

Minutes of the Work Session meeting of the Syracuse City Council held on March 12, 2013, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:

City Attorney Will Carlson
Community Development Director Michael Eggett
Fire Chief Eric Froerer
Police Chief Garret Atkin
Finance Director Steve Marshall
Public Works Director Robert Whiteley
City Planner Sherrie Christensen

Visitors Present:	Katelin Hayman	Meagan Child	Jacob Jones
	Kelsea Snyder	Daniel Lowman	Jacob Bergman
	Cheyenne Gooch	Sandy Tinti	Parley Bone
	Emily Filkilin	Savannah Rodriguez	Alexis Mora
	Jesse Lee	Travis Hammon	Jordan Porter
	Quade Smith	Tyson Steed	Daryn Steed
	Landon Greenhalgh	Tanner Geddes	Carlos Vasquez
	Thomas Payne	Katie Bush	Madisen Pupen
	Joe Levi	Ray Zaugg	Pat Zaugg
	Braxton Schenk	Melissa Retallick	Bailee Flint
	Madison Zaring	Sierrah Staker	Brock Brewer
	Nick Bybee	Jonny Sousa	Lindsay Kendrick
	Paul Melling	Marc Guimond	Kyle Matthews
	Tyler Ralpus	Breck Anderson	Takenna Hamblin
	Maddi Bitton	Hannah Goble	Courtney Starks
	Will Starks	Kiva Mo'o	Kalli Damschen
	Terry Palmer	Braden Beazer	Peter Corroon
	Amber Gates	Nika Dayton	Ky Lee Porto
	Tiffany Taggart	Sam Segura	Austin Brown
	Daniel Pehrson	Austin Flynn	Weston Flynn
	Parker Greenhalgh	Tracy Goble	Ryan Johnson
	Katie Lee	Baylee Mckell	Kyla Johnson
	Kayla McMurray	Nicole Gill	Jordan Cobabe
	Dakota Dawnell	Andrew Hanney	Brandon Haddick
	Mike Thayne	Bryan Perkins	Travis Mickey
	Taylor Martinez	Brittany Carrillo	Marcus Martinez
	Zane Rich	Dillon Spencer	McKenna Jensen
	Sierra Larson		

The purpose of the Work Session was for the Governing Body to review the agenda for the business meeting scheduled for 7:00 p.m.; hear a request to be on the agenda from Ed Gertge re: a Fun Center project status update; review agenda items five, six, seven, eight, and nine; and discuss Council business.

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Agenda review

Councilmember Peterson stated he is wondering about the ordinance to adopt Title Eight being added to the business meeting agenda. He stated he is a little uncomfortable that at the last meeting the issue was not even slated to be discussed, but was added to the agenda for a first reading, which he is comfortable with, but now it has been added to the agenda for a vote. He stated he has more than 10 minutes worth of question and discussion himself and that is all that is all the time allotted for the item on the work session. Councilmember Lisonbee stated the Council has the benefit of discussing the item in the business meeting as well. Councilmember Peterson stated that is fine, but that is unusual and not how it has been done in the past. Councilmember Johnson stated the reason he asked for the item to be added to the agenda is that he reviewed the Title and the actual changes are all the Council is focusing on and there are not a lot of changes. He stated he thinks having an introduction and talking about it in the work session and then having continued discussion in the business meeting allows the Council to have enough dialogue and discussion to come to a vote. Councilmember Peterson stated he hopes that is the case. He stated he does not like tabling things, but it is unusual for the Council to look at a codification in one night. Councilmember Shingleton pointed out the Council considered changes to Title Eight in June of 2012 as well. Councilmember Johnson agreed and stated this is the second round. Councilmember Peterson stated that the changes considered in 2012 were different. Councilmember Lisonbee stated the changes in the proposed ordinance are really small. Councilmember Peterson stated there are a couple of controversial changes. Councilmember Duncan stated part of the problem is that it has been waiting for months to come to the Council and it needs to be moved along. Councilmember Peterson stated that is fine, but 10 minutes in the work session will not be sufficient.

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Request to be on the agenda – Ed Gertge: Fun Center project status update

No staff documentation was provided for this item.

