

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

**City of Saratoga Springs**  
**City Council Meeting**  
**January 6, 2015**

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: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kyle Spencer, Owen Jackson, Jeremy Lapin Kevin Thurman, Mark Edwards,

Kimber Gabryszak, Nicolette Fike

Others: Chris Porter, J. Klingonsmith

**Call to Order - 5:45 p.m.**

**1. Discussion of the Design Contract for Benches Plat 8 Park.**

Mark Christensen indicated that the challenge is that the bond called for a baseball field and the bond was really just for landscaping. Do we want to go forward with the previous plan or is there something different they want to do with the park. We have in total \$611,000 for that park. The acreage is little over 5 acres, terraced. It would probably work for a little/T-ball league size field. We wanted to make sure that they were good with them moving forward with the park.

Discussion was that the residents would be getting what they are expecting, and we need the baseball aspect. There was an idea put forward to design it so that the terraces could be used as a sitting area.

Councilman McOmber said Lacrosse also wants a field and that Inlet Park would work for 2 fields.

Mark Christensen noted the consensus was that it was good to move forward with the park as planned with a small ball field and basic landscaping.

Mayor Miller said people were asking for playground area and pavilion,

Councilman McOmber suggested that they could make sure they leave an area for it so it's ready when they can get money for a playground.

Councilman McOmber asked that he or Councilwoman Baertsch be involved in the selection of the design company because of experience working with other companies on past parks.

Kevin Thurman noted that the agreement with J. Thomas Homes had additional money that was extra that they are not restricted to using for this park.

Councilwoman Call thought they could look at the original plan, design and bid that and if it's sufficient without the extra money they go forward and if it's not, they put the extra money in it.

Mark Christensen brought up the possible problem of adults hitting the balls out of the park.

The thoughts were to put up signs that it was for T-ball only and perhaps raising fences. He said the goal is to come back Feb. 3<sup>rd</sup> with a design and putting it out to bid in March. Remember that the more money they put into the design part, the less they will have for construction.

Mark Edwards said the vendors are on notice and they want to get it out as early as possible in the spring. In the RFP they have one town hall meeting one City Council meeting.

**2. Discussion of the Bid Award for the SR 73 Waterline Booster Station.**

Jeremy Lapin noted that this will complete the connection from 73 (IHC bldg.) to Foothill Blvd. and follow the old road alignment.

Councilwoman Baertsch asked why we are talking about putting a line in what may be a parking lot.

Jeremy Lapin said it follows existing utilities; we are working with UDOT to make sure they don't give ownership to any private owners. You couldn't really put any structures on the spot with the other utilities in there. We got a great bid turn out and a really good bid, Newman Construction has the low bid. This is to get water from our wells to zone 2 faster so as we get expansion we can get water quicker to the tank and to serve peak demands in zone 2. It should be situated near the Questar station. We should have a little extra property to put something else like a trailhead.

54 Mark Christensen said we will look at award of contract at the next meeting.  
55 Councilwoman Baertsch asked about the timeline on the ziplines.  
56 Mark Edwards said the big freeze shut some of that work down but they are working on them now.  
57 Councilman McOmber wanted those to be highlighted in the newsletters as soon as it goes up.  
58

### 59 3. Agenda Review:

#### 60 a. Discussion of current City Council agenda staff questions.

61 Councilwoman Call said she is not ok with the sewer reimbursement. The southern half of the city is not  
62 on that line. She spoke with Mark Christensen about it.

63 Councilman McOmber said he also brought it forward; about the dual line.

64 Jeremy Lapin said it is probably best trying to explain why the developer is entitled to be reimbursed.

65 Mark Christensen said this has been done.

66 Council felt that this should not have been done without a Council decision; it was felt they had not seen  
67 this before and it should be a policy decision.

68 Mark Christensen thought it was brought up about the time they brought up the whole settlement  
69 agreement.

70 Councilwoman Call said on the storm drain we understand they are upsizing.

71 Jeremy Lapin commented that this came to staff attention when there was a house under construction,  
72 there were no easements recorded on the plat. They tracked some down but the Legal description  
73 was wrong. They had done due diligence, and we could not at that time ask them to move their  
74 house. Most of the houses have retaining walls and the sewer is not accessible by our crews. The  
75 good news is there haven't been issues yet, but long term there may be and it would be a higher risk  
76 because of our inability to maintain the area.

