A CURVE TO L (CHORD BEARS: N 50 DEG 43' 38" W 124.19 FT, RADIUS = 250.35 FT); N 65 DEG 6' 33" W 50.33 FT; ALONG A CURVE TO L (CHORD BEARS: S 70 DEG 24' 13" W 175.19 FT, RADIUS = 124.99 FT); ALONG A CURVE TO R (CHORD BEARS: S 86 DEG 40' 57" W 17.45 FT, RADIUS = 10 FT); N 32 DEG 32' 58" W 104.87 FT; ALONG A CURVE TO R (CHORD BEARS: N 28 DEG 13' 4" E 17.45 FT, RADIUS = 10 FT); ALONG A CURVE TO L (CHORD BEARS: N 28 DEG 46' 30" E 216.96 FT, RADIUS = 125 FT); N 31 DEG 26' 6" W 548.91 FT; N 54 DEG 12' 39" W 384.24 FT; ALONG A CURVE TO L (CHORD BEARS: N 86 DEG 33' 52" W 192.65 FT, RADIUS = 180.01 FT); ALONG A CURVE TO R (CHORD BEARS: S 68 DEG 18' 55" W 228.77 FT, RADIUS = 907.59 FT); S 75 DEG 32' 54" W 344.08 FT; S 14 DEG 27' 6" E 265.9 FT; ALONG A CURVE TO L (CHORD BEARS: S 18 DEG 46' 59" E 364.02 FT, RADIUS = 2399.45 FT); S 12 DEG 43' 27" E 608.85 FT TO BEG. AREA 17.047 AC.

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EXHIBIT "B"

LEGAL DESCRIPTION OF CPB PROPERTY

Property located in Utah County, Utah, more particularly described as follows:

Beginning at a point that is South 89°46'43" East 1,783.51 feet along the Section line from the Northwest Quarter Corner of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian, and running: thence along said section line South 89°46'43" East 96.65 feet to a point on a non-tangent 2,553.50 foot radius curve to the right; thence along the arc of said curve 163.29 feet through a delta of 3°39'50" (chord bears South 01°06'41" East 163.26 feet) to a point on a 2,553.50 foot radius curve to the right; thence along arc of said curve 85.47 feet through a delta of 1°55'04" (chord bears South 01°40'45" West 85.45 feet [85.47 measured]) to a point on a reverse 696.50 foot radius curve to the left; thence along arc of said curve 123.30 feet through a delta of 10°08'35" (chord bears South 02°26'01" East 123.14 feet); thence South 07°30'18" East 102.36 feet to a point on a 803.50 foot radius curve to the right; thence along the arc of said curve 133.95 feet through a delta of 9°33'05" (chord bears South 02°43'46" East 133.79 feet); thence North 87°57'13" West 53.50 feet to a point on a 750.00 foot radius curve to the right; thence along the arc of said curve 646.62 feet through a delta of 49°23'52" (chord bears South 26°44'43" West 626.77 feet); thence North 38°33'21" West 43.00 feet; thence North 44°39'53" West 89.61 feet; thence North 46°43'14" West 80.00 feet; thence North 38°14'05" West 81.93 feet; thence North 00°13'43" East 554.54 feet; thence North 40°53'07" East 151.00 feet; thence North 57°16'51" East 114.73 feet; thence North 67°05'19" East 72.34 feet; thence North 79°48'34" East 153.52 feet to a point on a 2,457.00 foot radius curve to the left; thence along the arc of said curve 162.44 feet through a delta of 3°47'17" (chord bears North 01°10'25" West 162.42 feet) to the point of beginning.

EXHIBIT "C"

LEGAL DESCRIPTION OF EASEMENT AREA

Property located in Utah County, Utah, more particularly described as follows:

COMBINED OVERALL LEGAL DESCRIPTION

Beginning at a point that is S 00°11'07" W 1,397.58 feet and East 961.29 feet from Northwest Corner of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian, and running thence N 75°32'54"E 323.64 feet; thence S 89°45'00" E 99.94 feet, thence N 00°13'35" E 31.11 feet to a point on a 750.00' radius curve to the left, thence along arc of said curve 231.24 feet through a delta of 17°39'55" (chord bears N 60°16'37" E 230.32 feet); thence N 38°33'21" W 43.00 feet to a point on a non-tangent 707.00' radius curve to the left, thence along arc of said curve 727.40 feet through a delta of 58°56'57" (chord bears N 21°58'10" E 695.74 feet); thence N 07°30'18" W 102.36 feet to a point on a 793.00' radius curve to the right, thence along arc of said curve 140.38 feet through a delta of 10°08'35" (chord bears N 02°26'01" W 140.20 feet) to a point on a 2,457.00' radius curve to the left, thence along arc of said curve 5°42'26" (chord bears N 00°12'57" W 244.64 feet); thence S 89°46'43" E 96.65 feet to a point on a 2,553.50' radius curve to the right, thence along arc of said curve 248.81 feet through a delta of 05°34'58" (chord bears S 00°09'13" E 248.71 feet) to a point on a 696.50' radius curve to the right, thence along arc of said curve 123.30 feet through a delta of 10°08'35" (chord bears S 02°26'01" E 123.14 feet); thence S 07°30'18" E 102.36 feet to a point on a 803.50' radius curve to the right, thence along arc of said curve 1,164.72 feet through a delta of 83°03'13" (chord bears S 34°01'18" W 1,065.39 feet); thence S 75°32'54" W 344.08 feet; thence N 14°27'06" W 53.50 feet to the point of beginning.

