

**CITY OF SARATOGA SPRINGS  
CITY COUNCIL MEETING**

Tuesday, January 20, 2015

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

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**CITY COUNCIL AGENDA**

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.

**POLICY SESSION- Commencing at 7:00 p.m.**

- 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, Recognitions and Introductions.

**POLICY ITEMS**

1. Consent Calendar:
  - a. Award of Bid for the North Zone 2 Booster Station and Pipeline.
  - b. Minutes:
    - i. December 2, 2014.
    - ii. January 6, 2015.
2. Public Hearing: Budget Amendments to the City of Saratoga Springs Budget for Fiscal Year 2014-2015.
  - a. Resolution R15-3 (1-20-14): A resolution amending the City of Saratoga Springs Budget for Fiscal Year 2014-2015.
3. Consideration and Possible Approval of Regulations of Storm Water Drainage and Discharge..
  - a. Ordinance 15-1 (1-20-15): An Ordinance of the City of Saratoga Springs, Utah creating a new Chapter of the Saratoga Springs City Code regulating Storm Water Drainage and Discharge and establishing an effective date.
4. Possible Continuation of Work Session Items.
5. Adjournment.

**Notice to those in attendance:**

- Please be respectful to others and refrain from disruptions during the meeting.
- Please refrain from conversing with others in the audience as the microphones are sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (e.g., applauding or booing).
- Please silence all cell phones, tablets, beepers, pagers, or other noise making devices.
- Refrain from congregating near the doors to talk as it can be noisy and disruptive.

# City Council Staff Report

**Author:** Jeremy D. Lapin, P.E., City Engineer  
**Subject:** Bid Award for North Zone 2 Booster Station and Pipeline  
**Date:** January 20, 2015  
**Type of Item:** Bid Award recommendation



## Description:

**A. Topic:** This item is for the approval of a contract for the installation of a new culinary water Zone 2 Booster Station and 18-inch pipeline from 400 West to 800 West (Foothill Boulevard).

**B. Background:** This project is identified in the City's adopted Culinary Water Impact Fee Facilities Plan as project #2 and includes the installation of a new 2,000 gpm pump station and approximately 2,700 lf of 18-inch pipeline. This project will provide a new source of culinary water for the Zone 2 areas in the north part of the City.

**C. Analysis:** The City hired Hansen, Allen, and Luce in 2014 to design three water projects as outlined by the City's Culinary and Secondary Water Capital Facility and Impact Fee Facility Plans. This is the first of the three projects that is ready to begin construction; the next two projects include a new secondary well at the south end of the City and an 18-inch waterline in Redwood Road. The funding for this project has been allocated under GL # 56-4000-680 and includes bond revenues from the City's recently issued water bond.

The bid for this project was posted on Bidsynch December 10<sup>th</sup> and bids were opened on December 29<sup>th</sup>. Thirteen bids were received ranging from \$796,420 to \$978,770. These bids were reviewed by Hansen, Allen and Luce and a bid tab and letter of recommendation has been provided to the City and is attached to this report.

**D. Recommendation:** Staff recommends that the City Council award the project to Newman Construction in the amount of \$786,420. Hansen, Allen, and Luce has verified Newman Construction holds the required Contractors License to perform the work and has the appropriate experience.



**UTAH COUNTY OFFICE**  
1045 SOUTH 500 EAST, SUITE 110  
AMERICAN FORK, UTAH 84003  
PHONE: (801) 216-8890  
FAX: (801) 216-8891  
[www.hansenallenluce.com](http://www.hansenallenluce.com)

City of Saratoga Springs  
Mayor and City Council  
1307 North Commerce Drive, Suite 200  
Saratoga Springs, Utah 84005

December 30, 2014

Re: North Culinary Zone 2 Improvements  
Recommendation for Award

Dear Mayor and City Council Members:

We have reviewed the bids for the referenced project and recommend that the project be awarded to Newman Construction, Inc. Their base bid cost is \$786,420.00.

We have verified that Newman Construction, Inc. holds the required Utah Contractors License to perform this work. They have the appropriate previous experience to complete a job of this complexity. Our firm has also worked with Newman Construction, on previous projects, and their work has been acceptable.

The City received a total of 13 bids. For your reference we have attached a copy of the Bid Tabulation.

Please call if we can answer any questions or be of further assistance.

Respectfully,

HANSEN, ALLEN & LUCE, INC.

A handwritten signature in blue ink that reads 'Tavis Timothy'.

Tavis Timothy, P.E.  
Project Manager

**CITY OF SARATOGA SPRINGS  
NORTH CULINARY ZONE 2 IMPROVEMENTS  
BID TABULATION**

**Note: Highlighted Numbers Denote Math or Rounding Error  
in submitted bid.**

BASE BID SCHEDULE				Newman Construction, Inc.		KK&L Administration		Whitaker Construction Company		Pro Industrial Services		Hills Construction Inc.		VanCon Inc.		Gerber Construction	
ITEM	DESCRIPTION	EST QTY	UNIT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT
1	Mobilization/Demobilization	1	LS	\$ 19,500.00	\$ 19,500.00	\$ 7,010.00	\$ 7,010.00	\$ 72,000.00	\$ 72,000.00	\$ 6,500.00	\$ 6,500.00	\$ 143,000.00	\$ 143,000.00	\$ 43,000.00	\$ 43,000.00	\$ 52,000.00	\$ 52,000.00
2	Construction Surveying	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 3,390.00	\$ 3,390.00	\$ 3,100.00	\$ 3,100.00	\$ 10,000.00	\$ 10,000.00	\$ 6,000.00	\$ 6,000.00	\$ 5,500.00	\$ 5,500.00	\$ 3,200.00	\$ 3,200.00
3	Traffic Control	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 4,080.00	\$ 4,080.00	\$ 10,000.00	\$ 10,000.00	\$ 1,800.00	\$ 1,800.00	\$ 24,000.00	\$ 24,000.00	\$ 4,900.00	\$ 4,900.00	\$ 7,100.00	\$ 7,100.00
4	Pothole Utilities	9	EA	\$ 465.00	\$ 4,185.00	\$ 545.00	\$ 4,905.00	\$ 400.00	\$ 3,600.00	\$ 500.00	\$ 4,500.00	\$ 550.00	\$ 4,950.00	\$ 650.00	\$ 5,850.00	\$ 390.00	\$ 3,510.00
5	Pump Station Structure	1	LS	\$ 86,000.00	\$ 86,000.00	\$ 97,405.00	\$ 97,405.00	\$ 63,000.00	\$ 63,000.00	\$ 90,179.00	\$ 90,179.00	\$ 103,000.00	\$ 103,000.00	\$ 99,000.00	\$ 99,000.00	\$ 113,000.00	\$ 113,000.00
6	Booster Pumps Complete	1	LS	\$ 143,500.00	\$ 143,500.00	\$ 141,100.00	\$ 141,100.00	\$ 150,000.00	\$ 150,000.00	\$ 223,600.00	\$ 223,600.00	\$ 128,000.00	\$ 128,000.00	\$ 156,000.00	\$ 156,000.00	\$ 144,000.00	\$ 144,000.00
7	Pump Station Piping	1	LS	\$ 94,000.00	\$ 94,000.00	\$ 109,875.00	\$ 109,875.00	\$ 110,000.00	\$ 110,000.00	\$ 46,600.00	\$ 46,600.00	\$ 89,000.00	\$ 89,000.00	\$ 99,500.00	\$ 99,500.00	\$ 85,000.00	\$ 85,000.00
8	Electrical and HVAC	1	LS	\$ 131,150.00	\$ 131,150.00	\$ 137,005.00	\$ 137,005.00	\$ 106,000.00	\$ 106,000.00	\$ 90,871.00	\$ 90,871.00	\$ 110,000.00	\$ 110,000.00	\$ 105,000.00	\$ 105,000.00	\$ 106,000.00	\$ 106,000.00
9	Pump Station Site Improvements	1	LS	\$ 31,500.00	\$ 31,500.00	\$ 26,710.00	\$ 26,710.00	\$ 20,700.00	\$ 20,700.00	\$ 37,500.00	\$ 37,500.00	\$ 39,000.00	\$ 39,000.00	\$ 57,000.00	\$ 57,000.00	\$ 21,000.00	\$ 21,000.00
10	15" ADS Drain Line Complete	1	LS	\$ 32,125.00	\$ 32,125.00	\$ 26,440.00	\$ 26,440.00	\$ 28,000.00	\$ 28,000.00	\$ 29,000.00	\$ 29,000.00	\$ 33,000.00	\$ 33,000.00	\$ 29,000.00	\$ 29,000.00	\$ 26,000.00	\$ 26,000.00
11	18" Dia CL 51 WL	1800	LF	\$ 92.00	\$ 165,600.00	\$ 120.25	\$ 216,450.00	\$ 107.00	\$ 192,600.00	\$ 115.00	\$ 207,000.00	\$ 105.00	\$ 189,000.00	\$ 110.00	\$ 198,000.00	\$ 100.00	\$ 180,000.00
12	26" Dia Steel Casing	68	LF	\$ 265.00	\$ 18,020.00	\$ 445.00	\$ 30,260.00	\$ 380.00	\$ 25,840.00	\$ 240.00	\$ 16,320.00	\$ 490.00	\$ 33,320.00	\$ 300.00	\$ 20,400.00	\$ 410.00	\$ 27,880.00
13	18" Dia. Butterfly Valve	2	EA	\$ 3,800.00	\$ 7,600.00	\$ 4,350.00	\$ 8,700.00	\$ 4,200.00	\$ 8,400.00	\$ 4,500.00	\$ 9,000.00	\$ 4,000.00	\$ 8,000.00	\$ 4,400.00	\$ 8,800.00	\$ 4,400.00	\$ 8,800.00
14	Fire Hydrant Assembly	1	EA	\$ 6,100.00	\$ 6,100.00	\$ 7,770.00	\$ 7,770.00	\$ 6,300.00	\$ 6,300.00	\$ 9,000.00	\$ 9,000.00	\$ 6,500.00	\$ 6,500.00	\$ 9,500.00	\$ 9,500.00	\$ 8,500.00	\$ 8,500.00
15	Sta 27+82 Connection	1	LS	\$ 3,750.00	\$ 3,750.00	\$ 10,080.00	\$ 10,080.00	\$ 5,800.00	\$ 5,800.00	\$ 1,800.00	\$ 1,800.00	\$ 5,000.00	\$ 5,000.00	\$ 5,200.00	\$ 5,200.00	\$ 5,300.00	\$ 5,300.00
16	Corp Stop and Air-Vac on Existing WL	1	LS	\$ 5,750.00	\$ 5,750.00	\$ 4,705.00	\$ 4,705.00	\$ 3,400.00	\$ 3,400.00	\$ 4,800.00	\$ 4,800.00	\$ 12,500.00	\$ 12,500.00	\$ 4,900.00	\$ 4,900.00	\$ 5,600.00	\$ 5,600.00
17	Asphalt Patch Restoration	300	Tons	\$ 94.00	\$ 28,200.00	\$ 111.60	\$ 33,480.00	\$ 124.00	\$ 37,200.00	\$ 105.00	\$ 31,500.00	\$ 135.00	\$ 40,500.00	\$ 85.00	\$ 25,500.00	\$ 110.00	\$ 33,000.00
18	Cathodic Protection on Questar Line	4	EA	\$ 735.00	\$ 2,940.00	\$ 2,900.00	\$ 11,600.00	\$ 1,000.00	\$ 4,000.00	\$ -	\$ -	\$ 1,000.00	\$ 4,000.00	\$ 350.00	\$ 1,400.00	\$ 2,800.00	\$ 11,200.00
<b>BASE BID SCHEDULE TOTAL</b>					<b>\$ 786,420.00</b>		<b>\$ 880,965.00</b>		<b>\$ 849,940.00</b>		<b>\$ 819,970.00</b>		<b>\$ 978,770.00</b>		<b>\$ 878,450.00</b>		<b>\$ 841,090.00</b>

