

Minutes of the Special meeting of the Syracuse City Council held on July 8, 2014, at 7:16 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

7:16:45 PM

1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:10 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. Mayor Palmer provided a thought regarding the history of July 4, Independence Day; he also read a few sections from the Declaration of Independence to remind those in attendance of the purpose of the holiday. Councilmember Lisonbee then led all present in the Pledge of Allegiance.

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COUNCILMEMBER LISONBEE MOVED TO REMOVE ITEM 13 FROM THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:21:00 PM

2. Presentation of the Syracuse City and Wendy's "Award for Excellence"

To Kylee Jackman, Hailey Cuppett, and Pearce Lewis.

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 teens receiving the award for July 2014 were nominated by Parks and Recreation Coordinator Chad Smout and local Syracuse City recreation coaches.

Kylee Jackman

Kylee is diligent in completing all her school work with accuracy and precision. She asks for clarification when she is confronted with or confusing information or directions. Kylee not only excels in her school work, but has extended that learning to outside the classroom in the performing arts. She was recently able to dance in New York. Kylee is also very respectful of those around her. She has the skill to encourage her class mates to do their best as well.

Hailey Cuppett

Hailey is a great all round athlete, but more importantly she displays a great attitude and sportsmanship. Hailey carries with her great leadership qualities that are noticed by opponents, teammates and spectators.

Pearce Lewis

Pearce has an incredible athletic ability, with an enormous upside. Pearce is always up for a challenge and he continually leads by example. His coaches and teammates loved having him on their team.

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3. Citizen Recognition: Letter of Appreciation for Bryson Rowley's efforts to stop a high-speed chase within Syracuse City.

Police Chief Atkin read the following letter of appreciation to Bryson Rowley; the letter was signed by Chief Atkin and Mayor Palmer.

Mr. Rowley,

On May 31, 2014, you were in Founder's Park when you noticed a white vehicle driving recklessly through the park. There were people in the park, including several juveniles, and the driver's actions placed these people in danger. As a concerned and aware citizen, you made the decision to get involved in this incident to protect the lives of others. You positioned your vehicle at the entrance to the park in case this motorist returned to the area. Seconds later, the motorist returned at a high rate of speed and collided with your vehicle. Your decision to get involved ended a dangerous situation and protected citizens and their children from potential harm.

Syracuse Police Department recommends that all citizens attempted to be good witnesses during the commission of a crime; however, there are times when citizens find themselves in a position where they must make a decision to become a justifiably involved participant. On behalf of a grateful community, we would like to thank you for your courageous actions.

Mayor Palmer commended Mr. Rowley for his courageous efforts and noted there is no question in his mind that Mr. Rowley saved the lives of residents in the park during the high speed chase. He added he is thankful that an auto body shop in the area offered to repair Mr. Rowley's vehicle free of charge for the service he offered to the community.

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4. Citizen Recognition: Hometown Heroes Emily and Noelle Thorstensen

Fire Chief Froerer reported Hometown Heroes Emily and Noelle Thorstensen were on their paper delivery route early on the morning of June 5, 2014. Noelle heard a sound from the home of Robert Calder, who had fallen late the previous night and was unable to get up. The sound turned out to be Mr. Calder's faint cry for 'help.' Noelle and Emily were able to access Mr. Calder and set things in motion to get him the help he needed. We recognize Noelle Thorstensen for her keen sense of awareness, and Emily for being willing to get involved in a life-saving event.

Chief Froerer presented Emily and Noelle Thorstensen with a plaque thanking the two for their service to Syracuse City and one of their fellow residents.

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5. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session of May 27, 2014; Work Session, Special Meeting, Regular Meeting, Special RDA Meeting, and Special MBA Meeting of June 10, 2014; Work Session Meeting and Special Meeting of June 24, 2014.

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COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA, WITH AN AMENDMENT TO THE WORK SESSION MINUTES OF MAY 27 AS FOLLOWS:

- PAGE 10, PRIOR TO THE 9:08:37 TIME LINK, ADD COUNCILMEMBER LISONBEE'S CLARIFICATION REGARDING THE DISCUSSION ITEM AT HAND.

COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6. Public Comments

TJ Jensen referenced item nine on the Council agenda, a petition to annex property into Syracuse City; he noted that the applicant will also be submitting an application for a General Plan amendment for the same property and it may behoove the applicant to delay considering the annexation application until the Planning Commission has taken action regarding the General Plan amendment. He then referenced the discussion during the previous work session meeting regarding the West

Davis Corridor shared solution and noted the Planning Commission is addressing the issue and he asked if the City Council would prefer that the Commission wait for the shared solution open houses to conclude or provide a recommendation prior to that time. He then stated there are some issues in the City relative to public noticing for public hearings pertaining to the several different types of action the Planning Commission can take and the ordinance regarding public noticing is not consistent and it may behoove the City to select a uniform noticing timeline for the many different applications or issues. He stated that would resolve some friction that he had with a staff member today and he offered an apology for his behavior with that staff member. He stated that when a public hearing notice is published it would be beneficial to make packet materials pertaining to the public hearing available to the public at the same time. He reported to the Council an exchange he had with a City employee today at the front counter regarding the ordinance; he noted he was somewhat heated when communicating his feelings regarding the inconsistencies in the ordinance and he again apologized.

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Gary Pratt thanked Mayor Palmer for his thoughts regarding the Declaration of Independence; it reminds him of his feelings about rights: State rights, City rights, and property rights. He stated the General Plan is the “Holy Bible” for property use in the City. He indicated State law recommends that the General Plan be reviewed every five years, but that has not been done in Syracuse City. Recent history has shown that if the General Plan is not current, issues regarding property use may arise. There are also irregularities in the City’s zoning code, which need to be addressed. His referenced irregularities and noted it would be good for the City Council to know that the Planning Commission wants to go through the process of clarifying and fixing the zoning code. He then referenced procedural issues relative to how applications are handled by City staff and the Planning Commission and noted that the procedures need to remain separate and distinct. He then thanked the City Council for the work they do and the time they dedicate to the City. He added the citizen recognition agenda items tonight are proof of the good citizens living in the City; he is a block captain in his neighborhood and he has seen things happen that perpetuate good citizenship in the City and he appreciates it.

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7. Proposed Resolution R14-26 appointing Councilmembers Johnson and Peterson as liaisons to the Syracuse City Parks Advisory Committee.

An administrative memo came before the City Council to explain during the June 24 special City Council meeting the Council appointed new members to the Syracuse City Parks Advisory Committee. Mayor Palmer indicated he would also like to appoint two members of the City Council to serve as liaisons to the Committee. Proposed Resolution R14-26 was drafted to allow the Council to formally appoint liaisons to the Committee.

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COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT RESOLUTION R14-26 APPOINTING COUNCILMEMBERS JOHNSON AND PETERSON AS LIAISONS TO THE SYRACUSE CITY PAKS ADVISORY COMMITTEE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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8. Public Hearing: Appeal of Planning Commission land use decision – Stillwaters Treatment Counseling Home Occupation Conditional Use Application.

A staff memo from the Community Development Director explained Mr. Taft has applied for a Conditional Use Permit to see patients for Mental Health Treatment. Staff did not believe the requested use could be permitted and that it is prohibited by code. The application was referred to the Planning Commission for review. On June 17, 2014 the Planning Commission held a public meeting to review the application. Several concerned citizens were present to comment on the application and voice opposition to the conditional use permit request. The Planning Commission voted (4 to 1) to deny the application on the basis that Medical Clinics are listed as prohibited as Home Occupations. Mr. Taft has applied to appeal that decision. Syracuse City Code states that such appeals should be heard either by the City Council or Board of Adjustment. As we do not have a functioning Board of Adjustment this appeal is being forwarded to the Council for your review. The Council packet included staff reports, Mr. Taft’s applications, and copies of citizen comments received for Council review.

Gary Taft stated the mission of the City is to preserve and promote the health, safety, convenience, order and the general welfare of the City of Syracuse, Utah, its present and future inhabitants, and the public generally. He stated that is the spirit of his application for his City business license. He provided a brief synopsis of his work and stated that as a licensed therapist he would like the opportunity to provide more intensive services to care receivers referred to him. He would not serve more than three or four patients per week and most of his services are pro bono.

