

Minutes of the Regular meeting of the Syracuse City Council held on August 12, 2014, at 7:24 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

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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. Councilmember Duncan provided an invocation. Councilmember Johnson then led all present in the Pledge of Allegiance.

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COUNCILMEMBER LISONBEE MOVED TO ADOPT THE AGENDA. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" To Cameron Burt and Rozlyn Tracy.

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 August 2014 were nominated by Cook Elementary School teachers.

Cameron Burt

Cameron Burt: Cameron is one of those students that I will never forget. He always pushes himself to do his best. He is gifted in many areas: academics, athletics, leadership, and social. Cameron is a bright student. He was always eager to learn new and difficult concepts. Cameron has a positive attitude towards education. Cameron plays on a comp baseball team. He is dedicated to his team and improving his talent. Cameron was a member of our Student Council. He was usually the first to volunteer to help on a project. Cameron goes out of his way to serve others. When he sees a need he jumps up and helps. Many times he has helped me carry items when my hands were full. He holds doors open for students. He tutors students who struggle with academics. He treats everyone with kindness; even those who can be difficult. Cameron is very mature for his age, and it shows in his daily interactions with others. He has a great sense of humor. I have already given his parent my permission for him to date my daughter when they are older. :)

Rozlyn Tracy

Rozlyn Tracy: Rozlyn is a very hard working student. She excels in all academic areas. While others her age worked hard, and gave 100%; Rozlyn was giving 200%! Often Rozlyn helped struggling students learn challenging concepts. She enjoys helping others. She has been involved in our Student Council. She was usually one of the first to volunteer. She is kind to others and looks for ways to serve those around her. She has been involved in the Special-Needs Olympics, and often talked about what a wonderful experience it is to help those children. Rozlyn does not serve others to get praise or an award. Many times I would learn, from another student or adult, about some act of kindness that was performed by her.

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3. Introduction of new Police Officers

A staff memo from Police Chief Atkin explained he recently hired Bryce Weir as a detective and Mike Osiek as a code enforcement officer.

Chief Atkin approached the City Council and introduced Mr. Weir and provided a brief synopsis of his background in the law enforcement field. He noted Mr. Osiek was not able to attend tonight's meeting, but he also provided a brief synopsis of his background.

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4. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session of July 8, 2014, Regular Meeting of July 8, 2014, and Special Meeting of July 22, 2014.

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COUNCILMEMBER GAILEY MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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5. Public Comments

Jimmie Chadbourne stated that since Jensen Park was built he has walked it regularly and recently his wife tripped and fell and hit her head. He informed the City of the problem with the bridge that caused the fall and they committed to look at it and take care of it. The next time he walked the trail he noticed that the City had erected a sign informing users of the problem and approximately one week later the bridge had been replaced. He stated that was a great response and he wanted to let the City Council know of the quick response. He also referenced development in the area that is causing a trail closure and he asked if there are accommodations that can be made to reopen the trail so that users are not forced to walk on the road.

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TJ Jensen stated he will be addressing the Council first as a Planning Commissioner relative to items 12 and 13 on the agenda; he stated that for item 12 he does not think the R-1 zoning change is sensible and that the property should remain zoned A-1, which would allow for half-acre parcels, 16 of which could be developed fronting 2700 South. He then referenced the requested zoning change for the Ninigret property and stated that State Road 193 has been operational for less than one year and that has not been adequate time to determine viable land uses in the area. He stated the MGB&A study indicated the area would be suitable for business park development and he feels Ninigret is looking for an easy route by requesting residential zoning and locating a charter school on their property. He suggested the Council wait on making a decision on this issue and determine what would be most suitable for the property. He concluded by expressing his condolences to the Hamblin family after the loss of their daughter, Marli.

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Tyler Bodrero referenced agenda item 13 and stated his company represents Syracuse Arts Academy in their design and development process and they are looking to create a satellite location due to the existing school being filled to capacity. He stated it is important to locate the satellite facility close enough to the main school to provide for interaction between the two. He stated that after meeting with the Davis School District to determine an appropriate location for the charter school, it was determined that somewhere on the north end of Syracuse would be best; the Arts Academy truly wants to stay in Syracuse and other developers have not been able to meet the needs of the school. He stated the current property owner of the subject property, Ninigret, has been gracious in meeting with the school management company to determine the facility needs and much of that informant has been presented to the City Council. He stated the Arts Academy administration is in

favor of the proposal and they feel the property allows them the best opportunities for success relative to traffic management, use of open and transitional space, and buffering between residential properties and the Rocky Mountain Power corridor. He stated the MGB&A study was referenced during the work session and again during this business meeting, but it is important to note that the study clearly speaks to residential growth supporting future commercial and business development and roadways to improve traffic. He stated the residential component is key in order to support various commercial uses. He concluded the school is in support of the requested zoning change to allow the school to be constructed and function well with the nearby residential developments.

