

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

**City of Saratoga Springs**  
**City Council Meeting - Work Session**  
**October 07, 2014**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

---

**Work Session Minutes**

**Present:**

Mayor: Jim Miller

Council Members: Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,  
Nicolette Fike, Mark Edwards, Sarah Carroll

Others: Hugh Holt, Mark Vlastic, Chris Porter, Jennifer Klingonsmith

**Excused:** Michael McOmber

**Call to Order – 6:00 p.m.**

**1. Discussion of Shay Park**

Mark Vlastic presented the plan for the park. He noted the unique rail structure that ran through the park and the historic nature that lent to the area and features. The park is planned in two phases. They are proposing a rail theme bridge from the eastern parking to the rest of the area. There is a trail system around the park that links to the community trails and to amenities.

Mark Edwards wanted to note that they needed to discuss what they could bid as additive alternates and things that may need to be put off to another phase due to budget constraints.

Councilwoman Baertsch asked what the permits and fees and traffic control items were.

Mark Vlastic noted they were typical fees for a project like this.

Mark Edwards noted that we would waive our own city fees but if there were other utilities like power or

TSSD that we needed to hook up may have fees. He noted that there would be a pretty industry standard figure for excavation fees.

Mark Vlastic had some concept pictures of rustic playground features, bridges and lighting and paving and other architecture around the park.

Councilwoman Baertsch asked about lighting wise, could we save some money with our bell lights that are already a little old fashioned looking.

Mark Vlastic indicated that there would be two signs designed for the park with some historic notes.

Mayor Miller would like to see the park name signs in phase 1.

Kevin Thurman asked about the bathrooms with screened doors and if it would be a problem with the police department and being able to keep them in sight.

Staff noted they are trying to keep a good line of vision for safety and are working to find a good solution.

Mark Vlastic touched on the budget and that they have tried to make it a functional park to begin with and then they could add the other phase and items if the budget comes in the spring.

Mark Edwards wanted to point out that they started with a nice list that made the budget very high and they whittled it down to fit a budget of 2.5m.

Councilwoman Call is looking at the bottom line and wants to make sure we stay within budget.

Spencer Kyle replied that we need direction on priorities, what do we do now and what do we wait on and what gets cut if needed. Or do we postpone until we get all the money in.

Councilwoman Baertsch asked if we were to forego the bridge and the berm, than how much would we save.

Hugh Holt noted that the costs would be about even with the cut and fill work that would need to be done.

Councilwoman Call likes the park and design, but wonders if we are doing this first or if the other baseball park goes first if it's more of a priority, or gets put off.

Spencer Kyle said the council had previously prioritized the parks and this was higher on that list.

4 Councilwoman Baertsch noted that we don't really have the land yet for the baseball park.

5 Councilwoman Call said if our number one goal was baseball than she asked is there something we can do  
6 there. Is there another solution to look at?

7 Councilman Poduska wondered if it may be a helpful idea to have phase one be one area of the park.

8 Spencer Kyle summarized that the options are we can pull things back, but many of the items don't give us  
9 the savings that we need. The next option would be waiting. Could the Council maybe give direction to  
0 prioritize items in phase one.

1 Councilman Willden thinks if we take too much out of phase one than it's not worth it. He thinks baseball is  
2 important but likes the prioritization of this park.

3 Mayor Miller said it's hard, because this benefits a neighborhood and has been promised, the baseball park  
4 benefits more of the city.

5 Councilwoman Call asked if we were willing to wait 5 years to save for a baseball field or go ahead with this  
6 and bond for the field

7 Councilman Willden would be more likely to bond for the baseball field. He would say go with this park and  
8 wait or do the bonding for the baseball field. At least with the baseball field there is some revenue  
9 associated with it.

0 Spencer Kyle noted that with the baseball field there is a higher chance of needing to purchase the property.

1 Councilman Poduska asked if we could take funds from another area to move to this project.

2 Spencer Kyle noted that it was not so likely, but they could run the numbers.

3 Councilman Poduska agreed with Councilman Willden that it would be better to do this park now, even if  
4 items need to be put off for it and bond for the baseball park.

5 Spencer Kyle asked Councilman Willden if he was suggesting to pull back on phase one or wait until there  
6 was sufficient funds.

