

Minutes of the Special meeting of the Syracuse City Council held on May 13, 2014, at 7:22 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan  
Mike Gailey  
Craig A. Johnson  
Karianne Lisonbee  
Douglas Peterson

Mayor Terry Palmer  
City Manager Brody Bovero  
City Recorder Cassie Z. Brown

City Employees Present:

Finance Director Steve Marshall  
Public Works Director Robert Whiteley  
City Attorney Clint Drake  
Fire Chief Eric Froerer  
Police Chief Garret Atkin  
Parks and Recreation Director Kresta Robinson  
Community Development Director Sherrie Christensen  
Utilities Manager Holly Craythorn  
City Planner Jenny Schow  
City Planner Noah Steele

#### 1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:22 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Police Chief Atkin provided a thought regarding Law Enforcement Week. Corbin Burres, member of Boy Scout Troop 773, then led all present in the Pledge of Allegiance.

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COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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#### 2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Maddex Wolfley and Kylee Jackman.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and City's website; be featured on the Wendy's product television; and receive a \$10 gift certificate to Wendy's.

Mayor Palmer noted both students receiving the award for March 2014 are from Syracuse Junior High School and he read the award nomination provided by each of their respective teachers.

Maddex Wolfley

Maddex is always kind and courteous to everyone. He is a great Peace Builder. He has been working exceptionally hard to improve his reading. Maddex has increased his reading words per minutes from 38 to 89 so far this year. He has a great attitude about it! He is also a whiz in math and has been working hard to understand all of the concepts that we have been studying.

Kylee Jackman was unable to attend the meeting and Mayor Palmer stated she will receive her award at a future meeting.

[7:32:00 PM](#)

3. Request to be on the agenda: Hill Air Force Base  
Show Coordinators

A brief staff memo explained Air Show Coordinators, Major Kristopher Long and Mr. Kevin Ireland would provide the Council with information regarding the upcoming Air Show as well as invite those interested to become involved.

Mr. Ireland provided the Council with information regarding the Air Show scheduled for June 28 and 29; he also provided a brief summary of the financing means for the show. It is expected that over 500,000 people from the western United States will attend the air show, which is the largest on-installation air show in the Air Force. He encouraged all citizens of Syracuse to participate in the event. He concluded that the show provides a \$35 to \$40 million dollar impact to the State of Utah economy.

Major Long the reviewed the schedule of events for the free event, noting there are some world class acts that will be participating in the show.

Councilmember Gailey thanked Major Long for all the Air Force does every day and he asked him to pass that gratitude on to the rest of the members of the Air Force that he serves with. Mayor Palmer echoed Councilmember Gailey's sentiments.

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4. Request to be on the agenda: presentation of scholarships  
by Dr. Sheldon L. and Angela A. Peck

A brief staff memo regarding the 2014 Sheldon L. and Angela A. Peck Health Science Scholarship Award explained the scholarship is awarded to a deserving graduate of Syracuse High School with a career goal in science or health sciences. Applicants exhibit qualities in leadership, service and academics. Recipient were selected based on personal essay, as well as administrative and community recommendation. Scholarship will be paid directly to educational institution upon enrollment and proof of tuition fees. The scholarship has been awarded since 2010; the following students from Syracuse High School have been invited to attend the Tues. May 13th Council Meeting at 7pm to be awarded scholarships: Alexandra Orton, Brinlee Saunders, and Carly Cheney.

Dr. Sheldon Peck summarized the memo and provided the Council with a brief history of the development of his scholarship program. He noted Ms. Orton and Ms. Cheney were not able to attend tonight's meeting; he the presented the scholarship award to Ms. Saunders.

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5. Approval of Minutes:

The minutes of the Work Session and Regular Meetings of April 8, 2014 and the Work Session and Special Meetings of April 22, 2014 were listed on the agenda for approval.

COUNCILMEMBER DUNCAN MADE A MOTION TO TABLE APPROVAL OF THE MINUTES DUE TO THE FACT THE MINUTES WERE NOT INCLUDED IN THE COUNCIL PACKET. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR.

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6. Public Comments

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TJ Jensen commended staff for their work on the display in the lobby area of City Hall. He then referenced potential General Plan and zoning changes in the area of 3000 West and 700 South; he noted this area is located in District Two of the General Plan, which includes language regarding commercial activity oriented along the State Road 193 corridor. He stated the bottom line is that the area is recognized in the General Plan and it is anticipated that the area will be developed commercially. When the Planning Commission put forward a recommendation regarding General Plan amendments to certain properties in that area that would change the land use designations to R3 residential or commercial uses they were taking the General Plan direction into account. He concluded the General Plan is currently in a state of limbo due to various projects within the City, but the Planning Commission felt the proposed changes are appropriate. He then referenced his comments made during the work session regarding his desire for a stub road rather than a cul-de-sac within the Still Water development and he reiterated he feels there should be a collector road within the area to handle the traffic that will

accumulate there. He stated the conditional use permit for the Still Water cluster subdivision was advertised last week on the Planning Commission agenda, but there was no public hearing for the item; this is concerning to him because there should be a public hearing for the conditional use permit

