

**CITY OF SARATOGA SPRINGS  
CITY COUNCIL MEETING**

Tuesday, September 1, 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.

**PLEASE NOTE: THE ORDER OF THE FOLLOWING ITEMS MAY CHANGE WITH THE ORDER OF THE MAYOR.**

**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 and Recognitions.**

**POLICY ITEMS:** (All items are scheduled for consideration and possible approval unless otherwise noted)

- 1. Departmental Updates from the Police and Fire Department.**
- 2. ACTION ITEMS:**
  - a. Bid Award for the Harvest Moon Drive Phase 1 Storm Drain Project.
  - b. Alpine School District Surplus Property.
    - i. Resolution R15-40 (9-1-15): Declaring the City's Intent to Purchase Surplus Property from Alpine School District.
  - c. Parkway Estates of Saratoga Springs Annexation Petition.
    - i. Acceptance for Further Consideration.
  - d. Jacobs Ranch Drainage License Agreement.
  - e. City Council Minutes:
    - i. August 18, 2015.
- 3. REPORTS:**
  - a. Mayor.
  - b. City Council
  - c. Administration communication with Council
  - d. Staff updates: inquires, applications, and approvals
- 4. REPORTS OF ACTION.**
- 5. Motion to enter into closed session for the following: purchase, exchange, or lease of real property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.**
- 6. 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.

Individuals needing special accommodations under the Americans with Disabilities Act (including auxiliary communicative aids and services) during this meeting please notify the City Recorder at 766-9793 at least three day prior to the meeting.



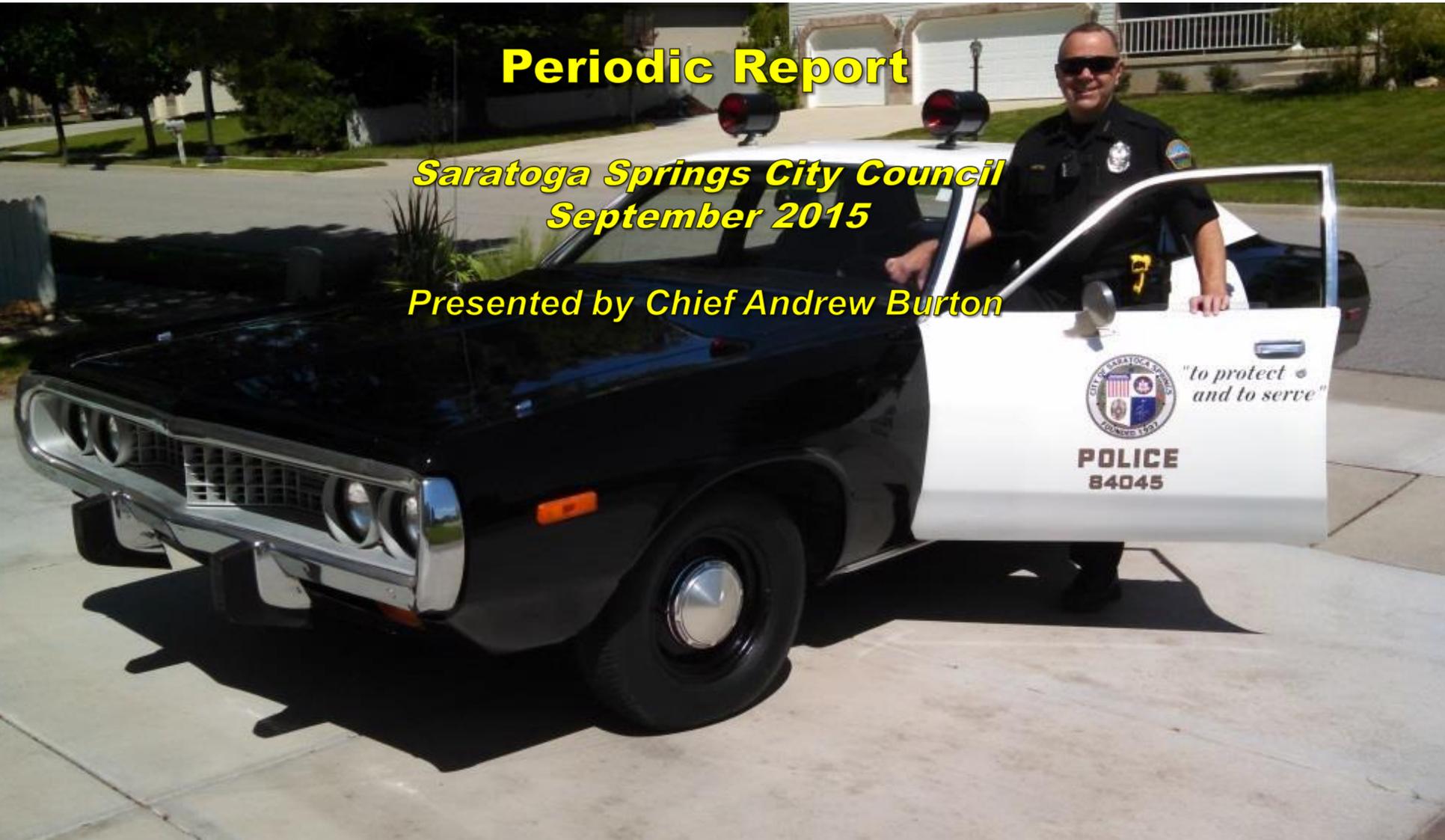
# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*

## Periodic Report

*Saratoga Springs City Council  
September 2015*

*Presented by Chief Andrew Burton*





# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*

## Special Events Supported April to August 2015

- \* SSPD Awards Luncheon
- \* Saratoga Springs Splash
- \* Bluffdale Rodeo and Old West Days
- \* Utah State Public Safety Summit
- \* Salt Lake and Utah County VPA/LEADS Participation
- \* Performance Evaluations
- \* DARE Graduations
- \* Special Olympics Events
  - Torch Run*
  - Unified Relay*
- \* National Night Out Against Crime





# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*

## **Police Department Training April to August 2015:**

*May:* CPR, Legal Update, Domestic Violence, Crime Scene

*Special Schools Attended:* Utah Gang Conference, DARE Instructor, Investigations, SWAT, Force Science Institute, Sex Crimes Investigations, ID Theft/White Collar Crimes, K-9/Drug, Field Training Officer, Sniper





# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*

## **SWAT Training April to August 2015:**

*April:* Live Fire Move and Shoot, Room Clearing, Hallway Movements, Review of Planning, Scouts, 3-Cell Operations

*June:* Scouts, Planning, Search Warrant Tactics

*August:* Live Fire (Sniper, Rifle, Sub-Gun, Pistol)