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Mayor Palmer convened the public hearing.

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Dennis Boyer, 2532 W. 1700 S., stated that he is opposing Mr. Taft's business license application; he attended the Planning Commission June 17, 2014 meeting during which this issue was discussed and submitted a letter from nine property owners who also oppose the application. The type of service Mr. Taft is seeking to provide should be done in professional clinics, not in homes and residential areas. He supports individuals that request help through churches, volunteers, or welfare in professional facilities where they should be located. He knew nothing about Stillwaters Treatment Services until he received a letter from Syracuse City regarding the application; he approached Mr. Taft to ask what he was planning to do he said he would treat three or four people per week and that it would be easier to offer services from his home rather than his church because of his failing health. He added, however, that during the Planning Commission meeting Mr. Taft indicated he would treat six to eight patients per week and that he wanted to offer services at his home because his church did not have sufficient space available for him. He added he is concerned about Mr. Taft's request for approval of two signs for his business; no matter how many times Mr. Taft discusses the issue or changes the description of his business, it is still a medical clinic seeking to relocate in a residential zone. He concluded that Mr. Taft's conditional use permit application for Stillwaters Treatment Services is not in compliance with Syracuse City Code and should be denied.

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Gloria Boyer, 2532 W. 1700 S., echoed many of her husband's comments and added that the zoning for the area is residential R-1 and the use that Mr. Taft is seeking is not permitted in residential areas. She stated that a block of residents living in the area signed the petition opposing the use and that was provided to the Planning Commission at their last meeting. She stated some people across 1700 South are also opposed to the use. The use would impose hardships on other residents by devaluing their property or the tendency of Mr. Taft's request getting out of control. The business would also increase traffic problems at the corner of 2500 West and 1700 South. Mr. Taft also cannot guarantee that one of his patients will not 'lose control', which could cause danger to neighbors. There are many strange things happening in the United States and this use should not be allowed in a residential zone. The residents are depending on the Council to follow the ordinances in place, which were written for a reason; the neighbors want to live in peace for as long as they can. The City Code is in place and the request for a medical clinic in a residential area violates the Code. Other property owners have followed the ordinances in place and now Mr. Taft is asking for something different and outside of ordinances. She asked why Mr. Taft needs signs for his business if it is a service that he offers free of charge; signs will only attract more business. Mr. Taft's appeal explanation has changed from when his initial application was filed. She stated this is a serious business for a residential zone and she asked who monitors such businesses after they are approved. She read a quote from the application form for a CUP: neighbors should not be aware of businesses in the existing zone.

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Gary Pratt stated he attended the Planning Commission meeting during which this application was discussed; there were issues on both sides of the request, one being that the applicant stated that there are general commercial uses near the property and he also indicated that he would only treat one person at a time and the parking issue is a non-issue. The applicant felt that traffic congestion on the street would not be increased by his business; however, the business does not meet the current ordinance of the City and that is why he spoke against the application at the last Planning Commission meeting. He indicated that is also why the Planning Commission denied the application. He again recommended that the application be denied by the City Council.

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Ms. Boyer re-approached and added that there is a commercial property across the street from the subject property; the General Plan calls for the subject property to eventually be developed commercially, but the property does not currently abut commercial property.

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There were no additional persons appearing to be heard and the public hearing was closed.

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Ms. Christensen then summarized her staff memo.

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General Council discussion regarding the application ensued with a focus on the definition of medical clinic and whether Mr. Taft's business meets the definition of a medical clinic included in City ordinance.

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Councilmember Lisonbee inquired as to whether there are any other home based counseling businesses in the City. Ms. Christensen stated the City does have a health consulting or health coach business in the City, but it was not classified as a medical clinic. Councilmember Lisonbee asked if this type of use is general found in the commercial or professional office zones of the City, to which Ms. Christensen answered yes. Councilmember Johnson stated the Council must consider the current zoning of the subject property, which is residential R1, and whether the use is permitted in City ordinance. Discussion regarding the classification of the business continued with a continued emphasis on compliance with the City ordinance. Councilmember Peterson stated he believes the intent of the ordinance is to prevent traditional medical or dental offices opening in residential zones of the City and this type of business was likely not considered in the drafting of the ordinance.