CPB ROADWAY PROPERTY DESCRIPTION

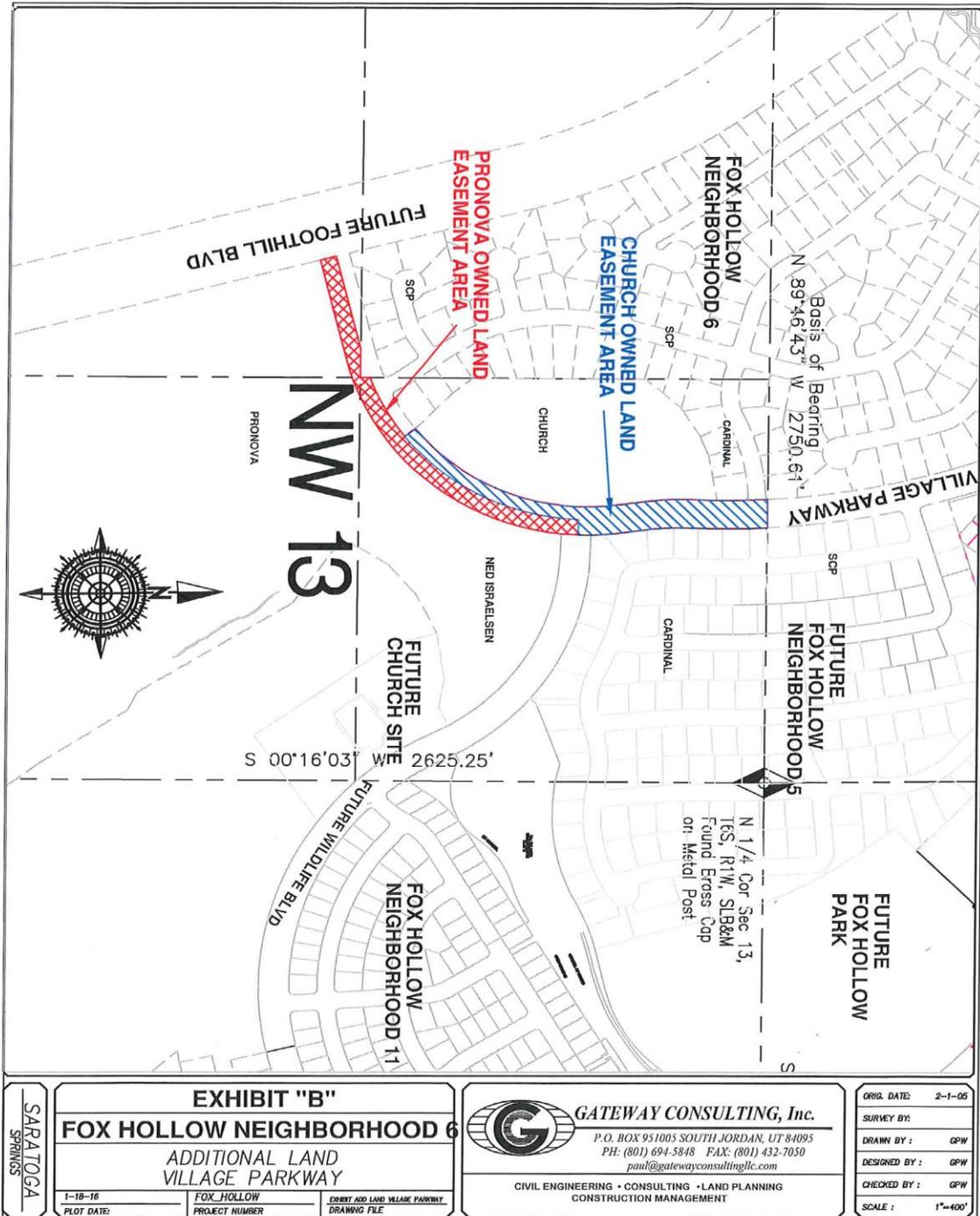
Beginning at a point that is S 00°11'07" W 1,138.31 feet and East 1,547.13 feet from Northwest Corner of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian, and running along a 707.00' radius curve to the left, thence along arc of said curve 727.40 feet through a delta of 58°56'57" (chord bears N 21°58'10" E 695.74 feet); thence N 07°30'18" W 102.36 feet to a point on a 793.00' radius curve to the right, thence along arc of said curve 140.38 feet through a delta of 10°08'35" (chord bears N 02°26'01" W 140.20 feet) to a point on a 2,457.00' radius curve to the left, thence along arc of said curve 5°42'26" (chord bears N 00°12'57" W 244.64 feet); thence S 89°46'43" E 96.65 feet to a point on a 2,553.50' radius curve to the right, thence along arc of said curve 248.81 feet through a delta of 05°34'58" (chord bears S 00°09'13" E 248.71 feet) to a point on a 696.50' radius curve to the left, thence along arc of said curve 123.30 feet through a delta of 10°08'35" (chord bears S 02°26'01" E 123.14 feet); thence S 07°30'18" E 102.36 feet to a point on a 803.50' radius curve to the right, thence along arc of said curve 133.97 feet through a delta of 09°33'11" (chord bears S 02°43'43" E 133.81 feet); thence N 87°57'13" W 53.50 feet to a point on non-tangent 750.00' radius curve to the left, thence along arc of said curve 646.59 feet through a delta of 49°23'45" (chord bears S 26°44'41" W 626.75 feet); thence N 38°33'21" W 43.00 feet to the point of beginning.