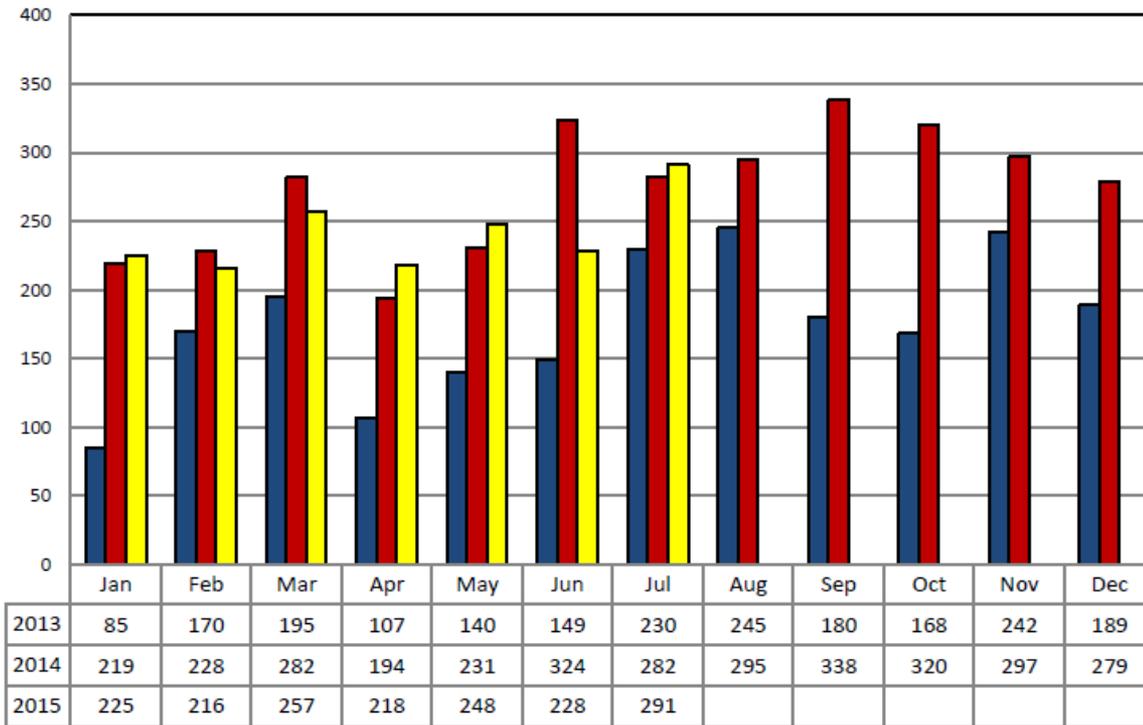




# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*

Saratoga Springs Police Department  
Total Citations



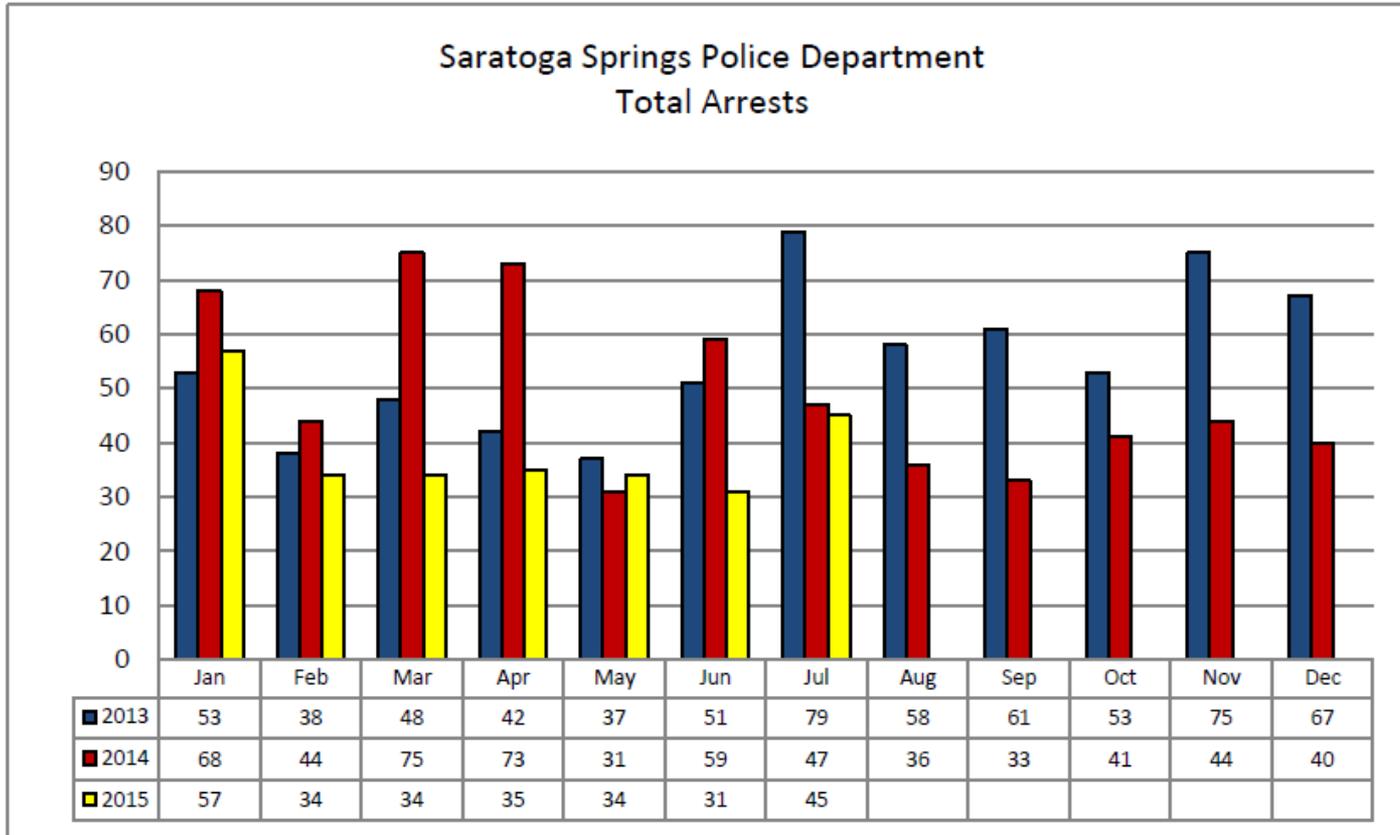
Total 2013 - 2100 / 2014 - 3289 / 2015 - 1683

Projected Total for 2015: 2885  
13% Reduction from 2014



# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*



Total  
2013-662 / 2014-591 / 2015-270

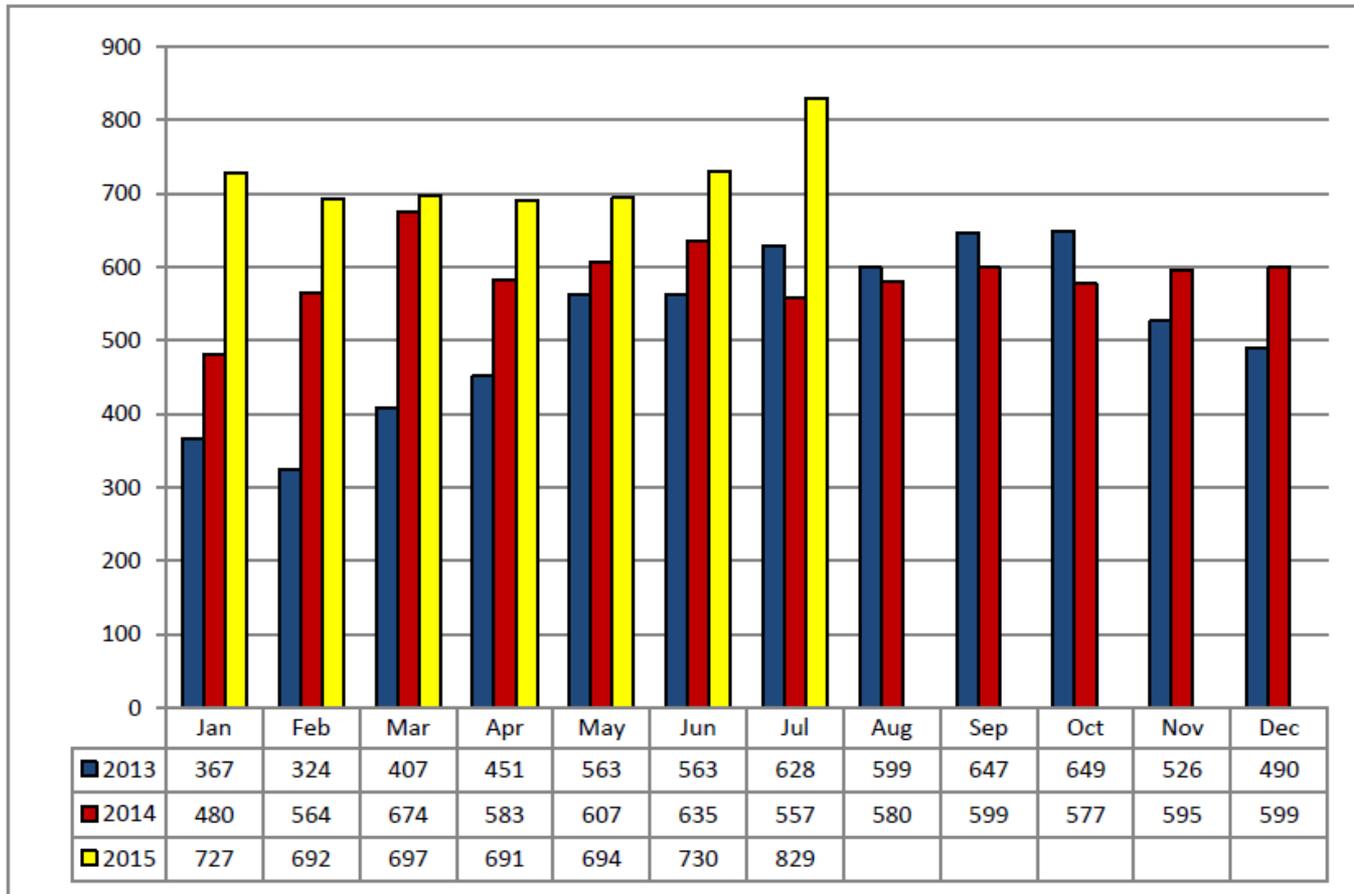
Projected Total for 2015: 463  
22% Reduction from 2014



# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*

Saratoga Springs Police Department  
Total Incidents





# Saratoga Springs Police Department

## Serving Saratoga Springs and Bluffdale Cities

### SARATOGA SPRINGS POLICE CALLS FOR SERVICE

2008	3253	
2009	3610	
2010	10935	
2011	10444	
2012	11488	
2013	11673	
2014	12917	
<b>2015</b>	<b>16050</b>	<i>(Projected)</i>
		<i>(24% Increase)</i>

### SARATOGA SPRINGS POLICE INCIDENTS w/REPORTS

2008	4536	
2009	5140	
2010	5498	
2011	5125	
2012	5056	
2013	6214	
2014	7050	
<b>2015</b>	<b>9024</b>	<i>(Projected)</i>
		<i>(28% Increase)</i>

### SARATOGA SPRINGS POLICE RESPONSE TIMES - AVERAGE

Priority 1		
2008	9:35	
2009	8:37	
2010	6:49	
2011	7:06	
2012	7:03	
2013	6:28	
2014	7:21	
<b>2015</b>	<b>8:59</b>	<i>(Jan to Aug)</i>

### SARATOGA SPRINGS POLICE PART I CRIMES

	Homicide	Rape	Robbery	Aggravated Assault	Burglary	Larceny	Vehicle Theft	Arson	Total
2008	0	2	2	5	30	104	11	1	155
2009	1	1	0	1	54	182	7	0	246
2010	0	3	0	1	32	195	7	0	238
2011	0	6	1	8	33	185	8	0	241
2012	0	3	4	5	26	173	4	0	215
2013	0	4	0	5	23	183	5	0	220
2014	1	2	0	4	19	158	8	0	192
<b>2015</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>6</b>	<b>34</b>	<b>198</b>	<b>5</b>	<b>5</b>	<b>251</b>