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Gary Pratt also referenced agenda item 13 and stated that over the past three years the property has been studied on three different occasions; one study was completed by the City at a cost of over \$40,000 and it did not call for housing on the subject property, but did call for business park development in the specific area. He stated the study also included property in the region, not just in Syracuse. He stated the highest and best use of the property was originally industrial, then it was changed to flex zoning, and other highest and best uses were proposed but were never accepted by the City Council. He noted that during the last meeting he referenced state, local, and citizen property rights and he feels one of the pinnacles of the City's rights is the General Plan and the City has the right to determine a vision for the City after considering input from residents and developers. He stated the property was originally zoned A-1 and C-2, which is a commercial zone with a small residential component; however, the C-2 zoning was later eliminated. He stated the business park designation was recommended by the Planning Commission and City Council after studying the study commissioned by the City. He stated a school can be constructed in any zone in the City and, therefore, the zoning change is not necessary. He added, however, that this recommendation is contradictory to the statement that Randy Abood made to the Planning Commission that there would never be a school on the property after a suggestion was made to include University satellite options on the property. He concluded that his recommendation would be to maintain the business park zoning and allow the school to be built in that zoning designation. He stated that there are many businesses that could be successful in a business park zoning designation and could benefit from the students attending satellite school facilities.

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Pat Zaugg offered kudos to the Police Department relative to their code enforcement and property maintenance of the properties along 700 South that have very tall weeds; the code enforcement officer responded quickly to her complaints and worked with the owner of the property to abate the nuisances. She then stated that Councilmember Gailey made a comment regarding the Ninigret proposal that residents in the area were excited about homes being built on the Ninigret property. She noted that none of the residents were excited about homes; instead they asked for parks and open space and homes were only preferred over an industrial park. She stated she served on a committee that planned for the area and there were never focused discussion about residential development. She agreed with Mr. Pratt and stated the property is valuable to the City and the City will be sold short if the property owner is given approval that will allow for quick development. She stated she knows Ninigret wants to be done with the project and get out of Syracuse because Syracuse has not been friendly to them, but she believes the Council needs to be prudent in determining the appropriate zoning for the property. She indicated the area is over saturated with homes and she is concerned that school traffic would be difficult for the roads in the area to handle. She stated she has asked for satellite college units and they have been denied in the past. She concluded that if the Council decides to permit homes in the area it is necessary to enlarge the commercial properties. She thanked the Council for the work they do and for listening to the residents.

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Sheldon Kilpack stated he works closely with Syracuse Arts Academy and has been involved in selecting a site for their new satellite location. He stated the Arts Academy approached Ninigret after determining the property was suitable in terms of best resolving pressure on the education system. He stated the Arts Academy would like for the satellite location to open one year from today and it is necessary to determine the exact location and begin working on the project. He stated other developers in other cities have offered their land for sale to the Arts Academy, but the school would like to stay in Syracuse and there are opportunities to construct an amphitheater and other park facilities on the Ninigret property that are not present on other properties in other cities. He referenced roads in the area and stated that it may be necessary to provide additional road connections to accommodate the school traffic. He concluded that the Arts Academy has been the driving force in selecting the location and the school's administration does think the subject property is the best location. He added that as a resident of Syracuse he would prefer that the school be located on the subject property and he added that additional residential development may help to support some of the struggling commercial developments in the City.

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Ray Zaugg stated he supports the Arts Academy in the proposed location and he believes it is a great place for it and it is a foregone conclusion that there will be a road connecting Monterey Estates to State Road-193 and yet to be determined is the layout of the road; however, it will go right by the school regardless of the layout. He added he likes the idea of an amphitheater as well. He then reported that residents had requested recreation property or open space on the subject property with a business park on the northern area and commercial uses along State Road-193. He reiterated that a school is allowed in any zone in the City and he suggested the City Council approve the school without making any changes to the zoning designation of the property. He stated the Council put a lot of thought in master planning the area and he does not feel it is appropriate to change it at this time.

