



## MINUTES – CITY COUNCIL MEETING

**Tuesday, September 7, 2021**

City of Saratoga Springs

City of Saratoga Springs City Offices

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

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### **City Council Policy Meeting**

**Call to Order:** Mayor Jim Miller called the meeting to order at 6:08 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, Christopher Carn, Chris Porter, and Ryan Poduska.

**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 Nicolette Fike.

**Invocation:** Council Member Poduska

**Pledge of Allegiance:** Council Member Willden

**Public Input:** Rich Burnside, Dalmore Meadows. Mr. Burnside advised the new medical complex is not taking care of their weeds. He would also like to have speed bumps installed at the entrance of Dalmore Meadows to mitigate some of the traffic and speeding issues. He wondered if the pickle ball courts could get resurfaced with a wind block installed.

### **REPORTS:**

Council Member Willden asked staff to look at code for limiting large commercial vehicles in residential zones overnight. On smaller roads, big semi-trucks, cement trucks, etc, cause a big hazard.

### **CONSENT ITEMS:**

- 1) Award of Contract with Victus Advisors, LLC for Recreation Facility Feasibility Study; Resolution R21-53 (9-7-21).**
- 2) City Council Meeting Minutes: August 17, August 24, 2021.**

Motion by Council Member Porter to approve items 1 and 2 of the consent items and was seconded by Council Member Carn.

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

Motion carried unanimously.

### **PUBLIC HEARINGS:**

- 1. Ordinance Vacating Drainage Easements 74956:2008 and 87687:2020, Coon Trust Land; Ordinance 21-34 (9-7-21), Ordinance 21-35 (9-7-21).**

City Manager Christensen advised that this is just to clean up some of the easements in this area.

Mayor Miller opened the public hearing at 6:17 pm. There were no comments so the public hearing was closed.

Motion by Council Member Poduska to approve the Ordinance Vacating Drainage Easements 74956:2008 and 87687:2020, Coon Trust Land; Ordinance 21-34 (9-7-21), Ordinance 21-35 (9-7-21) with any staff findings and conditions was seconded by Council Member Willden.

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

## **2. Willow Creek/Broadhead Annexation; Ordinance 21-36 (9-7-21).**

Planning Director Stroud advised this is a petition to annex property into the City. They looked at this previously to accept the application and this would be the formal approval to annex the property into the R1-10 zone. Staff recommends approval, there are no issues seen with it. There is a condition to work out the development agreement.

Mayor Miller opened the public hearing at 6:19 pm. There were no comments so the public hearing was closed.

City Attorney Kevin Thurman advised that they recently did a development agreement with the same developer. He suggested they use the same agreement for this development.

Motion by Council Member Porter to approve the Willow Creek/Broadhead Annexation; Ordinance 21-36 (9-7-21) with any staff findings and conditions including the parties enter into a similar development agreement as the previous development was seconded by Council Member Carn.

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

### **BUSINESS ITEMS:**

#### **1. Petition for Disconnection, Scott L. McLachlan; Ordinance 21-37 (9-7-21).**

City Attorney Thurman advised this was continued from the August 3<sup>rd</sup> meeting. As part of the process for a disconnection there are a number of criteria that a court would consider. They looked at the criteria to determine viability. Council is required to take action within 45 days. They have until September 17<sup>th</sup> to take action on the disconnection request. If they choose to deny the disconnection, or approve it there are two different ordinances reflecting that. In a denial they will need to state the reasons based on the criteria they analyzed to make that decision. They have two reports stating the impacts that this disconnection would cause to the City.

Council Member Porter advised that they reviewed the reports and it appears as though there will be a significant detriment to the residents of the City if this property were disconnected. The City has put a significant amount of money for infrastructure to service this property. He urged the other Council members to consider how much money was put into this property.

Council Member Willden appreciated the recommendation to table this at the past meeting. He needed the time to consider this and not make a rash decision. He appreciates that they hired outside counsel that are impartial to help make a decision.

Council Member Poduska advised that they are elected by the citizens to be fiscally responsible. He seconds the reasons that have already been stated.

Motion by Council Member Porter to deny the Petition for Disconnection, Scott L. McLachlan; and adopt the Ordinance 21-37 (9-7-21) denying the disconnection request including all of the items supporting documentation and add a reference to Bowen and Collins in the findings based on Findings of Facts and Conclusion of Law was seconded by Council Member Willden.

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

Motion carried unanimously.

**2. Petition for Disconnection, Banana Point, Inc. and Cliff Lake, LLC; Ordinance 21-38 (9-7-21).**

City Attorney Thurman advised this property is just to the South of the previous property. The infrastructure costs were significant and the property tax loss would be significant. Bowen and Collins also needs to be added to the findings.

Council Member Willden appreciated the recommendation to table this at the past meeting. He needed the time to consider this and not make a rash decision. He appreciates that they hired outside counsel to that are impartial to help make a decision.

Council Member Carn advised the Zions Bank report shows that the opportunity cost loss potential is huge and he is not comfortable doing that.

