



MINUTES – CITY COUNCIL MEETING

Tuesday, August 3, 2021

City of Saratoga Springs

City of Saratoga Springs City Offices

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

City Council Policy Meeting

Call to Order: Mayor Jim Miller called the meeting to order at 6:02 p.m.

Roll Call:

Pursuant to the COVID-19 Federal Guidelines, this Meeting will be conducted with some members participating electronically.

Present Mayor Jim Miller, Council Members Stephen Willden, Michael McOmber, Christopher Carn, Chris Porter (electronically), and Ryan Poduska (electronically).

Staff Present City Manager Mark Christensen, Assistant City Manager Owen Jackson, City Attorney Kevin Thurman, Community Development Director Ken Young, Public Works Director Jeremy Lapin, and Deputy City Recorder Kayla Moss.

Invocation: Council Member McOmber

Pledge of Allegiance: Council Member Carn

Public Input: Clayton Johnson, Saratoga Springs Resident- Mr. Johnson mentioned that they have an apartment in their basement that their son lives in. Their home was built in 2005 and they would like to have their apartment be able to make some revenue in the future. He doesn't think it presents any problems for the area. Their apartment has a separate driveway with plenty of room for 2 or 3 vehicles.

Harvey Roberts, Saratoga Springs Resident- Mr. Roberts is concerned about the affect basement apartments may have on the surrounding neighbors. He worries about those that moved into their homes with the thought that there would only be single family residences around them.

REPORTS: Council Member Carn went over the department updates and he wanted to point out that he heard many people wanting to ban fireworks. Chief Campbell only reported one small grass fire in the City as a result of fireworks. He thanked residents for being responsible in their activities without the City having to set the regulations.

Council Member Porter advised that he met with Representative Jefferson Moss about things that are happening at the state legislature. He thanked representative Moss for the great job he is doing with representing the City. He has rallied to have road projects and other things completed.

CONSENT ITEMS:

- 1) City Council Meeting Minutes: July 20, 2021.**

Motion by Council Member Carn to approve item 1 and was seconded by Council Member Willden.

Vote: Council Members Carn, McOmber, Poduska, Porter, and Willden - Aye

Motion carried unanimously.

PUBLIC HEARINGS:

1. Petition for Disconnection, Scott L. McLachlan.

City Attorney Kevin Thurman advised that a disconnection request came in for three property owners. They want to simultaneously annex into Lehi City. The property owners have provided public noticing as well as the City. The statute doesn't have any criteria for the City Council but they should follow the same criteria as the district court would.

These criteria are: The viability of the disconnection, justice and equity require that the territory be disconnected from the municipality, the proposed disconnection will not: leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years ii. Make it economically or practically unfeasible for the municipality to continue to function as a municipality; or iii. Leave or create one or more islands or peninsulas of unincorporated territory. That the county in which the area proposed for disconnection is located is capable, in a cost effective manner and without materially increasing the county's costs of providing municipal services, or providing to the area the services that the municipality will no longer provide to the area due to the disconnection.

There are currently several City utilities on the property as well as a City road and other easements. It could materially increase the cost of municipal services for the City. The process now is to make a decision regarding the disconnection within 45 days after the hearing.

Gary Earl representing Scott McLachlan advised that these properties should be considered individually and decided on individually. McLachlan's property has one existing easement and would need a second easement to bring the water through to a well. He believes that the cost to Lehi should be the same on the McLachlan property and shouldn't impact Saratoga Springs negatively.

There are currently no easements on the other properties according to the property owner.

City Manager Christensen advised that the lift station was upsized at the property adjacent to this property to be able to service the sewer at the property.

City Attorney Kevin Thurman advised that the problem isn't whether the City can service the area or not. It is a matter of the impact fees that have been collected for the sewer lift station and the upsizing.

Mayor Miller opened the public hearing at 6:30 p.m.

Ricky Felix asked the City Council to not disconnect the property from Saratoga Springs due to the possible loss of property and sales tax revenue.

Mark Hugo is a land acquisition realtor that has some participation in this application. It was referenced that there was a boundary agreement made between Saratoga Springs and Lehi City. The Chiu property was petitioning to be moved from Lehi and annexed into Saratoga Springs. Lehi did not agree upon that. Mr. McLachlan has the opportunity to sell his property currently. It would fair and equitable for the property owner to be able to disconnect. It should be made easy for him to exercise his property rights. He has received a good offer for his property and he would like to do that this year. He doesn't understand why the City doesn't take initiative with Lehi to swap property to have a natural boundary between Lehi and Saratoga Springs. He doesn't understand why a simple solution cannot be entertained.

My name is Robert Moore and I am a Deputy Utah County Attorney. I represent Utah County Government and am sending this e-mail in advance of the public hearing scheduled for Tuesday, August

3, 2021 at 6:00 p.m. at the Saratoga Springs City Offices regarding the Requests for Disconnection for the following parcels of real property:

- Scott C. McLachlan - APN: 13:024:0003, 13:029:0104, 58:031:0003, 58:036:0075, and 58:036:0078.
- Banana Point LLC - APN: 58:036:0145.
- Cliff Lake LLC - APN: 58:036:0143.