7 Councilman Willden was not sure which would be the better path, they seemed parallel.

8 Spencer Kyle suggested that we maybe need to come back with two things; how much of phase one we could  
9 start, and run some numbers with Chelese and see how far out the remaining funds may be.

0 Jeremy Lapin noted that we perhaps have enough and could put items on the menu to put it up for a bid at  
1 this point.

2 Councilwoman Call said if we put it up to bid we don't have to build it, we could walk away.

3 Spencer Kyle said we could put it up for bid and see what the numbers would be, or do we scale it back  
4 before we go to bid.

5 Councilman Willden thought we could do the bid and then we could pull out certain things. He said it was a  
6 great design.

7 Mark Edwards asked the consultants if they saw any red flags at this point.

8 Mark Vlasic noted when you do it in phases it can cost more for mobilization. Hugh asked what to show the  
9 public tomorrow at an open house.

0 Councilwoman Call is uncomfortable taking things to the public when we don't know what we are doing.

1 Councilwoman Baertsch noted that it was only a concept that we are showing them.

2 Councilwoman Call noted at the first meeting we did not have draft stamped on the documents and she  
3 worried about setting expectations for residents.

## 4 2. Agenda Review:

5 a. Discussion of current City Council agenda staff questions.

6 b. Discussion of future City Council policy and work session agenda items.

7 Councilman Willden asked that the code review was fairly large and if it was possible to take just some parts  
8 at a time.

## 9 3. Discussion of proposed Administrative Code Enforcement Policies and Procedures.

0 Kevin Thurman had a rough draft to share. It is a summary of many of the items in Title 20 of the city  
1 code and answers many questions he gets asked on a regular basis.

2 Councilman Willden noticed sometimes that there is a three strikes type of thing, could it be more clarified  
3 on occurrence based or violations issued, e.g. if a dog gets out and has three problems.

Kevin Thurman said it's been that CEO writes it. They usually writes it as one citation, then the next time a violation is issued it would escalate. He said we could add that into policies and procedures. He wanted to bring this to their attention before it came up in council.

Councilwoman Call asked that when we use acronyms that are common elsewhere like CEO (Code Enforcement Officer) that we spell it out more so it doesn't get confused.

Kevin Thurman noted this would be more of an internal document and that probably wouldn't be a problem.

Councilwoman Baertsch noted that normally we have definitions up front.

Councilwoman Call would like fees schedule out rather than inside a paragraph. She had other notes that she will get to Kevin so he can incorporate ideas.

**4. Reports:**

**a. Mayor.**

**b. City Council.**

Councilwoman Call notified the council that there was an algae bloom that killed a dog across the lake in Lindon.

Spencer Kyle asked if they wanted any statements from the city. The feeling was nothing was needed.

Councilwoman Baertsch had items from MAG meeting that was on Thursday night, they may need to have a work session on that to make sure there are no last changes to be done. There are transit open houses coming up on Oct. 8, 15, and 22<sup>nd</sup>.

**c. Administration communication with Council.**

Mark Christensen had a note about 911 dispatch center that he sent an email about for Council to review. They will probably schedule it for a future work session.

Councilwoman Call asked about the projected balance in park impacts for spring time.

Mark Christensen said we seemed to be on target for what we projected; at this point it's hard to say we may be beyond or not.

**Adjourn to Policy Session 7:00 p.m.**

October 21, 2014  
Date of Approval



[Signature]  
Jim Miller, Mayor

[Signature]  
Lori Yates, Recorder

## Policy Session Minutes

### **Present:**

Mayor: Jim Miller

Council Members: Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Scott Langford, Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin, Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton, Nicolette Fike

Others: Heather White, Chris Porter, Jennifer Klingonsmith, Goreland Hitton, Peter Evans, Marianne Richards, Ben Richards, Corrine Prestwich, K. Becraft, Curtis Leavitt, Brian Marrow, Mike Kelly

Excused: Michael McOmber

**Call to Order** - 7:06 p.m.

**Roll Call** - Quorum was present

**Invocation / Reverence** - Given by Councilwoman Baertsch

**Pledge of Allegiance** - led by Ben Richards

### **Public Input - Opened** by Mayor Miller

Corrine Prestwich was concerned with the safety along 800 W. Her main concern was about striping that has not been completed. People unfamiliar with the busy road are turning into the wrong lanes. As the weather is getting worse they don't want it to cause more problems. They were excited for Talus Ridge to come in and see the new growth along the area, but the main concern has been safety along the main corridor.