BASE BID SCHEDULE				S&L, Inc.		Absolute Constructors		Silver Spur Construction		Terry R Brotherson Excavating		Condie Construction Company		Cody Ekker Construction		Engineers Estimate	
ITEM	DESCRIPTION	EST QTY	UNIT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT	UNIT COST	TOTAL AMOUNT
1	Mobilization/Demobilization	1	LS	\$ 35,043.68	\$ 35,043.68	\$ 83,000.00	\$ 83,000.00	\$ 50,000.00	\$ 50,000.00	\$ 61,828.00	\$ 61,828.00	\$ 66,600.00	\$ 66,600.00	\$ 50,000.00	\$ 50,000.00	\$ 15,000.00	\$ 15,000.00
2	Construction Surveying	1	LS	\$ 5,090.40	\$ 5,090.40	\$ 3,080.00	\$ 3,080.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 3,352.00	\$ 3,352.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
3	Traffic Control	1	LS	\$ 11,200.00	\$ 11,200.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00	\$ 5,907.00	\$ 5,907.00	\$ 8,000.00	\$ 8,000.00	\$ 6,000.00	\$ 6,000.00
4	Pothole Utilities	9	EA	\$ 448.00	\$ 4,032.00	\$ 437.00	\$ 3,933.00	\$ 200.00	\$ 1,800.00	\$ 800.00	\$ 7,200.00	\$ 168.00	\$ 1,512.00	\$ 200.00	\$ 1,800.00	\$ 200.00	\$ 1,800.00
5	Pump Station Structure	1	LS	\$ 105,074.06	\$ 105,074.06	\$ 9,500.00	\$ 9,500.00	\$ 155,000.00	\$ 155,000.00	\$ 121,549.00	\$ 121,549.00	\$ 129,370.00	\$ 129,370.00	\$ 99,000.00	\$ 99,000.00	\$ 90,000.00	\$ 90,000.00
6	Booster Pumps Complete	1	LS	\$ 165,421.95	\$ 165,421.95	\$ 137,000.00	\$ 137,000.00	\$ 141,500.00	\$ 141,500.00	\$ 138,050.00	\$ 138,050.00	\$ 149,198.00	\$ 149,198.00	\$ 147,400.00	\$ 147,400.00	\$ 150,000.00	\$ 150,000.00
7	Pump Station Piping	1	LS	\$ 100,410.80	\$ 100,410.80	\$ 101,000.00	\$ 101,000.00	\$ 100,000.00	\$ 100,000.00	\$ 94,546.07	\$ 94,546.07	\$ 106,377.00	\$ 106,377.00	\$ 75,000.00	\$ 75,000.00	\$ 62,000.00	\$ 62,000.00
8	Electrical and HVAC	1	LS	\$ 113,120.00	\$ 113,120.00	\$ 115,000.00	\$ 115,000.00	\$ 121,200.00	\$ 121,200.00	\$ 111,786.00	\$ 111,786.00	\$ 130,288.00	\$ 130,288.00	\$ 120,000.00	\$ 120,000.00	\$ 130,000.00	\$ 130,000.00
9	Pump Station Site Improvements	1	LS	\$ 24,818.45	\$ 24,818.45	\$ 19,000.00	\$ 19,000.00	\$ 46,000.00	\$ 46,000.00	\$ 38,774.76	\$ 38,774.76	\$ 25,468.00	\$ 25,468.00	\$ 23,892.00	\$ 23,892.00	\$ 40,000.00	\$ 40,000.00
10	15" ADS Drain Line Complete	1	LS	\$ 32,904.44	\$ 32,904.44	\$ 25,000.00	\$ 25,000.00	\$ 38,000.00	\$ 38,000.00	\$ 28,563.26	\$ 28,563.26	\$ 32,560.00	\$ 32,560.00	\$ 23,600.00	\$ 23,600.00	\$ 25,000.00	\$ 25,000.00
11	18" Dia CL 51 WL	1800	LF	\$ 124.51	\$ 224,118.00	\$ 109.00	\$ 196,200.00	\$ 108.00	\$ 194,400.00	\$ 111.92	\$ 201,456.00	\$ 90.50	\$ 162,900.00	\$ 140.00	\$ 252,000.00	\$ 120.00	\$ 216,000.00
12	26" Dia Steel Casing	68	LF	\$ 130.07	\$ 8,844.76	\$ 427.00	\$ 29,036.00	\$ 316.00	\$ 21,488.00	\$ 298.21	\$ 20,278.28	\$ 222.00	\$ 15,096.00	\$ 275.00	\$ 18,700.00	\$ 475.00	\$ 32,300.00
13	18" Dia. Butterfly Valve	2	EA	\$ 4,318.16	\$ 8,636.32	\$ 4,176.00	\$ 8,352.00	\$ 4,400.00	\$ 8,800.00	\$ 6,164.30	\$ 12,328.60	\$ 4,062.00	\$ 8,124.00	\$ 4,000.00	\$ 8,000.00	\$ 5,000.00	\$ 10,000.00
14	Fire Hydrant Assembly	1	EA	\$ 7,327.60	\$ 7,327.60	\$ 6,175.00	\$ 6,175.00	\$ 7,100.00	\$ 7,100.00	\$ 8,029.82	\$ 8,029.82	\$ 7,408.00	\$ 7,408.00	\$ 5,900.00	\$ 5,900.00	\$ 4,000.00	\$ 4,000.00
15	Sta 27+82 Connection	1	LS	\$ 3,212.72	\$ 3,212.72	\$ 5,620.00	\$ 5,620.00	\$ 3,900.00	\$ 3,900.00	\$ 10,687.53	\$ 10,687.53	\$ 3,374.00	\$ 3,374.00	\$ 3,000.00	\$ 3,000.00	\$ 10,000.00	\$ 10,000.00
16	Corp Stop and Air-Vac on Existing WL	1	LS	\$ 3,965.28	\$ 3,965.28	\$ 4,400.00	\$ 4,400.00	\$ 3,700.00	\$ 3,700.00	\$ 3,179.94	\$ 3,179.94	\$ 5,936.00	\$ 5,936.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00
17	Asphalt Patch Restoration	300	Tons	\$ 119.70	\$ 35,910.00	\$ 143.00	\$ 42,900.00	\$ 170.00	\$ 51,000.00	\$ 149.47	\$ 44,841.00	\$ 140.50	\$ 42,150.00	\$ 160.00	\$ 48,000.00	\$ 120.00	\$ 36,000.00
18	Cathodic Protection on Questar Line	4	EA	\$ 672.00	\$ 2,688.00	\$ 1,000.00	\$ 4,000.00	\$ 750.00	\$ 3,000.00	\$ 3,000.00	\$ 12,000.00	\$ 970.00	\$ 3,880.00	\$ 1,000.00	\$ 4,000.00	\$ 500.00	\$ 2,000.00
<b>BASE BID SCHEDULE TOTAL</b>					<b>\$ 891,818.46</b>		<b>\$ 803,196.00</b>		<b>\$ 954,388.00</b>		<b>\$ 926,098.26</b>		<b>\$ 899,500.00</b>		<b>\$ 897,292.00</b>		<b>\$ 840,100.00</b>

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**City of Saratoga Springs**  
**City Council Meeting**  
**December 2, 2014**

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

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**Policy Session Minutes**

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**Present:**

Mayor: Jim Miller

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

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

Others: Orrin Capener, Branden Watson, Curtis Leavitt, Aaron Sandborn, Chris Porter, Paul and Lora  
Hardman, Erica Groneman, Jentry McGregor, Jenni Allen, Ashtyn Josie, Josh Mortensen, Chad  
Groneman, Pam Peeler, Heather Jordan, Mindy Denise, Sarah A Dean, Alicia Dean, Quinten and Jen  
Klingonsmith, Jayden Thomas, Amy and Shelby Hansen, Sam Sorensen, Don Whetten, Kyle Rigby, Jaci  
Howard, Bryan Flamm, Derrick Isaacson, Heath Hooper, Davy Marshall, K. Becraft, Krisel Travis,  
Richard Richey, Jeff Cochran, Rachael Cochran, Mike Kelly, Roxanne Beal, Steve Larsen, Paul Linford,  
Andrea and Orrin Capener, B.J. Rosenham, Nate Brockbank

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

**Roll Call** - Quorum was present

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

**Pledge of Allegiance** - led by Kevin Thurman

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**Awards, Recognitions and Introductions**

- Awards were presented to Chic-fil-A, Walmart, Little Ceasars, Alpha Graphics of Lehi, Costco, Jimmy Kawato, and Kneaders for help with the Utah Fallen Hero's Family Day.

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**Public Input – Opened** by Mayor Miller

Jennifer Klingonsmith commented on the proposed Springs annexation. She spoke on the proposed use and zoning for the piece. She feels it is too much high density and there are better uses for that area.

Sarah Dean expressed appreciation for the efforts to keep the prison out of the City area. She has lived in an area with a federally imposed prison and it made them feel less safe and there was an increase in crime.

Richard Richey was against the proposed prison and wondered how the annexation would impact the decision.

Council asked Mark Christensen to respond to him at a later time as they were not sure at this time.

Council also wanted to know that.

Alicia Dean spent some time researching the prison issue and is now opposed to having the prison in our area or in Eagle Mountain. She had some comparisons to our city and Draper, their crime rate is higher which is attributed to the prison being near.

David Marshall lived in a town with two prisons and he noted times when prisoners escaped and schools were locked down, and searches that would take place in neighborhoods.

Councilwoman Call encouraged those with prison comments to also email those to Owen Jackson at the City so he will have those comments to add to the file to be submitted to the State.

Erica Groneman, thanked Council for the opposition to the prison. She is responsible for the prison survey they have sent out and wonders if she could give those responses to the City.

Staff and Council indicated yes, they would like to take that information.

**Public Input – Closed** by Mayor Miller

54 **Policy Items**

55  
56 **1. Consent Calendar:**

- 57 **a. Final Plat for Talus Ridge Plat B located at approximately 550 North 800 West, Edge Homes,**  
58 **applicant.**  
59 **i. Resolution R14-49 (12-2-14): Addendum to resolution of the City of Saratoga Springs pertaining**  
60 **to the City Street Lighting Special Improvement District to include additional subdivision lots.**  
61 **(Talus Ridge Plat B)**  
62 **b. Preliminary Plat for Heron Hills located at approximately 3250 South Redwood Road, Steve**  
63 **Larson, applicant.**  
64 **c. Amendment to Stillwater's Design Guidelines, Stillwater Homeowners Associations, applicant.**  
65 **d. Approval of Minutes:**  
66 **i. November 18, 2014.**

67  
68 **Motion from Councilwoman Call to approve the Consent Calendar including changes to the**  
69 **November 18, 2014 minutes that Councilwoman Baertsch submitted earlier today. Second from**  
70 **Councilman Poduska.**

71 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
72 **Councilman Poduska Motion passed unanimously.**

73  
74 Councilwoman Baertsch noted to the audience that the Arts Council is hosting a Messiah sing-in and concert at  
75 Westlake High on Dec. 8<sup>th</sup>, at 7p.m. along with the Eagle Mountain Arts Alliance.

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77 **2. Public Hearing: Budget Amendments to the City of Saratoga Springs Budget for Fiscal Year 2014-2015.**

- 78 **a. Resolution R14-50 (12-2-14): A resolution amending the City of Saratoga Springs Budget for Fiscal**  
79 **Year 2014-2015.**

80 Chelese Rawlings briefly reviewed the changes. 2 more outfalls in storm drains, Roads and capital funds  
81 included Riverside Dr. and Market Street, also defunded some projects that are complete.  
82 No discussion from Council.

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84 **Public Hearing - Opened** by Mayor Miller

85 No input at this time.

86 **Public Hearing - Closed** by Mayor Miller

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88 **Motion by Councilwoman Baertsch to approve Resolution R14-50 (12-2-14): A resolution amending the**  
89 **City of Saratoga Springs Budget for Fiscal Year 2014-2015. Seconded by Councilman McOmber.**

90 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
91 **Councilman Poduska Motion passed unanimously.**

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93 **3. Preliminary Plat for Mallard Bay located between 2800 and 3000 South Redwood Road, Holmes Homes,**  
94 **applicant.**

95 Sarah Carroll reviewed the Plat. They are requesting that the city take over the actual trail along the  
96 lakeshore, not the green space. They made a change to the proposed fencing, now they are proposing a 4'  
97 semi-private on a berm along Redwood Rd. Fencing would be maintained by property owners or HOA.  
98 She reviewed the revised park plans.

99 Curtis Leavitt for applicant felt they have come up with what would meet the needs of the residents in the  
100 development and the City.

101  
102 **Public Hearing - Opened** by Mayor Miller

103 No input at this time.

104 **Public Hearing - Closed** by Mayor Miller

106 Councilman Willden appreciated the efforts the developer has made to accommodate the Council's requests.  
107 He appreciates that these are HOA parks but that he is including parking. He is for approving the  
108 preliminary plat.

109 Councilwoman Baertsch asked for clarification on the fence along Redwood rd.

110 Mike Kelly said they are proposing a 4' high berm and a 4' high fence.

111 Councilman McOmber asked with the HOA if they are going to allow a bigger fence.

112 Mike Kelly responded that no, it should be sufficient.

113 Councilwoman Baertsch appreciated all the work they had done. She is not in favor of maintaining the trail  
114 area.

115 Kevin Thurman thought it had been the City's policy to maintain the sidewalk part of the trails.

116 Council felt they needed more clarification on that issue, they were aware of some areas where they did not.

117 Councilman McOmber thought that consistency was needed with fencing and trails throughout the city. With  
118 the 4' berm and fence he thinks that is fine. He wants to see where the trail ends up and wants to make  
119 sure there are eyes on the trail. He is concerned that the berm may block the trail view. He believes that  
120 tot-lots get very little use; he thought more regional type parks were better. He appreciates the parking,  
121 and feels the neighbors will be appreciative that people aren't parking in front of their homes. Make sure  
122 around the trail parking that there is nice landscaping, not native weed area. He was appreciative of all  
123 that the applicant has done.

