

Minutes of the Work Session meeting of the Syracuse City Council held on July 28, 2015, at 6:00 p.m., in the Council Work Session Room, 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:

City Attorney Clint Drake  
Finance Director Steve Marshall  
Public Works Director Robert Whiteley  
Community and Economic Development Director Brigham Mellor  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson

The purpose of the Work Session was to receive public comments; review items forwarded by the Planning Commission:

- Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.
- Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.
- Proposed Resolution R15-25 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 1373 S. 2000 W. from R-1 Residential to Professional Office.
- Proposed Ordinance 2015-17 amending the existing zoning map of Title Ten by changing from R-1 Residential to Professional Office Zone (PO) the parcel of property located at approximately 1373 S. 2000 W.
- Final Subdivision Approval, Spring Haven Estates located at 1840 S. 3475 W., R-1 Zone, applicant Josh Hughes.
- Final Subdivision Approval, Trails Edge Phase 3-5 located at 3500 W. 700 S., R-3 Zone, applicant Mark Sandberg.
- Final Subdivision Approval, Tivoli Gardens Phase 2 located at 1875 S. 1000 W., R-3 Zone, applicant Wright Development Group.

Discuss RDA tax rebate payment to Syracuse Family Fun Center aka The Rush Funplex; review special meeting agenda item 10 and discuss a potential waiver of overage charges for culinary water utility bill; and discuss Council business.

Councilmember Lisonbee offered an invocation; Councilmember Peterson led the audience in the pledge of allegiance.

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**Public comments**

[6:05:26 PM](#)

TJ Jensen asked that the City Council provide residents with the option to make public comments at the beginning of the City Council special meeting. He then stated that he noticed the City is drafting a letter to the Utah Department of Transportation (UDOT) in regards to the West Davis Corridor. He noted he reviewed the version included in the Council

packet and his impression is that the language in the letter is rather weak; it indicates that the City is not happy with the project, but will not stand in the way of it. He stated there are many citizens along Bluff Road that will be majorly impacted and at the very least the footprint of the road needs to be reduced significantly. He stated the road will divide the City unnecessarily and, though it will reduce commute time for Syracuse residents travelling to Salt Lake City for work, it would be more appropriate to consider creating more jobs in Davis County so that people are not required to commute. He stated there is an entire corridor along State Road 193 that could accommodate new job centers. He stated he feels UDOT needs to consider other options.

[6:07:34 PM](#)

**Review items forwarded by the Planning Commission:  
Proposed Resolution R15-24 amending the Syracuse  
City General Plan Land Use Map adopted in 1976, as  
amended, by changing the land use designation for  
property located at approximately 3600 W. 1700 S. from  
Professional Office to Business Park.**

A staff memo from the Community and Economic Development (CED) Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property. The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

[6:07:58 PM](#)

CED Director Mellor reviewed the staff memo.

[6:09:45 PM](#)

Councilmember Lisonbee inquired as to the use the property owner wishes to locate on the property that cannot be accommodated by the current professional office zoning. Mr. Mellor stated the applicant has indicated he has plans for inside material storage; there would be smaller storage spaces located on the property. Councilmember Lisonbee stated she has spoken with many residents living in the vicinity of the property and none of them received notification that the City would be considering this application; she stated that the Glenn Eagle Golf Course may create a large enough barrier that nearby homeowners are not located within 300 feet of the subject property and that is why they did not receive notifications. She stated many residents were also very upset when Paul's Auto was located in the area because they have built upscale homes in a residential neighborhood. She reviewed uses allowed in the business park zone and if she lived near the subject property she would be opposed to many of those uses near her home. She stated she would recommend tabling this item until the next meeting when the applicant is in attendance to provide more information about his development plant. Councilmember Johnson agreed and stated that the proposed use does not seem to fit the flavor of the area. The Mayor, Council and staff had a brief general discussion about optional actions this evening, ultimately concluding to table consideration of the application, as well as the following item on the agenda as the two applications go hand-in-hand, until it is possible to gather additional information.