Jeremy Lapin had a quick update; striping was a different contractor than the sealers so there would be a delay. He noted that Mark Edwards had been in contact with Edge homes to help with safe walking.

Spencer Kyle noted they had received a note of the safety plan from Edge homes and that there is a Facebook page edge homes has set up to help residents.

Councilwoman Call asked Jeremy Lapin to touch on the new Cityworks program so public can submit concerns.

Jeremy Lapin noted it was a system that they can submit something and receive email updates, its a few months until roll out on that.

Councilwoman Baertsch asked if Pony Express was also on that striping.

Jeremy Lapin would get back to her on that.

### **Public Input - Closed** by Mayor Miller

### **Policy Items**

#### **1. Consent Calendar:**

- a. Final Plat for Sierra Estates Plat D located at approximately 600 West 400 North, Scott Dunn/Patterson Homes, applicant.
  - i. Resolution R14-43 (10-7-14): Addendum to resolution of the City of Saratoga Springs pertaining to the City Street Lighting Special Improvement District to include additional subdivision lots. (Sierra Estates Plat D)
- b. Approval of Minutes:
  - i. September 16, 2014.

**Motion by Councilwoman Baertsch that we approve the Consent Calendar: Including Final Plat for Sierra Estates Plat D and Resolution R14-43 (10-7-14): Addendum to resolution of the City of Saratoga Springs pertaining to the City Street Lighting Special Improvement District to include additional subdivision lots. (Sierra Estates Plat D); and approve the minutes for September 16, 2014. Including previously emailed changes from Councilwoman Baertsch and Councilwoman Call Seconded by Councilwoman Call Aye: Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Councilman Poduska Motion passed unanimously.**

2. **Resolution R14-44 (10-7-14): A resolution of the Saratoga Springs City Council in support of the Camp WG Williams Joint Land Use Study and the adoption of the MCA overlay zones.**

Kimber Gabryszak presented the overlay zones and notes on the background. She noted the different subzones and recommendations. There were potential impacts from Camp Williams to the communities and from the Communities to the Camp. It is non-binding, it has the city add the MCA's to the map as a resource.

Councilman Willden is supportive of this, understanding its non-binding and a best practices type of thing. It would serve us to be a good partner.

Councilwoman Baertsch has served with JLUS committee. They are working to make sure property rights are upheld and still make sure the military can do their missions and take safety measures. She thinks this has been great to give us the opportunity to look at our code to see if there is anything we can do to help them and for them to help us.

Councilwoman Call echoed Councilman Willden's comments and thinks it is great all around.

Councilman Poduska wondered if there was anything the city had done before the agreement with JLUS, to avoid those things now.

Councilwoman Baertsch noted some of the biggest impacts have been that with Herriman City, they put in windmills in the flight path that has to be rerouted. There were also some areas where night training had been impacted by large areas of light.

Councilman Poduska noted that those at Camp Williams come to our city for shopping and thinks it's a win-win situation to have us cooperate as much as possible.

Mayor Miller thinks it's good for the city so people moving in can see it on the map so they know what is there.

**Motion by Councilwoman Call that we approve Resolution R14-44 (10-7-14): A resolution of the Saratoga Springs City Council in support of the Camp WG Williams Joint Land Use Study and the adoption of the MCA overlay zones. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Councilman Poduska Motion passed unanimously.**

Item 3 was moved to further in the meeting.

4. **Preliminary Plat for Mallard Bay located between 2800 South-3000 South and Redwood Road, Holmes Homes, applicant.**

Sarah Carroll presented the Preliminary Plat. She noted areas where changes have been made. She noted the Green spaces with native landscape and manicured areas. Some of the open space is sensitive lands. They are proposing a private fence along Redwood Road that was not supported by Planning Commission. She indicated the different phases proposed. She showed concepts for entrance signs and touched on parks and amenities. The parks would eventually be used as trailheads.

