



MINUTES – City Council

Tuesday, May 15, 2018

City of Saratoga Springs City Offices

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

City Council Work Session

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- Call to Order:** Mayor Jim Miller called the Work Session to order at 6:00 p.m.
- Present:** Mayor Jim Miller, Council Members: Shellie Baertsch, Michael McOmber, Ryan Poduska, Chris Porter, and Stephen Willden.
- Staff Present:** City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Public Relations and Economic Development Manager David Johnson, City Engineer Gordon Miner, Senior Planner Nora Shepard, Planning Director Dave Stroud, and Deputy City Recorder Kayla Moss.

1. Cell Tower Contract.

A cell tower company is looking at a location that is at a water tank location. They need to do some research to make sure the property will function correctly for them. More details will be determined after the site is looked at. Verizon is the main provider that they are working with. The tower would have placement for three different providers.

Council Member McOmber stated that the City Council has not prevented Verizon from placing a tower in any way. He was told by a Verizon representative that the City Council and City has done everything in their power to hinder a cell phone tower from being placed in the City. He wanted to make sure that it was on the record that this is not the case.

2. Agenda Review:

- a. **City Council Policy Session agenda items.** – No items were discussed
- b. **Future City Council policy and work session agenda items.** – No items were discussed

City Council Policy Meeting

- Call to Order:** Mayor Miller called the Policy Session to order at 6:06 p.m.
- Present:** Mayor Jim Miller, Council Members: Shellie Baertsch, Michael McOmber, 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, City Engineer Gordon Miner, Senior Planner Nora Shepard, Fire Chief Jess Campbell, Deputy City Recorder Kayla Moss
- Invocation:** by Council Member McOmber
- Pledge of Allegiance:** led by City Attorney Kevin Thurman

43 **Public Input:**

44 Mayor Miller invited public input at 6:08 p.m. There were no comments so it was closed.

45
46 **REPORTS:**

47 Council Member Baertsch wondered if there was anything in City ordinance that can regulate management
48 companies in the City. She suggested having a requirement that someone live in their home for a least a year
49 before it is rented out. There is also a conflict between the signs posted in the City and code regarding engine
50 brakes. There are some areas that engine brakes are being used a lot and it is causing a lot of noise for the
51 residents. At the MAG meeting she attended they discussed the four quarter cent sales tax. The process has
52 changed to be able to enact this.

53
54 City Manager Christensen advised that long term rentals are allowed. The City will look into what else can be
55 done to lessen the potential issues that may arise from rentals.

56
57 City Manager Christensen then advised that there was some press coverage of the water billing issues. All of the
58 concerns have been addressed and Staff is working hard to earn back the trust of the residents.

59
60 Council Member McOmber wanted to let the residents know that Staff is very willing to work with everyone to
61 resolve issues. He is tired of residents running to the media to try and get things blown out of proportion.

62
63 **BUSINESS ITEMS:**

64
65 **1. Appointment to the West Traverse Sentinel Landscape Coordinating Committee – Chris Porter; Resolution**
66 **R18-27 (5-15-18).**

67
68 Mayor Miller advised that Council Member Porter has been involved in this process for the last two years and it
69 makes the most sense for him to be appointed to this board.

70
71 Motion made by Council Member Baertsch to approve the Appointment to the West Traverse Sentinel
72 Landscape Coordinating Committee – Chris Porter; Resolution R18-27 (5-1-18). Seconded by Council Member
73 McOmber. Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter,
74 Motion passed 4 - 0.

75
76 **2. The Point at Saratoga Springs Plat Amendment and Transfer of Ownership, Romo Development, LLC ~1186**
77 **North Redwood Road; Resolution R18-28 (5-15-18).**

78
79 Senior Planner Carroll reviewed this plat amendment with the City Council.

80
81 Mayor Miller opened a public hearing at 6:20 p.m. There were no comments so the Public Hearing was closed.

82
83 Motion made by Council Member Baertsch to approve the Point at Saratoga Springs Plat Amendment and
84 Transfer of Ownership, Romo Development, LLC ~1186 North Redwood Road; Resolution R18-28 (5-15-18).
85 Seconded by Council Member Porter. Aye: Councilwoman Baertsch, Councilman McOmber, Councilman
86 Poduska, Councilman Porter, Councilman Willden, Motion passed 5 - 0.