[6:16:18 PM](#)

**Review items forwarded by the Planning Commission:  
Proposed Ordinance 2015-16 amending the existing  
zoning map of Title Ten by changing from Professional  
Office Zone (PO) to Business Park Zone (BP) the parcel  
of property located at approximately 3600 W. 1700 S.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name: To be determined  
Location: 3600 W 1700 S  
General Plan: Professional Office  
Requested General Plan: Business Park  
Total Area: 8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property. The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

This item was tabled to allow staff to gather more information from the applicant.

[6:16:25 PM](#)

**Review items forwarded by the Planning Commission:  
Proposed Resolution R15-25 amending the Syracuse  
City General Plan Land Use Map adopted in 1976, as  
amended, by changing the land use designation for  
property located at approximately 1373 S. 2000 W. from  
R-1 Residential to Professional Office.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name: To be determined  
Location: 1373 S 2000 W  
General Plan: Neighborhood Services  
Requested General Plan: Professional Office  
Current Zone: R-1 Residential  
Requested Zone: Professional Office  
Total Area: 0.33 acres

The applicant has been fortunate to acquire additional land adjacent to his and has applied to amend the general plan and zoning to match his existing property. The applicant would like to build an assisted living center and has included a concept site plan. The Planning Commission moved to recommend approval to the City Council of the General Plan change from Neighborhood Service to Professional Office and Rezone from R-1 Residential to Professional Office, Erik Craythorne, property located at approximately 1373 S 2000 W, subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

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CED Director Mellor reviewed the staff memo, after which the Council briefly discussed the zoning of properties adjacent to the subject property.

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**Review items forwarded by the Planning Commission:  
Proposed Ordinance 2015-17 amending the existing  
zoning map of Title Ten by changing from R-1  
Residential to Professional Office Zone (PO) the parcel  
of property located at approximately 1373 S. 2000 W.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name: To be determined  
Location: 1373 S 2000 W  
General Plan: Neighborhood Services  
Requested General Plan: Professional Office  
Current Zone: R-1 Residential  
Requested Zone: Professional Office

Total Area: 0.33 acres

The applicant has been fortunate to acquire additional land adjacent to his and has applied to amend the general plan and zoning to match his existing property. The applicant would like to build an assisted living center and has included a concept site plan. The Planning Commission moved to recommend approval to the City Council of the General Plan change from Neighborhood Service to Professional Office and Rezone from R-1 Residential to Professional Office, Erik Craythorne, property located at approximately 1373 S 2000 W, subject to all applicable requirements of the City’s municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

[6:18:01 PM](#)

CED Director Mellor reviewed the staff memo.

[6:18:56 PM](#)

**Review items forwarded by the Planning Commission:  
Final Subdivision Approval, Spring Haven Estates  
located at 1840 S. 3475 W., R-1 Zone, applicant Josh  
Hughes.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name: Spring Haven  
Location: 1840 S 3475 W  
Current Zoning: R-1 Residential  
Total Area: 3.1 Acres  
Net Developable Acres: 2.48 acres  
Density Allowed: 7 lots  
Density Requested: 7 lots

**Public Meeting Outline**

Concept Plan Review May 6, 2014  
Concept Plan Report PC May 19, 2015  
Concept Plan Report CC May 26, 2015  
Preliminary Plan PC June 2, 2015  
Preliminary Plan CC June 9, 2015  
Final Plan PC July 21, 2015

The Planning Commission moved to recommend approval of the final subdivision plan for Spring Haven Estates located at approximately 1840 S 3475 W, R-1 Zone, subject to all applicable requirements of the City’s municipal codes and city staff reviews with a unanimous vote on July 21, 2015.

[6:19:10 PM](#)

CED Director Mellor reviewed the staff memo.