Curtis Leavitt, for applicant, noted some of the amenities in the development and was looking forward to coming into the city. He had a presentation to support the type of fencing they were proposing. Some places with semi-private fencing tend to have people try and put in their own privacy fence behind the semi-private which looks bad.

Brian Marrow with Rhino Rock spoke briefly on his product and the concerns with having semi-private fencing. He noted other cities that have changed their code so the privacy fencing was allowed.

Mark Christensen asked what the cost was with rhino fencing vs. the wrought iron look they propose and if their proposal was that the homeowners own the fence or the city.

Brian Marrow replied it was about double and they had proposed the city would take ownership.

Councilwoman Baertsch asked about an abandoned parcel and if ownership had been resolved.

Curtis Leavitt said it had.

Councilwoman Baertsch asked about drainage on an area near the lake.

1 Curtis Leavitt said they needed to apply to Army Corps to work with that and it was in a later phase because  
2 it would take some time to get through that.

3 Councilwoman Baertsch said it made her nervous to approve a plat where something like that hasn't been  
4 taken care of yet.

5 Mayor Miller thought worse case that they just have more native landscape.

6 Curtis Leavitt said they lose a lot.

7 Councilwoman Baertsch asked where the drainage would be moved to.

3 The developers Engineer answered that the owner to the south had talked about realigning the entire drainage  
9 area to his property.

0 Councilwoman Baertsch noted a cul-de-sac that was awkward and she noted a lot that was under the 10,000  
1 sq.ft. On the open space, she had a hard time when they had to mobilize crews to several areas that are  
2 not contiguous. She also noted the city could not take care of the trails between lots. This was also less  
3 than 5 acres and the standard was generally not to take spaces smaller than that. She is leaning more  
4 towards the semi-privacy fencing to keep with Code and Planning Commission recommendation.

5 Councilwoman Call she loves the lakeside trail and how our city embraces it. She likes the idea of having  
6 the trailhead area and being able to park there. She is not a fan of HOA's but it would cost the city a lot  
7 of money to take care of this type of smaller area. She understands they are trying to provide an amenity  
3 to the city as a whole, but feels in order for the city to take that over she feels it needs to be more cost  
9 efficient. She doesn't think the privacy fence is the way to go and doesn't want to maintain the product.  
0 She likes the sign but doesn't want to take that cost as a city. She is surprised that the lake lots were in  
1 later phases.

2 Curtis Leavitt noted that a lot has to do with banking open space before they can move forward with the lake  
3 lots.

4 Councilwoman Call thanked him for doing the larger lots and trying to do a development without an HOA.

5 Curtis Leavitt asked if they had an HOA in place to maintain the privacy fence would they be willing to  
6 allow it.

7 Mark Christensen said from a staff perspective if the fence was private and privately maintained he would be  
3 more inclined to approve it but it's up to Council and the code discussion.

9 Councilwoman Call commented that they are looking at out of the box solutions and if he were to come to an  
0 agreement with combining open space with the next parcel than perhaps they could take that over as a  
1 city. She thinks the project is great and thanked him for trying to find a way to work with the city.

2 Councilman Poduska said several of his notes have been addressed. He thinks with this development, with  
3 small parks and monuments that it leans more to an HOA. He believes most of the green areas will be  
4 used solely by the residents in this development and not the city as a whole. He also questions the  
5 lakeside lots being pushed to later phases. He thinks the private fencing would be a major policy change.  
6 He asked if the lake trail was mandated by the state.

7 Councilwoman Call said in most boundary line agreements, yes.

3 Councilman Poduska agrees generally with the changes made in the plan, there were just a few things that  
9 were cause for concern.

0 Councilman Willden indicated many of his notes had been covered. He noted that the city doesn't usually  
1 take care of smaller parks like this.

2 Mark Christensen noted that it depended on the Development Agreements; there were some areas where they  
3 did maintain them along Redwood road.

4 Councilman Willden doesn't like the HOA's so much but feels with the monument and solid fence and  
5 smaller parks that it seemed to be more for an HOA. If it was an HOA he would be more willing to go  
6 along with the solid fence.