77 Councilwoman Baertsch said putting this other line in isn't going to stop the issues it may delay it.

78 Jeremy Lapin indicated that it's in our benefit to constrain the homes on that line and keep it to as little a  
79 number of homes as possible. We can't put a moratorium on those lots.

80 Councilman McOmber likes when we recognize staff but he wants to make sure there is discipline when  
81 needed, this problem should not have happened.

82 Councilwoman Call said the city's philosophy is that things pay for themselves; if a developer comes in  
83 they pay for the costs. Whether staff approved it or not the line placement was a mistake.

84 Jeremy Lapin said it was in compliance with code at that time. There was not an easement on the plat,  
85 the easement they eventually found had an incorrect legal description and was not tied to this parcel.

86 Councilwoman Call said our philosophy is to pay for it yourself, this developer did not. It may have had  
87 other circumstances but now we are making residents pay for it.

88 Kevin Thurman wanted to point out that they made a decision as a City and Council that they would  
89 recognize this Development Agreement even though there were some issues with it being signed and  
90 with it arguably being expired; this was backed up by the Property Rights Ombudsman. The  
91 Development Agreement said if you install these sewer improvements, and a Reimbursement  
92 Agreement that said if they are sufficient then we would give you sewer connection credits. This was  
93 an approved plat that had sewer improvements previously installed. He was granted those sewer  
94 connection credits.

95 Councilwoman Call commented that means that if we have a Master Development Agreement in force, if  
96 our sewer standards ever change than we can't renew Master Development Agreements without  
97 revisiting sewer and every access and so we won't be able to renew them ever.

98 Kevin Thurman said every agreement drafted now says they have to meet current standards.

99 Mark Christensen would like to propose to table this item and discuss it later at a more appropriate time.

100 Councilwoman Call asked for clarification, there was a decision made without the Council, that she feels  
101 is a policy decision and so the Council must sign off on it even if they don't agree with it.

102 Councilwoman Baertsch said on the schedule of meetings for the upcoming year they need to change  
103 April 7<sup>th</sup> to one week later (April 14<sup>th</sup>) because of spring break. She also feels it is short sighted to  
104 only have one meeting in Nov and Dec. They needed those extra meetings this year so let's add Nov.  
105 17<sup>th</sup> and Dec 15<sup>th</sup> they can always cancel them if needed.

106 There was general agreement among Council.

Minutes from the January 9<sup>th</sup> need to be pulled to make sure the motion matches what was intended.

Councilwoman Baertsch had a question on the dispatch agreement; they hadn't discussed the payment options yet.

Councilwoman Call thought there may be more calls out of Saratoga Springs; she thinks it would be more equitable to disburse that on population.

Councilman McOmber said there might be others calling from the commercial district and that we are paying all the dispatch but only getting half the sales tax.

Councilwoman Call indicated the service is used by everyone; it would stand to reason that the cost should be equitable.

Mark Christensen said they followed the same methodology that they do now, they asked these questions in their discussion. The other cities have bought out on this method and basically he was outvoted.

Councilman McOmber said we can't predict call volume, but we can predict population.

Councilwoman Call doesn't like that our police routes us to dispatch when it's not an emergency.

Mark Christensen said they did change their practices years ago and reduced the number of calls they were getting. At this point the other cities have bought out on it and he got shot down.

Councilwoman Call asked why the building is on the other side of Provo/Orem when the growth is in the north county.

Mark Christensen said they are going to rebuild on the County site and with the land value that was the site that was selected. They don't anticipate moving this facility for 50 years. He could bring Debbie in to describe methodology. He did push the population but he was outvoted.

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

**4. Reports:**

**a. Mayor.**

**b. City Council.**

Councilman McOmber thought they shouldn't give occupancy to the bus yard until they get the fence put higher so you can't see past it.

Councilman Poduska thought the Christmas party was a success.