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**Review items forwarded by the Planning Commission:  
Final Subdivision Approval, Trails Edge Phase 3-5  
located at 3500 W. 700 S., R-3 Zone, applicant Mark  
Sandberg.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Zone: R-3 Residential  
Applicant: Mark Sandberg  
Phase 3  
Acreage 4.466  
Net Developable Acreage 3.573  
Allowed lots 19

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Proposed lots	15
Phase 4	
Acreage	3.555
Net Developable Acreage	2.844
Allowed lots	15
Proposed lots	14
Phase 5	
Acreage	5.961
Net Developable Acres:	4.769
Allowed Lots (5.44 units/acre)	25
Proposed Lots	19

**Public Meeting Outline**

General Plan Amendment Approval	
Planning Commission	April 15, 2014
City Council	May 13, 2014
Rezone R-3 Approval	
Planning Commission	June 3, 2014
City Council	June 10, 2014
Rezone R-1 Approval	
Planning Commission	July 1, 2013
City Council	July 8, 2014
Sketch Plan Approval	June 17, 2014
Preliminary Plan Approval	August 19, 2014
Final Plan Approval	July 21, 2015

The Planning Commission moved to recommend approval to the City Council of the Trails Edge Phase 3-5 Final Plan, Mark Sandberg, property located at approximately 3250 W 700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews with a unanimous vote on July 21, 2015.

6:19:16 PM

CED Director Mellor reviewed the staff memo.

6:19:23 PM

**Review items forwarded by the Planning Commission:  
Final Subdivision Approval, Tivoli Gardens Phase 2  
located at 1875 S. 1000 W., R-3 Zone, applicant Wright  
Development Group.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Development:	Tivoli Gardens Phase 2
Location:	1000 W 1900 S
Zone:	R-3 Residential
Applicant:	Wright Development Group
Acreage	9.53
Net Developable Acreage	7.624
Allowed lots	41
Proposed lots	34

**Public Meeting Outline**

General Plan Approval	
Planning Commission	March 4, 2014
City Council	May 10, 2014

Rezone Approval	
Planning Commission	April 1, 2014
City Council	April 8, 2014
Sketch Plan Approval	April 1, 2014
Preliminary Plan Approval	May 6, 2014
Final Plan Approval PC	July 21, 2015

The Planning Commission moved to recommend approval of the Tivoli Gardens Phase 2 Final Plan request from Wright Development Group and Associates, located at approximately 1000 W 1900 S, R-3 Residential Zone, subject to all applicable requirements of the City's municipal codes with a unanimous vote on July 21, 2017.

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CED Director Mellor reviewed the staff memo.

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**Discussion RDA tax rebate payment to Syracuse Family Fun Center aka The Rush Funplex.**

A memo from the Finance Director explained the RDA board entered into a contract with the Syracuse Family Fun Center a.k.a. The Rush Funplex on April 11, 2013. As part of this agreement, the Rush agreed to expand its facilities by adding a pool, go-carts, and extra amenities. This expansion was estimated to bring an increase in taxable value of \$6,000,000. In return, the RDA board agreed to rebate a portion of the property taxes paid by the Rush over a period of 20 years. The contract stipulates that if the value added to the RDA is less than \$6,000,000, then a proportionate share of the tax rebate would be paid. The Rush Funplex parcel ID was 12-726-0001 in CY2013 and had a total assessed value of \$2,900,000. The Rush amended its parcel ID and combined 2 separate parcels and created a new parcel ID 12-780-0001 for the CY2014 tax year. The total current value assessed on this parcel ID is \$6,330,000. The net increase in value added is \$3,430,000. This means that the proportionate share of the rebate payment that will be owed to Syracuse Family Fun Center in the future is 57.2% of the amounts stipulated in the contract. For example, for the CY2015 tax year that will be paid in April of 2016, the amount in the contract stipulates \$168,000. If you take 57.2% X 168,000 = \$96,096.00. I have also calculated the estimated benefit that the Rush FunPlex and other Gertge owned properties generate in the RDA as follows:

<b>Parcel ID</b>	<b>Assessed Value</b>
127800001	\$6,330,000
127260002	\$1,880,000
127260003	\$203,856
127260005	\$560,000
Total Gertge Properties	<b>\$8,973,856</b>
Total of All RDA Prop.	<b>\$27,404,231</b>
% of Total RDA Value	<b>32.75%</b>

The total estimated value added increment over the remaining years of the RDA is = \$1,406,674.64. The total estimated rebate to the Rush Funplex over the remaining years of the RDA = \$1,391,952. This is taking into account the adjustment to the 57.2% for actual value added. Ed Gertge, owner of the Rush FunPlex, is requesting a possible discussion about amendments to the contract in order to front load the rebate payments over the next few years. The memo concluded staff recommends the Council discuss potential amendments to the contract and/or the possibility of front loading future rebate payments.

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Finance Director Marshall reviewed the staff memo, after which Mr. Gertge approached and summarized the reason for his request to be on the agenda; he indicated he is seeking an amendment to his contract to front load funding that would otherwise be spread over a longer term. He noted the revenues of the FunPlex are not tracking with what was projected in the feasibility study and proforma for the project; he has looked at options for increasing business, but he still needs additional help. He provided an overview of the efforts he has made to attract interest and new events to the facility, but noted that he believes he will still lose money over August, September, and October this year.

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Mayor Palmer inquired as to the amount of funding Mr. Gertge would like to have front loaded. Mr. Gertge stated he and Mr. Marshall have not discussed actual numbers, but he is seeking something that will help cover his losses for the

next three months. Mr. Marshall stated it his understanding that those losses could be approximately \$55,000 to \$60,000 over the remainder of the calendar year. Mayor Palmer asked how that would impact the agreement. Mr. Marshall indicated the City Council would need to amend the contract to amend the payment schedule to allow for front loading. Discussion then centered on Mr. Gertge's assets and what assets have already been disposed of to cover costs associated with the FunPlex.

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The Council then engaged in discussion and debate regarding Mr. Gertge's request, with a focus on whether the addition of the pool has provided a benefit to the remainder of the businesses located in the Redevelopment Agency (RDA) area. Mr. Gertge noted many businesses in the town center have seen an increase in business. Mr. Marshall noted point of sale tax revenue has increased City-wide over the prior year, but he is not sure of the increased business that stores in the town center have experienced.

[6:36:06 PM](#)

Councilmember Lisonbee asked if the RDA fund balance after making the proposed payment to Mr. Gertge would be \$323,594, to which Mr. Marshall answered yes. Councilmember Lisonbee asked if any other businesses in the RDA have asked for access to that funding. City Manager Bovero noted that one other business has discussed potentially seeking RDA assistance, but they have made no formal proposal; the level of participation they were discussion would not jeopardize the RDA fund balance.

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Councilmember Duncan expressed his concerns regarding the request and about the RDA participating in the pool project to begin with. He stated that he reluctantly voted in favor of the initial agreement and he is now disappointed that the business is experiencing a loss and Mr. Gertge is asking that the City 'bail him out'. Mr. Gertge stated that pools are a very difficult venture and he feels his business is much better off after one year of operation than many other similar businesses. He stated he and his family are committed to do what it takes to make the business a success and he is hopeful the pool will get to the point of breaking even while the remainder of the FunPlex generates a profit.

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Mayor Palmer refocused the discussion on Mr. Gertge's request and noted that staff will do additional work on the request and follow up with the Council for a final decision.