124 Councilwoman Call is fine with the 4' berm and 4' fence. She commented that many parcels adjacent to them  
125 have a more wrought iron style fence; they may want to consider that to make the look more uniform.  
126 The flag lots are concerning but staff has not expressed any major concern so she is ok with that. She  
127 also appreciates the platform playground being replaced. She is sad to see the restroom go away, even  
128 though it is a smaller development and HOA, little ones need to use the restroom and it's hard to take  
129 kids home to use the restroom.

130 Councilman Poduska appreciated the work the developer has put forth. He noted this is prime land in  
131 Saratoga Springs so he was concerned when some of the amenities were refused. He recommends the  
132 conditions put forth in order to produce a high quality product.

133 Councilman Willden requested that they revisit the maintenance of the trails.

134 Kevin Thurman noted they had two options to accept the maintenance or require a public access on the trail.

135 Council considered different areas where they maintained the trail. It is mainly on a development case by  
136 case basis. There are some segments the city maintains some that HOA's maintain.

137  
138 **Motion by Councilwoman Baertsch that the City Council approve the Mallard Bay Preliminary Plat,**  
139 **located at approximately 2800-3000 South Redwood Road, Holmes Homes, applicant, including all**  
140 **Staff findings and conditions. Modifying condition #3 to say that the Redwood rd. and Lakeshore 8'**  
141 **trail ownership and maintenance be with the HOA unless precluded by other agreements, and that**  
142 **there be a public access included on those. That condition #7 be changed from a 20 ft. gazebo with**  
143 **built in benches to show that they have changed that back to a second pavilion. And condition 4 that**  
144 **the 4' berm and 4'semi-private fence along Redwood road is acceptable and that the Lakeshore split**  
145 **rail fence is acceptable as well. And the condition #8 as newly submitted is accepted for 18 parking**  
146 **spots. Seconded by Councilman McOmber.**

147 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
148 **Councilman Poduska Motion passed unanimously.**

149  
150 **4. Public Hearing and Possible Recommendation on the Rezone, General Plan Amendment and**  
151 **Community Plan for Wildflower located 1 mile west of Redwood Road on SR 73 and west of Harvest**  
152 **Hills Development, DAI/Nathan Shipp, applicant.**

153 **a. Ordinance 14-29 (12-2-14): An Ordinance of the City of Saratoga Springs, Utah, adopting**  
154 **amendments to the City of Saratoga Springs' Official Zoning Map for certain real property**  
155 **(Wildflower); instructing the City staff to amend the City Zoning Map and other official zoning**  
156 **records of the City; and establishing an effective date.**

157 **b. Motion to approve or deny the Community Plan, or to table the decision.**

158 Kimber Gabryszak presented the Community Plan and General Plan amendment. Of note was that UDOT  
159 has proposed Mountain View Corridor through the middle of this Development. The applicant is  
160 requesting that the density from that acreage be shifted to the remainder of the property. She reviewed  
161 public input and Planning Commission input. At this time there is not any double dipping with UDOT  
162 buying the property. They have three alternatives depending on how UDOT proceeds with the MVC  
163 area.

164 Mark Christensen noted they had included those options because UDOT has not come through yet. And it  
165 provides a view to residents and the City of what might happen.

166 Councilman McOmber does not like option C but thinks A and B are fair. He doesn't think the developer  
167 should lose the value of the density they have already been given especially if the state forces them to  
168 take lower prices. We need MVC so we need to make sure we are straight forward to the developer and  
169 residents and he would give that density if needed. We need to look at the ways to make it work.

170 Kimber Gabryszak continued with the proposed plan. She addressed Residential, Commercial and Open  
171 space numbers. They are going with ERU's so they can plan for churches and schools. The Regional  
172 Commercial zone will remain the same. The applicant has put limitations on the maximum percentage of  
173 smaller lots allowed in various phases, or pods. There will be future village plans and subdivisions  
174 brought forward for approval with more details. She reviewed new changes to the conditions.

175 Kevin Thurman commented that the Community Plan needs to be consistent with the City's adopted Capital  
176 Facility and Impact Fee Condition as in the Engineer's report. There is a development agreement that he  
177 has not approved yet, we do not want to imply approval of that agreement tonight.

178 Nathan Shipp for applicant appreciated the work they have been able to do with city staff. They have spent  
179 time in this last process working with Harvest Hills neighborhood and HOA, Camp Williams, UDOT,  
180 and the City. They wanted to do what makes the most sense. MVC was a large impact into their original  
181 plans. They would like some flexibility to be able to still provide the amenities to the neighborhood and  
182 city. They have left the plans on the east of MVC and took the 344 displaced lots and proposed to add  
183 some higher density to the South west area of the plan, nearer to the Regional commercial area. They feel  
184 the Community Plan is the best way to bring this to the City. They don't have a final agreement with  
185 UDOT and are trying to work with them and feel they have come up, along with staff, a clear way to  
186 address what may happen. Within the commercial area they are looking to preserve the SR73 corridor  
187 area also.

188 Brian Flamm was also present to help address questions from the Council.

189 Mark Christensen noted that they had been asking for an appraisal from UDOT for some time now and they  
190 have yet to disclose an appraisal to them, either with or without a density on it.

191 Nathan Shipp said they are trying to find a way to move forward and still preserve the space for MVC. He  
192 addressed that they have limited smaller lot sizes in different pods and have tried to make sure that they  
193 are obligated to fulfil what they have shown.

194 Councilwoman Call asked how the minimum lot sizes were calculated.

195 Brian Flamm responded that it was done mainly on a case by case basis based on the housing types in each  
196 pod.

197 Nathan Shipp said they were trying to balance between a contractual obligation and flexibility for anticipated  
198 open space and changes that might need to be.

199 Councilwoman Call would like to open public hearing and then they could take all the input to further digest  
200 and bring it back in a work session.

201 Nathan Shipp added a graphic that helped to show comparisons of densities to Harvest Hills.

202 Mark Christensen added that there will also need to be schools and churches that will need to be factored in  
203 the future.

204 Jeremy Lapin noted that ERU's for a church were about 3-5 the highest was the High School at about 50.

#### 206 **Public Input – Opened** by Mayor Miller

207 Jennifer Klingonsmith appreciated the additional clarity from the developer. She had some concerns on  
208 the transfer of density and that they are working the 144 acres into the rest of the area. It doesn't  
209 match the 10,000 square.feet lots in a true R3. The land is zoned R3 and he should be able to get a  
210 fair amount for the land. She thinks the surrounding neighborhood properties and schools pay the

211 real price. If UDOT cannot pay fair price for the land they should consider building the MVC further  
212 to the west. Please consider refusing the request for multi family dwelling. This area already has a lot  
213 of high density housing, and this can double it. She appreciates that they have moved the high  
214 density areas further away from Harvest Hills but it will still impact the demographics and schools,  
215 traffic and property values. Proposition. 6 forces the city to show that only 7% of the city are  
216 attached homes or stamped units. She hopes the city council does not set aside the city's wishes by  
217 passing a development with 40% multifamily units. Grandfathering should not be allowed since the  
218 application was not approved earlier. She asks that they reject this plan. She referenced Legacy  
219 Farms and how it changed from what it was expected to begin with. She believes the smaller lots are  
220 not necessary. She sees many larger lots that back up to Bangeter in the north. She believes the  
221 product they have brought tonight is a great jumping off point. Please keep it in line with an R3 zone.

222 Jeff Cochran commented that he appreciated the applicant coming to the city. He is concerned with  
223 density. He feels that currently Proposition. 6 limits are being exceeded. Approving this will further  
224 exceed those limits. There is some denser planning coming forward already. He feels in a well  
225 planned community there is some room for multi-family units. But this more than doubles the  
226 number of high density units in this area. He is concerned that the high density housing is all  
227 clustered mainly in this area of the city. He thinks any good developer will do a Performa and he  
228 thinks that it is the developer's responsibility to negotiate a fair price with UDOT, it is not the City's  
229 responsibility to make up the difference. He does not think this furthers the City's purposes of the  
230 Land Use and Dev. Plan. He noted 19.17.4 and 19.17.6.

231 Erica Groneman asked how this would affect the prison.

232 Council noted this is not the property the prison is proposed to be on. It is just to the East of that parcel.

233 Rachel Cochran thanked them for public comment time. She is frustrated with the imbalance of the high  
234 density areas in the city. So much of it is in the North. This does not meet the intent of Proposition 6.  
235 She is frustrated that they knew MVC was coming and that the developer needs to deal with UDOT.  
236 We should be adding more low density to this area of the city. She wanted to know what the actual  
237 density was without MVC being included in the area. She asked them not to approve putting all the  
238 extreme high density in one spot. It should all be one community.

239 B.J. Rosenham was concerned with why we needed to be fair to the developer, as a landowner we all  
240 have risk, it shouldn't be transferred to everyone else. They should try to get the R3 price from  
241 UDOT before anything is approved. He doesn't think that all the density should be transferred to the  
242 area because of whatever UDOT does. It should remain R3 throughout. He appreciates what is being  
243 done but thinks it can be done better.

244 Quinten Klingonsmith said keeping this R3 will improve our quality of life. It keeps with the clear  
245 message voters made. To approve this is not a good idea. Recently Legacy Farms shows us what can  
246 happen. Troubling is the goal to transfer density, it comes at an expense of residents currently in the  
247 city. This is really a change from lower to higher density. They should negotiate for R3 zone prices.  
248 If there is a public taking, let's not have it residents vs. developer losing value, it should be UDOT  
249 taking that loss.

250 Davy Marshall, noted they had a lot of commercial development already in this area. There is none  
251 further south. If they want more high density put it further south. Not all right there.

252 Derrick Isaacson asked would it be appropriate for the city to influence UDOT to give a fair price to the  
253 developer.

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

255  
256 Nathan Shipp appreciated the comments and asked if Council had questions.

257  
258 Councilwoman Call would like to go through Council and have just high level concerns and come back with  
259 a work session to get into the details.

260 Councilwoman Baertsch asked what the mixed use area is; it seems odd outside by itself.

261 Nathan Shipp said they did not have a specific use for that area at this time. It was a separate parcel at this  
262 time and it would need to be brought in later under a site plan.

263 Councilwoman Baertsch noted that technically Prop. 6 did not talk about densities. She ran some numbers  
264 and what they proposed is overall lower density number of houses than what this is. Prop 6 does talk  
265 about types of houses and she is concerned with the clustering of that density. That is a massive amount  
266 of that altogether. If they accepted this she would rather see that spread out. As far as the overall, Harvest  
267 Hills is not R3 either, it's an R3 PUD. This plan is missing larger half acre/acre lots. In the JLUS area  
268 they want nothing bigger than 2 units per acre. As for other items she is not ok with the 5' setbacks on  
269 both sides of the houses. She still has questions about the density transfers. If she would do the plan  
270 without the MVC they would still have to build a lot of roads that would take out some of that area. She  
271 appreciates the move to ERU's. They might be able to do some sort of hybrid where houses are not just  
272 shoved out further because a church goes in. She would like to study the item further before they approve  
273 it.

274 Councilman McOmber thought it was important to show that the development has truer R3 than Harvest  
275 Hills does now. There will be added Open space. They believe in having like communities near like  
276 communities and he feels it is important that they look at the density that is like density to existing.  
277 Having all the high density in one space is concerning. If there was more space to spread those  
278 apartments out it would be a superior product. Consider spreading it out through the development. With  
279 the MVC, it was on the Master plan earlier and they knew it was coming. UDOT should not force them  
280 to sell it at agriculture value, it should be at and R3 zone. With the density it is feathering west and Eagle  
281 Mountain has high density coming close to this area. We need to be cognizant that Eagle Mountain has  
282 no problem putting high density and industrial right on our boarder and we don't want to lose this land to  
283 Eagle Mountain and get a worse product. We need to do the best we can to feather that high density to  
284 lower towards Harvest Hills. We don't want to push these developers to choose a neighbor that doesn't  
285 have a problem with zero lot lines or industrial and smaller lot sizes. They could put some townhomes in  
286 the northern area perhaps. He thinks the larger lots should not be right near the freeway. He recommends  
287 that their roads go over the MVC, not under to keep the MVC low down. He thinks they could have  
288 gotten something from Council today but they don't want to make a sloppy decision.

289 Councilwoman Call agrees with Councilwoman Baertsch on missing larger lots in the plan. She doesn't like  
290 5' setbacks; and on the lot reductions, perhaps 10% reduction rather than 25%. She shares the same  
291 concern with ERU's and dispersing higher density. She is having trouble with the quantity of the density.  
292 She thinks without MVC the plan looked like less units, around 900.

293 Nathan Shipp said they calculate the density before open space is taken out.

294 Councilwoman Call understands that he needs some flexibility and she would like to give that without giving  
295 a PC zone. As it looks right now, it's too high of density.

296 Councilman Poduska believes they will have the freeway built. He doesn't agree with Harvest Hills wanting  
297 to be surrounded by R3 when they don't have that large of neighborhoods themselves. He doesn't have a  
298 real problem with the proposed density as it matches what is surrounding. He thinks it will be hard to  
299 have the community feel with a freeway going through the middle. He suggests dividing the community  
300 into two separate projects. Perhaps they could feather out the density from the freeway out, with smaller  
301 lots near the freeway. That may help to spread out the density more.