Councilwoman Baertsch on follow-up, do we have appraisal from Mountain View Corridor and expected finish dates. On plowing several people had concerns about secondary plowing, there is a stub on Malia in Sunset Haven that they aren't doing. In Rye in Granary area in Harvest Hills they only got plowed once. Sidewalks in the parks get blown over. The east end of the canal trail they plow to the end and dump it on the sidewalk and they never plow the sidewalk. Most of the streets they have done a good job on.

Councilwoman Call said we still have the asphalt bumps left around the city. Inlet Park did get transferred; we don't have documents on that yet. She met with FFSL, working on the trail transfer; the hot pot area is going to be a 30 year term lease with two 30 year extensions, similar to our city marina. She is working with different representatives to get ongoing funding for different Utah Lake and Jordan River things. She is now the Chair of Jordan River Commission. She had a call with Aaron Eagar with the Department of Ag to discuss invasive species.

Councilman Willden asked if we had heard from Wildflower.

Kimber Gabryszak said there was a meeting next week.

Mark Christensen said we need to have final numbers brought to us, with and without severance damages.

Councilwoman Call said the Chamber of Commerce awards are next week. In the Economic Development Committee there were some applications that have come in that they hadn't heard about; they really ought to be hearing about them.

Councilman McOmber feels if the council is involved in more of these discussions they can help move things along.

Councilwoman Call said bring a couple of us on these discussions so we can use our skills.

50  
51  
52  
53  
54  
55  
56  
57  
58

**c. Administration communication with Council.**

**Adjourn to Policy Session 7:00**

---

Date of Approval

---

Lori Yates, City Recorder

59 **Policy Session Minutes**

70  
71 **Present:**

72 Mayor: Jim Miller

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

74 Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,

75 Chelese Rawlings, Andrew Burton, Anna-Lisa Christensen, Nicolette Fike

76 Others: Devon McPherson, Chris Porter, Jennifer Klingonsmith, P. Guymon, Nancy Hart, Cheyenne

77 Phillarick, K. Becraft, BA Martin, Lee Ann Hemingway, Jean Baker, Neil Infanger, Alan LaPerle, Thane

78 Smith, Nathan Shipp, Krisel Travis

79  
30 **Call to Order 7:02 p.m.**

31 **Roll Call - Quorum was present**

32 **Invocation / Reverence - Given by Councilman McOmber**

33 **Pledge of Allegiance - led by Councilman Willden**

34  
35 **Policy Items**

36  
37 **1. Update from the Literacy Center Program.**

38 Anna-Lisa Christensen gave an update. She talked about the importance of Literacy. She reviewed the  
39 milestones for 2014. From Jan – Nov there were 105 children provided with tutoring. There has always  
40 been a waiting list for children hoping to enter the program. She highlighted the LexiaCore 5 Software  
41 they are using that was donated, that has been great. They have invested about \$1000 in staffing and  
42 supplies. They have 20-30 volunteers and would love more. She believes part of the job is mentoring the  
43 teens to prepare them for the work force learning valuable skills. She introduced Devon McPherson and  
44 noted her contributions to starting and working with the program.

45 Councilman Willden thanked her and loved hearing how the community was helping.

46 Councilwoman Baertsch said she talked with MAG and their RSVP community wanted to help. Bonnie  
47 Lewis was supposed to get in contact with Anna-Lisa.

48 Councilman McOmber said he loved the program. Roughly 800 children have benefitted from this program.

49 He wanted to make sure we knew this was a non-profit, fund-raised independent program. He  
50 encourages residents to donate and volunteer to the program.

51 Councilwoman Call also shared her appreciation and that we need to make sure students are informed of the  
52 scholarship and college application benefits within the community. She thinks we should put together  
53 something like a pamphlet to be able to pass to principals and others when they meet. She would be  
54 happy to volunteer her time to help put together something.

55 Councilman Poduska noted the obvious demand for the program and asked what plans were for the future to  
56 grow the program and perhaps for space.

57 Anna-Lisa Christensen said one of her plans is to write and apply for some grants. She is trying to put  
58 together a portfolio and history and they are trying to expand the ages of the kids involved. Her goal is to  
59 someday have a preschool type program for a head start and if they need to expand they would need to  
60 look at a different location. The library is working well with them. She believes their demographic has a  
61 demand for the increased program.

62 Councilwoman Call said where she has a rapport with some of the schools, some of them would be willing to  
63 donate space and she would be happy to work with her on that as it would be a benefit to the school and  
64 community.