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Gary Pratt referenced agenda item 13, the Still Water development. He stated it has been stated that if a developer spends an enormous amount of money on a project they automatically deserve approval from the City and he disagrees with that. If that were the case the City would have a fee system that would lead to automatic approval after paying a defined amount of fees. He noted the term “vesting” has never been used in Syracuse City until recently with this developer; they have not had a unanimous vote in the Planning Commission since when they first proposed the development in early 2012. There have been ‘red flags’ and he has spoken and testified on behalf of citizens about this issue a number of times; the main problem is that there are two separate properties and the developer prevailed in keeping the properties separate because they have named them separately by calling them Still Water Lakes and Still Water Estates. He stated both developments have separate homeowners associations (HOAs), covenants, conditions, and restrictions (CCRs), and development agreements. He stated this smacks in the face of the argument that there is just one property. He stated he also raised concerns about the Planning Commission being incomplete in doing their job by submitting this item to the City Council for approval. He stated the status of roads and street, most importantly the cul-de-sac, has been discussed and the developer has not addressed how the water will be treated, sound issues generated by boats on the lake, and insect and animal control around the water. He added the sketch plan that was presented in early 2012 is not the same as the plan that has been presented at the preliminary and final approval phases, insomuch that in August of last year there was a request to amend the plan and the Planning Commission denied that. He stated the bottom line is that there are plenty of ‘red flags’ and any one of the concerns he raised are sufficient to table the item and ask the Planning Commission to complete their work and provide the Council with a complete and honest appraisal regarding how the development should move forward. He noted it is important to remember that the City of Syracuse has never constructed a ski lake and the developer was told that when they initially proposed the idea; there are many ‘humps’ to get over and the timeframe is not the fault of the City and he asked the Council to consider allowing time for further review.

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Ralph Vaughn referenced a public safety issue on 2000 West in front of the Police Department all the way to the round-about at 2700 South there is no double-yellow line; also from the round-about at 1000 West and 2700 South heading east to the Layton City line there is no double-yellow line. The second is the more critical of the two because that road is in front of an elementary school and double parking in the area could cause other motorists to cross the non-existent double-yellow line and cross into incoming traffic. He then asked the City to review the speed hump on 2700 South in front of RC Willey; there is a movement across the United States to remove speed humps and speed bumps because of their interference with public safety apparatus and the traffic dangers associated with unmarked and raised barricades in the street. Although the speed limit is listed at 30, there is a critical speed, which is the speed limit that 85 percent of all cars travelling on the street drive and to determine the critical speed limit a speed survey must be conducted for the street and to his knowledge there has never been a speed survey for that section of road. He noted the flashing yellow lights are also problematic in the area. He stated his final item relates to item six on the agenda and he believes it is reserved for public comment about items that are not listed on the agenda; he asked City staff to include language on the agenda indicating such so that people are not making the same comments at two different times during a meeting.

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Mr. Sandberg stated that he wants to make comments about item nine and he asked if it would be appropriate to make those comments now or at the time that item nine is considered. Mayor Palmer stated that since Mr. Sandberg is the applicant he will be given time to speak during that agenda item.

Mayor Palmer thanked everyone for their ideas and concerns expressed this evening.

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#### 7. Approve list of possible substitute Justice Court Judges.

A staff memo from the City Recorder explained former Justice Court Judge Bean resigned from his position as Syracuse City Justice Court Judge to take a position as a Second District Judge. It may not be possible to appoint a new judge until late summer and, in the meantime, it is necessary to use substitute judges in order for the Justice Court to continue to operate. The Administrative Office of the Courts asks that the Council approve the list of possible substitutes; said list is

attached hereto.

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COUNCILMEMBER DUNCAN MADE A MOTION TO APPROVE THE LIST OF POSSIBLE SUBSTITUTE JUSTICE COURT JUDGES. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

Councilmember Duncan voiced his support for the judges on the list based on their extensive experience.

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Mayor Palmer stated there has been a motion and second and he called for a vote; ALL VOTED IN FAVOR.

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8. Authorize release of sidewalk lien on property located at approximately 1649 W. 700 S.

A staff memo from the Community Development Department explained Syracuse City Code Title 9 states the following: 9.05.060 Off-site improvement agreement. Any person building a residence on any street in the City where off-site improvements have not been previously installed shall be required to sign an off-site improvement lien and agreement, which would require property owner to cover the cost of such improvements when determined by the City that such improvements should be installed. Lien agreement shall be recorded with the Davis County recorder's office prior to the issuance of a building permit. [Ord. 12-28 § 1 (Exh. A); amended 1997; Code 1971 § 9-1-6.] In 1991 the home at 1649 W 700 South was constructed. At the time no sidewalk, curb or gutter had been installed. In accordance with the above code a sidewalk lien was entered into between the City and the property owner. The lien provides that at such time the City installs curb, gutter and sidewalk the home owner would be responsible for the proportionate share of the installation. In review of this lien it was discovered that no other home on this section of 700 South were required to either pay for sidewalk, install sidewalk, nor enter into a lien agreement. The ordinance dates back to 1971. Two homes were built before this home and one after the home at 1649 West and two more were built prior to 1971. As the City is preparing to install curb, gutter and sidewalk with impact fees, and in the interest of justice staff supports the requested release of lien on this property. Staff recommends the City Council authorize the City Manager to release the sidewalk lien on Parcel # 12-050-0041, located at 1649 W 700 S, Syracuse.