### All Other Priorities

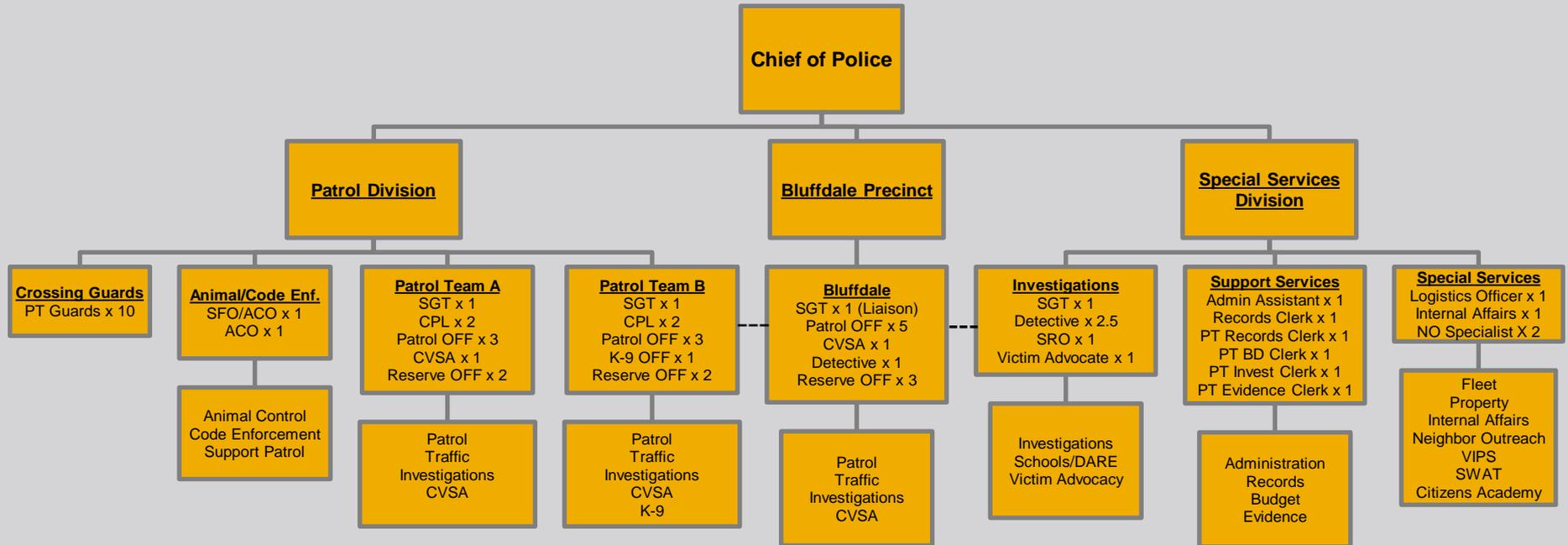
2008	7:53	
2009	7:31	
2010	17:44	
2011	7:34	
2012	7:25	
2013	7:00	
2014	8:16	
<b>2015</b>	<b>8:05/12:31</b>	<i>(Jan to Aug)</i>

*(32% Increase)*



# Saratoga Springs Police Department

*Serving Saratoga Springs and Bluffdale Cities*



**City Council  
Staff Report**

**Author: Mark T. Edwards  
Subject: Bid Award Recommendation  
Date: September 1, 2015**



**Description:**

**A. Topic:**

This item is being presented to the Mayor and City Council for consideration for Award of Bid. The project consists of installing a new section of storm drain pipe from Harvest Moon Drive, along Peppermint Court to the detention Basin.

**Background:**

This project was identified in the adopted Storm Water Capital Facilities Plan as Project PN13. Budget funds were set aside from the GL Account 54-5400-667 in the amount of \$60,000. Bowen and Collins plugged in that number based on some very preliminary engineering. After CRS provided the hard engineering it was obvious the project costs would exceed the budget. Chelese will be providing a budget amendment at a later date for the increased costs for the project.

This project has been prioritized because the existing undersized storm pipe in Harvest Moon Drive has been overwhelmed and surcharging on occasion. The solution is to tie into the existing storm drain with a new diversion manhole, install new 30" pipe to the detention basin which will accommodate excess flows.

**B. Analysis:**

The proposed pipeline will solve existing deficiencies in the storm drain system and prevent future flooding.

**Recommendation:**

On August 24, 2015 the City held a Public bid opening for this project. Three contractors provided bid proposals. The Bid Tab is attached. Cody Ekker

Construction was the low bidder. Staff recommends that the Council award the bid to Cody Ekker Construction for the amount of \$139,000.



2060 East 2100 South  
Salt Lake City, UT 84109  
Phone: 801.359.5565  
Fax: 801.359.4272  
crsengineers.com

August 25, 2015

Mark Edwards  
Public Works Director  
City of Saratoga Springs  
1307 N Commerce Dr. #200  
Saratoga Springs, UT 84045

Re: Harvest Moon Drive Phase 1 PN13 Project Recommendation for Award

Dear Mark,

The apparent low bidder for Harvest Moon Drive Phase 1 PN 13 Project was Cody Ekker Construction with a total bid of \$139,000. The engineers estimate for the project was \$137,000. While the words in written in the bid were One Hundred Twenty Nine Thousand Dollars, after review of the bid, a simple addition error showed the actual bid amount was \$139,000. With this bid, Cody Ekker Construction is still the low bidder. The three bids received are tabulated below.

Contractor	Base Bid
Cody Ekker Construction	\$139,000.00
Perco Rock	\$163,065.00
Beck Construction	\$145,905.00

We recommend an award of contract to the apparent low bidder, Cody Ekker Construction in the amount of \$139,000. Cody Ekker will be prepared to mobilize to the site shortly after notice to proceed is issued and they do not anticipate any concerns with completing the project within the 30 day project time.

If you have any questions on the bids please call me at (801) 359-5565.

Sincerely,  
Caldwell Richards Sorensen  


Mark Chandler, P.E.  
Project Manager



**RESOLUTION NO. R15-40 (9-1-15)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, UTAH, DECLARING ITS INTENT TO PURCHASE SURPLUS PROPERTY FROM ALPINE SCHOOL DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, Utah Code Title 53A, Chapter 2, Part 4, entitled “School District Surplus Lands Act” (hereinafter the “Act”), provides that school districts—before the sale of surplus property—must allow eligible entities such as the City of Saratoga Springs (the “City”) the opportunity to purchase such property at a price defined by statute; and

**WHEREAS**, on June 5, 2015, Alpine School District (hereinafter the “District”) has notified the City that the District intends to sell 6.29 acres of property located near 453 W. 400 N. in Saratoga Springs, Utah County Parcel Number 34:504:0002 (hereinafter the “Surplus Property”); and

**WHEREAS**, per the Act, the City must pass a resolution stating its intent to purchase the Surplus Property within 90 days of being notified of the intent to sell; and

**WHEREAS**, the City wishes to purchase the Surplus Property from the District for an eligible purpose in the Act, namely the construction of utility infrastructure including but not limited to secondary water infrastructure; and

**WHEREAS**, the City Council finds it in the best interests of the City and its residents to notify the District of the City’s exercise of its right to purchase the Surplus Property in order to help meet the utility needs of the City.

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

1. The City Council hereby notifies Alpine School District of the City’s intent to purchase the Surplus Property for the purchase price authorized by the Act.
2. The City Recorder is directed to deliver a copy of this Resolution to the District declaring the City’s intent to purchase the Surplus Property.
3. The City Manager is directed to submit an earnest money offer to the District for the purchase of the Surplus Property within 90 days of passage of this Resolution. The City Manager is also authorized to negotiate in good faith with the District for the purchase of the Surplus Property.
4. So long as the purchase of the Surplus Property is for the purchase price authorized by the Act, the City Manager is authorized to execute on the City’s behalf the real

estate purchase agreement and to sign all settlement and closing documents for the City without the need for further City Council discussion or approval.

5. This Resolution shall take effect immediately upon passage.

APPROVED and PASSED this 1st day of September, 2015 by the City of Saratoga Springs City Council.

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Mayor Jim Miller

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Attest: Lori Yates, City Recorder

FOR OFFICE USE ONLY

Fees received by: \_\_\_\_\_ Date of submittal: \_\_\_\_\_

Amount paid: \_\_\_\_\_ Receipt number: \_\_\_\_\_

Number of acres (rounded up): 2 x \$50.00 + base fee: \$500.00 = 900

Newspaper Public Notice Fee (per advertisement): \$75.00; Yes  No  qty: 2 \$150

\$1050



SARATOGA SPRINGS

ANNEXATION APPLICATION  
UPDATED MARCH 2014

**Applicant & Project Information**

Project name: Parkway Estates at Saratoga Springs

Property owner: Verna Peterson Family Trust

Address: 755 Loader dr. Pleasant Grove UT 84062

Phone: 801-785-7004 Cell: 801-301-4791

E-mail Address: vealynn@msn.com

Applicant / Authorized Agent: PG Property Holdings LLC - Jared Haynie

Address: 905 N. 1270 W. Pleasant Grove UT 84062

Phone: \_\_\_\_\_ Cell: 801-836-0131

E-mail Address: jared@cdgllc.com

Engineer: David Peterson @ Excel Engineering

Address: 12 W. 100 N. Ste 201 American Fork UT 84003

Phone: 801-756-4504 Cell: \_\_\_\_\_

E-mail Address: david@excelcivil.com

General location of the property: 8950 W 7350 N. (County address) Zoning: Agricultural / Proposed R-3

Surrounding land uses: Agricultural, residential

Size of the subject property: 7 acres Number of lots: 18

**Supporting Materials**

Chapter 19.22.010 of the Development Code requires the Annexation application be submitted with the following supporting materials. Please read Chapter 19.22 of the Saratoga Springs Land Development Code prior to submitting the supporting materials.

