



# MINUTES – CITY COUNCIL

**Tuesday, January 2, 2018**

City of Saratoga Springs City Offices

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

---

**Call to Order:** Mayor Jim Miller called the Meeting to order at 6:00 p.m.

## Oath of Office

City Recorder Cindy LoPiccolo gave the Oath of Office to duly elected Mayor Jim Miller, Council Member Michael McOmber, and Council Member Stephen Willden.

## City Council Work Session

**Present** Mayor Jim Miller, Council Members Chris Porter, Ryan Poduska, Stephen Willden, Shellie Baertsch, and Michael McOmber.

**Staff Present** City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Public Relations and Economic Development Manager David Johnson, Planning Director David Stroud, Planner Kara Knighton, City Recorder Cindy LoPiccolo.

### **1) Starhaven Rezone, General Plan Amendment (GPA), and Concept Plan, Kenneth Evans Applicant, Northwest Corner of 400 West and Crossroads Boulevard.**

Planner Kara Knighton presented the staff report concerning the Starhaven application to rezone from Agriculture (A) and Rural Residential (RR) to R1-10 and R1-9, and General Plan Amendment for the northern portion of the property from RR to Low Density Residential. The applicant is requesting the northern R1-10 portion of the property for six single family residential lots ranging from 18,000 square feet to 21,000 square feet. The R1-9 portion would encompass the majority of the property with fifty (50) footprint development lots intended as an age-restricted (55+) community and clubhouse. She reported the Trails Master Plan shows a trail running along the canal, however, there have been changes and staff at this time recommends a ten foot trail (five feet added to the existing sidewalk) run along the west side of 400 West to the intersection of Crossroads Boulevard.

Applicant Kenneth Evans reported in order to proceed with the proposed development there are two issues that are of concern and referred to the staff report that included their request. One is to relocate the trail to the east side trail which would support a masonry sound proof and screening wall along 400 West, and the second is to limit the size of the potential access road from 400 West to a 59 foot public road.

Council Member Poduska inquired concerning the length of the proposed wall along 400 W and if that will run along the entire east side boundary or the small portion. Applicant Evans responded the proposal is for an expanded sidewalk trail on the east side of 400 West from Crossroads Blvd. to the turnaround at Aspen Hills Boulevard. IHC has communicated they are willing to discuss dedication of land on the east side for the trail with the expectation the other parties would improve the trail area and an agreement is proposed between the parties wherein Starhaven Partnership and the City share equally in the cost to construct the five-foot sidewalk expansion. In response to Council Member Poduska, Applicant Evans

clarified they will be proposing construction of less than 51 units in order to defer a secondary access and provide for a larger detention basin.

In response to Council Member Willden concerning compliance with R-1-9 requirements, Planner Knighton reported the Villas pad size footprint is approximately 2700 sq. ft. and the table in section 19.04 allows the footprint development type units in R-1-9. Council Member Willden commented he likes the bigger lots proposed, in regard to the trail this should be treated as any other development and he is not comfortable with the City funding construction of a trail as this concession would create precedent and the City should follow what has been done historically. He does not have a particular concern with the trail on either side, this should be what makes sense from a development standpoint and take care of the safety. Conceptually with the number of homes and that density he is comfortable with what is proposed as long as there is compliance with R-1-9 and R-1-10, however, there are other things that need to be worked out.

City Manager Christensen noted the City constructed this road because of the demand to create connectivity, typically this size road would be constructed by the Developer and the City would pay the upsize cost. From a financial standpoint the City has already built the 5 foot sidewalk and the City has already gone much further in this particular development than is typically done, there is good partnership in getting the land donated, however, staff would not be recommending that the City fund additional trail width. If the Applicant chooses to do that it can be used toward the open space credit.

City Attorney Thurman advised in this case where the regulation is tied to public safety there should be consideration from a safety standpoint of how the trail along a local or collector road is different from a sidewalk as far as whether or not to do a code amendment.

Council Member Willden clarified according to the current code if the trail is located on the east side the development can do a solid wall, however, if on the west side a semi-private fence is required per code. He would want the best solution. And in regard to the cost-sharing the City needs to be consistent with what has been done with other developers in the City.

Council Member McOmber expressed appreciation for the clarification concerning the boxes/footprint development type units in R-1-9, and for the proposed larger lots. The City constructed 400 W to maintain connectivity within the Aspen Hills and Harvest Hills development as Aspen Hills Blvd. was going to be closed. He does not support the City's contribution to the trail construction for consistency with other requests. He thinks the western trail alignment may be best, however, is okay with either if IHC donates the land. He discourages basements as it is his opinion most seniors prefer a larger one level footprint which does better market wise for a senior community. He noted the Lakeside development in the City had a senior community with basements that failed to sell. He wants a successful development and does not support funding any trail. Applicant Evans referred to the successful 55+ Heritage development near the Payson Temple as a similar comparison.