7 Mayor Miller likes the theme of the area. He agrees with Councilman Willden that if it was an HOA he  
3 would be more willing to go along with the solid fence.

9 Sarah Carroll noted that they could delete some of the conditions if it was going to be an HOA.

0 Councilwoman Baertsch asked if it would be better to postpone the item for later or approve preliminary now  
1 knowing the changes would be coming.

2 Sarah Carroll replied that they could come back with changes at final plat time, there could be those  
3 conditions added. She mentioned that Redwood Road and Lakeshore trails were part of whole  
4 community trails; they would need a public easement.

5 Councilwoman Baertsch asked if they could bring back the preliminary with the first final plat.

6 Sarah Carroll asked that they ask applicant what they would need to work with their deadlines.

7 Curtis Leavitt said they need some time to regroup with changes and would like them to make a motion with  
3 conditions tonight and they could come back with changes.

4 Councilwoman Call asked with the lakeshore trail being a stipulation, she thinks having it accessible to the  
5 community would be a benefit. Would they consider keeping the parking but eliminating other things.

6 Curtis Leavitt replied that they could consider it but can't make the decision without looking at all of it.

7 Councilwoman Call felt that the cul-de-sac did look awkward but was ok with it. It was mentioned there was  
3 to be a culvert behind it they needed to avoid and so had not stubbed it out at that point.

4 Sarah Carroll went over the conditions listed in the report.

5 Kevin Thurman suggested that they say that fencing meet Code and not note a specific type of fencing.

6 Councilwoman Call asked what had been done on some recent developments.

7 Sarah Carroll replied that on Wiltshire they had allowed a mix of fencing, solid if it didn't block view  
3 corridors. This development wouldn't block the view in the same way. With D.R. Horton they allowed  
4 private because they would maintain it and it was behind a berm.

5 Kevin Thurman said they wanted to avoid creating specific zoning and land use descriptions on development  
6 by development basis. It's best to fall back on the code. Address the maintenance here and default to the  
7 code.

8 Sarah Carroll continued with the recommended conditions. She suggested that they should address the trails.

9 Kevin Thurman commented that it would be better to not have open ended conditions.

0 Councilwoman Call asked on the amenities, if they are meeting the minimum for public why would we  
1 delete in required open space when it's private.

2 Sarah Carroll said they have created the amenities to benefit the public but if they were HOA maintained  
3 they would change the amenities to design it for an HOA.

4 Councilwoman Call told the applicant that with so many conditions changed they didn't want to slow them  
5 down but we want to do it right. She didn't want misunderstandings.

6 Curtis Leavitt didn't want to back himself into a corner. He didn't know how to address so many open ended  
7 items.

8 Sarah Carroll said they could give feedback to what the city was willing to accept as public open space

9 Councilwoman Baertsch suggested that they could work with the adjacent land owner with parks.

0 Curtis Leavitt said they have spent a lot of time with the adjacent owner and they have provided everything  
1 he needed to take care of the items they needed for infrastructure but he does not want to move forward  
2 any time soon.

3 Councilwoman Call said we need to note if we are accepting the trail. She would not be willing to take over  
4 the maintenance of the trail; she would rather seek an easement.

5 Councilman Willden said his main hang up is the city taking over the open space or having an HOA.

6 Curtis Leavitt would like to move forward and if they turn it into an HOA it would be stepping back a little  
7 and they would come at it differently with the open space.

8 Councilwoman Baertsch thinks as it stands it's going to be an HOA. She thinks he would want to change it  
9 enough that it may be better to come back with a preliminary plat again with those changes so council  
0 can make more clear conditions.

1 Councilman Willden suggested that he reach out to the Council individually to work through some issues.

2 Curtis Leavitt indicated that they are trying to create something the public is calling for which is areas  
3 without an HOA.

4 Councilman Willden asked Councilwoman Call, if they got up to 5 acres than would we be willing to accept  
5 the areas?

6 Councilwoman Call clarified that they usually do 5 acres that are contiguous.

7 Kevin Thurman reminded that 5 acres is not a binding term, they can adjust to their discretion.

3 Mike Kelly, Landscape Architect noted that there was 7 continuous acres that would need some sort of  
4 maintenance and when the trails were complete they would be very much used and things would need  
5 taken care of.

