



MINUTES – CITY COUNCIL MEETING

Tuesday, March 21, 2023

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 6:05 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, Ryan Poduska, and Chris Porter (electronically)

Absent Council Members Chris Porter and R

Staff Present City Manager Mark Christensen, Assistant City Manager Owen Jackson, Community Development Director Ken Young, City Attorney Kevin Thurman, Finance Director Chelese Rawlings, Budget Analyst Spencer Quain, Public Works Director Jeremy Lapin, Code Enforcement Officer Brad Davis, Senior Planner Gina Grandpre, Deputy City Recorder Nicolette Fike, and Deputy City Recorder Kayla Moss

Invocation: Council Member Willden

Pledge of Allegiance: Boy Scout Ty Wendell of Troop 26

Presentation: Recognition to Bryce McConkie for His Service on the Planning Commission. Community Development Director Ken Young honored Bryce McConkie for his service on the Planning Commission. His questions and input on matters were always appreciated. Mayor Miller presented him with a plaque for his service.

Bryce mentioned that he thinks the staff at Saratoga Springs is amazing and he appreciates all the hard work that is done by them. He also recognized the council and thanked them for all of the work that they do.

Public Input: Sue Alexander with the Legacy Villas HOA presented to the City Council. In August of 2022 they formed a transition committee and listed items that needed to be completed before the owners took over the HOA. They were informed after the owners took over that the CCNR's were changed in 2019. They were not shown those changes until October 2022. They did not see a list of financials until October 2022 when they had taken over the HOA on August 31, 2022. The reserve fund is only 50% funded at this time. Major concerns are damaged concrete and dead trees and shrubs. They were told that Leisure Villas would take care of that before the owners took over the HOA. The landscaping company was told that plants died because of over or under watering. However, the builder was in charge of those watering schedules and no residents had any control over that. They were made aware that their bond was released and they are asking the City to take responsibility for replacing the needed items.

Council Member Carn advised he has a lot of questions but doesn't feel like this forum is the appropriate place to discuss that.

Council Member McOmber asked that staff looks into this and passes on more information to the Council. He is happy to be involved in solving this issue.

Tom Helms also lives in Legacy Villas. He and his wife moved in June 2021. When they moved in the shrubs did not look very good. He talked to the management and they said they were working on the watering schedule and nothing ever changed. He went back and asked when they would be replaced and they advised him it would be spring of 2022. For warranty issues he made a list of all of the things that needed to be fixed and he was told everything would be taken care of before the turnover of the HOA. Nothing was ever done.

John Bass advised one problem happening is the builder did not complete the landscaping required in the HOA. There was no weed control placed and none of the dead plants were ever replaced. Residents have expressed concerns to the HOA and nothing has been done by the builders. He inspected all of the landscaping in the communities. He found 379 dead or missing shrubs and trees. The builder refused to replace trees that were no longer under warranty but also did not do so when they were under warranty. The bonds were released so early on they refuse to follow through with any of their obligations. He thinks the builder and City should work together to fix the issues.

John Harrington thanked the staff and council for everything they do for the City. He mentioned that there is a big puddle of water to the North of his home. He had the storm water department come and look at it and they talked to the builder. Some more soil was brought in but the issue is still there. The quad was built below grade. The builder brought in big boulders as well but it has not helped the water issue.

Tom Allen advised he lives right by 400 South. This road is 3-4 feet above their home so the water wants to run towards the home. Whenever the lawn is watered it is a swamp for days. He thinks flooding is going to happen with massive loss to the home owners. He thinks the builder needs to be held accountable.

Darrell Blissmeyer advised they moved in on October 6, 2020. Shortly after they moved in they had a flood. He noticed that a drain pipe was not placed correctly and he placed it himself because the builder said he would not do it. The builder's response was that it was the responsibility of the landscaper and not his.

Cody Jeffrey moved in with her parents in June of 2021. She noticed that cement was broken off and reported it to the builders. The corner is still missing despite them leaving months ago. There were cracks in the walls and the areas around the doors were not sealed correctly. Several places were not caulked correctly. She put together a two plus page report with the warranty forms. She asked for an email address to send it to so she had proof that she submitted the documents during the warranty period. The documents were ignored and nothing was addressed or repaired. There has been damage done to the patio door. She was told by the builder that the issues were normal wear and tear for a home. Her argument was that everything passed inspection and she argued back that there would be no point of a warranty then.

Rex McClavin advised he purchased his home in November 2021. Construction was continuing on the East side of the property. He observed lots of concrete cracks and damage along sidewalks and driveways. He was told all of the issues on the concrete would be fixed when construction was finished. He also talked to a City inspector that advised the concrete would need to be fixed. The concrete on his driveway

appeared to be in good condition at first but is now chipping away. If the builder is allowed to get away with this the expense will go back on all of the residents in the HOA.

David Chunley advised on October 17, 2022 the HOA sent a letter to the Planning Department of Saratoga Springs. He feels the conditions of the concrete in the neighborhood are appalling. One of the things he was required to do as a Public Works Director was make sure the developers constructed things that would be quality in the City. They have yet to receive a written reply to their letter sent in 2022.

Milton Thomas advised that he is a retired physician. He mentioned that if more 55+ communities are built the mailboxes should be built so that persons in wheelchairs would be able to access them.

Anthony Guerro lives in Northshore. He has concerns with the Saratoga Springs police department. The google reviews have a 3.2 rating for the police department. He read some of the reviews to the Council. He spoke to Chief Andy Burton and was told that they have only had 3 formal citizen responses. He thinks the police department should have a platform for citizen feedback.

Lela Michado asked if any restrictions are going to be placed on builders to have landscaping rebates this year for citizens.