65  
66 **Public Input - Opened by Mayor Miller**

67 No input at this time

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

69  
70 **2. Consent Calendar:**

71 **a. Approval of the Sunrise Meadows Storm Drain reimbursement agreement.**

- 22 b. Approval of the Ironwood Plat 17 Sewer and Storm Drain reimbursement agreement.  
23 c. Approval of the 2015 City Council meeting schedule.  
24 d. Approval of the Dispatch Building Agreement between the City of Saratoga Springs and Utah  
25 County Dispatch Special Service District.  
26 i. Resolution R15-1 (1-6-15): Approving the Dispatch Building Agreement Between the City of  
27 Saratoga Springs and Utah County Special Service District.  
28 e. Resolution R15-2 (1-6-15): Encouraging the State of Utah to Address Comprehensive  
29 Transportation Funding.  
30 f. Approval of minutes:  
31 i. December 9, 2014.  
32 ii. December 16, 2014.  
33 Mayor Miller had a change for the minutes of December 16<sup>th</sup>.

34  
35 **Motion from Councilwoman Baertsch that they approve Consent Calendar item a. Approval of the**  
36 **Sunrise Meadows Storm Drain reimbursement agreement in the amount of \$172,539.00 to Edge**  
37 **Homes. That we table item b. Approval of the Ironwood Plat 17 Sewer and Storm Drain**  
38 **reimbursement agreement. Approval of item c. the 2015 City Council meeting schedule, moving**  
39 **the April 7<sup>th</sup> meeting to April 14<sup>th</sup>, adding a meeting on November 17<sup>th</sup> and on December 15<sup>th</sup>. That**  
40 **we also approve (d.) the Dispatch Building Agreement between the City of Saratoga Springs and**  
41 **Utah County Dispatch Special Service District and add that we do a one lump sum payment for a**  
42 **total of \$246,874.00. That we approve Resolution R15-1 (1-6-15): Approving the Dispatch Building**  
43 **Agreement between the City of Saratoga Springs and Utah County Special Service District. That**  
44 **we approve Resolution R15-2 (1-6-15): Encouraging the State of Utah to Address Comprehensive**  
45 **Transportation Funding. That we approve minutes of December 16, 2014. With all changes**  
46 **emailed and referred to earlier and table minutes of December 9<sup>th</sup>. Seconded by Councilman**  
47 **Poduska.**

48  
49 Councilwoman Call said on item d., passing along to the Special Service District, that this member  
50 would have liked to have seen this (fees) based on population rather than on the calculations that was  
51 done. And on e., as far as the resolution goes that we are agreeing to things that maybe don't need to  
52 be in the resolution but she is ok with the sentence of the resolution to allow the state to look at  
53 further methods to collect monies for transportation improvements.

54  
55 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
56 **Councilman Poduska. Motion passed unanimously.**

57  
58 **3. Public Hearing: Possible Consideration and Approval for the Legacy Farms Master Development**  
59 **Agreement, and Village Plans 2, 3, 4, and 5 located at 400 South and Redwood Road, DR Horton,**  
60 **applicant.**

61 Kimber Gabryszak gave a brief background of Legacy Farms and the Village plans. The District Area plan  
62 was approved in 2010 the community plan was approved in July of 2014. She noted the different block  
63 types in the community plan. She showed how the ERU's would work within the Village Plans, overall  
64 they are held to 1000 units.

65 Krisel Travis gave a presentation showing landscaping and green spaces and overall product plan. They  
66 anticipate construction on VP 2 in the fall of 2015, this VP has the school parcel. VP 3 has lower  
67 densities as they move closer to current residential. They have removed references to T5 zones. All the  
68 standards are the same as Village Plan 1 that has been approved. As they bring forward the plats they  
69 would each have the details on them for further discussion. They have submitted the master plan for  
70 infrastructure to go with the MDA. They would like to note that in the item 5 with 5' setbacks, it's a  
71 building separation so they ask that it complies with IRC codes and separation of buildings. Anywhere  
72 that it references a master traffic plan and master parks and trails plan that it should also reference the  
73 Master Community Plans and Village Plans.  
74