[6:42:53 PM](#)

**Review agenda item 10: Consideration of letter to the Utah Department of Transportation re: the West Davis Corridor Project.**

A memo from the City Manager explained at the July 14<sup>th</sup> City Council meeting, the Council expressed a desire to discuss the West Davis Corridor in preparation of the expected Record of Decision by UDOT, and possibly review, reaffirm, or edit the previous letter issued by the City regarding the Shared Solutions alternative. In a meeting with Councilmember Lisonbee and Mayor Palmer, it was decided that the best course of action would be to discuss the West Davis Corridor and address the upcoming issues related to the expected Record of Decision. Councilmember Lisonbee asked the other Councilmembers to send their comments to the City Manager in order to provide direction in the drafting of a letter to UDOT. Based on the input received from Councilmembers Lisonbee and Gailey as of Wednesday, July 22<sup>nd</sup>, City Manager Brody Bovero has drafted the attached letter for the Council's consideration. Also included for reference are the minutes of the March 10 City Council meeting during which a similar item was discussed. The initial letter read as follows:

Carlos M. Braceras, Director  
Utah Department of Transportation  
4501 South 2700 West  
Salt Lake City, Utah 84114

Randy Jefferies, Project Manager  
UDOT West Davis Corridor EIS  
466 North 900 West  
Kaysville, Utah 84037

Re: West Davis Corridor

Dear Mr. Braceras and Mr. Jefferies,

In light of the expected Record of Decision for the West Davis Corridor, the Syracuse City Council would like to present its strongly held concerns regarding the impact of the highway through our City.

The impacts of a limited access highway through the middle of our City will no doubt create a physical division in our community, making it more difficult for our residents, both young and old, to traverse across neighborhoods as they have been able to for decades. If an alternative exists that would provide the regional transportation need without a limited access highway, the City would be interested in this. While the City did not agree with all of the Shared Solutions alternative, and in particular the assumed requirement that the City would effectively forfeit its future land use decision-making powers to make it happen, the idea of an alternative to the highway is of interest to this City Council.

The City respects UDOT and the NEPA process, and recognizes that the decision of the WDC rests with the State. Should the highway alternative be chosen, the City will be supportive; but with grave concerns regarding the impacts to our neighborhoods as it relates to noise, unsightly road design and landscaping, exhaust, and accessibility across the highway.

In addition, Syracuse City has made a substantial investment in its trail systems and bike route program to make it one of the most bike and pedestrian friendly cities in Davis County. Included in these trail systems are the associated natural landscapes and views of west Davis County and Antelope Island, which has become an iconic hallmark of our City and a draw to our City that provides economic benefits. Through careful design, it is our expectation that UDOT will incorporate and protect these resources along with the implementation of a highway.

While Syracuse City will accept the highway if such decision is made, this City Council has an expectation that UDOT will not only construct the highway with great sensitivity to Syracuse City, but to all the communities that will be bisected by its structure.

Syracuse City will continue to encourage UDOT, the State Legislature, and the other affected cities, to work together in ensuring that the roadway design mitigates the potential negative impacts typically brought by a limited-access highway.

The City Council desires to continue working with the surrounding municipalities in a cooperative manner to solve land use and transportation issues. A large transportation investment such as the proposed West Davis Highway would become a lasting landmark on this region. We owe it to ourselves and future generations to ensure that such a structure is built with the appropriate sensitivities in mind.

Respectfully submitted,

Terry Palmer  
Mayor, Syracuse City

Cc: State Senator Jerry Stevenson  
State Representative Curtis Oda  
State Representative Brad R. Wilson  
Davis County Commission  
Weber County Commission  
Mayor and Council of Centerville City  
Mayor and Council of Farmington City  
Mayor and Council of Layton City  
Mayor and Council of Kaysville City  
Mayor and Council of West Point City

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Mayor and Council of Clinton City  
Mayor and Council of Roy City  
Mayor and Council of Hooper City

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The Council engaged in a discussion regarding the letter included in the packet and offered recommendations for amending the letter to strengthen the message and the City's position. They concluded to continue discussion of the item during the special business meeting prior to taking action on the item.

### **Council business**

There was no Council business.

The meeting adjourned at 7:04 p.m.

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Terry Palmer  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: August 25, 2015