1. Written statement. Written statement with an explanation of the purpose for annexation and a proposed timetable for development.
2. Legal description. Legal description of proposed area with a map on 8.5 by 11 inch sheet.
3. Parcel map. Current copy of County Assessor's Parcel Map.
4. List of petitioning property owners. Names and current addresses of petitioning property owners, as shown on the latest Utah County Tax Rolls, as well as Annexation petition on form provided by the City, with signatures of the petitioning property owners.
5. Drawings. Five full-size (24" x 36") and seven reduced (11" x 17") drawings drawn to scale of the area proposed for annexation, prepared by a Land Surveyor or Civil Engineer licensed to Practice in the State of Utah.
6. Electronic Drawings. An electronic copy of all drawings in a PDF format shall be submitted.
7. Public Notice. Stamped and addressed business size envelopes (please do not include return addresses on the envelopes) to all owners of property located within 300' of the boundary of the proposed subdivision and a list of those property owners with their addresses as listed in the current county records shall be submitted.
8. Application fee. The base fee of \$500.00 plus \$50.00 per acre plus the Newspaper Public Notice Fee: \$75.00 shall be paid in full.

**Applicant Certification**

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that the City of Saratoga Springs may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Saratoga Springs Land Development Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I agree to reimburse the City of Saratoga Springs all amounts incurred by the City in excess of the base fee required by the Consolidated Fee Schedule to review and process this submitted application and agree to comply with Resolution No. R 08-21 and R 11-22. I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: *Walter L. Jarvis, trustee* Date: 8/11/15

Applicant's Signature: *Jared Hargrave* Date: 8/18/15

PETITION FOR ANNEXATION TO THE CITY OF SARATOGA SPRINGS

OF PROPERTIES IDENTIFIED BELOW

We the undersigned owners of certain real property lying contiguous to the present municipal limits of the City of Saratoga Springs hereby submit this Petition for Annexation and respectfully represent the following:

- 1. That this petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated, 1953, as amended (U.C.A.);
2. That the property subject to this petition is a contiguous, unincorporated area contiguous to the boundaries of the City of Saratoga Springs and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. That the signatures affixed hereto are those of the owners of private real property that:
a. is located within the area proposed for annexation;
b. covers a majority of the private land area within the area proposed for annexation; and
c. is equal in value to at least 1/3 of the value as shown by the last assessment rolls of all private real property within the area proposed for annexation; and
d. is described on the accompanying legal description.
4. That up to five of the signers of this petition have been designated as sponsors, one of whom is designated as the "Contact Sponsor", with the mailing address of each sponsor being indicated;
5. That the petitioners have caused an accurate plat or map of the above-described property to be prepared by a licensed surveyor, which plat or map is filed herewith; and
6. That the petitioners request the property, if annexed be zoned as follows with the attached signatures.

Contact Sponsor:

VEA LYNN P. JARVIS
Printed Name
Signature
192310035
Utah Co. Parcel ID Number
755 LOADER DR
Residential Address
Requested Zone
755 Loader dr. PG UT
Mailing Address
84062
Contact Telephone

Sponsor #1:

Printed Name
Signature
Utah Co. Parcel ID Number
Residential Address
Requested Zone
Mailing Address
Contact Telephone

Verna Peterson Annexation Statement

The purpose of this annexation is for the development of an 18-lot subdivision.  
The development will most likely occur in the Spring of 2016.

VERNA PETERSON ANNEXATION LEGAL

BEGINNING AT A POINT LOCATED SOUTH  $0^{\circ}07'59''$  EAST ALONG SECTION LINE 1017.55 FEET AND WEST 353.84 FEET FROM THE EAST QUARTER CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE EXISTING SARATOGA SPRINGS CITY BOUNDARY THE FOLLOWING TWO COURSES AND DISTANCES: 1) SOUTH  $0^{\circ}43'39''$  EAST 709.37 FEET, AND 2) WEST 460.83 FEET; THENCE NORTH 709.84 FEET; THENCE SOUTH  $89^{\circ}56'00''$  EAST 451.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.433 ACRES, MORE OR LESS.

BASIS OF BEARING: UTAH STATE PLANE COORDINATE SYSTEM NAD 1927, CENTRAL ZONE.



## LICENSE AGREEMENT

THIS AGREEMENT is made and entered into by \_\_\_\_\_ and \_\_\_\_\_ as Licensee, hereinafter referred to as the “Homeowners”, and the City of Saratoga Springs, Utah, as Licensor, hereinafter referred to as the “City”:

### WITNESSETH:

**WHEREAS**, the Homeowners own a lot and home in the Jacobs Ranch subdivision located at 2042 STETSON AVE. (address) in Saratoga Springs, Utah, currently identified as Utah County Tax Parcel # 43:182:0026;

**WHEREAS**, the City currently owns land in the Jacobs Ranch subdivision (“City Property”) that is adjacent to the Homeowners’ lot; and

**WHEREAS**, the City made drainage improvements to the City Property near the rear of the Homeowners lot including a drainage channel; and

**WHEREAS**, the City made drainage improvements to the City Property, City contractors left a portion of the City Property unimproved between the Homeowners’ Property and the drainage channel,

**WHEREAS**, the City Property adjacent to the Homeowners lot is unimproved and is shown in Exhibit A (“Licensed Property”) and

**WHEREAS**, the Homeowners have expressed an interest in improving and maintaining the Licensed Property at their own expense with the ability to use the Licensed Property for their personal, noncommercial use;

**WHEREAS**, the City is willing to allow the Homeowners to maintain, improve, and use the Licensed Property for personal, noncommercial uses subject to the terms and conditions of this agreement, including indemnifying the City for any injury or damages that occur on the Licensed Property; and

**WHEREAS**, the City is willing to allow only those certain improvements to the Licensed Property as specified in this Agreement; and

**WHEREAS**, prior to the construction and installation of any improvements, the Homeowners are willing to submit detailed plans to the City showing the planned improvements to the Licensed Property upon a request by the City to do so; and

**WHEREAS**, the Homeowners are willing to remove any and all improvements at the request of the City and to restore the Licensed Property to its original condition.

### TERMS AND CONDITIONS

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Grant of License.** The City hereby conveys to Homeowners, without warranty, a temporary, non-exclusive license on, over, and across the Licensed Property to install and maintain only those landscaping and fencing improvements specifically listed in Section 2 below (the “Improvements”). Homeowners and their family, relatives, children, friends, agents, contractors, invitees, and licensees (collectively, “Homeowners’ Agents”) will have the right to enter upon the Licensed Property for the purposes permitted by this Agreement. Homeowners and Homeowners’ Agents will enter upon the Licensed Property at their sole risk and hazard.

2. **Authorization to Encroach.** The City hereby acknowledges and consents to the construction of landscaping improvements including only (a) decorative rock, mulch, and bark, and (b) vegetation, shrubs, and trees less than 6 feet at maturity—excluding fruit trees—across the Licensed Property solely in the area depicted on Exhibit “A.” Homeowners shall not construct fences, walls, buildings or structures, including sheds, upon and across the Licensed Property, with the exception that fences located on the extension of side lot lines and near the drainage channel are permitted given they do not exceed 6’ in height and are constructed of semi-private vinyl, metal, or wood. The City shall have the right to request that Homeowners submit plans showing the location and specific details of the Improvements and fences before construction begins. In addition, landscaping and fencing shall comply with section 19.06 of the City Code. The City reserves the right to use the Licensed Property for any and all purposes including without limitation uses inconsistent with Homeowners’ permitted use of the Licensed Property. Improvements shall not damage, destroy, or negatively impact city improvements or property in any way.

3. **Condition of the Licensed Property.** Homeowners accept the Licensed Property and all aspects thereof in its “AS IS”, “WHERE AS” condition, without warranties, either express or implied, “with all faults”, including but not limited to both latent and patent defects, and the existence of hazardous materials, if any. Homeowners hereby waive all warranties, express or implied, regarding the title, condition, and use of the Licensed Property, including, but not limited to any warranty of merchantability or fitness for a particular purpose

4. **Maintenance of the Licensed Property.** Homeowners, at their sole cost and expense, shall maintain and repair the Improvements in good order and condition. Homeowners shall promptly repair any damage to the Licensed Property and the Improvements located thereon caused by Homeowners and/or Homeowners’ Agents.

5. **Hazardous Substances.** Homeowners agree not to generate, store, dispose of, release, or use any Hazardous Substances on the Licensed Property. As used in this Agreement, the term “Hazardous Substances” means all hazardous and toxic substances, wastes, or materials, including without limitation, hydrocarbons (including naturally occurring or man-made petroleum and hydrocarbons), flammable materials, explosives, urea formaldehyde insulation, radioactive materials, biologically hazardous substances, PCBs, pesticides, herbicides, and any other kind and/or type of pollutants or contaminants (including, without limitation, asbestos and raw materials which include hazardous constituents), sewage sludge, industrial slag, solvents and/or any other similar substances or materials which, because of toxic, flammable, ignitable,

explosive, corrosive, reactive, radioactive, or other properties may be hazardous to human health or the environment and/or are included under, subject to or regulated by any hazardous waste or substance laws. Homeowners agree to immediately notify City of any leaking or spillage of Hazardous Substances on the Licensed Property. Homeowners shall be exclusively liable for all cleanup and remediation costs.