302 Councilman Willden knows that the developer is being challenged with this project. He appreciates the  
303 feathering idea and having the concentrations on the west side of the freeway. He noted that many people  
304 in Harvest Hills bought property with the understanding that R3 would be next to them.  
305

306 Nathan Shipp said they have been working on this for over 18 months. They will have lots of opportunities to  
307 discuss details as the village plans come. They have motivation to make sure it's done right on the front  
308 end.  
309

310 Councilman McOmber commented that they normally don't have a meeting coming on in the next few  
311 weeks; he would be willing to have a work session in a few weeks. He doesn't think it's fair to make  
312 them wait until January.  
313

**Motion from Councilwoman Call to table the Ordinance 14-29 (12-2-14): An Ordinance of the City of  
Saratoga Springs, Utah, adopting amendments to the City of Saratoga Springs' Official Zoning**

316 Map for certain real property (Wildflower); instructing the City staff to amend the City Zoning  
317 Map and other official zoning records of the City; and establishing an effective date. And to Table  
318 the Community Plan, inviting applicant to come back in a few weeks with for a work session.  
319 Second from Councilman Willden.

320 Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,  
321 Councilman Poduska Motion passed unanimously.  
322

323 Council agreed to meet with applicant in two weeks.  
324

325 **5. Potential Acceptance of The Springs Annexation petition for further consideration located west of the**  
326 **proposed Wildflower project, approximately 1000 North 1000 West, adjacent to the south border of**  
327 **Camp Williams, Western States Venture, applicant.**

328 Kimber Gabryszak presented the request for annexation. They are asking for an amendment to the zone map  
329 and General Plan land use map. This is just for the city to consider accepting the petition for further  
330 consideration. There would be further process to approve or deny the annexation.  
331

332 Councilman McOmber asked Legal Counsel if they are allowed to talk about the densities tonight.

333 Kevin Thurman replied that it's a legislative decision right now, at some time further they would have to  
334 have that discussion, when it's annexed they will attach a zone to it.

335 Councilwoman Call said if they do nothing after 14 days it automatically goes through the process.

336 Councilman McOmber wanted to talk to what the densities might be. He alluded to earlier comments where  
337 this property is situated, along a power corridor and next to Eagle Mountain industrial. For him that  
338 creates a natural feather buffer to what Eagle Mountain has put right next to this. We have to look at the  
339 view of feathering the densities, higher next to shops and industrial. With this annexation he thinks that  
340 they need to allow the higher density, especially to keep the prison out. This is the better option.

341 Councilwoman Call encouraged the applicant to work with the Staff and Council and welcomed them to the  
342 city.

343 Councilman Poduska recommends that they consider this annexation and go forward.

344 Councilman Willden echoes Councilman McOmber's comments about feathering this out; it makes sense  
345 and will line up. He would much rather have this as high density rather than a prison.

346 Councilwoman Baertsch is willing to go through the process of looking at this annexation.

347 Mayor Miller thanked them for the application and looked forward to going through this process.  
348

349 Motion from Councilwoman Baertsch to accept the Annexation petition for further consideration for  
350 the Springs, located approximately 1000 North 1000 West, adjacent to the south border of Camp  
351 Williams, Western States Venture, applicant. Second from Councilman McOmber

352 Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,  
353 Councilman Poduska Motion passed unanimously.  
354

355 **6. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably**  
356 **imminent litigation, the character, professional competence, or physical or mental health of an individual.**  
357

358 Councilwoman Call made a motion to enter into closed session for the purchase, exchange, or lease of  
359 property, pending or reasonably imminent litigation, the character, professional competence, or  
360 physical or mental health of an individual. Seconded by Councilwoman Baertsch.

361 Aye: Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska  
362 and Councilwoman Call. Motion passed unanimously  
363

364 Meeting Adjourn to Closed Session 9:45 p.m.  
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**Closed Session**

**Present:** Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike

**Closed Session Began at 9:55 p.m.**

**Present:**

Mayor: Jim Miller

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

Staff: Mark Christensen, Kyle Spencer, Kevin Thurman, Nicolette Fike

**Closed Session Adjourned at 10:05p.m.**

**Policy Meeting Adjourned at 10:05p.m**

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Mayor Jim Miller

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Lori Yates, City Recorder

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**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

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**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.

### 60 3. Agenda Review:

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

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

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

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

66 Mark Christensen said this has been done.

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

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

71 Councilwoman Call said we understand they are upsizing and we are compensating for upsizing they  
72 wouldn't otherwise be required to do.

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

79 Councilwoman Baertsch said putting this other line in isn't going to stop the issues.

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

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

84 Councilwoman Call said their philosophy is that things pay for themselves; if a developer comes in they  
85 pay for the costs. Whether staff approved it or not, staff made a mistake putting in this line.

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

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

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

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

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

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

102 Councilwoman Call said there was a decision made without the Council, that was a policy decision and  
103 now they are forced to sign off on and they don't agree with it.

104 Councilwoman Baertsch said on the schedule of meetings for the upcoming year they need to change  
105 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  
106

107 only have one meeting in Nov and Dec. They needed those extra meetings this year so let's add Nov.  
108 17<sup>th</sup> and Dec 15<sup>th</sup> they can always cancel them if needed.  
109 There was general agreement among Council.

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

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

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

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

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

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

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

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

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

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

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

130  
131  
132  
133 **b. Discussion of future City Council policy and work session agenda items.**

134  
135 **4. Reports:**

136 **a. Mayor.**

137 **b. City Council.**

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

140 Councilman Poduska thought the Christmas party was a success.

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

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

152 Councilman Willden asked if we had heard from Wildflower.

153 Kimber Gabryszak said there was a meeting next week.

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

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

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

161 Councilwoman Call said bring a couple of us on these discussions so we can use our skills.  
162

163 **c. Administration communication with Council.**  
164

165 **Adjourn to Policy Session 7:00**  
166

167  
168  
169 \_\_\_\_\_  
170 Date of Approval

\_\_\_\_\_  
Lori Yates, City Recorder

## Policy Session Minutes

### **Present:**

Mayor: Jim Miller

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

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin, Chelese Rawlings, Andrew Burton, Anna-Lisa Christensen, Nicolette Fike

Others: Devon McPherson, Chris Porter, Jennifer Klingonsmith, P. Guymon, Nancy Hart, Cheyenne Phillarick, K. Becraft, BA Martin, Lee Ann Hemingway, Jean Baker, Neil Infanger, Alan LaPerle, Thane Smith, Nathan Shipp, Krisel Travis

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

**Roll Call** - Quorum was present

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

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

### Policy Items

#### **1. Update from the Literacy Center Program.**

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

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

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

Councilman McOmber said he loved the program. Roughly 800 children have benefitted from this program. He wanted to make sure we knew this was a non-profit, fund-raised independent program. He encourages residents to donate and volunteer to the program.

Councilwoman Call also shared her appreciation and that we need to make sure this is shared with the community. She thinks we should put together something like a pamphlet to be able to pass to principals and others when they meet. She would be happy to volunteer her time to help put together something.

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

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

Councilwoman Call said where she has a rapport with some of the schools, some of them would be willing to donate space and she would be happy to work with her on that.

**Public Input - Opened** by Mayor Miller

No input at this time

**Public Input - Closed** by Mayor Miller

#### **2. Consent Calendar:**

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

**b. Approval of the Ironwood Plat 17 Sewer and Storm Drain reimbursement agreement.**

**c. Approval of the 2015 City Council meeting schedule.**

- 224 d. Approval of the Dispatch Building Agreement between the City of Saratoga Springs and Utah  
225 County Dispatch Special Service District.  
226 i. Resolution R15-1 (1-6-15): Approving the Dispatch Building Agreement Between the City of  
227 Saratoga Springs and Utah County Special Service District.  
228 e. Resolution R15-2 (1-6-15): Encouraging the State of Utah to Address Comprehensive  
229 Transportation Funding.  
230 f. Approval of minutes:  
231 i. December 9, 2014.  
232 ii. December 16, 2014.

233 Mayor Miller had a change for the minutes of December 16<sup>th</sup>.  
234

235 **Motion from Councilwoman Baertsch that they approve Consent Calendar item a. Approval of the**  
236 **Sunrise Meadows Storm Drain reimbursement agreement in the amount of \$172,539.00 to Edge**  
237 **Homes. That we table item b. Approval of the Ironwood Plat 17 Sewer and Storm Drain**  
238 **reimbursement agreement. Approval of item c. the 2015 City Council meeting schedule, moving**  
239 **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**  
240 **we also approve (d.) the Dispatch Building Agreement between the City of Saratoga Springs and**  
241 **Utah County Dispatch Special Service District and add that we do a one lump sum payment for a**  
242 **total of \$246,874.00. That we approve Resolution R15-1 (1-6-15): Approving the Dispatch Building**  
243 **Agreement between the City of Saratoga Springs and Utah County Special Service District. That**  
244 **we approve Resolution R15-2 (1-6-15): Encouraging the State of Utah to Address Comprehensive**  
245 **Transportation Funding. That we approve minutes of December 16, 2014. With all changes**  
246 **emailed and referred to earlier and table minutes of December 9<sup>th</sup>. Seconded by Councilman**  
247 **Poduska.**  
248

249 Councilwoman Call said on item d., passing along to the Special Service District, that this member  
250 would have liked to have seen this (fees) based on population rather than on the calculations that was  
251 done. And on e., as far as the resolution goes that we are agreeing to things that maybe don't need to  
252 be in the resolution but she is ok with the sentence of the resolution to allow the state to look at  
253 further methods to collect monies for transportation improvements.  
254

255 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
256 **Councilman Poduska. Motion passed unanimously.**  
257

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

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

265 Krisel Travis gave a presentation showing landscaping and green spaces and overall product plan. They  
266 anticipate construction on VP 2 in the fall of 2015, this VP has the school parcel. VP 3 has lower  
267 densities as they move closer to current residential. They have removed references to T5 zones. All the  
268 standards are the same as Village Plan 1 that has been approved. As they bring forward the plats they  
269 would each have the details on them for further discussion. They have submitted the master plan for  
270 infrastructure to go with the MDA. They would like to note that in the item 5 with 5' setbacks, it's a  
271 building separation so they ask that it complies with IRC codes and separation of buildings. Anywhere  
272 that it references a master traffic plan and master parks and trails plan that it should also reference the  
273 Master Community Plans and Village Plans.  
274

275 **Public Input Opened by Mayor Miller**

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

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

287 **Public Input Closed** by Mayor Miller

288  
289 Krisel Travis responded to public input and showed the plan that was submitted to FEMA. On the west  
290 side of the road there will be an open channel, she showed how it would be channeled and  
291 transferred underground and out to the lake. She noted the timeline for the CLOMR. They have  
292 submitted to FEMA and are waiting for the 90 day review period. That would put them at Feb. 24th  
293 2015 then they can resubmit and get response for CLOMR hopefully by May 9th and then start  
294 construction. They hope to have those improvements by Nov. They hope to have the LOMR issued  
295 by March 2016 and have it all official by Sept 2016. They are hoping to start construction on the first  
296 phase this fall.

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

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

301  
302 Councilman Poduska said the overall impression of Legacy Farms is that it will be an excellent  
303 contribution to the City. It has a mixture of styles of home and Daybreak, for instance, has  
304 demonstrated how that works well. He thinks it addresses the demographics of the area well. He  
305 noted the efforts that have gone into solving problems, especially with the pipe and green space and  
306 making things work. He thinks the feathering of low to high density has been done well. He noted  
307 that normal incomes can no longer afford the larger single homes. These are high quality units and  
308 they will draw high quality individuals.

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

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

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

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

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

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

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

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

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

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

329 Kimber Gabryszak noted that the recommended condition was that anything with a 5' or less setbacks  
330 must be built with 1-hour fire rated materials. If, for example, there was a 5' setback on one side and  
331 15' on the other you wouldn't need the Fire rating. This wouldn't change the setbacks they are still  
332 subject to the setbacks in the plan, the change would be in the language as to when they were  
333 required to do the fire rating.

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

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

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

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

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

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

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

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

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

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

363 Councilwoman Baertsch was grateful for the Tickville alignment. She felt the access point at the end of  
364 the wash would be an easy fix. She was concerned with the school orientation and how it would  
365 change the Transportation plan and Community plan. She is apprehensive to approve this without the  
366 knowledge of what the school will be doing. She also wants to make sure there is a shared access  
367 agreement for the school fields; if they don't get them then it doesn't count for open space.