87
88 **3. The Point at Saratoga Springs Site Plan, Marlon Hill/Romo Development, LLC Applicant, ~1186 North Redwood**
89 **Road.**

90
91 Senior Planner Carroll reviewed the Site Plan with the City Council.

92
93 Council Member Willden arrived at 6:21 p.m.

94
95 Council Member Baertsch wondered why they are not meeting code standards with their sidewalks, she thinks a
96 change needs to be made there. She also wondered if power lines are going to be required to be buried.
97

98 Council Member Porter thinks that there needs to be some accessibility from Redwood Road. However if the
99 Planning Commission is suggesting moving the driveway he is okay with that.
100

101 Motion made by Council Member Baertsch to approve the The Point at Saratoga Springs Site Plan, Marlon
102 Hill/Romo Development, LLC Applicant, ~1186 North Redwood Road with all staff findings and conditions
103 including making sure they bury the power pole. Seconded by Council Member Porter. Aye: Councilwoman
104 Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter, Councilman Willden, Motion passed
105 5 - 0.
106

107 **4. McLachlan Annexation Agreement; Resolution R18-29 (5-15-18).** 108

109 City Attorney Thurman advised that the applicant for this is D.R. Horton. They are requesting that this
110 agreement is approved so that they can move forward with closing on the property. It incorporates many things
111 that have already been discussed as part of their site plan. It discusses the zoning of the property as Mixed
112 Residential. It includes a lot of the language that is included in many development agreements. It discusses the
113 future pony express road and parts of the marina that they will be dedicating to the city as credit to their open
114 space requirement. The term of the agreement will be ten years with a renewal time of 5 years. There may be
115 need for additional development agreements. It is fairly broad, which was done intentionally. The annexation
116 finalization is scheduled for the June 19, 2018 meeting. D.R. Horton wanted to change some language in the
117 agreement that clarifies legislation discretion of future City Council. They would like it to be struck in all places.
118 They wanted to add "reasonable discretion" in the water rights section. They also wanted language in the
119 power lines section to state that they are transmission lines and that they would not need to be buried. They also
120 want to remove the section that discusses rollback tax language which City Attorney Thurman is concerned
121 about.
122

123 Senior Planner Shepard advised that the annexation has been around for over a year. This was protested by the
124 City of Lehi. The boundary commission denied the protest. There is no need for a public hearing at this point.
125 After this step an annexation plat will be recorded and the property will become part of the City. They will have
126 to rezone property around this property as well before they can move forward with their neighborhood plan.
127

128 Krisel Travis also added that there was another change in paragraph 8 to add "at the time of issuance of building
129 permits and in accordance with". They don't want two feet of exposed foundation so they are hoping to bring in
130 enough dirt elevation to hide that foundation.
131

132 Council Member McOmber is not comfortable with removing section 4 for the reserved legislative powers. He
133 wants to protect the rights of the residents.
134

135 All of the Council agreed that they would like to retain section 4 for clarification purposes.
136

137 Council Member Willden mentioned as a side note that was sent an invite for the meeting that stated 6:30 so
138 according to his knowledge he was not late to the meeting.
139

140 Council Member Baertsch advised that there are concerns about the future Pony Express and harbor area
141 language that is concerning. She is concerned that they don't have any exhibits with the agreement so she isn't
142 exactly sure what they are approving. She does not think that building height changes requested by the
143 developer are necessary.
144

145 Council Member Porter would like to determine density credit and open space at a different time other than
146 the annexation agreement. He is not comfortable with the time frame that was given to review the agreement.
147

148 Council Member Willden wants to make sure that this isn't granting the developer anything above and beyond
149 what was agreed upon in the Mixed Residential zone. He would like to stick to what was already discussed at
150 length when the zone was created.
151

152 The Council agreed to approve the annexation agreement that was given to them originally with the change in
153 section 8 regarding building heights that was requested by D.R. Horton.
154

155 Motion made by Council Member Willden to approve the McLachlan Annexation Agreement; Resolution R18-29
156 (5-15-18) as submitted to the City Council before the City Council with no redline requests but including the
157 condition to resolve the building height at the MDA and in City Code. Seconded by Council Member McOmber.
158 Aye: Councilman McOmber, Councilman Poduska, Councilman Porter, Councilman Willden, Nay: Councilwoman
159 Baertsch Motion passed 4 - 1.
160