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Councilmember Gailey asked Mr. Taft if he will have additional employees at his home assisting him in his business, to which Mr. Taft answered no and added he has no intention of hiring employees. He then noted he will not be treating those with severe or chronic mental illnesses; his patients will likely be those that are going through life challenges such as loss of a family member or financial problems. He noted many of these types of patients are more comfortable receiving professional services in a warmer setting versus a sterile, clinical setting.

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Councilmember Peterson stated he assumes the type of counseling Mr. Taft does is no different than the service provided by an LDS bishop and he inquired as to why Mr. Taft felt he needed a business license. Mr. Taft stated he is a licensed clinical medical health counselor and he adheres to a code of ethics that require him to be licensed.

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Mayor Palmer asked Mr. Taft if he will receive compensation for his services. Mr. Taft stated there is a possibility, but at his local church he currently offers the services on a voluntary basis.

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Councilmember Duncan stated he does not believe Mr. Taft's business meets the definition of a medical clinic and the more pressing issue is whether certain conditions associated with the business can be mitigated sufficiently to grant Mr. Taft the requested conditional use permit (CUP). City Attorney Drake noted the purpose of a CUP is to mitigate any impacts that a use could have on neighboring properties. He identified a few sample mitigation efforts the City could impose if the decision is made to grant the CUP. Councilmember Duncan asked Mr. Taft if he plans to offer group therapy, to which Mr. Taft answered no. Mr. Drake stated that one of the conditions of the CUP could be that Mr. Taft is not allowed to conduct group therapy.

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Councilmember Lisonbee indicated she sympathizes with Mr. Taft's plight and it is noble that he wishes to provide services on a pro bono basis to residents in the community. She added she also empathizes with the residents that are concerned about the application. She has concern that a precedent has been set in the City whereby counseling businesses have not been permitted in residential areas.

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Discussion regarding the definition of medical clinic continued with a focus on whether Mr. Taft's business meets the definition. Councilmember Gailey indicated he does not feel the business should be permitted because it can be classified as 'allied', which is included in the definition of medical clinic. Councilmember Peterson argued that one counselor without assistants should not be classified as 'allied'. Councilmember Duncan agreed and stated he feels that Mr. Taft's business should be permitted as it complies with City ordinance; he feels the next step is to work to mitigate any impacts the business could have on surrounding properties.

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Councilmember Lisonbee asked Ms. Christensen to review the section of the ordinance defining the permitted uses for a minor and major conditional uses. Ms. Christensen provided the following lists:

Minor Home Occupations

1. Advertisement Services.
2. Artist, authors, architectural services
3. Barber shops and beauty shops
4. Consulting services, craft sales
5. Dance studio, aerobic exercise, music lessons, tutoring
6. Daycare, where the number of children equals eight (8) or less.
7. Direct sales distribution
8. Data processing, computer programming
9. Garden produce
10. Health and Fitness (such as personal trainers, diet and weight loss supplements).
11. Home crafts.
12. Insurance sales or broker, interior design
13. Janitorial
14. Mail order (not including retail sales from site)
15. Preschool, where the number of sessions equals four (4) or less.
16. Real estate sales or broker
17. Sales representative
18. Swimming Lessons

Major Home Occupations

Major home occupations shall be conditional uses in all residential zones due to the potential increase in the impact of the business as allowed by the following.

- (a) A larger commercial vehicle not exceeding twenty thousand (20,000) pounds may be used, provided it is parked on private property and adequately screened. Parking of the commercial vehicle shall occur on the side or in the rear of the home.
- (b) Daycare, where the number of children is greater than eight (8) and a second employee is required at the home.
- (c) Preschools, where the number of sessions is greater than four (4) per week.
- (d) A larger percentage of the home or an accessory building may be used for the home occupation under conditions recommended by the Planning Commission. The use of an accessory structure or an attached or detached garage, or yard space, for a home occupation may be considered as a conditional use only under the following conditions.
 - i. The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and
 - ii. Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel in compliance with setback standards for the zoning in which the property is located; and
 - iii. The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood;

Major home occupations may include, but are not necessarily limited to the following: Any use allowed as a minor home occupation that is requiring additional conditions of approval as shown in Section 10-7-040(D)1.