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

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

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

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

375 Councilwoman Baertsch asked them to explain the T4SL.

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

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

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

381 Councilwoman Baertsch would like to see a note that less than 5' is not allowed and that 0' is only  
382 allowed in detached product. When we granted the first Village Plan their understanding was that  
383 they would be able to see what they built and how it worked before they approved more. She is  
384 disappointed that they are not willing to show them what the development will look like so they can  
385 see what changes they may need to make. She cannot vote for it tonight due to broken promises.  
386 Councilman Willden appreciates that they are doing less units than allowed. He would like to point out  
387 that Councilman McOmber is more in touch with the residents that live in this area and he is  
388 supportive of his comments. He felt his other comments had been addressed.  
389 Councilman Poduska commented that with the delays that have occurred in getting Legacy Farms built,  
390 he doesn't see all the delays being Legacy Farms fault; it's everything from FEMA to the City  
391 adding extra conditions, the School District etc. He feels the developer has done the utmost to try and  
392 work with everyone. If there are any things that need to be ironed out, that they can iron those out as  
393 they go, he feels they need to move along. He appreciates the due diligence that the Councilmembers  
394 have done but most of those things now seem to be able to be handled with staff and forward  
395 movement is in orderly fashion. There are multiple layers to ensure compliance.  
396 Councilwoman Call noted her ERU calculations. If we are using this in future developments we aren't  
397 going to discourage commercial at the sacrifice of density elsewhere but so we can eat up some  
398 ERU's and dissipate density and increase house lots and have more of an open feel. She appreciates  
399 that the open space is still the same, with a club house. She shares the same anxieties the other  
400 Council sees but she see's other developments that move so much more quickly. She wants them to  
401 move forward but the residents are asking why are they approving this before you see if it works?  
402 She asked if there was a compromise on the number of VP's they approve tonight.  
403 Krisell Travis replied that under the contract for their purchase she doesn't think without these approvals  
404 they would be able to move forward with this. She would hope that the plats would be where they  
405 would deal with the specifics of density and things. The contract was extended so they could deal  
406 with Tickville wash. The delay was in the length of time it took to deal with Tickville wash, and  
407 without knowing what Tickville was going to do they couldn't move forward. They did set out  
408 telling the city that they would bring VP 2-5 by December of 2014. Without knowing what FEMA  
409 was going to do...it was a level of confidence they needed to show on their side of the contract. They  
410 couldn't start on the plats in VP 1 until they knew what was happening with the Master Plan, until  
411 Tickville was resolved which affected the total layout of the land.  
412 Councilwoman Call commented that if they didn't do approvals tonight and D.R. Horton walks away and  
413 they have to start with a new partner that would be a worse case. She doesn't want to see D.R.  
414 Horton walk away and she doesn't want to start over either.  
415 Kimber Gabryszak found information for Councilwoman Call that a Community Plan shall expire 24  
416 months after approval if not acted upon further through the adoption of a Village Plan. Once they get  
417 a VP approval it doesn't expire.  
418 Councilwoman Call wanted clarification about the density of the plan passing on to any future owner.  
419 Kevin Thurman replied that based on the original District Area plan they arguably still have entitlement  
420 to that. Approving these plans would solidify the lower density.  
421 Councilwoman Call noted that the Church had said the density reduction would only take place after  
422 adoption of these plans. She doesn't love it, but she loves it more than 1800 units.  
423 Councilman McOmber noted that nothing is happening here that they won't be seeing more detail and  
424 have to deal with the plats that will come forward where more public input can be brought forward.  
425 He feels every issue brought forward with maybe the exception of the Saratoga road has been  
426 addressed well. It was felt the road would be improved better than it is now.  
427 Mayor Miller would like to hope that if we get going and things don't work that D.R. Horton wouldn't  
428 want to repeat that mistake and they would be able to have dialogue with the City to fix things like  
429 that. This is a new Code for the City and hopefully they get it right.  
430

431 **Motion from Councilman Poduska to approve the Legacy Farms Master Development Agreement,**  
432 **with the findings and conditions in the staff report. Second Councilman McOmber.**  
433

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

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

437  
438 **Aye: Councilman Willden, Councilman McOmber, Councilwoman Call, Councilman Poduska.**

439 **Nay: Councilwoman Baertsch. Motion passed 4-1.**

440  
441 Councilwoman Baertsch commented that she voted nay because she believes we do not have several  
442 items in place required by the Community Plan before the MDA is passed.

443  
444 Kimber Gabryszak noted the changes that had been made. **Added to condition 5. All buildings with  
445 separation of 10' or less must be built with 1-hour fire rated materials per the international  
446 Building Code (IBC/IRC), or as amended. Added condition 6. Zero-setbacks shall only be  
447 permitted for attached products, and a note added to each Village Plan to that effect. Deleted  
448 what was condition 9. (~~T5 areas shall be replaced with T5R~~) added 10. The community Plan  
449 shall be edited to include the T4SL.**

450  
451 **Motion from Councilman McOmber to approve the Legacy Farms Village Plans 2, 3, 4, and 5 with  
452 the findings and conditions in the staff report as outlined. And also with Village Plan 5 if the  
453 product is changed that there would be some kind of amenity still included with a D.R. Horton  
454 product vs. another developer. Plus conditions and changes as outlined in the meeting today  
455 (That Kimber Gabryszak read). Second Councilman Willden.**

456  
457 Kevin Thurman had a concern with where it notes the T4 code. He would prefer that they clarify that  
458 they are delegating to the Planning Director that she shall approve the amended Community  
459 Plan.

460 Kimber Gabryszak **“The Planning Director shall edit the Community Plan to include the  
461 T4SL.”**

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

463 Kevin Thurman indicated or say “shall approve the amended Community Plan.”

464 Councilman Willden **approved the amendment.**

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

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

469  
470 **Aye: Councilman Willden, Councilman McOmber, Councilwoman Call, Councilman Poduska.**

471 **Nay: Councilwoman Baertsch. Motion passed 4-1.**

472  
473 Councilwoman Baertsch voted nay because she believes there are too many changes with the school  
474 that are unknown still.

- 475  
476 **4. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or**  
477 **reasonably imminent litigation, the character, professional competence, or physical or mental health of**  
478 **an individual.**

479  
480 **Councilwoman Call made a motion to enter into closed session for the purchase, exchange, or lease of**  
481 **property, pending or reasonably imminent litigation, the character, professional competence, or**  
482 **physical or mental health of an individual. Seconded by Councilman Willden. Aye: Councilman**  
483 **McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and**  
484 **Councilwoman Call. Motion passed unanimously**

485  
486 Meeting Adjourn to Closed Session 9:00 p.m.

487 A break was taken for 15 minutes.

488  
489 **Motion made by Councilwoman Call to re-open the public session. Seconded by Councilman Poduska.**  
490 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
491 **Councilman Poduska. Motion passed unanimously.**

492  
493 **Meeting reopened** to approve the Report of Action at 9:15 p.m.

494  
495 **Report of Action**

496 Kimber Gabryszak reviewed the report with the Council.

497  
498 **Motion from Councilwoman Call to approve the Report of Action with changes made. Seconded by**  
499 **Councilman Willden. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**  
500 **Councilwoman Call, Councilman Poduska. Motion passed unanimously.**

501  
502 **Councilwoman Call made a motion to enter into closed session for the purchase, exchange, or lease of**  
503 **property, pending or reasonably imminent litigation, the character, professional competence, or**  
504 **physical or mental health of an individual. Seconded by Councilwoman Baertsh. Aye: Councilman**  
505 **McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and Councilwoman**  
506 **Call. Motion passed unanimously**

507  
508 **Adjourn to Closed Session** 9:24 p.m.

509  
510 **Closed Session**

511  
512 **Present:** Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilman  
513 Poduska, Councilwoman Call, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike, Jeremy  
514 Lapin

515  
516 **Closed Session Adjourned at 9:51p.m.**

517  
518 **Policy Meeting Adjourned at 9:51p.m**

519  
520  
521  
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523 \_\_\_\_\_  
524 Date of Approval

525  
526  
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528 \_\_\_\_\_  
Mayor Jim Miller

\_\_\_\_\_  
Lori Yates, City Recorder

# City Council Staff Report

**Author:** Chelese M. Rawlings, Finance Manager  
**Subject:** Budget Amendments  
**Date:** January 20, 2015  
**Type of Item:** Resolution



**Summary Recommendation:** Staff recommends approval of the following by resolution amending the budget for the fiscal year 2014-15.

## Description

### A. Topic

This is the fourth budget amendment for the fiscal year 2014-2015.

### B. Background

The first and second, and third budget amendments were brought to council and approved on September 16, 2014 and October 21, 2014, and December 2, 2014 respectively for fiscal year 2014-15. Attached is the detail of the requested budget amendments for this fourth budget amendment.

### C. Analysis

Additional budgeted expenditures are detailed in the attached spreadsheet.

**Recommendation:** Staff recommends approval of the resolution amending the budget for the fiscal year 2014-15.

**2014-2015 Budget Amendment Supplemental #4**

<b>G/L Account</b>	<b>Department</b>	<b>Description</b>	<b>Current FY 2015 Budget</b>	<b>New Budget Amount</b>	<b>Increase (Decrease)</b>	<b>Notes/Comments</b>
<b>General Fund</b>						
<u>Expenditures</u>						
10-4180-310	General Fund	Prof & Tec - Planning Commission	8,650	-	(8,650)	Planning commission now being paid for out of payroll
10-4180-110	General Fund	Salaries and Wages	229,877	238,527	8,650	Planning commission now being paid for out of payroll
10-4140-330	General Fund	Administration Education and Training	6,200	8,500	2,300	adjust to cover existing training costs
10-4150-208	General Fund	Software Maintenance Expense	44,009	48,509	4,500	Setup of electronic pay vouchers and fees for this year
10-4150-350	General Fund	Consulting Services	-	15,000	15,000	Professional Services Contract
10-4150-330	General Fund	Education and Training	-	4,000	4,000	Annual Retreat
10-4150-180	General Fund	Employee and Volunteer Appreciation	1,500	5,500	4,000	recognition of employees and volunteers
10-4160-283	General Fund	Utilities - Telephone	85,232	85,500	268	Hotspots for Civic Events cell phones
10-4220-253	General Fund	Fire Vehicle Repairs	16,500	22,500	6,000	One time adjustment for vehicle repairs
10-4240-110	General Fund	Building Inspection-Salaries and Wages	346,863	308,213	(38,650)	Defund 1/2 building inspector for FY2015
10-4420-330	General Fund	Public Works Education and Training	3,000	6,000	3,000	Training Budget for Public Works Director
10-4570-600	General Fund	City Wide Events	20,000	20,800	800	Donations for civic events production of the Messiah
10-4450-140	General Fund	Engineering Uniforms and Clothing	1,630	500	(1,130)	move budget to public improvements
10-4470-140	General Fund	Public Improvements Uniforms & Clothing	-	1,130	1,130	move budget to public improvements
10-4450-134	General Fund	Engineering overtime	3,713	-	(3,713)	move budget to public improvements
10-4470-134	General Fund	Public Improvements overtime	-	3,713	3,713	move budget to public improvements
10-4450-252	General Fund	Engineering vehicle maintenance	7,500	3,500	(4,000)	move budget to public improvements
10-4470-252	General Fund	Public Improvements vehicle maintenance	1,500	5,500	4,000	move budget to public improvements
10-4450-254	General Fund	Engineering Gasoline Expenses	10,694	3,000	(7,694)	move budget to public improvements
10-4470-254	General Fund	Public Improvements Gasoline Expenses	4,000	11,194	7,194	move budget to public improvements
10-4450-330	General Fund	Engineering training	10,500	5,500	(5,000)	move budget to public improvements
10-4470-330	General Fund	Public Improvements training	-	5,000	5,000	move budget to public improvements
10-4470-340	General Fund	Public Improvements office supplies	-	2,000	2,000	budget for public improvements
10-4470-900	General Fund	Public Improvements misc exp	-	500	500	move budget to public improvements
10-4610-210	General Fund	Library - Computers and Maintenance	1,500	7,140	5,640	cover cost for sirsir dynex subscription
<b>SSD Street Light SID Expenditure</b>						
<u>Expenditures</u>						
23-4000-485	SSD Street Light SID	Street Lights	48,471	59,000	10,529	increase in Street light replacement - funded by fund balance
<b>Storm Drain Capital Projects Fund</b>						
<u>Expenditures</u>						
31-4000-645	Storm Drain Capital Projects	Harbor Parkway Storm Drain UPS	162,600	-	(162,600)	Currently will not be doing this project
<b>Parks - Capital Projects Fund</b>						
<u>Expenditures</u>						
32-4000-685	Parks Capital Projects	Fox Hollow 21 acre Park Master	18,799	35,000	16,201	contract
32-4000-689	Parks Capital Projects	HH Detention Basin Trail	49,170	32,365	(16,805)	project complete
32-4000-691	Parks Capital Projects	Harvest Hills Regional Park	24,370	97,328	72,958	project complete
32-4000-692	Parks Capital Projects	HH Plat A Natvie Park	138,022	65,344	(72,678)	project complete
32-4000-693	Parks Capital Projects	Shay Park	1,930,091	2,000,000	69,909	fully funded

G/L Account	Department	Description	Current FY 2015 Budget	New Budget Amount	Increase (Decrease)	Notes/Comments
<b>Capital Projects Fund</b>						
<u>Expenditures</u>						
35-4000-744	Capital Projects Fund	Roads Projects	673,029	628,029	(45,000)	transfer funds from roads projects to fund
new	Capital Projects Fund	Loch Lomond Crosswalk	-	10,000	10,000	new project
new	Capital Projects Fund	North Lakeshore Trail	-	45,000	45,000	Developer Contributions for Riverside Drive & Market Street
<b>Water Fund</b>						
<u>Expenditures</u>						
51-5100-601	Water Fund	Water Capital Projects	-	89,000	89,000	move below funds to where expenditures are
51-5100-655	Water Fund	Water Table Drop Study	15,000	-	(15,000)	move to above general ledger account
51-5100-656	Water Fund	Water Table Drop Projects	74,000	-	(74,000)	move to above general ledger account
51-5100-937	Water Fund	Harvest Hills Transmission	42,600	-	(42,600)	was done as a change order to the pond 6 expansion
new acct	Water Fund	ULD canal turount pond rehabilitation	-	50,000	50,000	Improvements to ULD canal pond
<b>Storm Drain Operations</b>						
<u>Expenditures</u>						
54-5400-700	Storm Drain Operations	Capital Outlay	47,735	-	(47,735)	defund
					(103,963)	

**RESOLUTION NO. R15-3 (1-20-15)**

**A RESOLUTION AMENDING THE CITY OF SARATOGA SPRINGS BUDGET FOR FISCAL YEAR 2014-2015 AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Saratoga Springs has found it necessary to amend the City's current 2014-2015 fiscal year budget;

WHEREAS, pursuant to state law, the City Council has conducted a public hearing on the proposed amended budget; and,

WHEREAS, the City Council has determined that the proposed budget amendment is in the best interests of the public, will further the public health, safety, and welfare, and will assist in the efficient administration of City government.