PRONOVA ROADWAY PROPERTY DESCRIPTION

Beginning at a point that is S 00°11'07" W 1,397.58 feet and East 961.29 feet from Northwest Corner of Section 13, Township 6 South, Range 1 West, Salt Lake Base and Meridian, and running thence N 75°32'54"E 323.64 feet; thence S 89°45'00" E 99.94 feet, thence N 00°13'35" E 31.11 feet to a point on a 750.00' radius curve to the left, thence along arc of said curve 877.84 feet through a delta of 67°03'42" (chord bears N 35°34'39" E 828.58 feet); thence S 87°57'13" E 53.50 feet to a point on a 803.50' radius curve to the right, thence along arc of said curve 1,030.75 feet through a delta of 73°30'04" (chord bears S 38°47'53" W 961.51 feet); thence S 75°32'54" W 344.08 feet; thence N 14°27'06" W 53.50 feet to the point of beginning.

EXHIBIT "D"

GRAPHIC DEPICTION EASEMENT AREA



RESOLUTION NO. R16-23 (3-29-16)

**RESOLUTION OF THE CITY OF SARATOGA SPRINGS,
UTAH, APPROVING A RIGHT-OF-WAY AND EASEMENT
AGREEMENT FOR THE DEDICATION OF THE
REMAINDER OF VILLAGE PARKWAY**

WHEREAS, JF Capital (“Developer”) is developing a subdivision within the City, which subdivision plats will be recorded as The Village of Fox Hollow, Neighborhoods 6-1, 6-2, 6-4A, 6-4B, 6-5, and 6-7 (“Project”); and

WHEREAS, the Project requires the improvement and dedication of Village Parkway;
and

WHEREAS, the Utah Code allows cities to acquire roads through dedication in fee simple or easement; and

WHEREAS, Developer has agreed to complete the Village Parkway improvements but is unable to deed the land in fee simple because it is owned by Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints and Pronova Holdings 4, LLC (collectively “Property Owners”); and

WHEREAS, the Property Owners have agreed to dedicate the road as a right-of-way and easement but are unable to dedicate the land in fee simple at this time, and Developer has agreed to install and bond for the Village Parkway road improvements; and

WHEREAS, the attached agreement will be in the City’s best interests as it will allow for the improvement and dedication of a public road at this time and also allow for the development of residential lots by Developer.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Saratoga Springs, Utah that the Right-of-Way and Easement Agreement attached as Exhibit A is approved and the Mayor is authorized to sign said Agreement. This resolution shall take effect immediately upon passage.

PASSED AND APPROVED this ____ day of _____, 2016

City of Saratoga Springs

Mayor

Attest:

City Recorder

EXHIBIT A

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CITY OF SARATOGA SPRINGS
CITY COUNCIL AND PLANNING COMMISSION
JOINT SPECIAL MEETING MINUTES

Tuesday, March 8, 2016

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Call to Order: 6:33 p.m. by Mayor Jim Miller

Present: Council Members Stephen Willden, Bud Poduska and Chris Porter.
Planning Commissioners Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore and Troy Cunningham

Absent: Council Members Michael McOmber, Shellie Baertsch

Staff: City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber Gabryszak, Public Relations and Economic Development Manager Owen Jackson, City Engineer Gordon Miner, Planner Kara Knighton, City Recorder Cindy LoPiccolo, Deputy City Recorder Nicolette Fike

The Invocation was let by Council Member Willden.

The Pledge of Allegiance was led by Scout Kyree Damen Miller of Troop 1842.

1. Land Use Training.

City Manager Christensen introduced Brent Bateman, Property Rights Ombudsman, Utah Department of Commerce.

Ombudsman Bateman focused training on land use issues that specifically concern the City of Saratoga Springs, and addressed Council and Commission questions. Training and discussion included the topics of:

- Personal (private) property rights, base property rights and governmental limitations on establishing rules, conditions on property;
- Public clamor as beneficial to the legislative process, illegal to take into consideration at time of administrative actions;
- Consent Calendar purpose and guidelines for use on an agenda;
- Property rights and limitations in regard to conditions of community, preservation of views and access;
- Signage and billboard management legalities;
- Impact fees;
- Group homes legal requirements and guidelines;
- Road and trail development, property rights, communication with owners;
- Referendums – current public utilization.