75 **Public Input Opened by Mayor Miller**

76 Nancy Hart prepared a letter to the Council. They wanted to make sure that it was done correctly because  
77 it was a large development. She wants to note that the water has not been approved by FEMA yet.  
78 She is concerned that they want more than 1000 units. She said the trail way along the outlet pipe  
79 would be open area without fencing. She said the plans are still reflecting 0' instead of 5' setbacks.  
30 She had a question about approximate costs of a home that could be presented from the developers.  
31 She doesn't think it's a good idea to have small lots next to large lots. She thinks it's not well  
32 planned. The green space in VP 4 is now a gravel drainage, the traffic study is still an issue, there is  
33 nothing addressed to Saratoga road. She feels City Council should not be rushed to approve  
34 something that is further down the road.

35 Neil Infanger said he would like to know where the FEMA approval is at in its process. He asked about  
36 the extension, what would be the contingency plan if FEMA did not give the approval.

37 **Public Input Closed by Mayor Miller**

38  
39 Krisel Travis responded to public input and showed the plan that was submitted to FEMA. On the west  
40 side of the road there will be an open channel, she showed how it would be channeled and  
41 transferred underground and out to the lake. She noted the timeline for the CLOMR. They have  
42 submitted to FEMA and are waiting for the 90 day review period. That would put them at Feb. 24th  
43 2015 then they can resubmit and get response for CLOMR hopefully by May 9th and then start  
44 construction. They hope to have those improvements by Nov. They hope to have the LOMR issued  
45 by March 2016 and have it all official by Sept 2016. They are hoping to start construction on the first  
46 phase this fall.

47 Councilman McOmber clarified that Village Plan 1 did not have to wait because most of it was not in the  
48 flood plain.

49 Krisel Travis said they believe the approval will happen, but there are other things they can do if it does  
50 not happen.

51  
52 Councilman Poduska said the overall impression of Legacy Farms is that it will be an excellent  
53 contribution to the City. It has a mixture of styles of home and Daybreak, for instance, has  
54 demonstrated how that works well. He thinks it addresses the demographics of the area well. He  
55 noted the efforts that have gone into solving problems, especially with the pipe and green space and  
56 making things work. He thinks the feathering of low to high density has been done well. He noted  
57 that normal incomes can no longer afford the larger single homes. These are high quality units and  
58 they will draw high quality individuals.

59 Councilwoman Call asked if there were any historical meander data collected. She asked if they had  
60 worked with the FFSL on discharge onto sovereign lands.

61 Krisel Travis said she they had not spoken with FFSL, they had coordinated with the County owning the  
62 land prior to the City and DNR and they are aware of that. As for the meander of the water, where  
63 they are picking it up, they looked at the depths of the natural parts of the canyon and they are  
64 coming back to that.

65 Jeremy Lapin said they analyzed the capacity and where there were bottlenecks and they have added  
66 volume where needed.

67 Councilwoman Call said as the adjacent property develops mitigation will need to be done all along.

68 Jeremy Lapin said to his knowledge this is the only area in the city he is aware of where the drainage has  
69 changed from the natural state.

70 Councilwoman Call asked where the outfall is in transition, what the outfall would look like.

71 Krisel Travis noted how there were some dissipations and dispersions so it is not just launched into the  
72 lake.

73 Jeremy Lapin said they have been working with consultants to make sure designs are meeting top of the  
74 industry standards. He noted that there would be fencing to restrict the public.

75 Councilwoman Call clarified that the 0' setback is for out-buildings not main buildings. She doesn't want  
76 to reference Fire Codes now and then have them change.

27 Krisel Travis said if the code was updated it would require buyer separation for them to deal with those  
28 conditions.

29 Kimber Gabryszak noted that the recommended condition was that anything with a 5' or less setbacks  
30 must be built with 1-hour fire rated materials. If, for example, there was a 5' setback on one side and  
31 15' on the other you wouldn't need the Fire rating. This wouldn't change the setbacks they are still  
32 subject to the setbacks in the plan, the change would be in the language as to when they were  
33 required to do the fire rating.

34 Councilwoman Call would be ok with taking out the 'or less' in the condition.

35 Kimber Gabryszak is reworking the condition to reference - buildings with a separation of 10' or less  
36 must be built with 1-hour fire rated materials.