6. **Termination.** The City or Homeowners may terminate this Agreement at any time and for any reason upon providing thirty (30) days advance written notice. In such an event, the Homeowners shall be solely responsible for restoring the Licensed Property to its original or better condition including removal of any or all of the Improvements over, upon, and across the Licensed Property. The City may elect, at its option, to allow the improvements to remain on the Licensed Property.

7. **Emergencies.** In situations deemed to be an emergency in the sole discretion of the City, the Improvements may be removed without notice by the City, with the City to bear all costs of removal, unless the Homeowners have caused the emergency through their own actions. Upon remedying the emergency, the City shall restore the Improvements to their original condition prior to entering the property.

8. **Capital Improvements.** Should the City need to install capital improvements that damage or destroy the Improvements, the City shall restore the Improvements to their original condition, unless otherwise provided in the City's then-current policy with respect to restoration of property following the completion of capital improvements.

9. **Failure to Remove.** In the event the Homeowners fail to remove the Improvements when required by this agreement, the City shall have the right to remove the improvements and the Homeowners shall reimburse the City within thirty (30) days of notice thereof for the costs incurred in removing the Improvements. Should Homeowners fail to reimburse the City, the Homeowners hereby consent to the recordation of a lien by City against the Homeowners' property.

10. **Liens.** Homeowners shall keep the Licensed Property free from any and all liens arising out of any work performed, materials furnished, or obligations incurred by, through, for, or under Homeowners, and shall indemnify, hold harmless, and agree to defend City from any liens that may be placed on the Licensed Property pertaining to any work performed, materials furnished, or obligations incurred by, through, for, or under Homeowners or any of Homeowners' Agents.

11. **Compliance with Laws.** Homeowners will comply with all present or future laws, statutes, codes, acts, ordinances, rules, regulations, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions, and agreements including without limitation any building, zoning, land use, and hazardous waste laws.

12. **Indemnification.** The Homeowners agree to indemnify, defend, and hold harmless the City from any and all lawsuits, causes of action, damages, losses, liens, liabilities, expenses, or claims whatsoever arising out of the construction of the improvements over, upon,

and across the Licensed Property or the resulting encroachment or use by Homeowners, Homeowners' Agents, and any trespassers on the Licensed Property. Any removal costs incurred by the Homeowners relating to the construction and existence of the Improvements shall be borne at no cost to the City. The Homeowners waive and release all rights, causes of action, or claims against the City based on the construction of the Improvements over, upon, and across the Licensed Property. Homeowners and their successors and assigns, hereby release the City from any claims relating to the condition of the Licensed Property and the entry upon the Licensed Property by Homeowners, Homeowners' Agents, and trespassers, except for claims caused solely by the City's actions.

13. **Perpetual Obligation.** This agreement shall be binding upon all owners, successors, and assigns taking title to the property after the execution of this agreement, and this agreement shall run in perpetuity with the land.

14. **Recording.** This agreement shall be recorded in the public records of Utah County by the City. The Homeowners shall pay the cost of such recording.

15. **Breach.** In the event that the Homeowners breach this agreement, the City of shall have the following remedies:

- a. all remedies provided for by Utah law;
- b. money damages for any and all damages caused by the breach;
- c. injunctive relief necessary to protect the health, safety, and welfare of the citizens of the City;
- d. attorney fees incurred by City as a result of the breach; and
- e. litigation expenses and court costs incurred by City as a result of the breach.

16. **Miscellaneous.** This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, and understandings of the Parties, oral or written, are hereby superseded and merged herein. No supplement, modification or amendment of this Agreement shall be binding unless in writing and executed by the parties. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provisions, whether or not similar, nor shall any waiver be a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver. The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of the provisions hereof. The Recitals set forth above are incorporated into this Agreement by reference. If any provision of this Agreement or the application thereof to any person, place, or circumstance, shall be held by a court of competent jurisdiction to be invalid, unenforceable, or void, the remainder of this Agreement and such provisions as applied to other persons, places, and circumstances shall remain in full force and effect; provided, however, such unenforceable provision is not materially adverse to City. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument

[SIGNATURE PAGE FOLLOWING]

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
City of Saratoga Springs

\_\_\_\_\_  
Mark Christensen, City Manager

ATTEST:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Homeowner (Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Homeowner (Signature)

\_\_\_\_\_  
(Print Name)

STATE OF UTAH            )  
                                  )SS:  
COUNTY OF             )

BEFORE ME, a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, Homeowners(s), who acknowledged the execution of the foregoing License Agreement.

WITNESS my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_, 20\_\_ .

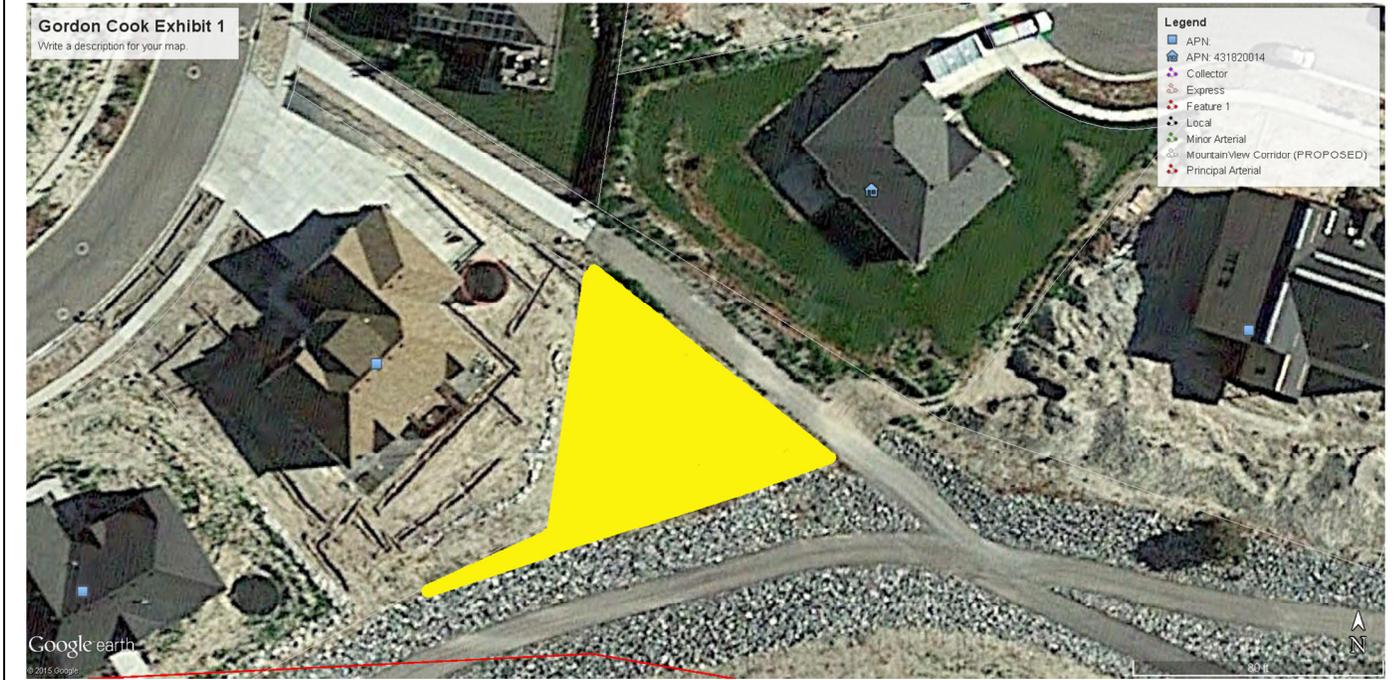
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Notary Public (Printed Name)

\_\_\_\_\_  
Notary Public (Signature)

My Commission Expires:     My County of Residence:

# EXHIBIT A

## Map of Licensed Area



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**City of Saratoga Springs**  
**City Council Meeting**  
**August 18, 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**

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**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,  
Nicolette Fike, AnnElise Harrison, Jess Campbell

Others: Chris Porter, Ron Edwards, Carl Ballard, Steve Lord

**Excused:** Councilman McOmber

**Call to Order** - 5:52 p.m.

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**1. Discussion of an update to the City of Saratoga Springs Transportation Plan.**

Jeremy Lapin introduced Steven Lord with Horrocks Engineering.

Steven Lord had a presentation to give an overview of the plan and recent updates. It was based on MAG Travel Demand Model Version 7 with City input on roadways and land use data. There has since been new development and Roadway construction. The MAG model version 8 was released in July 2015. He showed the different ROW widths. He felt there should be a width between 56' and the 77' ROW.

Councilwoman Call said the 56' ROW hasn't changed a lot over the years, but a number of streets have a significant amount of asphalt and then park strips on top of that, was that a 56' ROW or did developers go above what our residential ever was.

Jeremy Lapin replied that he didn't know what master plans they were based on or if there were plans for more collectors after that with connections.

Councilwoman Call commented that if they put something on the 56' road like a park or church that increases the traffic, that it is not sufficient.

Steven Lord commented that most other cities have a minor collector cross section.

Councilwoman Baertsch thought we used to have a minor collector designation and now it has disappeared, she would like to see us get back to that.

Steven Lord is recalling that they had a minor collector but no minor arterial and when they adjusted it was bumped to collector and minor arterial.

Councilwoman Baertsch wondered how we compare to other cities.