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Gary McEntee addressed statements made about the Ninigret project that he feels are incomplete or misleading. He stated Ninigret never asked for a General Plan change; they did ask for the Council to leave the General Plan and zoning unchanged in order to wait for an actual plan to be presented for the entire development. He stated that the change that was made last year was not desired by Ninigret. He referenced the MGB&A study that has been discussed tonight and he noted that option A in the study calls for business park east of the power line, but no business park west of the power line; option B calls for business park west of the power line as well as high density, multi-family residential development right next to it. He stated that his understanding is that is not something the City is willing to accept though it was part of the recommendation from the study. He stated he is having difficulty finding any consistency since people continue to reference the study, but are not willing to recognize all recommendations of the study; some that have spoken are only taking the bits and pieces from the study that they like, but they should stop stating their recommendations are based on the study because that is not correct or true. He stated that he has had several discussions with the Planning Commission about several different proposals for the property and in this case the Planning Commission has recommended, on a five to one vote, to approve the current proposal, yet the City Council is questioning it. He reiterated that also makes him question the consistency of the City Council. He added that he struggles with the fact that some residents have developed and subdivided their own property for residential development, which increased the number of homes in the City, but they now argue against more homes on the Ninigret property. He stated he is looking to develop the property as best he can in Syracuse and he has come to the Council numerous times with adjustments to the plan; the charter school would be an asset to the community and there is no market interest in a business park in the area. He left the MGB&A plan with the Council to review prior to making a decision tonight.

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6. Proposed Resolution R14-31 confirming the appointment of a part-time Justice Court Judge.

Mayor Palmer explained the process he followed to select a new Justice Court Judge for Syracuse City. He proposed the City Council confirm his selection of Catherine Hoskins as the Justice Court Judge.

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COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT RESOLUTION R14-31 CONFIRMING THE APPOINTMENT OF A PART-TIME JUSTICE COURT JUDGE. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Councilmember Duncan stated he knows Ms. Hoskins professionally and he has always been impressed with what she has had to offer. He supports the appointment of Ms. Hoskins as the Justice Court Judge.

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7a. Common Consent: Set public hearing for September 9, 2014 to consider an ordinance approving the annexation of 57 acres of property located at approximately 3807 W. 2700 S.

A staff memo from the City Recorder explained that pursuant to the provisions of Title 10-2-405 of the Utah Code Annotated, she has reviewed Annexation Petition 2014-01 to annex 57 acres of property located at approximately 3807 W. 2700 S., which was accepted by the City Council on July 8, 2014, and has found the petition meets the requirements outlined in Title 10-2-403(2), (3) and (4). A notice of certification was published in the Standard Examiner beginning Wednesday, August 6, 2014, and will be published for three consecutive weeks. The notice outlines the protest process. The protest

period will expire on September 5, 2014. Protests are to be filed with the Davis County Boundary Commission, with copies to be provided by the protestor to the City Recorder. If no protests are filed, the proposed annexation and zoning ordinance will be presented to the Council following the protest period to either deny or approve the ordinance. If protests are filed, the Council may deny the petition or decide to proceed; however, no further action can be taken by the Council until a decision has been made by the Davis County Commission. The next step in the process is to set a public hearing to consider the annexation and zoning ordinance. The soonest this public hearing can be held is September 9, 2014.

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Councilmember Duncan stated that he is willing to set the public hearing, though he has deep concerns about the annexation and the proposed development of the property. Councilmember Johnson agreed and noted only one-third of the property is actually developable.

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There was a brief discussion regarding the purpose of a common consent agenda.

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COUNCILMEMBER LISONBEE MOVED TO SEPARATE ITEMS 7A AND 7B LISTED FOR COMMON CONSENT IN ORDER TO GIVE THE COUNCIL THE OPPORTUNITY TO CONSIDER THE ITEMS INDEPENDENT OF ONE ANOTHER. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL COUNCILMEMBERS VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER PETERSON WHO VOTED IN OPPOSITION.

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COUNCILMEMBER DUNCAN MADE A MOTION TO SET A PUBLIC HEARING FOR SEPTEMBER 9, 2014 TO CONSIDER AN ORDINANCE APPROVING THE ANNEXATION OF 57 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3807 W. 2700 S. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

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Councilmember Lisonbee expressed her concerns regarding the annexation proposal and she is not certain she will support an ordinance after the public hearing on September 9, but she is willing to allow the annexation process to move forward as defined by State Law. Councilmember Johnson stated that he will vote against scheduling the public hearing in order to stop the annexation process at this point in time. Mayor Palmer stated he is hopeful that the developer will meet with City staff to discuss the ability to develop the property if the annexation is approved.