37 Councilwoman Call did some calculations on typical lot characteristics, the 10000 sq.ft. lots were  
38 typically 9000 sq.ft. and on down. That makes her a little nervous.

39 Krisel Travis said the plats would set those numbers forward and that would be the point they would  
40 need to address those. They have minimums they are set to.

41 Councilwoman Baertsch said they run into this all the time, the lots always end up smaller. It doesn't  
42 benefit the residents. She believes that an 8000 sq.ft. lot should be a minimum of 8000 sq.ft.

43 Councilwoman Call commented that the original agreement was a higher density, they are writing off  
44 over 50% percent of the lots. It has taken a lot of work on all sides to come down to this. This could  
45 have been 1800 homes. We appreciate the partnership with the developers. Thank you for being  
46 patient.

47 Councilman McOmber understood that the school wanted to change the alignment and that would make  
48 the green strip not in the best area. He thinks that needs to be re-thought.

49 Krisel Travis said when the District decides for sure then they will shift the green space as needed.

50 Transportation can change either way, the asphalt is the same width. The park strip width would  
51 change, not the road.

52 Councilman McOmber said this is a walkable school and the walkways need to be wide for safety. When  
53 they bring the plat he would like to see a new transportation study. We need to remember that 1000  
54 lots is a lot less than we could have seen with the original agreement. He appreciates they are not  
55 trying to squeeze out every inch. He appreciated that the staff followed through to confirm that the  
56 reports were the same. With Village Plan 5 he is a little concerned that they don't have the deal set  
57 with Leisure Village yet. He thinks a lot of these things can be handled at preliminary plat stage. He  
58 would like to see in there some kind of amenity in VP 5 if they don't get the contract with Leisure  
59 Village that breaks up the density. He is grateful for the Tickville wash change, he noted with the  
60 added fencing they are making things safer than it is now. He thanked them for doing the product  
61 nice and not 'on the cheap.' He thinks this is getting better than what they could have had and in  
62 some areas the best. He thanked them for listening and addressing prior concerns.

63 Councilwoman Baertsch was grateful for the Tickville realignment. She felt the access point at the end of  
64 the wash would be an easy fix. However, according to the Community Plan, the Tickville wash must  
65 be settled before approving a Master Development Plan. The CLOMAR has been submitted and  
66 receipt acknowledged, but not yet approved. She was concerned with the school orientation and how  
67 it would change the Transportation plan and fix the Community plan. She is apprehensive to approve  
68 this without the knowledge of what the school will be doing because changing the orientation of the  
69 school would require a change to the traffic patterns which would require a change to the community  
70 plan and village plans. She also wants to make sure there is a shared access agreement for the school  
71 fields; if they don't get them then it doesn't count for open space according to the community plan.

72 Krisel Travis said she has talked with Rob Smith today and they are eager to do that.

73 Kimber Gabryszak indicated that if there were problems down the road they could take care of that when  
74 the plats come.

75 Councilwoman Baertsch was not comfortable of the larger numbers of ERU's listed.

76 Kimber Gabryszak noted that the numbers give them the flexibility to move the numbers around on the  
77 plat but once they hit 1000 units total they would be done. It doesn't give them the flexibility to  
78 move it all to one block.

79 Councilwoman Baertsch asked them to explain the T4SL.

30 Krisel Travis said it gives them a shared lane extension. It functions the same as a T4.

31 Councilwoman Baertsch said she gets the differentiation with the Fire Rating but she wants to make sure  
32 the Chief is ok with it.

33 Kevin Thurman said they have to comply with Fire Code and Building Code when they apply for the  
34 building permit.

35 Councilwoman Baertsch would like to see a note that less than 5' is not allowed and that 0' is only  
36 allowed in detached product. When we granted the first Village Plan their understanding was that  
37 they would be able to see what they built and how it worked before they approved more. She is  
38 disappointed that they are not willing to show them what the development will look like so they can  
39 see what changes they may need to make. She cannot vote for it tonight due to broken promises and  
40 code issues.

41 Councilman Willden appreciates that they are doing less units than allowed. He would like to point out  
42 that Councilman McOmber is more in touch with the residents that live in this area and he is  
43 supportive of his comments. He felt his other comments had been addressed.