Steven Lord replied that Lehi has a specific cross section for every situation and bike lanes. Spanish Fork is more similar to here with growth rather than redevelopment. We have larger side treatments. But it does seem that there is a width missing, somewhere in the 66' range.

Councilman Poduska wondered when they would reach capacity on the major arterial roads.

Steven Lord replied he didn't know what the capacity was exactly but something in the 50,000 vehicles per day range. When we reach capacity, level of service D, we will be ok most of the day, heavy on the peak hours. They assess the need for a change on a volume to capacity ratio. It's based on segments from intersection to intersection; maybe there are fixes with signs and signals. Once you hit about 80% of maximum capacity they start to look at improvement.

Order of items was changed.

**3. Discussion of the Catalina Bay Concept & Open Space Plan.**

Kevin Thurman said this is the remainder of the original Harbor Bay development. The new developer is asking if they can follow their own plan and not the original Harbor Bay plan. They cannot do the fee in Lieu option. They brought up the open space credit for the original development and would like

54 consideration of a reduction of open space. As a compromise to the proposal, staff recommends that the  
55 applicant contribute funds equivalent to the cost of improving the parcel that was dedicated with Plat 4  
56 (2.99 acres); at \$3.33 per square foot the result is \$433,714. The applicant would also be required to  
57 improve 5.45 acres of open space onsite and finish the remainder of the Redwood Road trail adjacent to  
58 the Harbor Bay development.

59 Councilwoman Call mentioned that they were able to get 1million appropriated for lake improvements this  
60 year and no applications have been submitted for those yet this year. If we can submit an application  
61 soon they may be able to leverage those for matching funds.

62 Mark Christensen commented they talked about future plans and that we don't want to build a park that  
63 limits our ability to finish the rest of the improvements. They felt the fee in lieu was a better option to  
64 leverage the dollars for grants and not paint ourselves into a corner. He noted they would complete the  
65 trail section down to the commercial property.

66 Councilwoman Call asked if there was a way they could get them to grub in the trail with permission of the  
67 property owner. This is the area of the city that has no connectivity along Redwood Road.

68 Kevin Thurman noted the sewer reimbursement agreement and the developer has indicated he is ok with that,  
69 it shows good will on his part.

70 Councilman McOmer thinks it's a great compromise. Finding the balance for the three acres seems like a  
71 fair deal. Where we have already been in negotiations he would encourage staff to go ahead and get it  
72 resolved as quickly as possible.

73 Councilman Willden is on board and thanked staff for working it out with the developer.

74 Kevin Thurman asked if the Council would be ok with slight counter-offers.

75 Council was ok with that.

76 Councilwoman Baertsch agrees, especially if we can get matching funds.

77 Councilman Poduska likes the matching part of it and the compromise. He sees it as really working with the  
78 developer to make the City work.

79  
80 **2. Discussion of pending Title 19, Land Development Code Amendments, including approval processes,**  
81 **Mixed Lakeshore, and Landscaping.**

82 Kimber Gabryszak began with a review of Approval Process Delegations. This was discussed with the  
83 subcommittee and Planning Commission. She went over the different types of approvals and proposed  
84 processes.

85 Councilwoman Call asked if they could document a type of calendar or trigger that says we are going to run  
86 this for, say, 6 months and then we can revisit it to see if we can take it down to Planning Commission  
87 level. If everything is up to code there should be no reason why we couldn't see it at final plat for the  
88 first time.

89 Kimber Gabryszak replied they anticipate continuing to streamline the process but only if they have good  
90 code in place with good standards.

91 Councilwoman Baertsch commented they have talked about when it's an administrative decision they  
92 wouldn't see it at all. As they work on making sure the codes are followed more closely she hopes that if  
93 it follows the code it is administrative and City Council won't need to see it.

94 Councilwoman Call thinks we are good at following the code, but we are missing pieces of code. We need to  
95 work on clarifying and documenting reasons we were uncomfortable with things.

96 Councilman Willden feels there are still some areas of code where there is ambiguity, those types of areas  
97 need to be cleaned up and once those are done he is on board with pushing it down to staff.

98 Kevin Thurman said to keep in mind that for any of these they can delegate part of it to Planning  
99 Commission or staff, and where they want discretion, within their authority, they can still keep that  
100 portion. Some of the decisions should be made by Council still.

101 Councilwoman Call commented we are not doing this because we don't want extra work, it's so we can work  
102 well with developers. The point in doing it to make sure we have good processes in place to make sure  
103 it's easy to develop in Saratoga Springs and its good quality development.

104 Kimber Gabryszak noted the Site Plan process where they proposed delegating to Planning Commission  
105 unless it's a major amendment. For Minor Site Plan Amendments that has been recommended to  
106 delegate to staff.

107 Mark Christensen recalled the complex process with Café Rio. Did we get the issue with it addressed within  
108 this process?

109 Kimber Gabryszak responded it should be. Technically the way it ended up would be a minor site plan  
110 amendment. She noted the fees have been modified and now we have a fee schedule that reflects the  
111 work that goes into the different types. The Mixed Waterfront was brought to Planning Commission for a  
112 work session and she noted a few changes they suggested. In order to change the designation for new  
113 properties they will need to bring forward an amendment to the General Plan Land Use Map. She noted  
114 some properties that could be brought in.

115 Councilman Poduska asked if we have any engineering requirements within this zone for things like  
116 walkways out into the water.

117 Kimber Gabryszak noted into the water becomes an issue with the Forestry Fire and State Lands and Army  
118 Corps. It's possible but difficult to obtain.

119 Councilwoman Call had a concern that this may prohibit lakefront properties. But we also want businesses to  
120 embrace the lake. She thinks we can accomplish the mixed waterfront even if some of the commercial is  
121 further back. She asked how to go about rezoning a piece where a developer is not doing immediate  
122 lakeshore or not developing the whole property.

123 Kimber Gabryszak they could get the entitlement for the whole property and bring forward portions through  
124 a phasing plan. The original language said that it was a goal is to accomplish a mix. And it has been  
125 suggested that no development containing less than 20% commercial area would be considered. So  
126 someone couldn't come in and take advantages of the densities at the lake without offsetting the  
127 commercial benefits.

128 Councilwoman Call asked with 80/20 are we talking sq. footage on the ground or floor space, including  
129 parking. There are things we still need to think about and contact other municipalities that have done this  
130 well. She does like incorporating the River.

131 Mark Christensen asked if she was sure the commercial really embraced the river component.

132 Councilwoman Call noted it would probably be based on how well it worked in other cities that had some  
133 great river communities.

134 Kimber Gabryszak said right now properties keep leaving the mixed Lakeshore and going to residential. This  
135 is not the stopping point because it's not perfect yet but we can pull out difficult parts now, but one thing  
136 that is important is to get the name changed to Mixed Waterfront.

137 Councilman McOmber likes the change to Mixed Waterfront and that we are cleaning it up. One of the best  
138 things is to find the national developers who have done this successfully. They may be able to give us  
139 some great and practical insight. Maybe we need to increase the densities and height.

140 Councilwoman Baertsch asked if there are negatives to the property owners to changing their zoning now  
141 like changes in property taxes.

142 Kimber Gabryszak said the process is to notify the property owners and give them a comparison. They have  
143 an opportunity to protest it and comment. If they are in Greenbelt the taxes wouldn't be impacted. One  
144 reason to zone it is to be proactive so people aren't looking to bring in different uses. They can always  
145 apply for a rezone.

146 Councilwoman Baertsch is a little nervous with the 20/80. She doesn't mind more commercial going in but is  
147 worried about the increase in zoning. A hotel would be an increase in density but not a residential use.  
148 What we really want are truly commercial uses.

149 Kimber Gabryszak said we wrote it as no less than 20% so they would be able to do more and even though it  
150 says a density of 14 they have to transition to it and match adjacent density.

151 Councilwoman Baertsch commented the residents don't want an increase in just residential, it doesn't give us  
152 any value without the commercial aspect. It is getting better. She thinks we need to be careful with this  
153 and likes that there is a minimum. She would to see more of a master plan for the area to see where  
154 marinas, docks and things would be.

155 Councilman Willden had no further comments, his concerns had been covered.

156 Kimber Gabryszak gave a quick update on further changes to the code. Staff is proposing permitting a  
157 limited percentage of bare ground, permitting native grasses as part of manicured landscaping, and  
158 requiring that 1/3 acre lots or 1/3 of an acre of larger lots be required to be landscaped.

159 Councilwoman Call commented with metered water where they don't have to landscape the whole thing then  
160 they shouldn't be given a base rate for the whole thing.  
161 Kimber Gabryszak noted they are discussing that internally. She would like to get this scheduled for a  
162 hearing so it can be pending over the rest of the summer.  
163 Councilman McOmbler noted how there could be consideration for lots that have a smaller footprint and the  
164 same size lot with a larger foot print has less yard to water.  
165 Councilman Willden is supportive of going down this road.  
166 Councilwoman Baertsch asked do we really care what people put in their yards, only if it causes a health and  
167 safety issue, when weeds go in the neighbor's yard, and if it creates a heat island. Could we simplify it  
168 and say 50% needs to be organic material and you have no noxious weeds or invasive plants.  
169 Councilwoman Call proposed that we also don't care what churches put in so long as the percentages are  
170 met. They don't need circles of mulch under each canopy. Is there some type of medium we can reach  
171 that works in application?  
172 Sarah Carroll noted the Church discussed that with her and their landscape plan doesn't work for them to do  
173 a bunch of circles, they are just doing bark mulch. Their preference would be the rocks so it doesn't blow  
174 away and cost to replace.  
175 Councilwoman Baertsch noted that if they had a little stick tree that isn't grown yet it doesn't cover the 50%.  
176 Councilwoman Call looks at the huge numbers. If they are putting in a large amount of shrubs they should be  
177 able to put rock under it. Ultimately the goal is the same, we are not perpetuating heat islands and not  
178 increasing their costs. When there is a huge difference between the required and what they are planning  
179 she is ok with rocks.  
180 Councilwoman Baertsch said they need to look at how to make these trees thrive and not die. She believes  
181 the mulch helps them do that better than rocks.