- (a) Small engine repairs (excluding automobiles, motorcycles, and snowmobiles.
- (b) Woodworking
- (c) Gun repair.
- (d) Pest or weed control service.

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Councilmember Lisonbee stated she fails to see how the City Council can approve a use that is not listed as a permitted use just because an appeal has been filed based on the fact that the use does not meet the definition of a non-permitted use. Mr. Drake noted that it is typically the case that a use not listed as a permitted use for the purpose of a conditional use permit is considered prohibited. Councilmember Duncan agreed. Mr. Drake then referenced the section

relating to minor home occupations, subparagraph c, which indicates that the list of permitted uses is not limited to only the uses stated, which means that more uses may be permitted by the City. He added when dealing with minor home occupations they must meet the 19 standards listed in the ordinance. The argument could be made that the business is a minor home occupation and can be permitted if it meets the 19 standards and if impacts could be mitigated. Councilmember Lisonbee reiterated that Mr. Taft's business does not fit into any of the categories listed as permitted for minor or major home occupations. Ms. Christensen reviewed the 19 standards for home occupations listed in the City ordinance:

Standards: The following restriction shall apply to any home occupation: (Ord. 10-02)

1. A home occupation shall not be permitted if it changes the outside appearance of the dwelling. No modifications shall be made to expressly accommodate the commercial use in the home.
2. The home occupation may include the sale of commodities; however, the business should deliver products to customers. The occupation may also include the retail sale of products and services at the home with a maximum of two (2) customers per hour. The business owner may increase the number of customers or patrons approved to come to the home per hour by providing sufficient off-street parking and ensuring the home occupation does not adversely affect the neighborhood.
3. The area of the home devoted to the home occupation and/or storage of stock in trade shall not occupy more than thirty (30) percent of the area of any one floor. Child care may use a larger percentage of the home.
4. The home occupation shall not involve the use of any yard space or activity outside the residence, except where the use or activity is of the type customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood.
5. The home occupation may store inventory or supplies within the garage or an accessory building as long as the garage still functions for parking as many vehicles as specified at the time of construction. The home occupation shall not store outside any type of material used for the business.
6. No display of merchandise or advertising shall be visible from the street or neighboring properties except as permitted in Section 10-9-050 of the City's Sign Ordinance.
7. Residents may have one occupational vehicle and trailer, associated with the home occupation, that does not exceed ten thousand (10,000) pounds gross vehicle weight for minor home occupations and twenty thousand (20,000) pounds gross vehicle weight for major home occupations, on site provided they park said vehicles off the street, in compliance with residential off-street parking standards, and not on any street adjacent to or near their premises. By way of illustration and not limitation, this Subsection prohibits the storage or parking of business vehicles, such as limousines, service or work vehicles (snowplows, landscape and maintenance trucks, etc.), and similar vehicles as well as delivery and contractor's vehicles, equipment, trailers used to transport same. Business owners may not intentionally station, position, or park an occupational vehicle or trailer in any manner on private property so as to advertise, promote, or draw attention to products, services, events, or other similar purposes at the home owner's residence while parked thereon.
8. The home occupation shall not allow employees, other than those living in the dwelling, to come to work at the home or to park vehicles at the home to go to a job site. The only exception is that one (1) additional person may be employed as a second adult for a daycare, secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. An additional off-street parking space shall be provided.
9. The home occupation shall generate no greater vehicular traffic or parking than commonly associated with the neighborhood wherein the applicant(s) will conduct business, i.e., heavy trucks, delivery, or similar vehicles, etc. The business shall limit vehicular parking to those living at the dwelling.
10. A home occupation shall not store explosive or combustible materials anywhere on the premises. The home occupation shall not unreasonably disturb the peace and quiet of the