44 Councilman Poduska commented that with the delays that have occurred in getting Legacy Farms built,  
45 he doesn't see all the delays being Legacy Farms fault; it's everything from FEMA to the City  
46 adding extra conditions, the School District etc. He feels the developer has done the utmost to try and  
47 work with everyone. If there are any things that need to be ironed out, that they can iron those out as  
48 they go, he feels they need to move along. He appreciates the due diligence that the Councilmembers  
49 have done but most of those things now seem to be able to be handled with staff and forward  
50 movement is in orderly fashion. There are multiple layers to ensure compliance.

51 Councilwoman Call noted her ERU calculations. If we are using this in future developments we aren't  
52 going to discourage commercial at the sacrifice of density elsewhere but so we can eat up some  
53 ERU's and dissipate density and increase house lots and have more of an open feel. She appreciates  
54 that the open space is still the same, with a club house. She shares the same anxieties the other  
55 Council sees but she see's other developments that move so much more quickly. She wants them to  
56 move forward but the residents are asking why are they approving this before you see if it works?  
57 She asked if there was a compromise on the number of VP's they approve tonight.

58 Krisell Travis replied that under the contract for their purchase she doesn't think without these approvals  
59 they would be able to move forward with this. She would hope that the plats would be where they  
60 would deal with the specifics of density and things. The contract was extended so they could deal  
61 with Tickville wash. The delay was in the length of time it took to deal with Tickville wash, and  
62 without knowing what Tickville was going to do they couldn't move forward. They did set out  
63 telling the city that they would bring VP 2-5 by December of 2014. Without knowing what FEMA  
64 was going to do...it was a level of confidence they needed to show on their side of the contract. They  
65 couldn't start on the plats in VP 1 until they knew what was happening with the Master Plan, until  
66 Tickville was resolved which affected the total layout of the land.

67 Councilwoman Call commented that if they didn't do approvals tonight and D.R. Horton walks away and  
68 they have to start with a new partner that would be a worse case. She doesn't want to see D.R.  
69 Horton walk away and she doesn't want to start over either.

70 Kimber Gabryszak found information for Councilwoman Call that a Community Plan shall expire 24  
71 months after approval if not acted upon further through the adoption of a Village Plan. Once they get  
72 a VP approval it doesn't expire.

73 Councilwoman Call wanted clarification about the density of the plan passing on to any future owner.

74 Kevin Thurman replied that based on the original District Area plan they arguably still have entitlement  
75 to that. Approving these plans would solidify the lower density.

76 Councilwoman Call noted that the Church had said the density reduction would only take place after  
77 adoption of these plans. She doesn't love it, but she loves it more than 1800 units.

78 Councilman McOmber noted that nothing is happening here that they won't be seeing more detail and  
79 have to deal with the plats that will come forward where more public input can be brought forward.  
80 He feels every issue brought forward with maybe the exception of the Saratoga road has been  
81 addressed well. It was felt the road would be improved better than it is now.

32 Mayor Miller would like to hope that if we get going and things don't work that D.R. Horton wouldn't  
33 want to repeat that mistake and they would be able to have dialogue with the City to fix things like  
34 that. This is a new Code for the City and hopefully they get it right.  
35

36 **Motion from Councilman Poduska to approve the Legacy Farms Master Development Agreement,**  
37 **with the findings and conditions in the staff report. Second Councilman McOmber.**  
38

39 Councilwoman Baertsch said they might want to add to the motion that those are according to staff  
40 report and additions made in the meeting.

41 Kimber Gabryszak noted there were no changes made in the MDA.  
42

43 **Aye: Councilman Willden, Councilman McOmber, Councilwoman Call, Councilman Poduska.**  
44 **Nay: Councilwoman Baertsch. Motion passed 4-1.**  
45

46 Councilwoman Baertsch commented that she voted nay because she believes we do not have several  
47 items in place required by the Community Plan before the Master Development Agreement is  
48 passed.  
49