182  
183 **4. Open and Public Meeting Act Training.** – postponed.  
184

185 Mark Christensen noted they will need to hold a special meeting next week to do the canvassing of election  
186 results. They could move the training till then as well.  
187 Councilwoman Call said could we could have the training at our retreat every year to make it a regular schedule.  
188

189 **Adjourn to Policy Session 7:11 p.m.**  
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\_\_\_\_\_  
Date of Approval

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Lori Yates, City Recorder

## 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, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,

Sarah Carroll, Chelese Rawlings, Jess Campbell, Chelese Rawlings, Nicolette Fike, AnnElise Harrison,

Andrew Burton

Others: Ron Edwards, Carl Ballard, Chris Porter, Justin Johnston, Curtis Leavitt, Chad Spencer

**Call to Order** 7:13 p.m.

**Roll Call** – A quorum was present

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

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

**Public Input - Opened** by Mayor Miller

No Comments at this time.

**Public Input - Closed** by Mayor Miller

### **Awards, Recognitions and Introductions**

- Civic Events Awards – AnneElise Harrison spoke about the Saratoga Springs Triathlon. She wanted to honor those volunteers that have put in so much time and effort. She presented pins to Jarred Mason and Blake & Jeramy Josephson (not present).

## POLICY ITEMS

### **1. PUBLIC HEARING ITEMS:**

**a. Public Hearing: Amended Storm Drain Impact Fee, Storm Drain Capital Facilities Plan, Storm Drain Impact Fee Facilities Plan, and Storm Drain Impact Fee Analysis.**

**i. Ordinance 15-25 (8-18-15): Amending the Storm Drain Impact Fee and Adopting a Storm Drain Capital Facilities Plan, Storm Drain Impact Fee Facilities Plan, and Storm Drain Impact Fee Analysis.**

Jeremy Lapin went over the proposed ordinance. Bowen, Collins and Associates and Zion's Bank Public Finance assessed the level of Storm Drain system service. They are proposing changing the fee from the existing fee of \$556 per Unit to \$1,649 per Acre.

**Public Hearing Open** by Mayor Miller

No comments

**Public Hearing Closed** by Mayor Miller

Councilman Willden had no comments.

Councilwoman Baertsch asked about changing from charging from unit or lot to charging per acreages.

Larger lots may retain their own water and not using the storm drain system as much and that doesn't seem wise.

Jeremy Lapin said they had this discussion and it is one of the reasons they decided to make it a fee at plat recordation because they don't want developers to pass the fee on to individual lot owners. The developer has to come up with the money up front based on gross acreage. Overall there is an averaging out and shouldn't put the burden on the homeowner.

Councilwoman Baertsch still feels that larger lots can retain more water compared to condos or townhomes where more will run off.

Jeremy Lapin said they calculate where a landscaped area has less run off. A landscaped area requires a smaller pond. They are able to take advantage because they don't have the cost to develop the pond.

Everyone has the same discharge per acre, they are required to deal with the variations onsite whether it's with a pond or something else. Ultimately it only has to do with gross acreage and not what they

247 develop. It's a comparison of the peak flows, A commercial may have more volume of runoff but they  
248 will have a bigger detention system that caps the peak flow for a longer period of time.  
249 Mark Christensen commented that the more urban dense the environment the more cost they personally bear,  
250 but the larger lot has little onsite detention.  
251 Kevin Thurman added that everyone also benefits from upstream system improvements.  
252 Jeremy Lapin said even if they have ways to mitigate small storms they still expect a system to be there to  
253 handle the worst case scenario.  
254 Councilman McOmber appreciates all the work that went into this document. He thinks this is why Jeremy is  
255 here, he understands all the different areas of the city and he is being proactive. He thinks it's great that  
256 we are planning for the future now and not waiting to plan for things until they are needed.  
257 Councilwoman Call agrees with that sentiment.  
258 Councilman Poduska wondered if it included the cost of the cleaning and water separation units.  
259 Jeremy Lapin said it's not an impact fee allowed expense when it's retrofitting.  
260 Councilman Poduska thought our fees seemed high compared to other cities.  
261 Jeremy Lapin noted it was because those cities are already relatively developed and have already paid for a  
262 significant portion of their infrastructure. We are making sure we are only charging for what is needed  
263 and not more.  
264 Councilman McOmber added that we are a beautiful city and we are a long skinny city and we are justified  
265 in the fees we are charging.  
266

267 **Motion made by Councilman Willden to approve Ordinance 15-25 (dated 8-18-15): With the details**  
268 **listed in the meeting agenda. (Amending the Storm Drain Impact Fee and adopting a Storm Drain**  
269 **Capital Facilities Plan, Storm Drain Impact Fee Facilities Plan, and Storm Drain Impact Fee**  
270 **Analysis) Seconded by Councilwoman Call.**  
271

272 Councilwoman Call noted the decrease.  
273

274 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
275 **Councilman Poduska. Motion passed 5 - 0.**  
276

## 277 2. ACTION ITEMS:

- 278 a. Final Plat for Talus Ridge Plat D located at 1100 West Talus Ridge Blvd, Edge Homes, applicant.  
279 i. Resolution R15-36 (8-18-15): Adding Lots to the City Street Lighting Special Improvement  
280 District for Talus Ridge Plat D.  
281 b. Final Plat for Talus Ridge Plat E located at 1100 West Talus Ridge Blvd, Edge Homes, applicant.  
282 i. Resolution R15-37 (8-18-15): Adding Lots to the City Street Lighting Special Improvement  
283 District for Talus Ridge Plat E.  
284

285 **Motion made by Councilman McOmber to approve R15-36 and R15-37 (dated 8-18-15) Adding Lots to**  
286 **the City Street Lighting Special Improvement District for Talus Ridge Plat D. And Adding Lots to**  
287 **the City Street Lighting Special Improvement District for Talus Ridge Plat E. Seconded by**  
288 **Councilman Poduska**  
289

290 Councilwoman Call noted it was pleasing to see plats on a development that was brought to the city only  
291 a year ago, it has sold well.

292 Councilwoman Baertsch mentioned this needed to **approve the Final Plats D & E as well.**  
293 Councilman McOmber and Councilman Poduska **accepted the amendment.**  
294

295 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
296 **Councilman Poduska. Motion passed 5 - 0.**  
297

- 298 c. Site Plan, Conditional Use and Preliminary Plat for Harbor Bay Church located at 168 East  
299 Harbor Bay Drive, Evans and Associates Architecture, applicant.

300 Sarah Carroll presented the Site Plan. She reviewed the findings and conditions. They will bring back the  
301 Final Plat next week.

302  
303 **Motion made by Councilwoman Baertsch that the City Council approve the Site Plan, Conditional**  
304 **Use and Preliminary Plat for Harbor Bay Church located at 168 East Harbor Bay Drive,**  
305 **Evans and Associates Architecture, applicant, and direct staff to bring back the final plat at**  
306 **the next meeting, including all staff findings and conditions. Seconded by Councilwoman Call**  
307 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman**  
308 **Call, Councilman Poduska. Motion passed 5 - 0.**  
309

310 Councilwoman Call expressed appreciation to the applicant for additional trees.

311  
312 **d. Site Plan and Conditional Use for Jacobs Ranch 1 and Israel Canyon Stake located at 163 West**  
313 **Ring Road, Evans and Associates Architecture, applicant.**

314 Sarah Carroll presented the Site Plan. She reviewed the Findings and Conditions. They need to add a  
315 condition to landscape the parkstrip.

316 Councilwoman Call said if we are going to revisit this with concern to the rock over the mulch.

317 Kimber Gabryszak said we do need to meet code but the planting ring requirement is only for the  
318 required plants so anything above and beyond would not need to meet that requirement.

319 Mark Christensen said if the Council made that change we could allow them to modify their plan later.

320 Kimber Gabryszak also noted that if the process amendments went through it would be a minor  
321 amendment and would be approvable by staff.

322 Kevin Thurman mentioned it would be good to give them the option now and delegate it to staff as part  
323 of the motion.

324  
325 **Motion made by Councilman Poduska that based upon the evidence and explanations received**  
326 **today he moves the City Council approve the Jacobs Ranch 1 and Israel Canyon Stake Church**  
327 **Site Plan and Conditional Use Permit, located at 163 West Ring Road, with the findings and**  
328 **conditions in the staff report and we can modify it if necessary in the future. With the addition**  
329 **that they landscape the parkstrip. Seconded by Councilwoman Call. Aye: Councilman**  
330 **Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman**  
331 **Poduska. Motion passed 5 - 0.**  
332

333 **e. Improvement Agreement with Ken Evans and Intermountain Health Care.**

334 Jeremy Lapin presented the Agreement. This item is for the approval of an Improvement Agreement with  
335 Ken Evans and Intermountain Health Care for the completion of 400 West from the round-about at  
336 Aspen Hills Blvd south to Crossroads Blvd. The proposed agreement would involve a commitment  
337 from the City to place the completion of 400 West on the City's Transportation Capital Facilities  
338 Plan and to complete its construction within 5 years if both Ken Evans and IHC will dedicate to the  
339 City the 77ft. collector right-of-way (R/W).