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Ms. Christensen reviewed her staff memo.

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Councilmember Peterson asked if this is a unique situation. Ms. Christensen stated this is the first time she has heard of this type of issue.

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Councilmember Duncan indicated he knows the people affected by this action very well and he plans to abstain from voting on this manner to avoid any conflict of interest.

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COUNCILMEMBER GAILEY MADE A MOTION TO AUTHORIZE RELEASE OF SIDEWALK LIEN ON PROPERTY LOCATED AT APPROXIMATELY 1649 W. 700 S. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER DUNCAN, WHO ABSTAINED.

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9. General Plan Amendment request from Mark Sandberg for property located at approximately 3200 West 700 South, change from R-1 and PRD Residential to R-3 Residential and General Commercial

A memo from the Community Development Department explained the current General Plan designation for this area is R-1 Residential & PRD Planned Residential Development. The applicant has requested a change to General Commercial & R-3 Residential and has indicated his intent to proceed to develop single family housing that is consistent with the residential character of the surrounding development, but not seek development of the Commercial Area. See the attached letter from the developer stating his justification for the General Plan Amendment. The developer proposed to have General Commercial along the future alignment of SR-193 when it connects to the West Davis Corridor, with the remainder of the property being R-3. No property located within the WDC is being considered for General Plan amendment. Staff received a letter from

UDOT indicating that they are not opposed to the amendment and that the proposed SR193 alignment shown on the map submittal would be the most likely alignment. The Planning Commission held a public hearing on April 15, 2014 and made a favorable recommendation for the General Plan Amendment with a modification. The motion was as follows:

MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE GENERAL PLAN AMMENDMENT FROM MARK SANDBERG, PROPERTY LOCATED AT APPROXIMATELY 3200 WEST 700 SOUTH, CHANGE FROM R-1 AND PRD RESIDENTIAL TO R-3 RESIDENTIAL AND GENERAL COMMERCIAL, SUBJECT TO ALL APPLICABLE REQUIREMENTS BY COMMISSIONER JENSEN. MOTION SECONDED BY COMMISSIONER GREESON. MOTION OPPOSED BY COMMISSIONER VAUGHAN AND COMMISSIONER RACKHAM. MOTION CARRIED.

The Planning Commission recommends approval to the City Council for the General Plan Amendment, request from Mark Sandberg, property located at approximately 700 S. 3200 W., change from R-1 Residential & PRD to General Commercial and R-3 Residential Zone, subject to all applicable requirements of the City's municipal codes.

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Ms. Christensen reviewed her staff memo.

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Mr. Sandberg addressed the Council regarding his application. He indicated his family has owned the subject property for over 40 years and he has been monitoring what has been happening in the area for years and he has become very aware in the last two years that his property will be dramatically impacted by the potential future West Davis Corridor. He indicated he met with five other property owners in the area to discuss these impacts and they have realized they need to bring a recommendation to the City for what they feel is the best use of their property. He stated these five property owners represent 130 acres of ground in the northwest corner of the City and they want to ensure their property is master planned correctly; this planning is not random or last-minutes. He stated he can assured the Council that the planning is best for the cities of Syracuse and West Point; it will create a commercial hub around a major intersection in the area and it is natural to locate R3 residential developments near that type of development as a buffer between the commercial and lower density residential developments. He stated this is what he wants as a property owner and he asked each of the other property owners to make brief comments to the Council regarding this application.

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Greg Higley stated he owns 25 acres in the development area and the average lot size in the proposed development is 9,000 square feet. He has spoken with other property owners or neighbors in the area and all are in favor of the proposal.

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Ed Redd stated that he owns a parcel of property that his historically been used for agricultural purposes, but he understands development trends and that it may be necessary to use the property for another purpose. He asked for Council support of this application.

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Drew Fornley stated he lives on 700 South on a property that is located directly beneath the proposed interchange. He stated he does not want to give up a 60 acre backyard, but he believes there is a high probability that the road will be built in the future. He wants to protect his interest in his property and he agrees with Mr. Sandberg's proposed development of the area.

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Eric Craythorn stated he is representing his father-in-law, Jim Thurgood, who owns property that is part of this application. He stated one thing that is unique is that there are several property owners that are participating in the proposed General Plan change and potential development. He stated he thinks that is very smart on behalf of the property owners.

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Council discussion regarding the proposed application began and there was a general discussion regarding the orientation of the future state road 193. Councilmember Johnson stated the group of property owners made a very good presentation to the Planning Commission regarding their proposal and he feels the things they are asking for are warranted and this is a very well thought out plan that follows the intent of the General Plan.

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COUNCILMEMBER GAILEY MADE A MOTION TO APPROVE THE GENERAL PLAN AMENDMENT REQUEST FROM MARK SANDBERG FOR PROPERTY LOCATED AT APPROXIMATELY 3200 WEST 700 SOUTH BY CHANGING FROM R1 AND PRD TO R3 AND GENERAL COMMERCIAL. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

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Councilmember Duncan expressed his concerns and stated he does not feel this is an emergency and building upon this property could potentially begin before the extension of state road 193 and the West Davis Corridor. He stated he feels the request is premature.