50 Kimber Gabryszak noted the changes that had been made. **Added to condition 5. All buildings with**  
51 **separation of 10' or less must be built with 1-hour fire rated materials per the international**  
52 **Building Code (IBC/IRC), or as amended. Added condition 6. Zero-setbacks shall only be**  
53 **permitted for attached products, and a note added to each Village Plan to that effect. Deleted**  
54 **what was condition 9. (~~T5 areas shall be replaced with T5R~~) added 10. The community Plan**  
55 **shall be edited to include the T4SL.**  
56

57 **Motion from Councilman McOmber to approve the Legacy Farms Village Plans 2, 3, 4, and 5 with**  
58 **the findings and conditions in the staff report as outlined. And also with Village Plan 5 if the**  
59 **product is changed that there would be some kind of amenity still included with a D.R. Horton**  
60 **product vs. another developer. Plus conditions and changes as outlined in the meeting today**  
61 **(That Kimber Gabryszak read). Second Councilman Willden.**  
62

63 Kevin Thurman had a concern with where it notes the T4 code. He would prefer that they clarify that  
64 they are delegating to the Planning Director that she shall approve the amended Community  
65 Plan.

66 Kimber Gabryszak **"The Planning Director shall edit the Community Plan to include the**  
67 **T4SL."**

68 **Councilman McOmber amended the motion to include Condition 10. as just stated.**

69 Kevin Thurman indicated or say "shall approve the amended Community Plan."

70 Councilman Willden **approved the amendment.**

71 Councilwoman Baertsch asked if he would be willing to go through each village plan separately.

72 Councilman McOmber understands why she would want that but will leave the motion as is. Again,  
73 they still have the preliminary plats and final plats coming to analyze details and work things out  
74 and that is why he is voting the way he is.  
75

76 **Aye: Councilman Willden, Councilman McOmber, Councilwoman Call, Councilman Poduska.**  
77 **Nay: Councilwoman Baertsch. Motion passed 4-1.**  
78

79 Councilwoman Baertsch voted nay because she believes there are too many changes with the school  
80 that are unknown still.  
81

82 **4. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or**  
83 **reasonably imminent litigation, the character, professional competence, or physical or mental health of**  
84 **an individual.**

35  
36 Councilwoman Call made a motion to enter into closed session for the purchase, exchange, or lease of  
37 property, pending or reasonably imminent litigation, the character, professional competence, or  
38 physical or mental health of an individual. Seconded by Councilman Willden. Aye: Councilman  
39 McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and  
40 Councilwoman Call. Motion passed unanimously  
41

42 Meeting Adjourn to Closed Session 9:00 p.m.  
43 A break was taken for 15 minutes.  
44

45 Motion made by Councilwoman Call to re-open the public session. Seconded by Councilman Poduska.  
46 Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,  
47 Councilman Poduska. Motion passed unanimously.  
48

49 Meeting reopened to approve the Report of Action at 9:15 p.m.  
50

51 Report of Action

52 Kimber Gabryszak reviewed the report with the Council.  
53

54 Motion from Councilwoman Call to approve the Report of Action with changes made. Seconded by  
55 Councilman Willden. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,  
56 Councilwoman Call, Councilman Poduska. Motion passed unanimously.  
57

58 Councilwoman Call made a motion to enter into closed session for the purchase, exchange, or lease of  
59 property, pending or reasonably imminent litigation, the character, professional competence, or  
60 physical or mental health of an individual. Seconded by Councilwoman Baertsch. Aye: Councilman  
61 McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and Councilwoman  
62 Call. Motion passed unanimously  
63

64 Adjourn to Closed Session 9:24 p.m.  
65

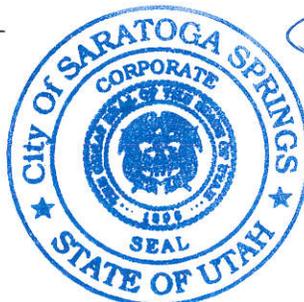
66 Closed Session  
67

68 Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilman  
69 Poduska, Councilwoman Call, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike, Jeremy  
70 Lapin  
71

72 Closed Session Adjourned at 9:51p.m.  
73

74 Policy Meeting Adjourned at 9:51p.m.  
75

76 January 20, 2015  
77 Date of Approval  
78



79 [Signature]  
80 Mayor Jim Miller  
81

82 [Signature]  
83 Lori Yates, City Recorder  
84