- neighborhood, including but not limited to interference of radio, television, or other electronic reception, by reason of design, materials, construction, lighting, odor, dust, sounds, noise, vibrations, vehicles, parking, and general operation of the business.
11. Home occupations shall not hold promotional meetings, for the purpose of selling merchandise or taking orders, more than once per month.
 12. Home occupations shall not hold garage, basement, yard, or other similar sales more than four (4) times each year, and each sale shall not last more than seventy-two (72) hours.
 13. There shall be complete conformity with all City and State codes including fire, building, plumbing, electrical and health codes, and business-license regulations. Appropriate departments will conduct any periodic inspections required by these codes.
 14. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
 15. The home occupation shall not involve the installation of any equipment, fixtures, plumbing, or electrical wiring that is incompatible with a residential area by reason of excessive noise, utility usage, waste production or broadcast interruption, etc.
 16. The Land Use Authority may review and revoke any home occupation license upon a finding of noncompliance with this Section. Inspections by the City may occur as necessary to assure conformance with these regulations.
 17. Disabled individuals can obtain a waiver through the Land Use Administrator to allow such persons to become self-sufficient.
 18. The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic or other matters as it deems necessary to mitigate impacts on the neighborhood and the City in general.
 19. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address, or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.

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Councilmember Lisonbee inquired as to the standard that created the most concern for staff. Mr. Drake stated staff was initially concerned about the percentage of the home that would be used for the home occupation, but the issue was resolved by the applicant. General discussion regarding ordinance interpretation continued, after which Councilmember Peterson indicated he is comfortable permitting Mr. Taft's business.

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COUNCILMEMBER DUNCAN MADE A MOTION TO GRANT MR. TAFT'S CONDITIONAL USE PERMIT APPLICATION WITH THE FOLLOWING CONDITIONS:

- o THAT THERE BE NO MORE THAN 10 PATIENTS PER WEEK
- o NO SIGNAGE WILL BE USED FOR THE BUSINESS
- o NO GROUP THERAPY IS PERMITTED
- o NO MORE THAN ONE CLIENT'S VEHICLE MAY BE PARKED IN FRONT OF THE HOME AT ONE TIME, WITH THE EXCEPTION THAT THERE MAY BE VEHICLE PARKING OVERLAP BETWEEN PATIENTS FOR A PERIOD OF NO LONGER THAN 10 MINUTES.

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General discussion regarding the conditions recommended by Councilmember Duncan ensued, with a focus on the hours of operation for the business as well as signage.

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COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Johnson asked for clarification regarding the limit of 10 patients per week; he asked if those 10 patients must be seen one at a time. Councilmember Duncan answered yes and reiterated no group sessions are permitted. Ms. Christensen asked if the condition would preclude Mr. Taft from treating a couple of a parent and child wishing to attend the same session. Councilmember Johnson stated he would be comfortable allowing a couple of parent and child to be treated at the home. Ms. Christensen stated the language she would suggest is that treatment is limited to individuals or couples only, i.e. spouses or parent/legal guardian and child.

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Councilmember Lisonbee stated she wanted to confirm that the Council is comfortable by setting a precedent by approving the home occupation based on the fact that the use meets the 19 standards listed in the ordinance. Councilmember Duncan stated he is comfortable because the use is neither expressly prohibited or permitted; the ordinance includes language indicating that the list of permitted uses is not limited only to the uses included in the ordinance. Councilmember Peterson stated he worries about setting a precedent, but that is not a serious consideration for him in this case because this is the second appeal the City Council has heard in his six years as a City Councilmember. Councilmember Gailey agreed and added he feels the citizens are most concerned about the business having a negative impact on their neighborhood and if those impacts can be mitigated by imposing restrictions, the residents should be satisfied.

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COUNCILMEMBER DUNCAN WITHDREW HIS MOTION.

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COUNCILMEMBER DUNCAN MADE A NEW MOTION TO GRANT MR. TAFT'S CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

- o NO MORE THAN 10 PATIENTS PER WEEK ARE TO BE TREATED AT THE HOME
- o NO SIGNAGE MAY BE USED TO ADVERTISE THE BUSINESS
- o NO GROUP THERAPY IS PERMITTED
- o NO MORE THAN ONE CAR IS TO BE PARKED IN FRONT OF THE HOME, EXCEPTING PATIENT OVERLAP TIMES OF 15 MINUTES.
- o INDIVIDUAL THERAPY CAN INCLUDE INDIVIDUALS INVOLVED WITH THE THERAPY OF THE PATIENT.
- o MR. TAFT MAY NOT EMPLOY STAFF OR ASSOCIATES AT HIS HOME.

COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Duncan stated he feels the Council has mitigated the concerns raised by the citizens that spoke during the public hearing and he is hopeful that it will be difficult to notice that the business is operating within a residential zone.

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Mayor Palmer stated he feels the City Council should follow City ordinances. Councilmember Johnson stated he feels the Council has followed the ordinance. Councilmember Duncan agreed.

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Mayor Palmer stated there has been a motion and second to grant the CUP and he called for a vote. ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER LISONBEE WHO ABSTAINED FROM VOTING.

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9. Accept or Deny Petition 2014-01 requesting the annexation into Syracuse City 57 acres of property located at approximately 3807 W. 2700 S., and forward to City Recorder for certification.

A memo from the City Recorder explained on July 2, 2014 David George filed a petition to annex into Syracuse City 57 acres of property located at approximately 3807 West 2700 South. If the Council votes to accept the annexation petition the City Recorder will begin the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated.

An additional memo from the Community Development Director explained the applicant has approached the City to annex approximately 57 acres on the South side of 2700 South at 3807 West. An application to amend the General Plan has also been received and is being processed for review by the Planning Commission. In consideration of annexation of this property, the Council should be aware that the property is adjacent to an Agriculture Protection Area. This does not preclude development of the property, it simply puts future land owners on notice that the adjacent property is used for farming and as such will have impacts ranging from early/late farm work hours, noise, dust and odors associated with farming activities. The property owners within the Ag Protection Area are protected from nuisance lawsuits by neighboring property owners. Also in consideration of the annexation, the Council should take into consideration the possible existence of wetlands (as surveyed by UDOT for WDC study). Those areas affected by wetlands would be subject to mitigation by the Army Corp of Engineers and/or may not be developable. The last item in consideration of annexation is the Great Salt Lake high water mark. As

demonstrated by the attached map, a portion of the property was affected in 1985 by the high water. Care will need to be exercised to assure that any areas within the flood plain are developed appropriately to protect private property.

[9:10:16 PM](#)

City Recorder Brown reviewed her staff memo, after which Ms. Christensen reviewed her staff memo.

[9:12:44 PM](#)

Council discussion regarding the annexation process ensued with a focus on property zoning associated with the annexation action. Councilmember Lisonbee expressed her concern that the claim could be made that accepting the annexation petition could be considered as vesting the application. She asked Planning Commission Chair Jensen to provide his input regarding the annexation petition. Mr. Jensen addressed problematic sewer issues with the property as well as floodplain issues with the property. He stated if the property is zoned R-1 Residential it would only be possible to develop the first 900 to 1,000 feet of the property due to the sewer and floodplain issues. He stated a cluster subdivision may be more suitable.

[9:18:22 PM](#)

Councilmember Johnson inquired as to the infrastructure burdens that would be placed upon the City if the annexation and requested zoning designation were granted. Public Works Director Whiteley stated the developer would be required to install any infrastructure improvements to support the development; long-term maintenance would be the responsibility of the City if public streets and utilities are turned over to the City. Councilmember Johnson stated development of this property could potentially be the catalyst for development of other undeveloped parcels in the area and he wondered if the City is ready for that. Mr. Whiteley stated that it would be necessary to address capacity issues, after which Councilmember Duncan noted the North Davis Sewer District has developed a master plan based on the potential build-out of the City. General discussion regarding future development and ability to meet the capacity demands ensued, with Mr. Whiteley noting the subject property is outside the current City limits and development would ultimately place an additional burden upon the City. Councilmember Lisonbee stated the concern she has regarding the issue at hand is that the applicant has requested R-1 zoning, which is a problematic zoning designation for the property. She would prefer to maintain the A-1 zoning designation and allow the applicant to develop a cluster subdivision on the front half of the property. It is necessary for the Council to carefully consider the application and be cautious in moving forward.