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Mr. Gertge approached the Council and stated financing his project has been quite an education process. He stated he has come before the RDA Board and the Council to get approval for funding assistance for the project and that has been helpful, but he is having a difficult time getting funding for the rest of the project. He stated 18 different banks have tried to explain to him why he is having trouble getting financing, but it does not make sense to him. He stated that he owns the Fun Center and the ground on which the expansion would be built free and clear, which is \$12.9 million worth in property. He stated the loan amount has been lowered to \$5 million from \$6.5 million. He stated he has purchased about \$500,000 of equipment that is waiting to go into the Fun Center, such as the go carts and new bowling lanes. He stated that when he was unable to secure a \$6.5 million loan, it was reduced to \$6 million and then to \$5 million. He stated he has gone to all of his suppliers to see if they could cut their costs any further to assist him through the process. He stated that if he gets an SBA loan, the payment on \$5 million is approximately \$32,000 per month. He stated that the SBA takes the risk for the first half of the loan; the bank is only taking the risk on \$2.5 million and they are in the first position to be made whole. He stated they have \$13 million worth of collateral for a \$2.5 million loan. He added on top of that he can use the commitment from the City and almost nothing is left. He stated that the banks are still saying they are not in the aquatic center business and they have recommended that he come back to the City and ask the City to bond, etc. He stated he has good credit and everything going for him, but he cannot secure the loan. He then stated that he starting the process to do another subdivision amendment and the reason he has started that process is because there is one bank that has refused to loan for the aquatic center, but they will loan for the expansion of the Fun Center. He stated it is necessary to change the boundaries of the subdivision so the aquatic center will sit on one lot and the Fun Center will sit on another. He added another way he has been looking at trying to save additional funds is to come to the City and ask for assistance with the impact fees required for the project. He stated the impact fees are quite substantial at \$150,000 and he has talked to staff about having those fees waived. He stated he was told that City ordinances prohibit staff forgiving impact fees or delay payment of the fees. He stated the only other idea he could come up with is to ask for more money from the City up front and a good portion of that up-front money would be used to pay impact fees and the building permit fees. He stated he wanted to give the Council a report and let them know that he has not been sitting idly by; he has been working with several different banks and cannot secure funding for the aquatic center. He stated he is here tonight to ask if there is any additional help the City can offer. He stated the problem is two-fold: the other businesses around the Fun Center, such as Arby's, Ice Berg, and Bajio, are all struggling tremendously because they are not getting support from the citizens to maintain their businesses. He stated that has put him in a bad light with his bank because he is not able to make the full payments on those facilities; there are outstanding loans on them, unlike the Fun Center. He stated he does think he may have those issues worked out through refinancing options and that would help him somewhat. He stated, however, that even if he gets two loans to proceed with the project, the \$5 million amount stretches

him so thin that he could use additional assistance from the City via up-front funding. Councilmember Shingleton asked Mr. Gertge if he is putting additional bowling lanes in the Fun Center or if he is replacing existing lanes. Mr. Gertge explained he is adding new lanes; he often hosts various competitions, which prevents him from having any open lanes for the public. He stated 16 new lanes will accommodate the public during those tournaments, etc.

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Council discussion regarding the item commenced.

[12:49:30 PM](#)

The Council recommended that Mr. Gertge work with City Manager Rice, Finance Director Marshall, and City Attorney Carlson to come up with a proposal to bring back to the Council at the next meeting for consideration. Mr. Gertge stated he will be willing to work through that process with staff.

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**Discuss business meeting agenda item five –
 Authorize Administration to dispose of surplus equipment.**

A staff memo explained Fire Chief Eric Froerer, Police Chief Garret Atkin, Public Works Director Robert Whiteley, Parks & Recreation Director Kresta Robinson, and IT Director TJ Peace have each compiled and attached a list of items that the City would like to dispose of. Staff will be present to review the list of items with the Governing Body as well as answer any question regarding this action.

Fire Dept. Surplus Equipment

Ahura Chemical Analyzer Kit

Syracuse Fire Dept acquired a Chemical Detection Kit in 2008 through a DHS FEMA grant. We have used it very infrequently to identify substances (tablets mostly) for the police dept. This kit is currently non-functional due to \$3000 in needed software upgrades. The Davis County Health Dept has expressed willingness to provide the needed upgrades and \$1400 annual maintenance to keep it operational, and keep it in the inventory of the Davis County Regional HazMat Response Team. The kit would remain available to any agency upon request. We propose this equipment be surplus and donated to the Davis County Health Dept.