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 adopt the amended 2014-2015 fiscal year budget as set forth and attached hereto.

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

Passed on the 20<sup>th</sup> day of January, 2014

CITY OF SARATOGA SPRINGS  
A UTAH MUNICIPAL CORPORATION

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date

# City Council Staff Report

**Author:** Jeremy D. Lapin, P.E., City Engineer  
**Subject:** Storm Water Regulations and Permitting  
**Date:** January 20, 2015  
**Type of Item:** Ordinance 15-1



## **Description:**

### **A. Topic:**

This item is for Ordinance that would provide for Regulations and permitting of local discharges to the City's Municipal Separate Storm Sewer System (MS4) in compliance with the City's Utah Pollutant Discharge Elimination System (UPDES) General Permit.

### **B. Background:**

On August 13<sup>th</sup> the City of Saratoga Springs received a Notice Letter from the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) identifying the City as being located within an urbanized area according to the 2010 Census. The letter put Saratoga on notice that the City's Separate Storm Sewer System (MS4) will come under the purview of the Clean Water Act's storm water permitting requirements.

On February 12, 2014 the City Council approved resolution 14-12 adopting a Storm Water Management Plan for the City as required under the Utah Pollutant Discharge Elimination System (UPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) Permit No. UTRC00000

One of the goals of the City's Storm Water Management Plan is to adopt an ordinance that would allow for permitting and enforcement of discharges to the City's Storm Sewer system to reduce the negative impacts of stormwater pollution.

### **C. Analysis:**

Staff presented a draft version of the Ordinance to the City Council at their work session on November 18, 2014. This Ordinance will promote the general welfare of the City by regulating storm water discharges and drainages, and will also ensure the City is in compliance with the UPDES permit and applicable regulations

### **D. Recommendation:**

I recommend that the City Council approve Ordinance 15-1 providing for regulations and permitting of discharges to the City's Storm Sewer System.

**ORDINANCE 15-1 (1-20-15)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH  
CREATING A NEW CHAPTER OF THE SARATOGA SPRINGS CITY  
CODE REGULATING STORM WATER DRAINAGE AND DISCHARGE  
AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Utah Code Annotated § 10-8-84 authorizes the City to pass ordinances providing for the public safety, health, morals, welfare, peace and good order, comfort, and convenience of the City and its residents; and

**WHEREAS**, Utah Code Annotated § 19-5-107 prohibits the discharge of pollutants into the waters of the State of Utah; and

**WHEREAS**, the City operates a Municipal Separate Storm Sewer System (“MS4”) which carries storm water from roadways and from public and private properties into the waters of the State of Utah; and

**WHEREAS**, the National Pollution Discharge Elimination System (NPDES) permit and the Utah Pollution Discharge Elimination System (UPDES) permit, and applicable regulations, require the City of Saratoga Springs to manage discharges from its MS4; and

**WHEREAS**, the City has determined that the public interest, convenience, health, welfare, and safety requires that all storm water discharges generated from individual construction, commercial, industrial, and public use developments and subdivisions be confined and disposed of in a flood control storm drain system; and

**WHEREAS**, the City has determined that each area which is proposed to be subdivided, developed, or built upon does in fact generate additional runoff water that needs to be disposed of in a safe manner, avoiding damage and hazards to the inhabitants of the City of Saratoga Springs; and

**WHEREAS**, the welfare of the City will be promoted by regulating storm water discharges and drainages as well as non-storm water discharges;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Saratoga Springs, Utah as follows:

**SECTION I – ENACTMENT**

Chapter 18.06 of the City Code, attached as Exhibit A hereto and incorporated herein by this reference, is hereby adopted.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, or policies 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 passage by a majority vote of the City Council and following 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 \_\_\_\_\_, 2015.

Signed: \_\_\_\_\_  
Jim Miller, Mayor

Attest: \_\_\_\_\_  
Lori Yates, City Recorder

\_\_\_\_\_  
Date

**VOTE**

- Shellie Baertsch \_\_\_\_\_
- Rebecca Call \_\_\_\_\_
- Michael McOmber \_\_\_\_\_
- Stephen Willden \_\_\_\_\_
- Bud Poduska \_\_\_\_\_

# Exhibit A

## Chapter 18.06. Storm Water Regulations.

### Sections:

- 18.06.01. Definitions.
- 18.06.02. General Provisions.
- 18.06.03. Storm Water Permits.
- 18.06.04. Stormwater System Design and Management Standards.
- 18.06.05. Post Construction.
- 18.06.06. Waivers.
- 18.06.07. Existing Locations and Developments.
- 18.06.08. Illicit Discharges.
- 18.06.09. Inspections.
- 18.06.10. Enforcement.
- 18.06.11. Penalties.

### 18.06.01. Definitions.

For the purpose of this Chapter, the following definitions shall apply. The rules of statutory construction in § 1.02.11 shall apply.

1. “**As built plans**” or “**Record drawings**” or “**Just as-built**” means a set of drawings submitted by a contractor or engineer upon completion of a project or a particular job. This set of drawings reflects all specification and work drawing changes made during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the contract.
2. “**Best management practices**” or “**BMPs**” are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, have been approved by the City, and have been incorporated by reference into this ordinance as if fully set out herein.
3. “**Channel**” means a natural or artificial watercourse that conducts flowing water continuously or periodically.
4. “**City**” means the City of Saratoga Springs, its employees and assignees.
5. “**Contaminant**” means any physical, chemical, biological, foreign, or radiological substance or matter in water.
6. “**Design storm event**” means a storm event of a given frequency interval and duration.

7. “**Discharge**” means any solid or liquid matter that is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means into the municipal separate storm sewer system. This includes all entries of matter that are direct or indirect.
8. “**Erosion**” means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
9. “**Erosion and sediment control plan**” means a plan that is designed to minimize erosion and sediment runoff at a site during construction activities.
10. “**Hot spot**” means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
11. “**Illicit connections**” means any of the following:
  - a. Any drain or conveyance whether on the surface or subsurface, which allows contaminated or illicit discharge to enter the storm drain system.
  - b. Any drain or conveyance connected to or discharging into the storm drain system which has not been approved in writing by the City.
12. “**Illicit discharge**” means any discharge to the municipal separate storm sewer system (MS4) that is not composed entirely of storm water or that is being discharged without a City-approved treatment methodology.
13. “**Irrigation Ditches**” means ditches used by irrigation shareowners having a right of water passageway by right-of-way, easement, or prescription. Irrigation ditches can also include those facilities which function as a combined storm water and irrigation conveyance intended at times as a storm water routing and disposal system.
14. “**Storm Water Permit**” means the City Storm Water Permit as adopted by the City.
15. “**Land-disturbing activity**” means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) or the existing soil topography. Land-disturbing activities may include development, re-development, demolition, construction, reconstruction, clearing, grading, filling, excavation, grubbing, and paving.
16. “**Maintenance**” means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed including but not limited to complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters and the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
17. “**Maintenance agreement**” means a document recorded in the land records that acts as a property deed restriction and provides for long-term maintenance of stormwater management practices.

18. “**Municipal separate storm sewer/stormwater system**” or “**MS4**” means the conveyances owned or operated by the City of Saratoga Springs for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
19. “**National Pollutant Discharge Elimination System Permit**” or “**NPDES permit**” means a permit issued pursuant to 33 U.S.C. §1342.
20. “**Notice of Violation**” or “**(N.O.V.)**” occurs whenever the City Engineer finds that a person is in non-compliance with this ordinance; the City Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of BMP.
21. “**Off-site facility**” means a structural BMP located outside the subject property boundary described in the permit application for land development activity which is intended to form an integral part of the storm drain system for a given parcel.
22. “**On-site facility**” means a structural BMP located within the subject property boundary described in the permit application for land development activity.
23. “**Peak flow**” means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
24. “**Runoff**” means the portion of the precipitation on a drainage area that is discharged from the area. This can include water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.
25. “**Saratoga Springs City Storm Water Management Program**” means those certain manuals, ordinances, practices, and policies set in place by the City of Saratoga Springs to regulate, permit, manage, and otherwise oversee the discharge of storm water within the corporate boundaries and influence area of the City. This includes both those manuals and practices which are in place at the time of the passage of this ordinance and those which will yet be put in place or adopted in this or future actions.
26. “**Sediment**” means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
27. “**Sedimentation**” means the process of depositing sediment in any stormwater.
28. “**Soils Report**” means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

29. “**Stabilization**” means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
30. “**Stormwater**” means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.
31. “**Storm Water Design Standards and Regulations**” means the current City of Saratoga Springs storm water standards and regulations as adopted by the City.
32. “**Storm Water Master Plan**” means the current City of Saratoga Springs Storm Water Master Plan, Capital Facilities Plan, and Impact Fee Facilities Plan as adopted by the City.
33. “**Stormwater management**” means all programs designed to maintain quality and quantity of stormwater runoff to pre-development levels.
34. “**Stormwater management facilities system**” means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
35. “**Storm Water General Permit for Construction Activities**” means a permit required by the Utah Department of Environmental Quality, Division of Water Quality.
36. “**Stormwater pollution prevention plan**” or “**SWPPP**” means Storm Water Pollution Prevention Plan. This is the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels during and after construction.
37. “**Stormwater runoff**” means flow on the surface of the ground, resulting from precipitation.
38. “**Structural BMPs**” means devices that are constructed to provide control of stormwater runoff.
39. “**Surface water**” includes all waters upon the surface of the earth, whether bounded naturally or artificially. This includes rivers, creeks, streams, canals, lakes, ponds, wetlands, reservoirs, and other water courses.
40. “**SWMP**” is an acronym for Storm Water Management Program. A Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI) (if applicable), Storm Water Pollution Prevention Plan (for during construction and post construction), storm water pollution prevention BMPs, spill prevention and countermeasure information, inspection records, and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.

41. “**SWPPP Manager**” means the individual who will be the contractor’s and owner’s representative in the field who supervises the implementation of the SWPPP and compliance with the Storm Water Permit.
42. “**Watercourse**” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water and may include lakes, rivers, creeks, streams, canals, ponds, and wetlands.
43. “**Watershed**” means all the land area that contributes runoff to a particular point along a waterway.
44. “**UPDES**” is an acronym for the Utah Pollution Discharge Elimination System.

**18.06.02. General Provisions.**

1. **Purpose.** It is the purpose of this chapter to:
  - a. Protect, maintain, and enhance the environment of the City of Saratoga Springs (“the City”).
  - b. Establish responsibilities for controlling and managing storm water runoff.
  - c. Protect the public health, safety, and general welfare of the citizens of the City by controlling discharges of pollutants to the City’s stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, creeks, streams, canals, ponds, wetlands, and groundwater of the city.
  - d. Enable the City to comply with state and federal laws and regulations.
  - e. Allow the City to exercise the powers granted by the Utah Code and Constitution to:
    - i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City;
    - ii. Adopt any rules and regulations deemed necessary to accomplish the purposes of this Chapter, including the adoption of a system of fees for services and permits;
    - iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
    - iv. Review and approve plans, plats, and permits for stormwater management in proposed developments;
    - v. Issue permits for stormwater discharges, or for the construction of, alteration of, extension of, encroachment on, or repair of stormwater facilities;
    - vi. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
    - vii. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

- viii. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.
2. The City Engineer shall administer the provisions of this Chapter. Nothing in this Chapter shall relieve any person from responsibility for damage to other persons or property or impose upon the City and its officers, agents or employees any liability for damage to other persons or property.