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Councilmember Lisonbee stated there are many very large lots in the area and the owners of those properties have reliance upon the City's current general plan; she asked if a public hearing was held regarding this item and if all of those property owners were notified of the public hearing. Ms. Christensen stated there was a public hearing and all property owners living within 300 feet of the subject property were notified. Councilmember Lisonbee asked if there were any public comments offered in opposition to the proposal, to which Ms. Christensen answered no. Councilmember Lisonbee expressed her concerns regarding the potential impact that R3 zoning could have on the owners of the larger properties. Mr. Sandberg stated he has contacted all property owners on the north side of 700 South and all are in favor of this proposal as they would also like to consider developing their properties in the future. There was a general discussion regarding the feelings of the property owners in the general vicinity of the subject property as well as a discussion regarding the properties that will be directly impacted and homes demolished due to the West Davis Corridor project. Councilmember Lisonbee asked if the applicant would be negatively impacted if the Council were to table this item to ensure that all property owners in the area are aware of the application. Ms. Christensen stated that there will be a second public hearing advertised when the property owners apply for rezoning of their properties. Councilmember Lisonbee stated changing the General Plan is a big deal and she is concerned that she does not have firsthand knowledge that the property owners living in the general area of the property were notified of the potential change. Councilmember Gailey stated the property owners were notified and none chose to come forward to be heard about the application; he feels the Council should act on the application this evening. Ms. Christensen stated she can say with great certainty that all property owners living within 300 feet of the property, especially those living directly across the street from the subject property, were noticed.

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Councilmember Duncan stated he is concerned about granting a land use designation change that would increase the value of the property that will eventually be acquired by the Utah Department of Transportation (UDOT) for road construction. Ms. Christensen stated the property is located outside of the West Davis Corridor, but there is a portion of property located in the State Road 193 corridor that will be general planned for commercial development. Councilmember Duncan stated this action could potentially lead to increased purchase costs by UDOT and those purchases are made with taxpayer money. Ms. Christensen stated there will likely be some residual increase in property value. Councilmember Johnson stated UDOT is aware of this proposal. Ms. Christensen stated that is correct and they have provided a letter of support for the General Plan change. Mayor Palmer stated he does not feel the Council should base its decision upon the potential change to property values. He stated the focus should be on the best development of the area that will be change dramatically by the construction of two major corridors. He stated he is supportive of the proposal.

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Councilmember Peterson stated his only concern about the proposal is that it leaves gaps in the General Plan; however, he is supportive of the changes being requested by Mr. Sandberg this evening. Councilmember Johnson stated the Planning Commission could be directed to consider and act upon addressing those gaps to ensure appropriate planning for the entire area.

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Mayor Palmer stated there has been a motion and second regarding the proposed General Plan amendment and he called for a vote. **ALL VOTED IN FAVOR, WITH THE EXCEPTIONS OF COUNCILMEMBER DUNCAN AND COUNCILMEMBER LISONBEE WHO VOTED NO AND ABSTAINED, RESPECTIVELY.**

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10. General Plan Amendment, request from Castle Creek Homes, property located at approximately 1183 S. 3000 W., change from R-1 Residential to R-2 Residential.

A memo from the Community Development Department explained the current General Plan designation for this area is R-1 Residential. The applicant has requested a change to R-2 Residential and has indicated his intent to develop single family housing that is consistent with the residential character of the surrounding development. A portion of this request is located in the Country Fields Subdivision and will be amended out as part of this new subdivision. Please see the attached letter from the developer for his justification for the General Plan Amendment. The Planning Commission held a public hearing on May 6, 2014 and made a favorable recommendation for the General Plan Amendment. The Planning Commission

recommends approval to the City Council for the General Plan Amendment, request from Castle Creek Homes, property located at approximately 1183 S. 3000 W., change from R-1 Residential.

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Ms. Christensen reviewed her staff memo.

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Mayor Palmer inquired as to the zoning of the nearby Huckleberry subdivision, to which Ms. Christensen answered R1 residential.

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COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE GENERAL PLAN AMENDMENT REQUEST FROM CASTLE CREEK HOMES, PROPERTY LOCATED AT APPROXIMATELY 1183 S. 300 W., CHANGE FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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Councilmember Lisonbee asked if there were any comments made in opposition to this application. Ms. Christensen answered no. Councilmember Lisonbee asked if there is a sketch plan for this development. Ms. Christensen answered no. Councilmember Duncan expressed his concern regarding the varying zoning designations in the area of the subject property; he feels R2 is encroaching upon R1 zoning. Ms. Christensen stated that the Planning Commission felt the difference between the R1 and R2 zones are very minimal and they were comfortable making a favorable recommendation. She added the Planning Commission wants to take a comprehensive look at this area as a whole. Councilmember Duncan stated he feels the City needs to make a conscious effort to preserve R1 zoning.

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Mike Bastian, Castle Creek Homes representative, provided a brief synopsis of the property acquisition efforts that were necessary to ensure there was a sufficient amount of property to accommodate the proposed development.

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Mayor Palmer stated there has a motion and a second regarding the proposed General Plan amendment and he called for a vote; ALL VOTED IN FAVOR.