Utah County respectfully requests that the City of Saratoga Springs consider adjusting the common boundaries between Saratoga Springs and Lehi to allow the above-referenced parcels of real property to be moved from Saratoga Springs into Lehi, pursuant to Utah Code Section 10-2-419. Alternatively, Utah County requests that the City of Saratoga Springs only grant the Requests for Disconnection regarding the above-referenced parcels of real property contingent upon them being simultaneously annexed into Lehi.

Motion by Council Member McOmber to table this item and direct staff to analyze the factors in Utah Code Section 10-2-502.7(3) & (4) and return with a recommendation to the City Council within 45 days and understand the true impacts to the City no later than two City Council Meetings away was seconded by Council Member Carn.

Vote: Council Members Carn, McOmber, Poduska, Porter, and Willden - Aye

Motion carried unanimously.

2. Petition for Disconnection, Banana Point, Inc. and Cliff Lake.

This item was discussed during the first public hearing.

Motion by Council Member McOmber to table this item and direct staff to analyze the factors in Utah Code Section 10-2-502.7(3) & (4) and return with a recommendation to the City Council within 45 days and understand the true impacts to the City no later than two City Council Meetings away was seconded by Council Member Carn.

Vote: Council Members Carn, McOmber, Poduska, Porter, and Willden - Aye

Motion carried unanimously.

3. Ordinances Vacating a:

- A. Twenty Foot (20') Wide Storm Drain Easement 101842, Heron Hills Plats B and D, Ordinance 21-28 (8-3-21);**
- B. Storm Drain Detention Pond Easement, Heron Hills Plat D 101843, Ordinance 21-29 (8-3-21); and**
- C. Twenty Foot (20') Wide Storm Drain Easement, Heron Hills Plats C and D 101844, Ordinance 21-30 (8-3-21).**

Public Works Director Jeremy Lapin advised that when this development first went in there were temporary storm drains installed. They are now platting homes and need to vacate these easements as clean up.

Public Hearing was opened by Mayor Miller at 6:42 p.m. There were no comments so the public hearing was closed.

Motion by Council Member Willden to approve the Ordinances Vacating a Twenty Foot (20') Wide Storm Drain Easement 101842, Heron Hills Plats B and D, Ordinance 21-28 (8-3-21); Storm Drain Detention Pond Easement, Heron Hills Plat D 101843, Ordinance 21-29 (8-3-21); and Twenty Foot (20') Wide Storm Drain Easement, Heron Hills Plats C and D 101844, Ordinance 21-30 (8-3-21) with all staff findings and conditions was seconded by Council Member Poduska.

Vote: Council Members Carn, McOmber, Poduska, Porter, and Willden - Aye
Motion carried unanimously.

BUSINESS ITEMS:

1. Transportation Master Plan Amendment; Ordinance 21-27 (8-4-21). (Cont. from 7-20-21)

Director Lapin asked to have this tabled because the updates were not made in time for the meeting.

Motion by Council Member Carn to table the Transportation Master Plan Amendment; Ordinance 21-27 (8-4-21) to a future date was seconded by Council Member Willden.

Vote: Council Members Carn, McOmber, Poduska, Porter, and Willden - Aye
Motion carried unanimously.

DISCUSSION ITEM:

1. Draft ADU and Scooter Ordinances.

Community Development Director Ken Young advised that the City staff has been having discussions on where to allow ADU's. These would be limited to one accessory dwelling unit per property. There will be a minimum square footage requirement of 500 square feet. He would like to know if the City Council would like to address the ADU separately to include "a or b" at the end of the address, etc.

The City Council would like to clarify that a cooking area is a kitchen and sanitation facilities is a bathroom. They would also like to differentiate the address between the owner's dwelling and the ADU. They would like to be able to track the data and have the owners register their units.

Council Member Willden is okay with allowing detached units as long as it is limited to one unit.

Council Member Porter agreed with Council Member Willden.

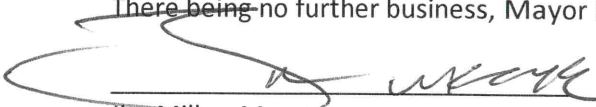
Council Member McOmber mentioned that the property owner has rights for building an accessory dwelling unit as well. He asked if the 6,000 square foot lot was state mandated or if it was chosen by the City. He doesn't want to allow for variance if they don't have to.

City Attorney Thurman advised that the State allowed in the provision to let cities limit the square footage to 6,000 square feet if wanted. The Council can also require one additional on-site parking spot as well. He wants to make sure that the separate structure has to be located in the back of the home.

The Council would like to proceed forward with internal ADU's and look at the external ADU's separately at a later date.

ADJOURNMENT:

There being no further business, Mayor Miller adjourned the meeting at 7:18 p.m.


Jim Miller, Mayor

Attest:


Cindy LoPiccolo, City Recorder
Approved: 8-17-21