### **18.06.03. Storm Water Permits.**

1. When required:
  - a. Every person will be required to obtain a Storm Water Permit from the City Engineer in the following cases:
    - i. Land disturbing activity that disturbs one or more acres of land;
    - ii. Land disturbing activity of less than one acre of land if such activity is part of a larger common plan of development that affects one or more acres of land;
    - iii. Land disturbing activity of less than one acre of land if the City Engineer determines such activity poses a unique threat to water or public health or safety;
    - iv. The creation and use of borrow pits or those excavation sites used to generate fill or decorative material for an off-site location;
    - v. Development of a single family home;
    - vi. Modifications of sensitive areas or areas designated as sensitive lands;
    - vii. Processing of earthen materials such as top soil and gravel screening;
    - viii. Construction of parking lots;
    - ix. Creation of an impervious area 0.1 acres/4,356 square feet or greater constructed with compacted gravel, asphalt, concrete, or equivalent;
    - x. Creation or alteration of storm drains works or systems;
    - xi. Excavation or disturbance of more than 1,000 cubic yards of material in any nonagricultural earth moving activity; and
    - xii. Any other condition that poses a unique threat to water or public health or safety and meeting the purposes in Section 18.06.01 or the intent of the regulations in this Chapter.
2. **Building permit.** No building permit shall be issued until the applicant has obtained a Storm Water Permit where the same is required by this ordinance.
3. **Exemptions.** The following activities are exempt from the permit requirement:
  - a. Any emergency activity of a municipal, state, or federal agency that is immediately necessary for the protection of life, property, or natural resources.
  - b. Existing nursery and agricultural operations conducted as a permitted main or accessory use so long as compliant with city, state, and federal law.

- c. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, federal, or state Agency.
- d. Additions or modifications to existing single-family structures.

**4. Application for a Storm Water Permit.**

- a. Each application shall include the following:
  - i. Name of applicant;
  - ii. Address of applicant;
  - iii. Name, address, and phone number of the owner of the property of record in the office of the county assessor;
  - iv. Address and legal description of subject property including the tax identification number and parcel number;
  - v. Name, address, and telephone number of the contractor and any subcontractor who will perform the land disturbing activity and who shall implement the erosion and sediment control plan;
  - vi. Designation of a SWPPP manager who will be the contractor's and owner's representative in the field who supervises the implementation of the SWPPP and compliance with the Storm Water Permit; and
  - vii. A statement indicating the nature, extent, and purpose of the land disturbing activity, including:
    - 1. the size of the area for which the permit shall be applicable,
    - 2. a schedule for the starting and completion dates of the land disturbing activity, and
    - 3. other pertinent information.
- b. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property and submit such permits with the application for a Storm Water Permit. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions consistent with this ordinance on the development of property covered by those permits. Failure of the applicant to obtain the necessary permits may be the basis for denial of issuance of a Storm Water Permit.
- c. Each application shall be accompanied by:
  - i. A SWPPP meeting the requirements of Stormwater General Permit for Construction Activities Permit No. UTRC00000. A model has been prepared for use by those preparing a SWPPP. A SWPPP must use this model template to ensure that a plan has been prepared in compliance with the State permit.
    - 1. The SWPPP template and the template guidelines can be found at the following link:  
[http://www.waterquality.utah.gov/UPDES/docs/2012/04Apr/Const\\_SW\\_swppp\\_template.doc](http://www.waterquality.utah.gov/UPDES/docs/2012/04Apr/Const_SW_swppp_template.doc).
  - ii. A Notice Of Intent (NOI) from the State of Utah, Department of Environmental Quality, Division of Water Quality ("DWQ"), for Storm Water Discharges Associated with Construction Activity Under the

UPDES General Permit No. UTRC00000. An NOI can be submitted on-line at the web site for the Utah DWQ storm water data base. The NOI must be signed by the owner and contractor.

1. This template can be found at the following link:

<http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>.

- iii. A Storm Water Management Plan meeting the Requirements of Section 18.06.04(6).
- iv. A Sediment and Erosion Control Plan meeting the Requirements of Section 18.06.04(7).
- v. An engineer's estimate for performance guarantee purposes inclusive of all costs associated with plan implementation, management, site stabilization, and clean up.
- vi. Payment for the Storm Water Permit and other applicable fees and bonds as found in the City's Consolidated Fee Schedule.

**5. Review and approval of application.**

- a. The City Engineer will review each application for a Storm Water Permit to determine its conformance with the provisions of this Chapter. Within 15 days after receiving an application, the City Engineer shall provide one of the following responses in writing:
  - i. Approval of the permit application;
  - ii. Approval of the permit application, subject to conditions as may be necessary to substantially meet the objectives and requirements of this Chapter; or
  - iii. Denial of the permit application, including the reason for the denial.
- b. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant may be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.
- c. No construction may begin until the Storm Water Permit has been approved and all outstanding fees paid in full.

**6. Permit duration.**

- a. Every Storm Water Permit shall expire and become null and void if :
  - i. Substantial work authorized by such permit has not commenced within 180 calendar days of issuance, is not complete within 18 months from the date of the commencement of construction, or work is suspended or abandoned for a period of 180 days or longer;
  - ii. The applicant is not authorized to discharge storm water under the UPDES program; or
  - iii. It is determined that the applicant is not an authorized representative of the owner and/or contractor.
- b. The Storm Water Permit shall remain in effect until all of the following items have been completed:
  - i. Submission of as built plans;

- ii. Written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP's have been installed in accordance with the approved plan and other applicable provisions of this ordinance;
- iii. Submission of a signed Notice of Termination of the UPDES Permit;
- iv. Installation and acceptance by City of all permanent or long term BMP's;
- v. Completion of final inspection punch list items; and
- vi. Removal of all temporary control measures.

**7. Notice of construction.**

- a. The applicant must notify the Public Works Department within ten working days in advance of the commencement of construction with a land disturbance permit.

**8. Requirements during construction.**

**a. Noticing.**

- i. The applicant must install and maintain a notice board at a publicly accessible location near the active part of the project. The notice board must be protected from the weather, and located where the City Inspector can read it easily without obstructing construction activities. The notice board shall include, at a minimum, the following information:
  - 1. Project name;
  - 2. Copy of any NOIs in effect;
  - 3. Name and phone number of the SWPPP Manager;
  - 4. SWPPP plan and report;
  - 5. Saratoga Springs Storm Water Permit.

**b. SWPPP Manager.** The SWPPP Manager shall:

- i. Implement and maintain the SWPPP, Storm Water Management Plan, and Sediment and Erosion control plan;
- ii. Ensure that subcontractors and utility companies understand and comply with the SWPPP, Storm Water Management Plan, and Sediment and Erosion Control Plan, and avoid disturbing installed BMP's;
- iii. Update the SWPPP and maintain the official updated SWPPP at the construction site; and
  - iv. Shall take immediate suitable action to preclude erosion and pollution if storm water discharges threaten water quality.

**c. Inspections.**

- i. Regular inspections of the stormwater management system construction shall be conducted by the party responsible for the work and reviewed by the City Inspector.
- ii. The property owner shall allow access to the City Engineer or a representative to inspect storm water control measures that discharge to the MS4. The inspection shall review the control measures in place, the maintenance plan, and the need for additional measures to completely address the erosion and sediment control for the project.

- iii. All inspections shall be documented and written reports prepared that contain the following information:
  - 1. The date and location of the inspection;
  - 2. Whether construction is in compliance with the approved stormwater management plan;
  - 3. Variations from the approved construction specifications;
  - 4. Any violations that exist.
- d. **BMPs Maintenance.**
  - i. BMP's that have been damaged or undercut shall be repaired or replaced.
  - ii. If maintenance or modifications to existing BMP's are necessary following a storm or inspection, complete required maintenance or modifications as soon as possible and before the next storm event whenever practicable.
    - 1. Applicant shall maintain BMP's so they properly perform their function.
    - 2. Applicant shall also remove accumulated sediment and debris before the BMP loses fifty percent (50%) of its storage capacity.
    - 3. Additionally, the applicant must clean the silt fence before it loses thirty percent (30%) of its storage capacity.
    - 4. Applicant shall maintain temporary and permanent erosion and sediment control measures in effective operating condition and coordinate BMPs with subcontractors and utility companies doing Work in the Project area.

## 9. Performance bonds.

- a. The City Engineer shall:
  - i. Require the submittal of a performance security or performance guarantee bond prior to issuance of a permit in order to ensure that the SWPPP are implemented by the permit holder as required by the approved stormwater pollution prevention plan.
    - 1. The amount of the performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs.
    - 2. The performance security shall contain forfeiture provisions for failure to complete work specified in the SWPPP.
    - 3. The applicant shall provide an itemized engineer's construction cost estimate complete with unit prices which shall be subject to acceptance, amendment, or rejection by the City Engineer.
    - 4. Alternatively, the City Engineer shall have the right to calculate the cost of construction estimates and revise the opinion of probable cost accordingly.
- b. The performance security or performance guarantee bond shall be released in full only upon submission of:
  - i. as built plans;

- ii. a written certification by a registered professional engineer licensed to practice in the State of Utah that all BMPs have been followed in accordance with the approved plan and other applicable provisions of this ordinance;
  - iii. a signed Notice of Termination of the Construction General Permit;
  - iv. completion of final inspection punch list items; and
  - v. removal of all temporary control measures.
- c. The City Engineer or a representative will make a final inspection of the structural BMPs to ensure that they are in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance guarantee bond based on the completion of various development stages can be made at the discretion of the City Engineer or representative.

#### **18.06.04. Stormwater System Design and Management Standards.**

##### **1. Irrigation ditches.**

- a. Property owners are responsible for the protection of irrigation canals per the relevant sections of this ordinance.
- b. Discharges into private canals require written approval from the ditch owners. The design shall comply with the terms of approvals and the City's Storm Water Design Standards and Regulations.
- c. Piping of irrigation ditches and modification to diversion structures require documented approval from canal owners or representative. Design and coordination requirements shall comply with the City's Storm Water Design Standards and Regulations.

##### **2. Drainage channels, waterways, and sensitive areas.**

- a. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and City permits.
- b. Modifications of sensitive areas are subject to and governed by the Land Development Code (Title 19). These actions will require a Storm Water Permit and approval from all other governing agencies.
- c. Property owners proposing to redirect runoff, surface, and/or pipe flow to properties or facilities outside Saratoga Springs boundaries must provide written approval from the state, county or municipality, or their agents.
- d. Property owners are responsible for the protection of natural and artificial channels located within their property per the relevant sections of this ordinance.
- e. Discharges or modifications to the channels require written approval from the canal owners and applicable governing agencies.

##### **3. Stormwater design and BMP manuals.**

- a. **Adoption.** The City adopts as its stormwater design and BMP manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

- i. The City of Saratoga Springs Standard Technical Specifications and Drawings.
    - ii. The City of Saratoga Springs Storm Water Master Plan.
    - iii. The City of Saratoga Springs Storm Water Capital Facilities Plan.
    - iv. The City of Saratoga Springs Storm Drainage Systems Design and Management Manual.
    - v. Guidance Document for Stormwater Management (Salt Lake County Public Works Department).
      1. The document can be found at the following link:  
<http://slco.org/pweng/stormwater/html/guide.html>.
    - vi. Other guidance documents required by or included in the Saratoga Springs Storm Water Management Program.
  - b. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the City Council, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory and local maintenance experience.
4. **General performance criteria for stormwater management.** Unless granted a waiver or an exemption from the City Engineer, the following post construction performance criteria shall be addressed for stormwater management at all sites:
- a. A Utah registered professional engineer must design the storm drain systems (Public and Private) within City boundaries and directly supervise all discharges into a City storm drain system. The design shall carry the seal of the supervising professional engineer.
  - b. All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels or 100-yr historical flow rates. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
  - c. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
  - d. Stormwater discharges to critical areas with sensitive resources (e.g., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
  - e. Stormwater discharges from “hot spots” may require the application of specific structural BMPs and pollution prevention practices.
  - f. Prior to or during the site design process, applicants for Storm Water Permits shall consult with the City Engineer to determine if they are subject to additional stormwater design requirements.

- g. Calculations for determining allowable peak flows and runoff volumes as found in the BMP manual shall be used for sizing all stormwater facilities.

**5. Minimum control requirements.**

- a. Storm water discharge during all construction activities shall comply with the terms of the Storm Water Permit, Saratoga Springs Standard Technical Specifications and Drawings, or requirements set forth by the most recent edition of the International Building Code, and the State of Utah UPDES requirements.
- b. Stormwater designs, installations, operations, and maintenance shall meet the multi-stage storm frequency storage and runoff volume requirements as identified in the BMP manual, along with the operation, installation, and maintenance standards in the BMP manual unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP pursuant to section 6 of this ordinance.
- c. Runoff rates from one lot/parcel to another may not exceed pre-existing conditions and may not increase in such a manner that may unreasonably or unnecessarily cause more harm or damage than formerly existed in the predevelopment condition.
- d. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
- e. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom, or shovel to the satisfaction of the City Engineer or representative. Failure to remove the sediment, soil, or debris shall be deemed a violation of this ordinance.