ADJOURNMENT:

48 Mayor Miller adjourned the Joint Special Meeting training at 7:55 p.m. The Council, Commission and
49 Staff thanked Mr. Bateman.

50

51 **CITY COUNCIL CLOSED SESSION:**

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53 Motion by Council Member Poduska to enter into closed session for the purchase, exchange, or lease of
54 property, pending or reasonably imminent litigation, the character, professional competence, or physical
55 or mental health of an individual, was seconded by Council Member Willden
56 Roll Call Vote: Council Members Porter, Willden, Poduska and Miller – Aye
57 Motion passed 4-0, Council Members McOmber and Baertsch absent.

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59 The meeting moved to closed session at 8:04 pm.

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61 Present: Mayor Miller, Council Members Poduska, Porter, Willden, City Manager Mark Christensen,
62 City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Planning Director Kimber
63 Gabryszak, City Recorder Cindy LoPiccolo

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65 Closed Session Adjourned at 8:31 p.m.

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67 **ADJOURNMENT:**

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69 There being no further business, Mayor Miller adjourned the Meeting at 8:33 p.m.

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Jim Miller, Mayor

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Cindy LoPiccolo, City Recorder

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CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING MINUTES

Tuesday, March 15, 2016
City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

City Council Work Session

Call to Order: 6:20 p.m. by Mayor Jim Miller

Present Council Members Michael McOmber, Stephen Willden, Bud Poduska

Excused Council Members Shellie Baertsch, Chris Porter.

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, Finance Manager Chelese Rawlings, City Engineer Gordon Miner, Capital Facilities Manager Mark Edwards, City Recorder Cindy LoPiccolo, Deputy City Recorder Nicolette Fike

1. Budget Review.

Finance Manager Rawlings reviewed the Departmental Budget Requests for FY2017 and FY2018 summary showing all the requests submitted and the requests that are tentatively recommended by the City Manager.

In response to Mayor Miller's inquiry concerning the Police Facility capital project budget, Finance Manager Rawlings reported the public safety fund has is approximately \$2.5 million for the facility. City Manager Christensen reported more accurate budget numbers will be determined moving closer to design and construction and decisions on the facility size and complexity, safety standards, and technology, and noted the site selection is important as the expense would be less near existing facilities.

Council Member McOmber stated he would like to see personnel projections for 2018, and start seeing the future tentative budget not just 2016-2017 which would assist them in addressing the City's growth. He pointed out this could be considered and adjusted and having the recommendations for 2018 staff identified, and reviewing the City Manager and Department Heads rationale are important in order to 1) determine as a Council if we want to possibly take action to move people in this year, and 2) more importantly assist with review of all future priorities, because, if all the stars align now is time to look ahead at appropriate staffing, to make sure the City is moving in the right direction in a conservative way, but also leveraging the expertise of our employees.

City Manager Christensen responded this has been talked about, revenue must equal expenditures, and at this point they are conservatively projecting sixty-six percent revenue increase next year. He noted staff is diligently working on balancing the pay plan for a solid recommendation to program in because it is an ongoing number, then the remainder will be formalized. He reported staff will refine those numbers for Council return with that information on the 29th.

Council Member Poduska inquired if this information can be included in a five year plan and also if it was possible to include capital projects. Finance Manager Rawlings affirmed they could do that and what the 5 year plans will show is the fiscal impact of the decisions made today and ongoing growth as well. Council Member McComber Michael requested raises be included.

City Manager Christensen advised this plan will consist essentially of the five year information that was presented at the Council retreat by the departments, he is obligated to show the Council all the requests submitted the departments, even if somethings may not happen in the near future, staff can bring something on the 29th with some prioritizations. City Manager Christensen noted three specific priorities are for the

54 hiring of a part time legal assistant to assist the City Attorney and his workload, a planning consultant for
55 completion of some important long term planning projects such as the general plan update, and purchase of
56 a music copyright license to purchase music for events and festivals. Council Member McOmber requested
57 these recommendations be brought back along with any other staffing recommendations to know what all
58 the options are from a professional perspective; expressed the opinion the amount set for the Splash Concert
59 was insufficient in keeping the same high level of music and fireworks following the 20th anniversary and
60 recommended an amount of \$8,000-\$10,000 budgeted as this is an event that brings the community together
61 and is still lower in comparison to other neighboring cities.

62
63 Council Member Willden requested designation of which items are required and/or discretionary, and
64 clarified the fund balance of \$83 incorporates the Pay Plan. Finance Manager Rawlings confirmed that it
65 did along with benefits. Council Member Willden requested the plan include multiple columns; Council
66 Member McOmber concurred recommending an outline of all of the requests with columns that show the
67 musts and City Manager recommendations.