Reports: Council Member Carn advised the Utah Lake Commission was officially dissolved this week and all funds were transferred to the Utah Lake Zone.

PUBLIC HEARING:

- 1. **FY 22-23 Proposed Budget Amendments; Resolution R23-10 (3-21-23).** Budget Analyst Spencer Quain presented the budget amendments to the City Council. More revenues are being collected than anticipated so those numbers were updated. They are asking to add an Engineer II position as well.

Mayor Miller opened the public hearing at 6:52 pm. There were no comments so the public hearing was closed.

Motion by Council Member McOmber to approve the FY22-23 Proposed Budget Amendments; Resolution R23-10 (3-21-23) with any staff findings and conditions seconded by Council Member Poduska.

Vote:

Council Member Chris Carn	Yes
Council Member Chris Porter	Yes
Council Member Ryan Poduska	Yes
Council Member Stephen Willden	Yes
Council Member Michael McOmber	Yes

Motion carried 5-0.

CONSENT ITEMS:

- 1. **Saratoga Commons Subdivision Reimbursement Agreement; Resolution R23-11 (3-21-23).**
- 2. **Northshore Phase 4 Part 2: Northshore Plat C-4, Northshore Plat D-4 Reimbursement Agreement; Resolution R23-12 (3-21-23).**
- 3. **Interlocal Cooperation Agreement with Utah County for 2023 Election Services; Resolution R23-13 (3-21-23).**
- 4. **City Council Meeting Minutes: February 21, 2023.**

Motion by Council Member McOmber to approve Consent Items seconded by Council Member Carn.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Stephen Willden Yes

Council Member Michael McOmber Yes

Motion carried 5-0.

BUSINESS ITEMS:

- 2. Brixton Park Plat B Preliminary Plat/Final Plat, Julie Smith Applicant, 1400 South 800 West.** Senior Planner Gina Grandpre presented this preliminary plat/final plat to the City Council. She advised Ensign Drive was approved with Plat A and they will be connecting to that. This is for 248 lots that have an average size of 7,142 square feet with 11.89 acres of open space. There will be three units to an acre.

Council Member Porter mentioned the Council asked that the Boulevard be called Mountain View Boulevard and we should reflect that change.

Council Member Willden mentioned legislature just passed a law that the City can no longer hold developer bonds. He wondered how the City can have guarantee that code will be met, especially when developments are built in phases.

City Attorney Kevin Thurman mentioned that bonds aren't necessarily bonds they are finance assurances. The development agreements approved through the City still require the developers to complete all of the improvements required by code. Landscape improvements can no longer be assured through the City. The only thing that can be enforced is anything involved with building code or fire code.

Council Member McOmber thanked the developer for complying with code. It makes it easier when the developer works with staff.

Motion by Council Member Poduska to approve the Brixton Park Plat B Preliminary Plat/Final Plat, Julie Smith Applicant, 1400 South 800 West with any staff findings and conditions seconded by Council Member Porter.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Stephen Willden Yes

Council Member Michael McOmber Yes

Motion carried 5-0.

- 1. FY 23-24 Budget Request Summary Review.** Budget Analyst Spencer Quain presented the budget summary to the City Council. It includes the City Managers recommendation on the department requests.

City Manager Mark Christensen mentioned he appreciates forward thinking. He likes to have the departments' project what the next 5 years may need to look like. He feels like it is a fiscally

responsible budget. He thinks this is both fair and includes enough to provide the best level of service to the residents.

City Council Work Session

- 1. Saratoga Springs Cemetery Plan Review.** Public Works Director Jeremy Lapin advised EDA planning was hired to design the cemetery. There is a phase 1 delineated and then full build out. For phase one it would be about \$2.2 million and the full build out would be about \$12.5 million. Phase one includes a fraction of the plots and a portion of the road.

Council Member McOmber would rather not be able to see the shop at the beginning of the cemetery. He is happy to have the office and the bathrooms up front but would like to see the shop in the northeast corner of the property.

Director Lapin advised they will be getting water from the development right below the land. An access road is going to cost about \$300,000.

City Manager Christensen advised the City needs to come up with another \$1 million dollars before constructing this property.

- 2. Discussion of Sign Code Applications in the City, City-Initiated, City-Wide.**

Code Enforcement Officer Brad Davis presented advised he did an audit of all of the different types of signs in the City. He provided them with a breakdown of enforcement actions that have been taken regarding signage violations.

Council Member Carn would like to revisit the sign code and look into what neighboring cities are doing. He doesn't want to miss out on businesses coming into the City because things are too restrictive. He doesn't want to shut business down because signs are out of compliance. He wants to work with people to help them get into compliance.

Mayor Miller agreed that regional draw happens in places that aren't as restrictive. He wants to see a comparison to neighboring cities.

Council Member Poduska also mentioned that national chains have come in and said that their signs have been allowed everywhere else except for Saratoga Springs.

CLOSED SESSION:

Motion by Council Member Carn 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 Porter.

Vote:

Council Member Chris Carn Yes

Council Member Chris Porter Yes

Council Member Ryan Poduska Yes

Council Member Stephen Willden Yes

Council Member Michael McOmber Yes

Motion carried 5-0.

The meeting moved to closed session at 8:02 p.m.

Present: Mayor Miller, Council Members Willden, Carn, McOmber City Manager Mark Christensen, City Attorney Kevin Thurman, Assistant City Manager Owen Jackson, and Deputy City Recorder Kayla Moss.

Closed Session adjourned at 7:59 p.m.

ADJOURNMENT:

There being no further business, Mayor Miller adjourned the meeting at 7:59 p.m.



Jim Miller, Mayor

Attest:



Cindy LoPiccolo, City Recorder
Approved: 4-11-23