IT Dept. Surplus Equipment

- 4 17” CRT Monitors – They no longer function
- 7 Ink Jet Printers – These are old and no longer function
- 3 Portable Ink Jet Printers – These are from Police vehicles and no longer function
- Misc. Cords

Public Works/Parks & Recreation Surplus Equipment

- Motorola MTS 2000 handheld radio (Qty 6)
- Motorola charger base for six handheld radios (Qty 1)
- Electric Typewriter Coronamatic 2200 (Qty 1)
- Office Phone TIE (Qty 2)
- Miniature Christmas Lights (Qty 260 lb)
- Lighted Christmas garland (Approx 50 feet)
- Plastic lighted 30” tall Christmas bells (Qty 5)

Police Dept. Surplus Equipment

Description	Make	Model	S/N	Quantity
Red cloth rolling chairs				6 (2 are broke)
Black rolling chairs				3 (all are broke or ripped)
Small wood/black top cabinet				1

Brown metal form holder				1
Fax machine	Brother			1
Parts of an L frame desk				1
7 large round tables				7 (all damaged)
1 metal chair				1
Wood book shelf				1
Flag pole				2
Flag pole stand				1
Flag				2
Motor Trend mini jump start				12 (8 new 4 used)
CD player w/case	Eddie Bauer			1 (damaged)
Scale	Ottaus	cent-o-gram		1
MTS 2000	Motorola		466ABS2000Z	1
MTS2000	Motorola		466ABS4475Z	1
MTS2000	Motorola		466ABS4162Z	1
MTS2000	Motorola		466ABS4248Z	1
MTS2000 battery	Motorola			4
Radio scan stands w/mic	Motorola			2
Trunk cargo kit for old Crown Vic				1
Mobile Vision Units				2
Typewriter	Olympia	Mastertype 3		1
Cages				4
Push bars				3
Vector light bars				2
Halogen light bar	MX7000 Federal Signal			1
LED light bar				1
Console (computer stands, etc.,)				several
Old copier	Sharp	ARM350N		1

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City Manager Rice introduced the item.

[12:51:36 PM](#)

Council discussion regarding the item convened.

[12:52:00 PM](#)

Discuss business meeting agenda item six – proposed annexation ordinance

A staff memo from the City Recorder explained On January 2, 2013 Michael J. Thayne (Irben Development) filed a petition to annex into Syracuse City 26.99 acres of property located at approximately 3700 South 2000 West. The City Engineer reviewed the annexation petition and his comments have been addressed by the petitioner. On January 8, 2013 the Council voted to accept the annexation petition and I immediately began the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated. On February 6, 2013 I sent the Council a memo declaring the certification of

petition 2013-01. In that memo I explained that a notice of certification would be published in the Standard-Examiner for three consecutive weeks; the notice was meant to outline the annexation protest process. The same notice was also sent to all affected entities. The protest period expired March 10, 2013 and no valid protests were filed. It is now appropriate to move to the next step in the process, which is to hold a public hearing to consider adopting an ordinance approving the annexation petition. A draft ordinance has been prepared for your consideration and all relevant materials have been attached hereto.

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City Recorder Brown summarized her staff memo.

[12:53:20 PM](#)

Council discussion regarding the item commenced.

[12:54:13 PM](#)

**Discuss business meeting agenda item seven –
Recommendation for award of contract for 1000
West Street Culinary Waterline Project.**

A memo from the Public Works Director explained this culinary waterline project is one that was identified on our list presented to city council as a high priority due to the age and restrictions the existing 6” lines place on the system. This project will involve the installation of a 12” culinary main on 1000 West & 1290 South, 8” culinary main on 1025 West and full width pavement replacement on 1290 South & 1025 West. The construction will begin as soon as contract documents are in place and will be completed in Spring/Summer 2013. The cost for this project came in about \$67,000 less than the estimate. The bid amount for the total project is \$503,252.95 and the funding breakdown is as follows:

- Culinary Water Impact Fee: \$298,504.39
- Culinary Water Capital Budget: \$150,154.23
- Class C: \$54,594.33

Staff recommends that the bid be awarded to Kapp Companies.