- 68
69 2. **Blyncsy Technology.** City Manager Christensen presented information concerning Blyncsy Technology
70 reporting this was introduced during the legislative session and has undergone legislative review and State
71 regulation. City Manager Christensen reported this technology provides a method for tracking various
72 signatures of devices people have with them resulting in data counts of people visiting parks, using trails,
73 other facilities, along with real-time traffic counts and time measurements, it is currently utilized by Park
74 City for traffic, recreation and event planning data, and in partnership with local businesses. City Manager
75 Christensen noted the technology could have a wide variety of uses such as assisting in the calculation of
76 impact fees and data could be a shared from other participants e.g. UDOT. He advised if the Council was
77 interested he could invite the consultant for a more detailed presentation and to answer questions.

78
79 In response to Council Member Willden, City Manager Christensen reported there is no cost for the
80 presentation, and noted Council Member Baertsch was intrigued by the technology during the legislative
81 session, however asked how to make sure this is a blind data set that cannot be linked back to anyone, which
82 is the reason state code establishes specific restrictions.

83
84 Council Member McOmber noted the benefit to the City in regard to traffic data, planning, allocation of
85 funds and marketing. Council Member Poduska pointed out this could be used to monitor 400 W. and
86 transportation planning.

87
88 Mayor Miller requested staff invite the consultant for presentation at a future meeting as there is a consensus
89 of interest.

90
91 **Adjournment:** The Work Session adjourned at 6:49 p.m. to the Policy Session.

92
93 **Policy Meeting**

94
95 **Call to Order:** Mayor Jim Miller called the Policy Session to order at 6:50 p.m.

96
97 **Roll Call:**

98 Present Council Members Stephen Willden, Michael McOmber, Bud Poduska and Chris Porter (via
99 teleconference 6:51 p.m.)

100 Excused Council Member Shellie Baertsch.

101 Staff Present City Manager Mark Christensen, City Attorney Kevin Thurman, Spencer Kyle Assistant
102 City Manager, Public Relations and Economic Development Director Owen Jackson,
103 Planning Director Kimber Gabryszak, Finance Manager Chelese Rawlings, City Engineer
104 Gordon Miner, Capital Facilities Manager Mark Edwards, Senior Planner Jamie Baron, City
105 Recorder Cindy LoPiccolo, Deputy City Recorder Nicolette Fike

108 Invocation by Council Member Poduska
109 Pledge of Allegiance led by Council Member McOmber

110

111 **Public Input:**

112

113 Mayor Miller invited public input.

114

115 Jonathan Hertel, Aspen Hills, Saratoga Springs, expressed concern about 400 W. and resulting traffic and safety
116 impacts; reported he conducted speed monitoring and the average speed is 35 mph, is concerned with opening
117 more lanes and increased speeds, Harvest Hills traffic will come through; inquired in regard to the City's plan
118 and expressed interest in the data points discussed and supported gathering and review of data.

119

120 Brendon Bettie, Aspen Hills, Saratoga Springs, spoke in opposition of 400 W., and expressed disappointment in
121 turning residential to a grid, noted the change in the Aspen Hills neighborhood from what was originally
122 planned and commented it is a mistake ending the north end in the middle of a subdivision; would like to see
123 things done to make residents more comfortable with roads around them.

124

125 Brian Chapman, Aspen Hills, Saratoga Springs, also spoke in concern about 400 W, reported he met with City
126 staff and was informed about a new traffic calming process that residents can submit a request for to try to
127 control traffic in their neighborhood; encouraged installment as soon as possible to have concerns alleviated in
128 regard to traffic .

129

130 Mitch Holliday, representing Directional Sign Company, commented in support of use of development snipe
131 signs noting their importance as they assist new home buyers in finding communities and looking for houses.
132 Planning Directed Gabryzak advised these are the signs Council decided not to include in the code. City
133 Manager Christensen reported the sign code was amended last January, however, this may be brought back.
134 Council Member McOmber commented he was supportive of bringing it back as there may be implications
135 Council was unaware of at the time. Council concurred to request staff to include review of sign code
136 concerning this matter on a future agenda for discussion.

137

138 **Awards and Recognitions:**

139

140 Civic Events Coordinator AnnElise Harrison introduced the 2016 Miss Saratoga Springs Royalty, Miss Saratoga
141 Springs Queen Sierra Williams and Miss Saratoga Springs 2nd Attendant Ashlynn Durrant; she noted 1st
142 Attendant Juliann Ottosen unfortunately could not attend tonight, and reported that every girl who participated
143 was exemplary.

144

145 Queen Sierra shared that her service goal is to work on the building of a veterans memorial in the City, she was
146 advised of the plans and would like to dedicate her time, service and support on the work that will be done for
147 completion of that project.

148

149 1st Attendant Juliann reported her service project is to inspire the City's local youth in support of good self-
150 esteem and will be speaking at schools in particular to fifth and sixth graders concerning this topic.

151

152 Mayor and Council sincerely thanked Miss Williams and Durrant for coming to the meeting, their participation
153 and important service to the community.