Council Member Baertsch expressed disappointment with what was said in a letter that was sent out, believes there was a misunderstanding as this was never to be high density homes. She does not have a problem with the plan, was surprised in regard to the footprint development and noted staff is working to change the code, however believes this to be a good product and appreciates the larger lots. Her biggest concern in regard to the trail is the City has attempted to follow the canal trail and would prefer that. The original trail plan was for it to be partially on IHC property and partially on this property. The City has paid more than its fair share for road and sidewalks. In regard to the fencing according to code if west side there must be a semi private fence, if on the east side what is proposed is fine. This should be aligned properly

and as long as there is access across Crossroads Boulevard. Appreciates the connection to the west for future development and she does not have a concern with a solid fence.

Council Member Porter commented he agrees with much of what has been said, is happy with the larger lots and does not have an issue with the plan. Recommended a notation concerning adjacent regional commercial potential uses be included to advise and give fair warning to future homeowners. Noted seniors want quiet and privacy so there should be a wall/solid fencing. He is not in favor of the City sharing costs for the reasons mentioned.

In response to Applicant Evans, City Engineer Miner reported he has checked and the access road into the project will not be a connector road as long as that road does not connect into the Mountain View Corridor frontage road. If it ends in the neighborhood then it does not have to be a collector road, although it could connect if the City desires that. In response to Council Member Baertsch, City Manager Christensen advised the City could have the consultant look into where a connection to the frontage road could be as of now there is only Harvest Hills Boulevard. Applicant Evans suggested old Redwood Road and City Manager Christensen responded he will have staff check into this.

Council Member McOmber commented he believes this is a good possibility for a good product, appreciates openness and willingness to share opinion. He would appreciate a decision in regard to the connectivity issue, and cannot go forward until that is determined. City Engineer Miner advised staff will get to work on this immediately for an answer. Council Member Baertsch thanked Planning and Engineering for their time and assistance.

### **City Council Policy Meeting**

**Call to Order:** Mayor Jim Miller called the Policy Meeting to order at 6:59 p.m.

#### **Roll Call:**

**Present** Mayor Jim Miller, Council Members Michael McOmber, Shellie Baertsch, Stephen Willden, Ryan Poduska, and Chris Porter.

**Staff Present** City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Public Relations and Economic Development Manager David Johnson, Planning Director David Stroud, City Engineer Gordon Miner, Senior Planner Nora Shepard, Capital Facilities Manager Mark Edwards, City Recorder Cindy LoPiccolo.

Invocation by Council Member McOmber.

Pledge of Allegiance led by Council Member Poduska.

#### **Public Input:**

Brian Lester, Parkway Court, commented concerning the amount of local fireworks and requested code change and regulation reducing the days and time for fireworks. Council Member Baertsch advised she sits on the Legislative Policy Committee that meets regularly with State legislature and there will be new state legislation this year addressing the concerns of cities and Fire Chiefs about fireworks. The legislature is shortening the time when fireworks are allowed and giving cities more ability to regulate.

Kristen Mendenhall, W. Peppermint Circle, commented in support of development of custom housing and assistance to developers to get half acre lots on the north end of the city.

Mindy Oyler, Cozy Lane, commented in opposition of any plans to make Cozy Lane a thoroughfare in view of its narrowness.

**BUSINESS ITEMS:**

**1) Appointment: Veterans Advisory Council (Kyle Pierce); Resolution R18-1 (1-2-18).**

Public Relations and Economic Development Manager David Johnson introduced Veterans Advisory Council candidate Sergeant Kyle Pierce with the Air National Guard and presented the staff report and recommendation for appointment. Sergeant Pierce introduced his wife and advised he would like volunteer to be involved in community affairs involving veterans. Mayor Miller thanked Sergeant Pierce for his willingness to serve and Council Member McOmber gave a referral to Communities That Care.

Motion by Council Member Porter to approve the appointment of Sergeant Kyle Pierce to the Veterans Advisory Council and Resolution R18-1 (1-2-18), was seconded by Council Member Baertsch

Vote: Council Members Poduska, Willden, McOmber, Baertsch, and Porter – Aye

Motion carried unanimously.

**2) Fox Hollow The Preserve N11 2-5 Final Plats, Kerry Winn Applicant, 3400 South Wildlife Boulevard.**

Planning Director David Stroud presented the staff report and recommendation concerning the application to approve the final plats of The Preserve at Fox Hollow Neighborhood 11, Phases 2-5, consisting of approximately 20.17 acres and containing 118 lots. Council Member Baertsch clarified this is not approving a variation within this PUD and should change to complies because of variation within PUD.