6 Councilwoman Baertsch does not feel that what needs to be maintained is truly contiguous with the native  
7 areas around it. She is looking for more usable areas. There is a lot of space between the areas crews  
8 would need to mobilize to.

9  
10  
11 **Motion by Councilwoman Call, I Move that we table the Preliminary Plat for Mallard Bay located**  
12 **between 2800 South-3000 South and Redwood Road, Holmes Homes, applicant with direction that**  
13 **it comes back. Second by Councilman Poduska. Aye: Councilman Willden, Councilwoman**  
14 **Baertsch, Councilwoman Call, Councilman Poduska Motion passed unanimously.**

15 A 5 min. break was taken at this time.

16  
17 **3. Public Hearing: Revisions to Title 19 of the City of Saratoga Springs Land Development Code.**

18 **a. Ordinance 14-23 (10-7-14): An Ordinance of the City of Saratoga Springs, Utah, adopting**  
19 **amendments to the Saratoga Springs Land Development Code and establishing an effective date.**

20 Kimber Gabryszak presented the proposed changes to the Land Development Code. She summarized each  
21 section separately.

22 Councilwoman Baertsch asked which things they would be grandfathering for Land Use Zones

23 Kimber Gabryszak replied that there were some un-permitted structures that might be in side or front yards  
24 that would be grandfathered in. They have looked at the aerial photo of the city currently and identified  
25 several accessory buildings that are currently in either front or street side yard. They physically visited  
26 them and there were only a fraction that would be in violation still with the new changes. Planning  
27 Commission recommended that for those existing that don't comply, that they be grandfathered in to  
28 compliance.

29 Kimber Gabryszak continued with 19.05 with the changes and recommendations from Planning  
30 Commission. She showed a few examples from around the city to clarify.

31 Councilman Willden asked where a specific building fell.

32 Kimber Gabryszak noted it was a back yard to a back yard and would be conforming.

33 Kimber Gabryszak continued with 19.06 Landscaping and Fencing. The recommendation from Planning  
34 Commission was to have privacy along trails by roads, excluding arterials. Staff recommends  
35 considering major collectors as well.

36 Councilwoman Baertsch noted that where there was greenery and space the privacy on the collectors is not a  
37 problem adding a bit at the end.

38 Councilwoman call would suggest to increase the fee for those people that don't clean up after themselves on  
39 public property.

40 Councilwoman Call made the argument with Redwood Road that there is a berm and the privacy fencing  
41 doesn't get in the way of the view.

42 Spencer Kyle noted that one of the reasons they had for that was that where the semi-private was along the  
43 trail it helped to keep the trails clean and maintained.

44 Councilwoman Call would suggest to increase the fees for those people that don't clean up.

45 Councilman Willden noted that we shouldn't penalize land owners based on possible future actions of a few.  
46 He agrees with Councilwoman Call.

47 Spencer Kyle indicated that in other cities it had more to do with along canals and private fencing along  
48 those.

49 Councilman Willden said he wouldn't like to have a house along the major road that didn't have a private  
50 fence; he didn't think it was marketable.

51 Mark Christensen noted that there are arguments for and against.

52 Councilwoman Call would go back to what Kevin Thurman suggested previously to put the policy in place,  
53 that if privacy didn't obstruct view corridors and there was enough greenery and things than they could  
54 allow them. There were places like Harvest Hills where privacy fences were not an issue because of the  
55 greenery and space.

Kevin Thurman said there could be a list of factors or criteria as to when they could have privacy. He noted it was probably a case by case decision, not a one size fits all.

Councilman Willden thought it was a good point, that there were instances where you wouldn't want a privacy fence.

Councilwoman Baertsch asked could they set up specific items, so a privacy fence may be allowed along these roads where a.b.c...

Kimber Gabryszak noted that if they wanted to call along a view corridor maybe they should define what a view corridor was. We could pull the Fencing for tonight. There were some thoughts about opaque fencing along agricultural operations.

Councilwoman Baertsch clarified that an opaque fence along agricultural operations be required if that was for the Ag owners or developers and what if the people didn't want an opaque fence, wanted to see the agricultural area.