161 **5. Rushton Annexation Petition Acceptance for Further Consideration; Resolution R18-30 (5-15-18).**
162

163 Senior Planner Shepard advised that a petition was sent in to annex 160 acres. This is just the acceptance of the
164 petition. This gives the City 30 days to certify it and then notices are sent out. Then it would move forward
165 toward annexation. A concept plan was submitted with the consideration. Staff has begun to review the plan. It
166 is the property immediately west of the benches.
167

168 Motion made by Council Member Porter to approve the Rushton Annexation Petition Acceptance for Further
169 Consideration; Resolution R18-30 (5-15-18). Seconded by Council Member Poduska. Aye: Councilwoman
170 Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter, Councilman Willden, Motion passed
171 5 - 0.
172

173 **6. Bid Award: 400 North Pavement Rehabilitation Project; Resolution R18-31 (5-15-18).**
174

175 City Manager Christensen asked to not change the bid and accept the low bid of \$553,234. It won't start until
176 after Splash Days and should be done before school starts.
177

178 Motion made by Council Member Porter to award the bid for the 400 North Pavement Rehabilitation Project to
179 Staker Parsons in the amount of \$553,234; Resolution R18-31 (5-15-18). Seconded by Council Member
180 McOmber. Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter,
181 Councilman Willden, Motion passed 5 - 0.
182

183 **7. Purchase: Police Department Body Worn Cameras, Replacement Purchase, WatchGuard; Resolution R18-32**
184 **(5-15-18).**
185

186 Council Member McOmber advised that the old cameras are outdated and this purchase is necessary.
187

188 Motion made by Council Member McOmber to approve the purchase of Police Department Body Worn
189 Cameras, Replacement Purchase, WatchGuard; Resolution R18-32 (5-15-18). Seconded by Council Member
190 Poduska. Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter,
191 Councilman Willden, Motion passed 5 - 0.
192

193 **8. Code Amendment, Title 19, Section 19.13.04 Specific Development Processes and Submittal Requirements;**
194 **Ordinance 18-12 (5-15-18).**
195

196 Planning Director Stroud advised the Council that this was addressed with the Council earlier in the year. This
197 would help developers move through processes in a timelier manner.

198
199 Council Member Baertsch suggested to change the wording concept plan with a rezone to concept plan in
200 advance of a rezone.

201
202 Motion made by Council Member Porter to approve the code amendment, Title 19, Section 19.13.04 Specific
203 Development Processes Submittal Requirements; Ordinance 18-12 (5-15-18). Seconded by Council Member
204 Baertsch. Aye: Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter,
205 Councilman Willden, Motion passed 5 - 0.

206
207 **MINUTES:**

208
209 **1. May 1, 2018.**

210
211 Council Member Willden made a change on the minutes to "noted that some applicants went through three or
212 four rounds".

213
214 Amended Motion made by Council Member Willden to approve the minutes of May 1, 2018 including the
215 posted changes. Seconded by Council Member Porter. Aye: Councilwoman Baertsch, Councilman McOmber,
216 Councilman Poduska, Councilman Porter, Councilman Willden, Motion passed 5 - 0.

217
218 **CLOSED SESSION:**

219
220 Motion made by Council Member Baertsch to enter into closed session for the purchase, exchange, or lease of
221 property, discussion regarding deployment of security personnel, devices, or systems; pending or reasonably
222 imminent litigation, the character, professional competence, or physical or mental health of an individual, was
223 seconded by Council Member Porter. All Council Members were In Favor. Motion carried unanimously.

224
225 The meeting moved to closed session at 7:26 p.m.

226
227 Closed session commenced at 7:29 p.m.

228
229 Present: Mayor Miller, Council Members: Porter, Poduska, Willden, McOmber, and Baertsch. City Manager
230 Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, Public Relations and
231 Economic Development Manager David Johnson and Deputy Recorder Kayla Moss.


232
233 No action was taken during Closed Session.

234
235 Closed Session Adjourned at 7:45 p.m.

236
237 **ADJOURNMENT:**

238
239 There being no further business, Mayor Miller adjourned the meeting at 7:45 p.m.

240
241
242 
243 Jim Miller, Mayor

244 Attest: 
245 Cindy LoPiccolo, City Recorder

246 Approved: 