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Mayor Palmer stated there has been a motion and a second to set the public hearing relative to the proposed annexation and he called for a vote. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON WHO VOTED IN OPPOSITION.

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7b. Common Consent: Authorize Administration to write-off outstanding utility accounts due to bankruptcy, bad debt, or low income.

A memo from the Finance Director explained periodically it becomes necessary to write-off utility billings because amounts are no longer collectable due to bankruptcy. Three utility accounts are included in the suggested write-off, for a total of \$704.65.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO WRITE-OFF OUTSTANDING UTILITY ACCOUNTS DUE TO BANKRUPTCY, BAD DEBT, OR LOW INCOME. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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8. Public Hearing: Authorize Administration to dispose of surplus property.

A staff memo from the City Recorder explained several Departments of the City have indicated they have surplus property to dispose of. The memo included the following surplus property lists provided by the Fire Department, Information Technology Department, Parks and Recreation Department, and Police Department.

***Fire Department Surplus Equipment***

Scotsman Model CME256A Ice Maker. The Fire Department has replaced our failing 12 year old Ice Maker. We propose to surplus the Scotsman Ice Maker for sale or scrap. This Ice Maker is 12 years old, rated to make 250

pounds of ice per day (was currently only making 90 pounds/day max) and has cost over \$900 in our last budget cycle for service/repair.

Matrix Model MX-T3x Commercial Treadmill. The Fire Department will be replacing our failing 11 year old Treadmill. We propose to surplus the Matrix Model MX-T3x for sale. This treadmill is 11 years old, has a non-functional control screen display that is cost prohibitive to repair. It will be replaced by a new commercial-grade treadmill in our FY2015 budget, for use in the fire department exercise room.

***Information Technology Department***

25 Laptops and 35 Desktop computers. These have been replaced and are no longer needed.  
Rocks/Stone and Cinderblock - Leftover construction materials from fountain remodel.

***Parks and Recreation Department***

Model - Bobcat 325 Excavator; S/N - 514016777; Year – 1999.

***Police Department Surplus Equipment***

LifeSpan TR5000i treadmill. The motor is not working, so we will just need to dispose of it.  
K-9 Officer Dutch Shepherd dog.

***Public Works Surplus Equipment***

2006 Yamaha Motorcycle  
2011 Ford Truck Bed

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Councilmember Peterson asked why the Police dog is included on the surplus property list. Police Chief Atkin stated the current canine officer will be moving to a new police department and due to the difficult nature in training the dog to work with a new handler it has been determined that it is most appropriate to allow the dog to move to a new department with his handler.

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Mayor Palmer convened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF SURPLUS PROPERTY. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9a. Public Hearing: Proposed Ordinance 14-18 amending an impact fee facilities plan and an impact fee analysis for Public Safety; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters.

A staff memo from Finance Director Marshall stated the City is currently in the process of evaluating and updating our impact fee plans for Syracuse City. This update is to our public safety impact fee plan. Historically the City has charged a public safety impact fee. This update is a requirement of the impact fee law. The current impact fee we charge is \$225 per residential home. The revised impact fee plan calculates a gross fee of \$563 per residential home. The revised fee is offset with credits in order to avoid double payments given the outstanding debt for the fire and police stations. The net fee charged to new homes would escalate each year as additional debt is paid off and excess capacity is reduced. The impact fees for FY2015 would be \$141.80, FY2016 would be \$166.47, FY2017 would be \$191.92, and FY2018 would be \$218.12 and would continue to escalate up to the maximum fee of \$563 in FY2029 when the debt for the public safety buildings is paid off. Impact fees can be charged to new development to help pay a proportionate share of the cost of planned facilities needed to serve the growth and development of the city. Impact fees are allowed per Utah Code 11-36A. Under that code, there are two separate plans required in order to charge a public safety impact fee. They are the Impact Fee Analysis and the Impact Fee Facilities Plan. An impact fee enactment ordinance is also required.

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

11-36a-401. Impact fee enactment.