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11. General Plan Amendment, request from Lakeview Farm LLC, property located at approximately 700 S. 3000 W., change from R-1 Residential to R-2 and R-3 Residential.

A memo from the Community Development Department explained the current General Plan designation for this area is R-1 Residential. The applicant has requested a change to R-2 & R-3 Residential and has indicated his intent to develop single family housing that is consistent with the residential character of the surrounding development. See the attached letter from the developer stating his justification for the General Plan Amendment. The developer proposed to have R-3 along the proposed West Davis Corridor, with the remainder of the property being R-2. No property located within the corridor is being considered for General Plan amendment. Staff received a letter from UDOT indicating that they are in negotiations with the developer for the purchase of the area within the preservation corridor. The Planning Commission held a public hearing on May 6, 2014 and made a favorable recommendation for the General Plan Amendment with a modification. The Planning Commission did not feel comfortable with the R-3 zoning along the corridor and recommended that the entire request be amended to R-2 only. The Planning Commission recommends approval to the City Council for the General Plan Amendment, request from Castle Creek Homes, property located at approximately 700 S.3000 W., change from R-1 Residential to R-2 Residential Zone, subject to all applicable requirements of the City's municipal codes.

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Ms. Christensen reviewed her staff memo. She added there was one resident that spoke at the public hearing regarding this item to express his opposition to the zoning and project. Councilmember Lisonbee asked if he is an adjacent property owner. Ms. Christensen identified the location of this property in proximity to the subject property. There was a general discussion regarding his concerns.

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COUNCILMEMBER GAILEY MADE A MOTION TO GRANT GENERAL PLAN AMENDMENT REQUEST FROM LAKEVIEW FARM LLC, PROPERTY LOCATED AT APPROXIMATELY 700 S. 3000 W., CHANGE FROM R-1 RESIDENTIAL TO R-2 AND R-3 RESIDENTIAL. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Duncan expressed his concerns about the Planning Commission being inconsistent in their recommendations regarding zoning of various properties; he feels the Planning Commission was correct in their decision on this project, while he feels the Planning Commission did not act appropriately regarding the Sandberg application.

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Mike Bastian, Castle Creek representative, stated he is currently in negotiations with UDOT relative to property acquisition. He added that he would have only gained five lots by attaining the R3 zoning designation and the reason that the zoning designation was requested is because the types of homes built on R3 properties are more suitable next to a freeway corridor than R1 lot. He stated his is trying to plan according to the potential future developments in the City.

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Councilmember Peterson stated he would have been in favor of the split between the R2 and R3 zoning based on the explanation provided by Mr. Bastian.

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Mayor Palmer stated there has been a motion and second to adopt the proposed ordinance and he called for a vote; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER LISONBEE WHO ABSTAINED.

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12. Final Plan Approval, request from Compass Group LLC, property located at approximately 3231 S. 1000 W., R-2 Residential Zone

A staff memo from the Community and Economic Development Department explained Piper Glen is a 9 lot subdivision located at 3231 S. 1000 W. It consists of one existing home that will remain on lot 9 and a single knuckle/cul-de-sac street. All requirements and standards of Subdivision have been met. The project outline is as follows:

- Rezone Approval
  - Planning Commission February 18, 2014
  - City Council March 11, 2014
- Sketch Plan Approval
  - Planning Commission March 18, 2014
- Preliminary Plan Approval
  - Planning Commission April 1, 2014
- Final Plan Recommendation
  - Planning Commission May 6, 2014

The Planning Commission recommends approval to the City Council for the Final Plat of Piper Glen Subdivision, request from Matt Yeates, property located at approximately 3231 S. 1000 W., subject to all applicable requirements of the City's municipal codes and city staff reviews.

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Ms. Christensen reviewed the staff memo.

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COUNCILMEMBER DUNCAN MADE A MOTION TO GRANT FINAL PLAN APPROVAL REQUEST FROM COMPASS GROUP LLC, PROPERTY LOCATED AT APPROXIMATELY 3231 S. 1000 W., R-2 RESIDENTIAL ZONE. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

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Mayor Palmer asked if the Fire Department had any concerns regarding this development, to which Ms. Christensen answered no.

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Mayor Palmer stated there has been a motion and second regarding the final plan approval and he called for a vote;  
ALL VOTED IN FAVOR.

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13. Final Plan Approval, request from Irben Development LLC, Still Water Lake Estates, property located at approximately 1500 W. Gentile

A memo from the Community Development Department explained the City has been working with the developer on this project for approximately two and one-half years. The project outline is as follows:

- Sales Contract of City Property  
City Council January 31, 2012
- Annexation of Irben Property  
City Council May 8, 2012
- General Plan/Rezone Approval  
City Council June 26, 2014
- Sketch Plan Reviews-(30 ski lots, 288 Town Homes)  
Planning Commission July 17, 2012-Tabled  
August 7, 2012-Tabled (dead end street length, county canal crossing)
- Annexation of Weaver Property  
City Council March 12, 2013
- Sketch Plan Amendment-(30 ski lots, 202 cottage lots, 168 Town Homes=400 units)  
Planning Commission June 4, 2013- Tabled to modify lots to minimum 5,000 sq. ft., 55 feet frontage, side setbacks of 8 feet, reduce number of entrances on Gentile, and replace flag lot with cul-de-sac.  
August 6, 2013- Approved Sketch, conditioned upon removing Phase 8 if purchased by UDOT.
- Sketch Plan Amendment-(30 ski lots, 134 cottage lots, 54 courtyard lots, 56 town homes)  
Planning Commission October 16, 2013-Denied for deviating from previous approval which required 5,000 sq. ft., 55 feet of frontage, and 8 foot side setbacks.
- Preliminary Plan-(30 ski lots, 165 cottage lots)  
Planning Commission February 18, 2014- Tabled to review previous approvals/requirements  
March 4, 2014-Approved
- Final Plan Recommendation & CUP  
Planning Commission May 6, 2014-Approved

The memo stated that attached to with the review is the draft Development Agreement, including all exhibits and the Development Plan. The proposal consists of 2 neighborhoods, the Ski Lake Estates which has 2 ski lakes, 30 homes a walking trail and two private parks and one private park with a public easement. The second neighborhood is the Cottages, consists of 165 single family lots, a walking trail and two private parks with a public easement. The development proposed is 86.55 with a net density of 2.78 DU/AC.

The Planning Commission recommends approval to the City Council for the Final Plan for Still Water Cluster Subdivision, request from Irben Development, property located at approximately 1500 W Gentile Street, subject to all applicable requirements of the City's municipal codes and City staff reviews.

8:50:16 PM

Ms. Christensen reviewed her staff memo and she addressed some of the comments made regarding the development during tonight's public comment period. She noted the Planning Commission is not required to hold a public hearing for a conditional use permit. She added it is fairly common to have two HOAs in large subdivisions and the implementation of two HOAs in this development will help homeowners in the eastern portion of the development because they will not be required to pay the same fees as those living closer to the ski lakes. She added the staff has been working with Davis County relative to the improvement of 2000 West and Gentile Street in the vicinity of the development and an interlocal agreement can be drafted once there is a vote taken on the final plans. She agreed that the sketch plan is not the same as it was in the beginning of the process, but she actually thinks it is better and she briefly reviewed some of the improvements that have been made to the development.

[9:02:48 PM](#)

There was a brief discussion regarding the engineering review of roads in the subdivision and a brief focus on the packet materials that are typically provided to the Planning Commission and City Council.

[9:05:03 PM](#)

Councilmember Gailey stated at the beginning of the year he provided each member of the Governing Body with a book entitled Crucial Conversations; he feels tonight is an example of a crucial conversation because emotions and stakes are high and there are varying opinions.

[9:06:13 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO TABLE FINAL PLAN APPROVAL IN ORDER TO WAIT FOR AN OPINION FROM THE STATE PROPERTY RIGHTS OMBUDSMAN, WITH THE IDEA THAT AS SOON AS THE OPINION IS AVAILABLE THE COUNCIL WILL SCHEDULE A SPECIAL MEETING TO TAKE ACTION ON THE APPLICATION. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[9:06:56 PM](#)

There was a brief discussion regarding the motion to table and Councilmember Peterson asked to hear from the applicant. Mike Thayne stated this has been 2.5 years in the making and there has been a lot of time to massage the plans to provide a great development. He stated he would prefer the Council take action on the application tonight rather than tabling it and he briefly summarized the correspondence that has taken place between himself and the State Property Rights Ombudsman, which the City was copied on. He stated he feels all issues have been addressed by him in working with staff and the Planning Commission. He concluded the request for the Property Rights Ombudsman to review the issue should not delay action on his application and he stated he has hired an attorney that spent ten years as a Property Rights Ombudsman and he feels he and the City's legal representation likely know what the opinion of the Ombudsman will be and he asked that the Council consider that and vote tonight.

[9:12:45 PM](#)

Craig Call, attorney for Mike Thayne, stated he helped Mr. Thayne prepare the request to the Ombudsman based on the fact that the Ombudsman acted on a similar case in North Logan in 2012 and he found that once the preliminary plat is approved and finalized, that part of the process is final and answers the question as to whether the development applies with the City's ordinance. He stated the same issues are present this evening and the Planning Commission has acted upon the preliminary plat. He stated he has never seen an ordinance like Syracuse City's that provides so much finality pertaining to the Planning Commission's decision; the ordinance states that any decision by the Planning Commission shall be final if it is not approved within five days. He stated he feels the Ombudsman will take that into account and rule in favor of his client. He stated Mr. Thayne wants a favorable vote tonight, but if that is not possible he would prefer a vote to table over a no vote.

[9:15:55 PM](#)

There was a brief discussion regarding the timeline for the City and applicant to receive a response from the Ombudsman and Mr. Call stated he feels the opinion will be provided quickly upon the Ombudsman receiving a response from the City Attorney. There was then a brief discussion regarding the meaning of the term "vested" and Mr. Call provided a brief history of the inclusion of the term in the State of Utah's development standards.

[9:18:42 PM](#)

Mayor Palmer stated there has been a motion and second to table final plan approval and he called for a vote; ALL VOTED IN FAVOR OF TABLING.