Motion by Council Member Porter to deny the Petition for Disconnection, Banana Point, Inc. and Cliff Lake, LLC; and adopt Ordinance 21-38 (9-7-21) denying the disconnection including adding Bowen and Collins to the findings based on Findings of Facts and Conclusion of Law was seconded by Council Member Poduska.

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

Motion carried unanimously.

**4. Wander Village Plan 2, Oakwood Homes Applicant, Pony Express and Redwood Road; Ordinance 21-40 (9-7-21).**

Planning Director Stroud presented this village plan to the City Council. The planning commission recommended approval with findings and conditions. Staff also recommends approval.

Dan Dansie, attorney for the applicant, advised there are materials and condition recommendations that need to be updated.

City Manager Christensen advised there was an updated engineering document put into the packet that reflects the most current language.

Council Member Porter advised that they just had a meeting with Alpine School District. He wondered if they have identified a spot for a school in the development.

Motion by Council Member Willden to approve the Wander Village Plan 2, Oakwood Homes Applicant, Pony Express and Redwood Road; Ordinance 21-40 (9-7-21) with all staff findings conditions including the most recently updated engineering conditions and modifying condition 1c removing 26 foot to 29 foot was seconded by Council Member Carn.

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

Motion carried unanimously.

**5. City Code Amendment – Section 19.02. – Definitions, and 19.20 – Internal Accessory Dwelling Units, City Initiated; Ordinance 21-39 (9-7-21).**

Planning Director Stroud advised the state has mandated that city's adopt code regulating accessory dwelling units. The code presented to them meets what the requirement is. They reached out to homeowner associations on whether they wanted to be included or not. This needs to be adopted by October 1<sup>st</sup>. 25% of the City can be excluded for ADU's. The HOA's that have responded have a desire to be excluded and don't want to have to allow accessory dwelling units.

Council Member Porter would like to use this meeting as more of a work session and vote on it at the next meeting. He isn't ready to make a decision tonight. He understands excluding it for HOA's but he thinks there could be a problem for developments that have some villages built but the rest aren't built out yet. They may want some of the villages to be able to have ADU's. He knows that some residents built in the City with codified protection. He is leaning towards applying this to the whole City to avoid issues in the future.

City Attorney Thurman advised that some neighborhoods have CCNR's without an HOA.

City Manager Christensen advised there is a provision that allows the map to be updated in the future. The age of a subdivision was one of the provisions discussed as well.

Council Member Porter thinks that one metric needs to be picked and they need to stick with it. His preference would be to go by the age of neighborhoods. The older infrastructure makes it harder in those neighborhoods to accommodate them.

Council Member Poduska thinks it would be really difficult for staff to search through all of the CCNR's. He would like to go by the HOA's that have responded to contact from the City.

Community Development Director Ken Young advised that some HOA's have responded that they do permit ADU's and would like to continue doing so.

Council Member Willden would also like to stick to HOA's and then move on to the older neighborhoods.

Council Member Carn pointed out that the State decided this. He isn't in favor of applying this to the oldest neighborhoods. He would like to focus just on HOA's.

Planning Director Stroud made the point that the easiest and most equitable option would be to apply this to the entire City. In previous experiences with city's he did not see a rush of applications for ADU's. They are expensive to build and a lot of people don't want to divide their homes.

Community Development Director Young agreed with Director Stroud. He has never seen a rush to add these. Those that want to have an ADU will typically do it whether it's allowed or not.

City Attorney Thurman asked if they wanted to require separate meters for the ADU's.

The Council advised him that they do not want to have separate meters for ADU's.

Council Member Willden asked that for those who are on sabbatical, military assignment, etc and are allowed to not be in the home for up to three years, they only allow for one unit to be rented and not the whole property. He would like that to be clarified in the code.

A majority of the Council said they would like to have the metric staff looks at be HOA's. They were also in support of accepting City-wide. They would like to see the HOA option before making a decision. Motion by Council Member Carn to continue the City Code Amendment – Section 19.02. – Definitions, and 19.20 – Internal Accessory Dwelling Units, City Initiated; Ordinance 21-39 (9-7-21) to the next meeting was seconded by Council Member Porter.

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

**CLOSED SESSION:**

Motion by Council Member Willden 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 Carn.  
Motion Carried Council Members Unanimously in Favor

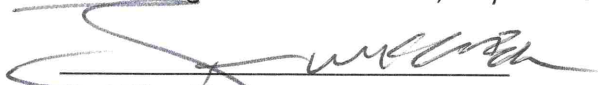
The meeting moved to closed session at 8:01 p.m.

Present: Mayor Miller, Council Members Willden, Porter, City Manager Mark Christensen, City Attorney Kevin Thurman, Deputy City Recorder Nicolette Fike, and Assistant City Manager Owen Jackson.


Closed Session adjourned at 8:20 p.m.

**ADJOURNMENT:**

There being no further business, Mayor Miller adjourned the meeting at 8:20 p.m.

  
Jim Miller, Mayor

Attest:

  
Cindy LoPiccolo, City Recorder  
Approved: 9-21-21