154

155 **POLICY ITEMS:**

156

157 **Reports:**

158

159 Council Member Willden inquired concerning status of the traffic study; Assistant City Manager Kyle
160 responded they are working on fine tuning a draft with the Engineering Department and Owen Jackson, one of
161 the issues is the creation of a policy that addresses fiscal impact, and this study will be presented to Council in

162 the near future. City Manager Christensen reported counters and road strips will be installed soon following the
163 end of snow removal, believes the City has conducted counting in the Aspen Hills area and those reports or
164 studies should be available on the City Engineer's department web page.
165

166 Council Member McOmber recommended road striping as early in the year as early as possible, not October;
167 and reported one of the large power line poles on Redwood Road across from Legacy Farms, where they are
168 starting to work along the canal, is leaning substantially and the dirt is coming away from the base – this needs
169 to be reported this right away.
170

171 Council Member Podeska expressed appreciation for the developer's creation of a substitute road across the
172 field when they tore up and closed McGregor Lane to keep the community open.
173

174 Planning Director Gabryszak referred to the memorandum summarizing new project applications/resubmittals
175 that are moving through the process, and noted this summary is posted for public viewing on the Planning
176 Department's web page under pending applications. Council Member McOmber suggested a link to the City's
177 main page.
178

179 **PUBLIC HEARINGS:**
180

181 **1. Budget Amendments. Resolution R16-18 (3-15-16).**
182

183 Mayor Miller introduced the matter of Budget Amendments for public hearing.
184

185 Finance Manager Chelese Rawlings presented the 2015-2016 Budget Amendment Supplemental #5 report
186 and reviewed the following requests:

- 187 ○ \$25,000 for Planning department Professional and Technical services for the General Plan update,
- 188 ○ \$48,000 for Fire Department EKG Monitor and Auto Pulse grant which will be offset by \$23,000 in
189 grant revenue; and
- 190 ○ \$97,316 for Water Operations Secondary water meters Phase III.

191 Council Members McOmber and Willden explained the purpose and reason for budget amendments for the
192 benefit of attending Scouts.
193

194 Mayor Miller opened the public hearing and invited public comment - None.
195

196 Mayor Miller closed the public hearing.
197

198 Motion by Council Member Poduska that Resolution R16-18 (3-15-16) amending the City of Saratoga
199 Springs Budget for Fiscal Year 2015-2016 and incorporated statutes be approved, was seconded by Council
200 Member McOmber

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

202 Motion carried 4-0; Council Member Baertsch excused/absent.
203

204 **2. Cowboys Commercial - Rezone, General Plan Amendment, Concept Plan. Ordinance 16-08 (3-15-**
205 **16).**
206

207 Mayor Miller introduced the matter of Cowboys Commercial for public hearing.
208

209 Planner Baron presented the staff report for the project consisting of 4.865 acres of property
210 located at 4431 South Redwood Road. Planner Baron reported the Applicant, White Elk Frontiers,
211 is requesting a rezone from Agriculture (A) to Regional Commercial (RC) and a General Plan
212 Amendment from Planned Community (PC) to RC for the purpose of building a 5,000 – 6,000
213 square foot convenience store with fuel services, retail stores, professional offices, and restaurants.

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Jerome Bailey, representing Applicant White Elk Frontiers, inquired concerning approval to fill in the old canal/flood plain area and begin road construction. City Manager Christensen advised authorization is necessary from the Army Corp of Engineers; Council Member McOmber recommended checking status with D.R. Horton, Legacy Farms, as they are working with the Corp. on this.

City Attorney Thurman reported in regard to the City's current storm drain easement and noted vacation of that easement would necessitate a Council decision unless it was determined continued use for future storm drainage purposes is in the City's best interest. Mayor Miller advised the City would want an engineering review done to determine if that is something needed in the future with the flood plain adjustments. Council Member McOmber noted they are burying infrastructure on the other side of Redwood Road.

Mayor Miller invited public comment – None.

Mayor Miller closed the public hearing for discussion.

Council Member Porter expressed preference for an intermediate zone, however, could support the density of Regional Commercial at this area; noted a concern with the proposed use in that location not knowing what is going to be built next to it, and in regard to the concept plan not excited about a strip mall look, however, believes as the planning process continues most of his concerns will be addressed. Council Member Porter stated he is in favor of moving forward with the rezone as long as the adjoining property owners have some protection and information, and he is okay with the general plan amendment as he believes an adjustment is necessary to appropriately meet zone as it is called out for in the general plan.

Council Member Poduska pointed out they have been trying to get a gas station in the southern part of the City, suggested as this project is located in the middle of a planned community to talk with adjacent property representatives to coordinate architecture and appearance for compatibility. Council Member Poduska inquired concerning the setback from the right-of-way for Redwood Road and trails. Planner Baron responded this would be the City standard from the right-of-way of Redwood Road. Representative Bailey commented they are okay with giving up property for walks and trails etc., wanted adequate setback for emergency purposes, elderly, and trails, away from a busy street like Redwood Road. Council Member Poduska noted bicycle and jogging traffic would be beneficial for the commercial businesses, and he is in favor of the rezoning and general plan amendment.