[9:19:11 PM](#)

Councilmember Peterson stated he only favors tabling the application because of the commitment to move speedily and call a special meeting once the Ombudsman's opinion is available. Mayor Palmer and Councilmember Lisonbee agreed, with Councilmember Lisonbee stating she will make herself available once the opinion has been provided.

[9:19:37 PM](#)

#### 14. Ambulance billing write-offs

A memo from the Finance Director explained periodically it becomes necessary to write-off ambulance billings because amounts are no longer collectable due to bankruptcy. The memo included a spreadsheet of accounts with outstanding amounts.

[9:19:46 PM](#)

Mr. Marshall reviewed his staff memo. There was a brief discussion regarding the practices the City has employed to try to collect the debts before recommending that they be written off.

[9:20:42 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO AUTHORIZE AMBULANCE BILLING WRITE-OFFS. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:21:04 PM](#)

15. Authorize Administration to execute agreement for 2000 West Street Improvement Project.

A memo from the Public Works Director explained this road project is one that was identified on our list presented to city council as a high priority due development creating the need to widen the existing roadway facilities and the poor quality of the existing asphalt. This project will involve the replacement of an existing 4" secondary main with 12" and 18" mains. This secondary upgrade will help alleviate low pressure issues in the area. In addition, a collapsing storm drain main will be replaced in the 6-way roundabout and upon completion of the utility upgrades, the entire roundabout will be repaved. 2000 West will receive a widening on the west from 2700 South 2852 South to 3000 South with new curb and gutter and a widening on the east from 2904 South to 3112 South with new curb, gutter and sidewalk. Bluff Road will receive a 2" asphalt overlay from 2700 South to 2900 South. In an effort to reduce costs, this project was bid out with a Schedule A which includes furnishing some materials and installation and a Schedule B which includes furnishing materials. Public Works is pleased with the bid results and recommends approval of this project. The construction will begin as soon as contract documents are in place and will be completed by the fall of 2014.

[9:21:13 PM](#)

Mr. Whiteley reviewed his staff memo.

[9:25:13 PM](#)

There was a brief discussion regarding the potential impact the project could have on the City's Heritage Days celebration as well as other local community events. Mr. Whiteley stated he will work with the contractor to carefully route traffic through the City in order to cause the least impact to the community at large.

[9:29:42 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENT FOR 2000 WEST STREET IMPROVEMENT PROJECT. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:29:57 PM](#)

16. Authorize Administration to execute franchise agreement with Syringa

A staff memo from the Finance Director included a contract for Syringa and the map provided by Syringa. There is both a red line copy and a clean copy of the contract for reference. Syringa is an Idaho based telecommunications company that is looking to expand its network and operations to Syracuse. This franchise agreement sets forth the terms and conditions of their expansion. With this agreement, Syringa agrees to pay a franchise tax in accordance with the Municipal Telecommunication License Tax Act (Utah Code Ann. 10-1-401 to 10-1-10). The term of the franchise agreement is a period of 10 years with an option for an additional 5 year renewal upon written notice of the provider's intent to renew.

[9:30:46 PM](#)

Mr. Marshall reviewed his staff memo. There was a brief general discussion regarding the construction work that will be completed in order to install the cell tower on the existing tower. There was also a brief review of a few of the provisions of the agreement, with a focus on business licensing and severability clauses.

[9:36:38 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE FRANCHISE AGREEMENT WITH SYRINGA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:37:37 PM](#)

17. Consideration of SR193 Interlocal Agreement

A staff memo from the Community Development Department explained that as part of the joint HUD Planning Grant that Syracuse, West Point and Clearfield was awarded for the SR-193 project, phase 2, included the planning for the

landscaping of intersections along the North side of SR-193. The three cities worked together to hire JUB engineering to design the landscaping plan. UDOT is providing funds for the installation of the landscaping with an additional small one time allocation for maintenance by the Cities of the improved landscaping. The total of the two sources of funding is \$343,000. This will install landscaping at 2000 West, 1550 West, 1000 West, Center Street & H Street. The proposed interlocal agreement designates which Cities will be responsible for maintenance of the various improvements. Please see the detailed maps which identify the areas suggested for each City. Staff has meet with the two cities again to address the concerns discussed in the extended work session. Another meeting is scheduled with West Point and the Davis & Weber Canal Company. There are also a few minor clarifications that the three cities have requested from UDOT.

[9:37:38 PM](#)

Ms. Christensen reviewed her staff memo.

[9:40:20 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO APPROVE THE SR193 INTERLOCAL AGREEMENT. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:40:47 PM](#)

18. Proposed Resolution R14-13 adopting the Syracuse City fund balance policy

A staff memo from the Finance Manager included the draft fund balance policy in both a red line copy and a clean copy for reference. The policy was reviewed at a recent work session meeting and revised as requested in the paragraph describing how the City wants to handle fund balance in excess of the 16.7%. One important note is that senate bill 18 in this year's legislative general session revised the wording to UCA 10-6-116 to show that the general fund balance should be calculated as follows:

(committed + assigned + unassigned fund balance)

Total revenue of the general fund for **the current fiscal year**

Previously this was calculated based on the next fiscal years budgeted revenues. Also, the state auditor's office gave training and clarification that the committed and assigned fund balances should be included in this calculation.