*(1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*

*(b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*

*(2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

The impact fee enactment is attached as Ordinance 14-18 and is accompanied by, Exhibit A – impact fee facilities plan, and Exhibit B – impact fee analysis. Staff has also included Ordinance 14-19 that amends sections of the Syracuse City municipal code; specifically Title III; the packet includes a redline document that shows the proposed changes. These ordinances can both be approved tonight along with the resolution for the consolidated fee schedule; however, there is a 90 day protest period before the ordinances and fee schedule would take effect. This would mean an effective date of November 10, 2014. Staff recommends that the City Council approve Ordinance 14-18 – impact fee enactment and approve Ordinance 14-19 – updating Title III related to impact fees. I also recommend the City Council approve resolution R14-27 updating the consolidated fee with the revised public safety impact fee amount. I recommend that these ordinances and the consolidated fee schedule have an effective date of November 10, 2014.

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Mr. Marshall reviewed his staff memo.

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Councilmember Duncan inquired as to the impact the increased fee for commercial development will have on commercial activity in the City. Mr. Marshall stated the increase could have a negative impact on commercial development and the Council can choose to adopt a lower fee if deemed appropriate. Councilmember Duncan stated he would like to table adoption of the ordinances to increase the impact fee to give the Council sufficient time to conduct additional research and determine the fees charged in other cities. Other Councilmembers and the Mayor indicated they would support tabling the agenda items as well. Mr. Marshall stated it is his understanding that the proposed fees are not astronomically higher than fees charged in other cities, but he would be happy to gather information regarding the fees charged in other cities and provide that to the Council in order for them to make a better informed decision.

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COUNCILMEMBER DUNCAN MADE A MOTION TO CONTINUE THE PUBLIC HEARING FOR ITEMS 9A, 9B, AND 9C UNTIL SEPTEMBER 9, 2014. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9b. Public Hearing: Proposed Ordinance 14-19 amending various sections of Title Three of the Syracuse City Code pertaining to impact fees.

COUNCILMEMBER DUNCAN MADE A MOTION TO CONTINUE THE PUBLIC HEARING FOR ITEMS 9A, 9B, AND 9C UNTIL SEPTEMBER 9, 2014. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9c. Public Hearing: Proposed Resolution R14-27 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the Public Safety Impact Fees.

COUNCILMEMBER DUNCAN MADE A MOTION TO CONTINUE THE PUBLIC HEARING FOR ITEMS 9A, 9B, AND 9C UNTIL SEPTEMBER 9, 2014. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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10. Public Hearing: Proposed Resolution R14-30 adjusting the

Syracuse City Budget for the Fiscal Year ending June 30, 2015.

A staff memo from Finance Director Marshall explained Administration is requesting some adjustments to the FY2015 Budget. The bulk of the changes are for capital projects carried over from FY2014. These projects were in process at June 30, 2014 and need to be transferred to the FY2015 budget year in order to complete them. The total of all capital project adjustments is \$2,373,000 and they are highlighted in blue on the capital projects listing. If you take \$2,373,000 and add it to the budgeted projects for FY2015 of \$5,489,250 it equals the \$7,862,250 total cost as shown on the capital projects listing. I also have shown on the budget adjustment file the cash balances for each fund after all the projects are complete. Another major change to this budget opening is a proposal to increase the funding for new police cars from \$200,000 for 6 vehicles to \$400,000 for 11 vehicles. In the original budget, we budgeted for the \$200,000 for 6 vehicles and a lease payment of \$52,000. With this new proposal, we would increase the budget from \$200,000 to \$400,000 and make the first lease payment of \$105,000 due in the FY2016 budget year. This would eliminate \$52,000 in lease payments for FY2015 and also allow us to pay off our existing lease of \$105,000 on the 10 cars we purchased in FY2012. By doing this, we would not overlap lease payments and our outstanding lease payment would continue at a flat \$105,000 per year over the next four years. Any questions on the vehicles, equipment, age, mileage, etc. should be directed to Police Chief Garret Atkin. Also in this budget adjustment proposal are minor changes related to grants, office supplies, payroll & wages, and a contract for a special event coordinator. All of the costs in the general fund are proposed to be funded from existing budget and therefore, the net change to the general fund is zero. The memo concluded staff recommends adopting proposed resolution R14-30 adjusting the Syracuse City budget for the fiscal year ending June 30, 2015.

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Mr. Marshall reviewed his staff memo.

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Mayor Palmer convened the public hearing.

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Gary Pratt stated that as a business owner running major corporations it would be his recommendation that whenever the City can lease a capital asset that is much better than buying and owning it outright because of liability associated with failure of the asset. He added lease rates are extremely low and leasing allows the City to keep more cash on hand

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

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COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT RESOLUTION R14-30 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2015. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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11. Final Plan, Tivoli Gardens, Wright Development Group, property located at approximately 1950 S. 1000 W., R-3 Zone.