**6. Stormwater Management plan requirements.** Property owners are responsible to manage or ensure management of storm water runoff and sediment, whether in conduit systems or on the surface, that traverse through or originate on their property. This responsibility may extend to the defining of agreements, easements, and other appropriate measures to address storm water management. In order to manage storm water, the property owner must develop a stormwater management plan and implement the plan. The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate: the environmental and historical characteristics of the project site; the potential impacts of all proposed development of the site, both present and future, on the water resources; and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- a. **Project Description.** Brief description of the intended project and proposed land-disturbing activity including number of units, structures to be constructed, and the required infrastructure.
- b. **Topographic Base Map.** A 1" = 500" topographic base map of the site that extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
  - i. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, and wetlands. It must also include the type, size,

- elevation, etc., of the nearest upstream and downstream drainage structures, slopes, and drainage arrows;
  - ii. Current land use including all existing structures, locations of utilities, and locations of roads, and easements; and
  - iii. All other existing significant natural and artificial features.
  - iv. When deemed necessary by the City Engineer, the Topographic Base Map and Survey shall conform to the minimum levels established by the American Land and Title Association (ALTA Survey).
- c. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, drainage patterns, locations of utilities, roads and easements, and the limits of clearing and grading;
- d. Proposed structural BMPs;
- e. A written description of the site plan and justification of proposed changes. Natural conditions may also be required.
- f. **Calculations.** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storm events specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
  - i. A description of the design storm event frequency, duration, and intensity where applicable;
  - ii. Time of concentration;
  - iii. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
  - iv. Peak runoff rates and total runoff volumes for each watershed area;
  - v. Infiltration rates, where applicable, verified by percolation test or by geological test;
  - vi. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
  - vii. Flow velocities;
  - viii. Data on the increase in rate and volume of runoff for the design storm events referenced in the BMP manual; and
  - ix. Documentation of sources for all computation methods and field test results.
- g. **Soils Information.** If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. In all cases where subsurface infiltration is a component of the storm water management plan a site specific percolation test shall be submitted based upon field observations and testing at the location of the infiltration facility.
- h. **Work Sequence.** The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major

items of construction, beginning with the initiation of excavation. This also includes the construction of any sediment basins or retention facilities or any other structural BMP's.

- i. **Installation, Maintenance, and Repair Plan:** The design and planning of all stormwater management facilities shall include detailed installation, maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment, skills, and training necessary for such maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
  - j. **Landscaping Plan.** The applicant must present a detailed plan for management of vegetation at the site after construction is finished. This will include who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved (If required by the BMP). Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in the State of Utah.
7. **Sediment and Erosion Control Plan requirements.** The applicant must prepare a sediment and erosion control plan for all construction activities that accurately illustrates the measures that are to be taken to control storm water pollution problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. This plan shall be signed and sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the BMP manual, and shall include, at a minimum, the following:
- a. A topographic map with contour intervals of two (2) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
  - b. All existing drainage ways, including intermittent and wet-weather. This must also include any designated floodways or flood plains.
  - c. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed, and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
  - d. Approximate limits of proposed clearing, grading, and filling.
  - e. Approximate flows of existing storm water leaving any portion of the site.
  - f. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

- g. Location, size, and layout of proposed stormwater and sedimentation control improvements.
  - h. Proposed drainage network.
  - i. Proposed sizing for storm sewer piping, dewatering facilities, or other waterways.
  - j. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development. This includes: when water is concentrated, what is the capacity of waterways, if any, accepting storm water offsite; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring and/or sedimentation of waterways and drainage areas off-site, etc.
  - k. The projected sequence of work represented by the grading, drainage, and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
  - l. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used. Stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
  - m. Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; and eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City Engineer.
  - n. Proposed structures. Location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
  - o. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.
  - p. Future phasing plans and impervious areas if applicable.
8. **Maintenance Easements.** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the Office of the Utah County Recorder.
9. **Maintenance Agreement.** The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:
- a. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
  - b. Provide for annual inspection by the property owner or qualified designee for the purpose of documenting maintenance and repair needs and ensure compliance

with the purpose and requirements of this ordinance. This inspection shall be conducted by a qualified person as defined by the Utah Division of Water Quality, and such qualified person will submit a sealed report of the inspection to the City Engineer or representative.

- c. It shall grant permission to the City to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
  - d. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter, and other debris; the cutting of grass; grass cuttings and vegetation removal; and the replacement of landscape vegetation. This applies to all detention and retention basins, as well as inlets and drainage pipes and any other stormwater facilities as required by the property owner by the City. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.
  - e. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.
  - f. Provide that if the property is not maintained or repaired within the prescribed schedule, the City Engineer shall perform the maintenance and repair at the property owner's expense. The maintenance agreement shall also provide that the City Engineer's cost of performing the maintenance shall be a lien against the property.
10. **Dedication.** The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

#### **18.06.05. Post Construction.**

1. **As built plans.** All applicants are required to submit as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the City Inspector is required before any performance security or performance bond will be released. The City Inspector shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance guarantee bond on the completion of various stages of development. When applicable, certificates of occupancy ("occupation permits") shall not be granted until corrections to all BMP's have been made and accepted by the City Inspector.
2. **Landscaping and stabilization requirements.** Any area of land from which the natural vegetative cover has been either partially or wholly cleared shall be revegetated

according to a schedule approved by the City Engineer. The following criteria shall apply to revegetation efforts:

- a. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over seventy (70%) of the seeded area.
    - i. Any area of revegetation must exhibit a minimum of seventy percent (70%) density of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy percent (70%) density for one (1) year is achieved.
  - b. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
  - c. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
3. **Inspection of stormwater management facilities.** Periodic inspections of facilities shall be performed by the property owner or qualified designee for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. This inspection shall be conducted by a qualified person as defined by the Utah Division of Water Quality, and such qualified person will submit a sealed report of the inspection to the City Engineer or representative.
4. **Records of installation and maintenance activities.** Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 5 years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.
5. **Failure to meet or maintain design or maintenance standards.** If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City Engineer, after reasonable notice to the responsible party, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City Engineer shall notify in writing the responsible party for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner.

- a. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City Engineer under this section shall be charged to the responsible party.

**18.06.06. Waivers.**

1. **General.** Every applicant shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for review, processing, and approval or forwarding to City Council where deemed appropriate by City Engineer
2. **Conditions for waiver.** The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
  - a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
  - b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Engineer.
  - c. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
3. **Downstream damage prohibited.** In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:
  - a. Deterioration of existing culverts, bridges, dams, and other structures;
  - b. Degradation of biological functions or habitat;
  - c. Accelerated stream bank or streambed erosion or siltation;
  - d. Increased threat of flood damage to public health, life or property.
4. **Storm Water Permit not to be issued where waiver requested.** No Storm Water Permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the application for a Storm Water Permit must be resubmitted.

**18.06.07. Existing Locations and Developments.**

1. **Requirements for all existing locations and developments.** The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:
  - a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City Engineer.

- b. Cut and Fill slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
  - c. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
  - d. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
  - e. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters.
2. **Requirements for existing problem locations.** The City Engineer notify the owners of existing locations and developments of the specific drainage, erosion, or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice may be in writing and will also specify a reasonable time for compliance.
3. **Inspection of existing facilities.** The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES/UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.
  - a. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.
4. Upon application for a business license, the City Engineer shall inspect proposed occupation site for compliance with provisions of this ordinance. The City Engineer may also conduct a review or inspection of storm water compliance upon annual business license renewal application

#### **18.06.08. Illicit Discharges.**

1. **Scope.** This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.
2. **Prohibition of illicit discharges.** No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- a. Uncontaminated discharges from the following sources:
  - i. Water line flushing or other potable water sources;
  - ii. Landscape irrigation or lawn watering with potable water or pressurized irrigation;
  - iii. Diverted stream flows;
  - iv. Rising ground water;
  - v. Groundwater infiltration to storm drains;
  - vi. Uncontaminated pumped groundwater;
  - vii. Discharges from potable water sources;
  - viii. Foundation or footing drains;
  - ix. Crawl space pumps;
  - x. Lawn watering runoff;
  - xi. Individual residential car washing;
  - xii. Air conditioning condensation;
  - xiii. Irrigation water;
  - xiv. Springs;
  - xv. Natural riparian habitat or wet-land flows;
  - xvi. Swimming pools (if dechlorinated to less than one PPM chlorine);
  - xvii. Water reservoir discharges (if dechlorinated to less than one PPM chlorine);
  - xviii. Residual street wash water;
  - xix. Firefighting activities; and
  - xx. Any other uncontaminated water source.
- b. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
- c. Dye testing is an allowable discharge if the City Engineer has so specified in writing.
- d. The prohibition shall not apply to any non-storm water discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**3. Prohibition of illicit connections.**

- a. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**4. Reduction of stormwater pollutants by the use of best management practices.** Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the municipal separate storm sewer

system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

5. **Notification of spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
  - a. **Hazardous Materials.** In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
  - b. **Non-hazardous Materials.** In the event of a release of non-hazardous materials, the person shall notify the City Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice.
  - c. **Written Records of Illicit Discharges.** If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

#### **18.06.09. Inspection.**

1. **Purpose.** To be in accordance with the General Permit for Discharges for Small Municipal Separate Storm Sewer Systems (MS4), Permit No. UTR090000, the City will conduct inspections to monitor all storm water controls and BMPs as well as all discharges to the City's Storm Sewer System and to natural water bodies including lakes, rivers, stream and canals.
2. **Scope.** Inspections relating to the MS4 Permit include but are not limited to illicit discharges, construction activities and post construction operation and maintenance of stormwater controls, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs either publicly or privately owned.
3. **Access.**
  - a. **Visual Inspections.** Visual inspections of discharges to natural water bodies, spills, stormwater related controls on private property within the City limits of Saratoga Springs are permitted by the City Engineer at any time.
  - b. **Other Inspections.** When a visual inspection is not adequate to determine the extent of discharges to natural water bodies, spills, or determine the status of stormwater related controls on private property, the City will give 24 hours'

notice of the inspection to take place and the extent of the inspection. Equipment and manpower necessary to perform the inspection will be allowed to access and work as necessary to determine the state of the situation.

- c. **Emergency Inspections.** During times of emergency including discharges to natural water bodies, spills or potential damage to life or property, the City may access the location of concern as necessary and with the equipment required to determine the status of the situation. Reasonable attempts to contact the property owner prior to the inspection will be made prior to accessing private property.
4. **Follow-up Inspections.** During initial or routine inspections if problems are identified which require corrective actions then a follow-up inspection will be scheduled.

#### **18.06.10. Enforcement.**

1. **Enforcement authority.** The City Engineer or his representatives shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.
  - a. With the issuance of a Storm water permit, the City shall be permitted to enter and inspect, including testing and investigation, facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by the City, by the Utah County Health Department, or by other means identified in permits or terms set forth in development applications.
2. **Violation Procedure.**
  - a. **Written Notice.** Whenever the City finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City may serve upon such person written notice of the violation. Within ten (10) days of this notice, the permittee or other person in violation will submit to the City Engineer an explanation of the violation and a plan for the satisfactory correction and prevention of such violations. This plan will include specific actions that will be taken in order to come into compliance with this ordinance. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
  - b. **Consent Orders.** The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within the time period specified by the order. Consent orders shall have the same force and effect as the compliance orders issued pursuant to §18.06.10(2)(d).
  - c. **Show Cause Hearing.** The City Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause for why a proposed enforcement action should not be taken. Notice shall be served on the violator specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the violator show cause why

this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

- d. **Compliance Order.** When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, the City Engineer may issue a compliance order to the violator. This order will direct that, following a specific time period, adequate structures, or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
  - i. **Cease and Desist Orders.** When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City Engineer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
    1. Comply forthwith; or
    2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
3. **Conflicting standards.** Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail.
4. **Violations.** Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City SD Representative, shall be guilty of a Class C Misdemeanor.

#### **18.06.11. Penalties.**

1. Any person found violating the provisions of this ordinance may be assessed a fine of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. The City may also issue a criminal citation pursuant to Utah law or City ordinances.
2. **Measuring Civil Penalties.** In assessing a civil penalty, the City Engineer may consider:
  - a. The harm done to the public health or the environment;
  - b. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
  - c. The economic benefit gained by the violator;
  - d. The amount of effort put forth by the violator to remedy this violation;
  - e. Any unusual or extraordinary enforcement costs incurred by the municipality;

- f. The amount of penalty established by ordinance or resolution for specific categories of violations; and
  - g. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
3. **Recovery of Damages and Costs.** In addition to the civil penalty in subsection (2) above, the municipality may recover:
- a. all damages proximately caused by the violator to the municipality, including any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation; and
  - b. the costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
4. **Other remedies.** The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions. In addition to the penalties established in this ordinance, the City may refuse to renew business licenses or other permits while such a violation continues.
5. **Remedies cumulative.** The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.