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Mr. Whiteley reviewed his staff memo.

[12:56:24 PM](#)

Council discussion of the item convened.

[12:59:17 PM](#)

**Discuss business meeting agenda item eight –
Proposed ordinance amending Title 8, the Subdivision Ordinance**

A memo from the Community Development Department explained the Planning Commission has been working on proposed amendments during their Work Session meetings for approximately three months. The proposed changes reflect suggested improvements to the subdivision process and refinements/clarifications of regulations and various issues the Planning Commission has encountered in processing subdivision proposals. In making determination on Code amendments the Planning Commission should review the City Municipal Code, Section 10-4-070(E)(1), which states the following:

(E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider:

(Ord. 10-02)

1. Whether it would be is consistent with goals, objectives and policies of the City’s General Plan; (Ord. 10-02)

The changes recommended by the Planning Commission include:

1. Re-organization of the number formatting to match other Titles in the Municipal Code.
2. Addition of a severability clause in each chapter.
3. Addition of a definition for Street, Private
4. Change in language from Developer to Subdivider to be consistent throughout document.
5. Change warranty period from two to one year, in accordance with State Statute.
6. Additional requirement for street light placement on a 45° or greater road bend within a cul-de-sac.

7. Irrigation Water Exemption for man-made ponds or lakes over 1 acre in surface area size, as the area will not be irrigated by secondary water.
8. Cul-de-sac length amendments specifying conditions under which an exception to the maximum length of 500 feet may be granted.

This particular amendment, as currently recommended by the Planning Commission may significantly affect the ability to approve a development such as Still Water Lakes Subdivision as it is currently proposed and would limit the cul-de-sac length of the Still Water Lakes Subdivision to a maximum of 500 feet due to a lack of existing physical barriers to development or existing barriers from a previous development. The City has received a letter from local developers who are concerned with this proposed change. Please see attached letter. This amendment will affect the way developments are processed and will hinder flexibility in street length and subdivision design.

9. Addition of where Private Streets will be allowed and the standards by which they are to be constructed.
10. Clarifying public hearing deadlines to be 10 days in accordance with other sections of City code.
11. Removal of requirement for staff to give subdivider a signed copy of preliminary plat approval, and clarifying that Planning Commission approval of Preliminary Plat authorizes the developer to proceed to final plat.
12. Clarifying that all requirements of sketch and preliminary must be met prior to consideration of final plat by the Planning Commission.

Significant discussion within the Planning Commission took place on this amendment as to whether it may impede development approvals and reduce flexibility of the Planning Commission and staff when development flexibility may be desirable and/or warranted by the City. Additionally, this standard may create for developers timeline constraints, budgeting constraints and other unforeseen consequences associated with the process proposed by the suggested amendments in this section.

13. Clarifying the required signature blocks for subdivision plats including, Land Use Authority (PC or City Council as applicable), City Attorney, and Public Utility companies.
14. Clarification that the Planning Commission is the body that holds the public hearing for subdivision approval and not the City Council.

Currently there is vague language in chapter 8

On December 4, 2012, the Syracuse City Planning Commission held a public hearing and at a public meeting on December 18, 2012 unanimously recommended that the Syracuse City Council approve the following amendments to the Syracuse City Municipal Code, Title VIII as attached. Commissioner TJ Jensen expressed a dissenting opinion on one amendment, please see Commissioner Jensen. The Planning Commission held a public hearing on January 15, 2013 on the proposed irrigation water exemption and recommended the change unanimously.

City staff is hereby forwarding the Syracuse City Planning Commission recommendation that the City Council adopt Ordinance 13-02 and approve the proposed amendments to Title 8 of the Syracuse City Municipal Code as herein presented.

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Ms. Christensen reviewed her staff memo.

[1:03:48 PM](#)

Council discussion commenced; time expired before discussion was concluded and the Council determined it would be appropriate to continue discussion during the business meeting.

Discuss business meeting agenda item nine – Proposed resolution supporting the 2nd amendment of the Constitution of the United States.

This item was added to the agenda at the request of Councilmembers Johnson and Lisonbee. There was not sufficient time during the meeting for discussion of this item.

The meeting adjourned at [1:25:01 PM](#).

City Council Work Session
March 12, 2013

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 26, 2013