[9:27:34 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO ACCEPT ANNEXATION PETITION 2014-01, REQUESTING THE ANNEXATION INTO SYRACUSE CITY 57 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3807 W. 2700 S. AND FORWARD TO THE CITY RECORDER FOR CERTIFICATION. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:28:18 PM](#)

10. Proposed Ordinance 14-17, rezone request from A-1 Agriculture to R-1 Residential by Mark Sandberg, Trails Edge Subdivision located at 3348 W. and 3298 W. 700 S., 1.89 acres.

A staff memo from Community Development Director Christensen explained the City Council amended the General Plan and Zoning for the R-3 Residential Zoning on the property adjacent to this property. The legal description provided in the application exempted these two parcels because at that time the owners of these lots did not want to be included in the subdivision. Since approval those owners have changed their mind. The underlying General Plan Zoning is designated are R-1. The requested zone change is for R-1 zoning and the lots that will be installed in this area of the Trails Edge Subdivision will meet the standards for R-1 zoning. The developer's intent is to develop single family housing that is consistent with the residential character of the surrounding development. The Planning Commission held a public hearing on July 1, 2014 and made a favorable recommendation for the Zoning Map Amendment. The Planning Commission recommends approval to the City Council for the Zone Map Amendment, request from Mark Sandberg, property located at approximately 3348 & 3298 W. 700 S., change from A-1 Agriculture to R-1 Residential Zone, subject to all applicable requirements of the City's municipal codes.

[9:28:33 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 14-17, REZONE REQUEST FROM A-1 AGRICULTURE TO R-1 RESIDENTIAL BY MARK SANDBERG, TRAILS EDGE SUBDIVISION LOCATED AT 3348 W. AND 3298 W. 700 S., 1.89 ACRES. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:29:08 PM](#)

11. Authorize Administration to execute agreement amendment with Crown Castle for Founder's Park Cell Tower site.

A staff memo from Community Development Director Christensen explained the City has been approached by Crown Castle about amending their lease on Founder's Park Cell Tower, as was done on June 10, 2014 with the cell tower at Rock Creek Park. The cell tower is owned by Crown Castle for which they pay the City a lease. The current lease requires any carrier that co-locates to enter into a lease with the City as well. Staff has reviewed lease and would prefer to have only one carrier pay the City per tower. Crown Castle has agreed to an amendment to the lease in which they would pay the city a per carrier fee for each additional carrier that co-locates on the tower. Staff has negotiated a per co-location fee of \$500/month for cellular carriers and \$200/month for non-cellular carriers.

[9:29:21 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENT AMENDMENT WITH CROWN CASTLE FOR FOUNDER'S PARK CELL TOWER SITE, SUBJECT TO THE AMENDMENTS SUGGESTED BY CITY ATTORNEY DRAKE. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:29:51 PM](#)

12. Proposed Resolution R14-24 amending the Syracuse City Purchasing Policy.

A memo from Finance Director Marshall explained administration has reviewed the Syracuse City purchasing policy and is recommending a few changes be made. Most of the suggested revisions are reordering and consolidating sections in the document to make it flow better and to make it easier to understand. Mr. Marshall used the Utah State Auditor's office purchasing policy template as a guide in restructuring our purchasing policy. Most items in the template were already included in our existing purchasing policy. This document can be found on page 60 in the uniform accounting manual located on the state auditor's website at <http://auditor.utah.gov/wp-content/uploads/sites/6/2013/05/Uniform-Accounting-Manual-2013.pdf>. A few new forms have been added to the back of the purchasing policy: Notice of Award, Work Change Directive, and Change Order forms. A new section was also added to the policy dealing with contract clauses since this was included in the State Auditor's template and is good language to include in the City's policy.

[9:30:13 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R14-24 AMENDING THE SYRACUSE CITY PURCHASING POLICY. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:30:39 PM](#)

13. 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 Lisonbee's report began at [9:30:39 PM](#). She was followed by Councilmember Duncan. Councilmembers Gailey, Peterson, and Johnson indicated they had nothing to report.

[9:34:10 PM](#)

14. 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 [9:34:12 PM](#).

[9:35:40 PM](#)

15. City Manager report

City Manager Bovero's report began at [9:35:44 PM](#).

City Council Regular Meeting
July 8, 2014

At [9:38:38 PM](#) p.m. COUNCILMEMBER DUNCAN MADE A MOTION TO ADJOURN.
COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: August 12, 2014