[9:41:02 PM](#)

Mr. Marshall reviewed his staff memo.

[9:42:59 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R14-13 ADOPTING THE SYRACUSE CITY FUND BALANCE POLICY. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[9:43:13 PM](#)

Councilmember Duncan thanked Mr. Marshall for changing the policy according to the direction of the City Council and noted that he feels the recommended fund balance of 16.7 percent of the City's budget is based upon meaningful data and is reasonable. Councilmember Johnson agreed and stated he feels the policy is a good one.

[9:44:09 PM](#)

Mayor Palmer stated there has been a motion and second to adopt the resolution and he called for a vote; ALL VOTED IN FAVOR.

[9:44:22 PM](#)

19. Adopt tentative budget and set public hearing for June 10, 2014 to consider adoption of final budget.

A memo from Finance Director Marshall explained that as required by Utah Code Annotated 10-6-111, the City Budget Officer is required to prepare and file with the governing body a tentative budget for consideration. Each tentative budget shall be reviewed and tentatively adopted during any regular City Council meeting on or before the last meeting in May. As required by Utah Code Annotated 10-6-112, each tentative budget adopted by the governing body and all supporting schedules and data shall be a public record in the office of the city auditor or the city recorder, available for public inspection for a period of at least 10 days prior to the adoption of a final budget. As required by Utah Code Annotated 10-6-113, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the public hearing. The City Council should set a public hearing for June 10, 2014 to consider adoption of the final budget. The memo also summarized the following changes that have been made to the budget since the budget retreat meeting between the Council and Administration as follows:

**General Fund**

- Medical and Dental benefits came back with a 0% increase for FY2015. We had budgeted a 10% increase or approximately \$100,000. Administration proposes that \$30,000 go to employees for wage scale adjustments in which the employee was outside the bottom end of their revised ranges. Administration plans to bring the detail results of our benchmark study to the City Council on the May 27<sup>th</sup> meeting. Administration proposes that \$20,000 of the cost savings be given back to the employees through a contribution to the employees' individual HSA account. Finally, administration has set aside the remaining \$50,000 for the council to use in whatever way they deem appropriate.
- Added revenues and expenses of \$5,000 for the farmers market that the City took over for FY2015.
- Added a contract payment for an interim judge to fill in until a new judge is appointed. These costs were transferred from the salaries line item within the justice court budget.
- Moved one part-time position from the administration budget to the building maintenance budget.
- With all of the changes to the general fund, we have a projected surplus of \$50,025 to start the FY2015 budget.

**Culinary Fund (Utilities Office)**

- Added \$5,500 to our Equipment, Supplies, & Maintenance for our annual maintenance fees for our FAS system (Capital Asset tracking program) and Census software (meter reading software).

**Garbage Utility Fund**

- Decrease revenue by \$42,600 or \$0.50 per household per month with savings recognized from our garbage RFP we completed in April 2014. Proposed to move savings to storm water fund.

**Storm Water Fund**

- Increased revenue by \$42,600 or \$0.50 per household per month.

**Capital Projects Fund**

- Removed the ambulance (\$150,000) from our projects list because grant funding will most likely not be received. Added costs for the generator installation at the community center (\$85,000), admin vehicle (\$20,000), and kept remaining \$45,000 in the fund for future capital purchases.
- Added capital lease proceeds of \$200,000 and purchase of police vehicles for \$200,000. This nets to zero but must be shown separately.
- Increased police vehicles lease amount from \$40,000 to \$52,000 and moved it from the capital equipment line to the capital lease payment line.

[9:44:32 PM](#)

Mr. Marshall reviewed his staff memo. Councilmember Johnson inquired as to the amount that each employee would receive in the form of a health savings account (HSA) contribution. Mr. Marshall stated employees with family plans will receive \$1,500, employees with only a spouse on their plan will receive \$1,100, and single employees will receive \$750. Councilmember Johnson asked if the employees must contribute before receiving that money. Mr. Marshall stated historically it has been a contribution, though most employees also contribute to their HSA account.

[9:53:29 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT THE TENTATIVE BUDGET AND SET A PUBLIC HEARING FOR JUNE 10, 2014 TO CONSIDER ADOPTION OF THE FINAL BUDGET. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[9:53:37 PM](#)

Councilmember Johnson thanked Mr. Marshall for changing the format of the City budget by adding more line items and details to make it more user friendly by the Council and citizenry.

[9:54:13 PM](#)

Mayor Palmer stated there has been a motion and second to adopt the tentative budget and he called for a vote; ALL VOTED IN FAVOR.

[9:54:29 PM](#)

**20. Councilmember Reports**

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Peterson's report began at [9:54:34 PM](#) . He was followed by Councilmembers Gailey, Lisonbee, Duncan, and Johnson.

City Council Regular Meeting  
May 13, 2014

[10:05:17 PM](#)

21. Mayor's Report.

At each meeting the Mayor provides a report regarding the meetings and events he has participated in since the last City Council meeting. Mayor Palmer's report began at [10:06:50 PM](#).

[10:07:50 PM](#)

22. City Manager Report.

City Manager Bovero's report began at [10:07:51 PM](#).

At [10:15:14 PM](#) p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Terry Palmer  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: June 10, 2014