340 Councilwoman Baertsch asked how this would tie in to the existing roundabout.

341 Jeremy Lapin responded that if council approves this agreement someone will need to put together a  
342 schematic design. It should be a fairly easy tie in.

343 Mark Christensen noted that the 77ft. R/W would be a three lane width including a middle lane. The bike  
344 lane would be lost in the roundabout and transition to a shared lane.

345 Councilwoman Call clarified that we are looking at a dedication of the R/W and the city would construct  
346 the road. She asked what is the benefit for the city to fund the road before development takes place.

347 Jeremy Lapin replied that for this location there is no eminent development and they see this as being a  
348 regional benefit and the R/W is being dedicated at no cost.

349 Councilwoman Call is concerned that if we put this regional road through a residential neighborhood it  
350 would complicate matters.

351 Councilwoman Baertsch thinks this actually will help stop the traffic through the neighborhood, more  
352 regional traffic will take this road.

353 Mark Christensen added that this gives us the option to make the decision at a later point.  
354 Jeremy Lapin feels that by giving them an alternate route it makes it more appealing to take this route  
355 than Aspen Blvd.  
356 Councilwoman Call does like the options but she doesn't want to convey to anyone that yes we are doing  
357 this but just that we are keeping our options open.  
358 Mark Christensen thinks the biggest issue for this neighborhood is that the frontage road that bypasses  
359 Aspen Hills has never been put in. This option will alleviate a lot of the concerns.  
360 Kevin Thurman noted they need to authorize City Manager to sign the agreement.  
361

362 **Motion made by Councilwoman Baertsch to approve the Improvement Agreement with Ken Evans**  
363 **and Intermountain Health Care, authorizing the City Manager to sign the agreement. Seconded by**  
364 **Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**  
365 **Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**  
366

367 **f. Cooperative Agreement with Utah Department of Transportation.**

368 Jeremy Lapin presented the agreement. This item is for the approval of a cooperative agreement with  
369 UDOT for the transfer of a portion of road to be known as Crossroads Blvd. and 1400 North Also  
370 Staff has negotiated with UDOT for sufficient pavement preservation funds to bring these portions of  
371 roadways up to an acceptable standard as a condition of acceptance.  
372

373 Councilman McOmber commented that this was well done.

374 Kevin Thurman noted they also needed to authorize City Manager to sign the agreement.  
375

376 **Motion made by Councilman Willden that the City Council approve the Cooperative Agreement**  
377 **with UDOT and Authorize the City Manager to sign. Seconded by Councilman McOmber.**  
378 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman**  
379 **Call, Councilman Poduska. Motion passed 5 - 0.**  
380

381 **g. City Council Minutes:**

382 **i. July 21, 2015.**

383 **ii. August 4, 2015**  
384

385 **Motion made by Councilwoman Baertsch to approve the minutes from July 21, 2015 and August 4,**  
386 **2015 including previously emailed changes by Councilwoman Call. Seconded by**  
387 **Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**  
388 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**  
389

390 **3. REPORTS:**

391 **a. Mayor.**

392 Mayor Miller said he attended MAG meeting and in the meeting they recognized Saratoga for supporting  
393 the residents in not supporting the taxes for UTA.

394 **b. City Council.**

395 Councilman McOmber thought the bike tour they did for research was great. They will be bringing  
396 forward some recommendations. There is a new bike interchange he would like to visit. As we move  
397 forward we want to make sure we are thinking through those things. For code enforcement, on  
398 Redwood Road and Centennial there is a dispute between the HOA and the Church, neither want to  
399 maintain it. He wanted an update on 400 South and why it was closed so long.

400 Jeremy Lapin will find out the timelines. The pipe is literally down the middle of the road and there were  
401 no other alternatives but to close it for a time.

402 Councilman McOmber also commented that the Saratoga Springs Development swimming pool has lost  
403 their hot water. They have a proprietary right and they will also be making it a historical site. He  
404 thinks Legacy Farms coming through has maybe impacted it. We need to make sure the residents  
405 there have their rights retained. Definitely check into it.

406 Mark Christensen said he got a call last week from Howard Van Horn and with the exception of the  
407 minor ground water they are encountering installing Tickville pipe it is just ground water. Howard  
408 thought it might be a blockage in their pipes.

409 Councilwoman Baertsch said people still have two days left to comment on the target shooting on the  
410 BLM area. The prison was recommended to be moved to the Salt Lake site. Rep. Eric Hutchings  
411 came to talk to them at League about reform in the judicial system. We will want to watch this, the  
412 idea is that we should be doing more halfway houses. We need some updates on Sunrise Meadows  
413 and the trees along 800 West. They took out around 23 mature trees and have only replaced 8 tiny  
414 trees. She is hoping that they will be putting in bigger trees. The sod is all done.

415 Kimber Gabryszak said they are supposed to be putting in 43 trees. The code requires them to be 2 in.  
416 caliper.

417 Councilwoman Baertsch noted they did not meet that code.

418 Jeremy Lapin said they weren't meeting code so they stopped and they are working with the landscaper  
419 to be putting in better. Last he heard they weren't going to count those 8 towards the requirement.

420 Kimber Gabryszak said they will follow up with it. Recently for the Code amendments they looked into  
421 the definitions of calipers of the trees. Caliper is used by nurseries and is measured about a foot  
422 above the root ball and Diameter is what landscapers use for mature trees at breast height.

423 Councilwoman Baertsch said where we are looking at the public property she feels like it was doing the  
424 residents a big disservice. When its private property she has less of an issue with it but this was  
425 Public property with mature trees that were massively valued. She also had complaints about sulfur  
426 the water in Saratoga Springs Development again, and in Harvest Hills. She asked if there was an  
427 update on Pony Express construction.

428 Jeremy Lapin said they were two weeks behind schedule at their last meeting. There is a penalty or  
429 damage usually by not being done by schedule, but he doesn't know how much was granted to them  
430 because of things out of their control. Also this is under UDOT processes. He will give another  
431 update after their next meeting.

432 Councilwoman Baertsch said there needs to be some more common sense with code enforcement. People  
433 who are getting fines after 6 years and then people who are working on it waiting for only something  
434 like sod to come in that get fined.

435 Councilman Willden appreciates staff and they are working on enhancing the financial reporting. They  
436 are also looking at some key risk indicators. He sat in on the Utah County 911 dispatch meeting and  
437 he was impressed with their being financially conservative. He gave a shout out to the fire  
438 department for their firefighters being outgoing and talking with kids and residents.

439 Councilman Poduska asked about a recent boat incident.

440 Chief Campbell responded that they ran out of fuel and needed a tow.

441 Councilwoman Call thanked the Fire and Police Chiefs for a great Night-Out Against Crime. She would  
442 like to echo Councilwoman Baertsch's comments about the trees on 800 W. She has done some  
443 research on the lake and found some old pictures she would like to add to the archives. There is a  
444 meeting tomorrow afternoon for a new business opportunity in the area. On Riverside drive off of  
445 Crossroads Blvd. the R/W has been dedicated but there is no sidewalk anymore, its grown over and  
446 needs to be taken care of. She has had some contacts about water issues. She would like to propose  
447 the meter cap be extended into August.

448 Mark Christensen would suggest that they provide direction to put it as an action item on the next  
449 meeting.

450 Council agreed to put that on the agenda.

451 Councilwoman Call said there is still some residences that are saying their culinary water reading  
452 jumped one month and then went back down. A long time ago they had some ambiguous treatment  
453 for billing for those that had weird issues; they would waive it or work with them.

454 Spencer Kyle was not aware of any waiver they had. If the city has made a mistake they can look at it.

455 Councilwoman Call noted they referenced that policy thinking it was still in place. Could they provide  
456 the actual details of the sewer increase in factual information to put out for residents.

457 Spencer Kyle replied The Zion's report would be the best factual information. The majority is TTSD,  
458 anticipated capital projects and operation and meeting bond requirements.

459 Councilwoman Call commented that in most of the issues she has seen the sewer exceeds the culinary  
460 rates. She couldn't find any information about it online and any information they can provide that is  
461 factual she would appreciate it getting out there.  
462 Councilwoman Baertsch mentioned that Regal Park got started. She asked if Chief Campbell had an  
463 update about the crew who were out to California and if they were requested again.  
464 Chief Campbell said they just got back and are on 2 day rest. Right now there are 180 resource requests  
465 they can't fill. They have a multi-agency group and as resources come available they will prioritize  
466 where they go and it looks like within a week they will be out again, probably to Idaho. They have  
467 been out for over a month this summer and they will probably be out into late September. He  
468 believes the only thing that will put this fire season out is snow.

469 c. Administration communication with Council.

470 Mark Christensen noted they would discuss these comments the next day at their staff meeting.

471 d. Staff updates: inquires, applications and approvals.

472

#### 473 4. REPORTS OF ACTION:

474

#### 475 5. Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or 476 reasonably imminent litigation, the character, professional competence, or physical or mental health of 477 an individual.

478

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

484

485 Meeting Moved to Closed Session 8:30 p.m.

486

#### 487 Closed Session

488

488 Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman  
489 Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike Andrew Burton

490

491 Closed Session Adjourned at 8:46 p.m.

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493 Policy Meeting Adjourned at 8:46 p.m

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Date of Approval

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

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Lori Yates, City Recorder