Kimber Gabryszak noted that would be the new developer's responsibility.

Councilwoman Call could see that if we don't require it than the farmers would be too concerned about liability and would then need to put up a new fence at their own expense.

Kimber Gabryszak noted they could take out opaque and just leave fencing.

Kevin Thurman noted that as a Fenced-in State it deals with responsibility of the animals and not Land Use Zones.

Councilwoman Baertsch thought it should still be a solid fence.

Kimber Gabryszak continued with explanations, that smaller caliper trees survived better and they were reducing the caliper and she noted the tree preservation requirement. She went over other proposals in this section.

Mayor Miller heard suggestion that we stop with this section and continue the other sections at another week.

Kimber Gabryszak asked if we could do 19.09 with the small changes.

Council had a few quick clarification questions.

Kevin Thurman said they didn't want to have different rules on every development. You want to default back to the code whenever possible. You could hold a developer to a less restrictive requirement.

#### **Public Hearing Open by Mayor Miller**

Chris Porter spoke about Landscaping and Fencing. He wanted to point out that in 19.06.09 that it said in front yards it said no fence over three feet tall. He noted the average picket fence was 39 in.

Councilwoman Baertsch commented that the average height was not to the top of the picket but the solid part.

Chris Porter said on 19.06.04 that by putting the residential in with commercial and industrial than it makes it kind of mishmash with a lot of requirements that don't apply to residential. As currently listed the following things would be restricted, Japanese rock gardens, Dessert landscape, Brazilian Jungle. Just because the council doesn't think it's beautiful doesn't mean the council should be prohibiting it on a person's private property. It should be more about what a property owner wants to do with their own land. The code is unnecessarily restrictive. Each resident represents about a \$200,000 investment and owners could be trusted to look after their property and improve it the way they fit. If a homeowner wants to live in a more restrictive area they could live in an HOA. The former mayor was famous for asking "is this my job?" and when it comes to restricting property owners in designing their own yard, the answer is no.

Pete Evans with Flagship Homes, they are owners of proposing to re-plat an area of Fox Hollow for a less dense zone. His comment is on shared driveways, and as it is proposed it limits 4 units per shared driveways and industry standards is really 6 – 8. You are trying to avoid a narrow drive coming in and a traditional driveway coming off that. If allowed this would make more efficient clusters. Allowing the 6-8 pack would make more flexibility in a creative product that is popular in other areas, it allows similar density to townhome product with a detached product with small rear yard.

#### **Public Hearing Closed by Mayor Miller**

Councilwoman Baertsch asked if they were to allow for 6-8 would there be requirements for additional parking.

Kimber Gabryszak said there would be an additional parking requirement and it could be near the cluster of the units.

Mark Christensen thought there were some interesting points raised with that. They can bring it back and he would like to see how it pans out before they make a decision on the driveways.

Councilwoman Call would be in favor of continuing this item to the next meeting.

**Motion by Councilwoman Baertsch to continue the changes to Land Development Code in ordinance 14-23 to the next meeting. Seconded by Councilwoman Call Aye: Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Councilman Poduska. Motion passed unanimously.**

- 5. **Motion to enter into closed session to discuss the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual, and deployment of security personnel, devices, and systems.**

**Council Councilman Willden made a motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual. Seconded by Councilwoman Baertsch. Aye: Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and Councilwoman Call. Motion passed unanimously**

Meeting Adjourn to Closed Session 9:18 p.m.

**Closed Session**

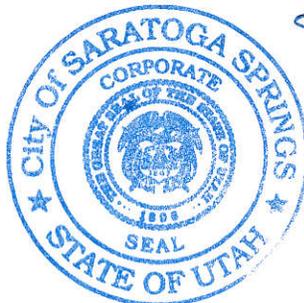
**Closed Session Opened at 9:20 p.m.**

Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilwoman Call, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike, Heather White, Andrew Burton, Steve Hansen, Owen Jackson

**Closed Session Adjourned at 10:22 p.m.**

**Policy Meeting Adjourned at 10:22 p.m.**

October 21, 2014  
Date of Approval



[Signature]  
Jim Miller, Mayor

[Signature]  
Lori Yates, Recorder