Planning Director Gabryszak pointed out the concept plan provides for a choice between two different setback statements, and the end result for both would be identical.

Council Member McOmber noted his preference the easement stay with the owner because of maintenance, the owner would do a better job keeping up the appearance as it is their frontage and pointed out if UDOT disrupts the landscaping they are more accommodating to fix private property as opposed to City property. Council Member McOmber commented the concept plan can be vetted and staff can give good guidance, the project exceeds parking requirements, meets code, the corner is busy and the future sports park will be built down the road, and location is ideal for serving the citizens of Saratoga Springs. He noted the installation of infrastructure will benefit future neighboring development; believes this fixes the zoning and general plan as the property

263 cannot be a planned community, appreciates the development and thanked the Applicant for
264 investing in the City.
265

266 City Attorney Thurman noted a concern pertaining to the law and exaction, the City must be a
267 little careful, however, the way to handle this is with a simple development agreement that
268 incorporates all of the benefits to the parties – the applicant receives the general plan amendment
269 and zoning in return agrees to 400 S improvements with public access and trail easement. In
270 response to Representative Bailey, City Attorney Thurman stated their office will include and
271 work with the Applicant concerning the Army Corp. approval, and noted some matters may need
272 to return to City Council e.g. vacation of easement, however, the necessary issues will be worked
273 within the development agreement.
274

275 Council Member Willden commented this will be a great project and would like to help the
276 Applicant succeed, understands it is only at a concept plan stage, however, appreciates the
277 proposed gas station and the restaurants are very beneficial, noted possibly larger restaurants are
278 best, and pointed out this project could possibly decrease traffic as people would not have to drive
279 all the way down Redwood Road.
280

281 Motion by Council Member McOmber to approve the Cowboys Commercial rezone to Regional
282 Commercial, general plan amendment to Regional Commercial, feedback on the Concept Plan, and
283 Ordinance 16-08 (3-15-16) with staff findings and conditions, including an executed Development
284 Agreement between the City and Developer for the rezone and general plan amendment, improved walking
285 trails, trail corridor, public access easement, 400 S. improvements, work on the City-owned storm drain
286 easement on their property based on future changes to the floodplain, and maintain the trail corridor in
287 perpetuity, was seconded by Council Member Willden
288

289 Planning Director Gabryszak inquired with this action does Council want to keep with Condition #2 which
290 makes this a conditional rezone that does not get recorded until a site plan is approved, or does Council
291 want to move with the rezone subject to the Development Agreement and then move through separately. In
292 response to Council Member McOmber’s inquiry concerning impact to the Developer, Director Gabryszak
293 advised the impact would be that the rezone would not be official until they go through the site plan process
294 and if the Developer wanted to sell the property it would not have the zoning and cannot market as zoned
295 Commercial until official.
296

297 Council Member McOmber advised he is okay with striking Condition 2 and approving the rezone subject
298 to the execution of the Development Agreement in order to allow the Developer to move ahead with
299 Commercial marketing.
300

301 Motion by Council Member McOmber to amend the motion to include striking Condition #2 making the
302 rezone subject to an executed Development Agreement and moving through the site plan process
303 separately, was seconded by Council Member Willden

304 Roll Call Vote: Council Members Willden, McOmber, Poduska, and Porter – Aye
305 Motion carried 4-0; Council Member Baertsch excused/absent.
306

307
308 **ACTION ITEMS:**
309

- 310 1. **Appointment of Pam King to the Library Board of Directors. Resolution R16-19 (3-15-16).**
311

312 Library Director Melissa Grygla recommended the appointment of Pam King as Library Director to fill a
313 vacancy resulting from a member’s resignation due to conflict of interest from service on another position.
314

315 Motion by Council Member McOmber to approve the appointment of Pam King to the Library Board of
316 Directors and adopt Resolution R16-19 (3-15-16), was seconded by Council Member Poduska
317 Roll Call Vote: Council Members Porter, Poduska, McOmber, and Willden – Aye
318 Motion passed 4-0; Council Member Baertsch excused/absent.
319

320 2. **Award of Bid – Regal Park Fence Project. Resolution R16-20 (3-15-16).**
321

322 Capital Facilities Manager Mark Edwards presented the staff report and recommendation concerning the
323 award of bid for the Regal Park Fence Project. Manager Edwards reported due to problems involving
324 subcontractors staff removed the fence element from the current contractor contract and re-bid this project,
325 one bid was received, and although the bid was slightly higher than the original contract, the project was
326 bid fairly and staff supports the award of contract to England Construction in the amount of \$36,496.00 as
327 references were verified and staff is confident in his ability to do the job.
328

329 Mark Edwards reported an Additive Alternate A bid was additionally submitted by England Construction
330 that gives residents the option of upgrading the fence to a 6' semi-private vinyl fence for a cost to them of
331 \$9.25/linear foot, and clarified this is only an option for the residents.
332