Director Stroud reviewed email correspondence from Tanya Parker, President of The Villages HOA requesting consideration in regard to the name of the trailhead to Preserves Trail, request for the developer to work with the HOA in regard to fencing, trail bridge over swale for connectivity, and trail landscaping. City Manager Christensen advised this basin is more similar to Jacobs Ranch where it may be periodically washed out, however, asphalt trails can be put through the swale that can be replaced; noted the size and expense of bridges, the developer has paid fee in lieu of open space and could not condition this phase, however, could ask for part to install an asphalt trail. Mayor Miller noted these need to be outlined on the City's trail system plans as the City moves forward. City Manager Christensen noted this was something brought up by Council Member Poduska earlier today and can be looked at.

Council Member Poduska clarified for Neighborhood 5 they had to put private with the one foot semi private at the top that will go around the Village and down to Wildlife, then there will be a break on Wildlife at the Village pump, want to make sure that past that break that the rest of the neighborhood along Wildlife is the solid type because the Preserves is on that side. Director Stroud noted the HOA wants to make sure the fencing stays uniform on the Preserves side.

Council Member McOmber recommended checking regional trail names in other communities and cities to make sure there is no duplication and avoid confusion.

Motion by Council Member Baertsch to approve the Fox Hollow The Preserve N11 2-5 Final Plats with all staff findings and conditions, including that the Applicant work with HOA on fencing, that they use Karl Forester ornamental grass for trail landscaping, and that they work with staff on the trail head naming to make sure it has not been repeated, was seconded by Council Member Poduska

Vote: Council Members Poduska, Porter, Baertsch, Willden and McOmber – Aye

Motion carried unanimously.

**3) Budget Policy Document; Resolution R18-2 (1-2-18).**

**4) Non-Cash Income Policy; Resolution R18-3 (1-2-18).**

**5) Credit Card Purchasing Policy; Resolution R18-4 (1-2-18).**

Mayor Miller opened business items 3, 4 and 6. City Manager Mark Christensen presented the staff reports and recommendations for approval.

Council Member Baertsch noted there is the appearance of a large increase in the budget due to moving things and should show reality. City Manager Christensen explained the State Auditor made the decision cities must apply revenue to expense resulting in the appearance of budget increase. In the period 13 of a fiscal year the true expenses are reflected in all expense accounts. In period 14 the required adjustment is made to the expense accounts or the portion of expenses that are billed to the enterprise funds showing a credit to an expenditure line for administrative charges. This is in the blue book from the GFOA and is a Utah State Auditor requirement. It distorts it and is not transparent, however, it something that has to be done from a compliance standpoint. Council Member Baertsch requested a notation be included with this explanation.

Council Member Willden requested future discussion concerning possible contractual procedure to set a threshold variance percentage for contract administrative approval above what is approved by Council in the budget to allow some flexibility if bid is slightly over budget.

Motion by Council Member Porter to approve the Budget Policy Document, Resolution R18-2 (1-2-18), Non-Cash income Policy, Resolution R18-3 (1-2-18), and Credit Card Purchasing Policy, Resolution R18-4 (1-2-18), was seconded by Council Member Willden

Vote: Council Members Poduska, Willden, McOmber, Baertsch, and Porter – Aye

Motion carried unanimously.

**6) Bid Award: Pond 8; Resolution R18-5 (1-2-18).**

City Manager Christensen presented the staff report and recommendation to approve a contract for the construction of a secondary water reservoir at the west end of Evans Lane that will serve the Zone 1 secondary water service area in the north part of the City. The project also includes a Booster pump station to push water from then new reservoir into the Zone 2 distribution system.

Motion by Council Member Baertsch to approve the Pond 8 Bid Award, was seconded by Council Member Poduska

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

Motion carried unanimously.

**MINUTES:**

1. November 28, 2017.
2. December 5, 2017.
3. December 19, 2017.

Motion by Council Member Willden to approve the minutes of November 28, 2017, December 5, 2017, and December 19, 2017 with the submitted and posted changes, was seconded by Council Member Baertsch

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

Motion carried unanimously.

**CLOSED SESSION:**

Motion by Council Member Baertsch to enter into closed session for the purchase, exchange, or lease of property, discussion regarding deployment of security personnel, devices, or systems; pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual, was seconded by Council Member McOmber  
Council Members were unanimously In Favor

The meeting moved to closed session at 7:36 pm.

Present: Mayor Miller, Council Members Willden, Baertsch, Poduska, McOmber, and Porter, City Manager Mark Christensen, Assistant City Manager Owen Jackson, City Attorney Thurman, City Recorder Cindy LoPiccolo.

Closed Session adjourned at 7:41 p.m.

**ADJOURNMENT:**

There being no further business, Mayor Miller adjourned the meeting at 7:42 p.m.

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

Attest:

  
\_\_\_\_\_  
Cindy LoPiccolo, City Recorder

Approved:

2-6-18