333 Mayor Miller reported it was an appropriate action by Capital Facilities Manager Edwards that the fence
334 element of the initial contract was pulled and re-bid as there was a lot of conflict coming to
335 subcontractors trying to sub last year, and thanked Mark Edwards for the extra work.
336

337 Motion by Council Member Willden to award the bid for the Regal Park Fence Project to England
338 Construction for \$36,496.00, and Additive Alternate A for \$10,767.00 which will be paid by the residents if
339 they desire a fence upgrade; and Resolution R16-20 (3-15-16), was seconded by Council Member Porter
340 Roll Call Vote: Council Members Willden, McOmber, Poduska, and Porter – Aye
341 Motion carried 4-0; Council Member Baertsch excused/absent.
342

343 3. **Spring Clean Up.**
344

345 Assistant City Manager Kyle presented a report concerning Spring Cleanup program problems and possible
346 options that could address those problems. Assistant City Manager Kyle reported problems from the prior
347 year include:

- 348 ○ Republic Services will not haul an overflowing dumpster;
- 349 ○ The dumpsters fill very fast and Streets employees attempt to smash down the dumpsters with the
350 backhoe bucket, driving back and forth each day to all the dumpster locations;
- 351 ○ When the dumpsters overflow, resident leave their garbage to the side of the dumpsters and Streets
352 employees much pick that up usually by hand, garbage overflow blows around parks and
353 neighborhoods;
- 354 ○ Because the dumpsters are located in public places, they are also used by contractors and the City
355 does not have sufficient staff to monitor and enforce.
356

357 Two options include:

- 358 1) A consolidated dumpster location at Public Works, which would ensure they are not overfilled, staff can
359 monitor and be able to order a dumpster hauled away and replaced immediately, can ensure they are not
360 used by contactors (except possibly at night), and this option gets the unsightly dumpsters out of the
361 parks/neighborhoods. The concern with this option is it loses some neighborhood convenience, however,
362 noted people would still need to drive their trash no matter what location.
- 363 2) Dump passes, as is done in other cities, which would allow a resident to use a pass (or coupon) for one free
364 disposal (worth \$7 per load up to a certain weight) at the dump. The City is then billed monthly for the
365 number of passes redeemed, residents receiving the coupon must prove residency and they would be issued
366 through utility billing staff, or another option is to mail the passes to each resident as a 'coupon' in the City
367 newsletter, although photocopying is a concern. The primary benefit of the dump passes is it gives

368 residents the ability to dump garbage at any time instead of during a set two week period. Assistant City
369 Manager Kyle reviewed funding and contractual provisions with Republic Services, and requested direction
370 from City Council. Council discussed program costs, tipping fees, resident use and convenience.
371

372 Council Member Willden noted he would personally use the pass, however, believes the City should see
373 how the central location goes this year and if a large cost savings is achieved, possibly looking at a
374 combination program later.
375

376 Council concurred the program was valuable to residents and to initially try Option 1, a consolidated
377 dumpster location at Public Works, to see if that is successful, and modify next year as necessary.
378

379 Assistant City Manager Kyle reported he will contact Republic Services to reschedule and strategize to
380 publicize the change in the program to residents; City Manager Christensen directed it be scheduled the end
381 of April and noted Republic Services will appreciate the central location; Public Relations/Economic
382 Development Manager Jackson noted it can be advertised in the April newsletter; Mayor Miller suggested
383 temporary signs at original dumpster locations.
384

385 **APPROVAL OF MINUTES:**

386
387 1. **March 1, 2016.**
388

389 Motion by Council Member Willden to approve the minutes for March 1, 2016 with corrections as
390 submitted and posted, was seconded by Council Member McOmber
391 Roll Call Vote: Council Members Porter, Poduska, McOmber, Willden – Aye
392 Motion carried 4-0; Council Member Baertsch excused/absent.
393

394 **CLOSED SESSION:**

395
396 Motion by Council Member Willden to enter into closed session for the purchase, exchange, or lease of
397 property, pending or reasonably imminent litigation, the character, professional competence, or physical or
398 mental health of an individual, was seconded by Council Member McOmber
399 Roll Call Vote: Council Members McOmber, Willden, Poduska and Porter – Aye
400 Motion carried 4-0; Council Member Baertsch excused/absent.
401

402 The meeting moved to closed session at 8:10 pm.
403

404 Present: Mayor Miller, Council Members McOmber, Poduska, Porter, Willden, City Manager Mark
405 Christensen, City Attorney Kevin Thurman, Assistant City Manager Spencer Kyle, Public Relations/Economic
406 Development Manager Owen Jackson, Planning Director Kimber Gabryszak, City Recorder Cindy LoPiccolo
407

408 Closed Session Adjourned at 8:32 p.m.
409

410 **ADJOURNMENT:**

411
412 There being no further business, Mayor Miller adjourned the Policy Meeting at 8:33 p.m.
413
414
415

416 Attest:

Jim Miller, Mayor

Cindy LoPiccolo, City Recorder
419