A staff memo from Community Development Director Christensen explained all requirements and standards of Subdivision have been met. The project outline is as follows:

General Plan Approval		
Planning Commission		March 4, 2014
City Council		March 10, 2014
Rezone Approval		
Planning Commission		April 1, 2014
City Council		April 8, 2014
Sketch Plan Approval		
Planning Commission		April 1, 2014
Preliminary Plan Approval		
Planning Commission		May 6, 2014
Final Plat		
Planning Commission		August 5, 2014

The development consists of 30 lots on 10.09 acres. Phase one will complete 1950 S from the Antelope Subdivision to 1000 W. It includes a detention basin with landscaped improvements and small playground with public access. The Planning

Commission recommends approval to the City Council for the Final Plat of Tivoli Gardens Subdivision, request from Wright Development Group, property located at approximately 1950 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 her staff memo.

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COUNCILMEMBER DUNCAN MADE A MOTION TO GRANT FINAL PLAN APPROVAL FOR TIVOLI GARDENS, WRIGHT DEVELOPMENT GROUP, PROPERTY LOCATED AT APPROXIMATELY 1950 S. 1000 W., R-3 ZONE. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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12. General Plan Amendment, David George, 3807 W. 2700 S., Amendment from A-1/Open Space to R-1 or R-2 Residential for purpose of annexation and single family development.

A staff memo from Community Development Director Christensen explained the applicant has approached the City for a General Plan Amendment along with a request to annex approximately 57 acres on the South side of 2700 South at 3807 West. The property is currently designated as A-1 and Recreational Open Space on the General Plan. The developer is requesting a residential zoning in order to facilitate a single family development. He has indicating that if the school is interested in the site, he would like to set aside the land for the site in exchange for an increased zone density from R-1. In consideration of the General Plan amendment for 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 amendment, 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. Another item in consideration 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. Staff has received inquiries from the North Davis Sewer District and an abutting land owner. The NDSD is concerned about fall to the sewer lines maintaining an 8% slope. Further only about the north 1/3 of the property is within the service district boundary. The boundary can be expanded but the modeling done on the system capacity was completed using the current general plan zoning designations. Staff would like resolution as to the feasibility of providing municipal services to the property relating to sewer, storm drain, water, and the provision of a secondary access to the property. Currently the County has been unwilling to provide access via County Roads to development within the City, and requires the City to annex roads that serve developments within the City. Please see the attached letter from the City Engineer. The Planning Commission recommended DENIAL of the proposed General Plan Amendment with the following motion:

MOVE TO DENY THE GENERAL PLAN AMENDMENT AND ANNEXATION TO THE CITY REQUEST,  
WITH FINDINGS:

- THAT INGRESS AND EGRESS INTO THE SUBDIVISION WOULD LIMIT ACCESSABILITY FOR RESIDENTS AND EMERGENCY SERVICES BECAUSE THERE WOULD ONLY BE ONE.
- THE GENERAL PLAN AMENDMENT AND THE ANNEXATION WOULD SERVE BY A SINGLE CULINARY WATER FEED WHICH POSES WATER QUALITY MAINTENANCE AND FIRE PROTECTION CONCERNS.
- THE PROPOSED CHANGE TO THE GENERAL PLAN AND THE ANNEXATION WOULD HAVE LIMITED SEWER SERVICE ABILITY TO THAT PARTICULAR AREA,

BY COMMISSIONER VAUGHAN. SECONDED BY COMMISSIONER RACKHAM. COMMISSIONERS VAUGHAN, DAY, RACKHAM, HATCH, AND MCCUITION VOTED YAY. CHAIRMAN JENSEN VOTED NAY. Chairman Jensen voted Nay because he felt the items should be voted on separately. He stated he did not have an issue with the Annexation, but he did with the General Plan Amendment, so he felt forced to vote Nay on both items.

[8:35:18 PM](#)

Ms. Christensen reviewed her staff memo.

[8:38:16 PM](#)

Councilmember Duncan stated it may make sense to table this item to consider it at the same time as the annexation of the subject property. Councilmember Johnson stated that the two items are independent of one another. Councilmember Duncan agreed, but noted they are closely connected and if the general plan change is denied that action will have implications on the annexation. Councilmember Gailey stated he would support tabling the general plan.

[8:39:50 PM](#)

David George stated he has been surprised by the process of this annexation application; he received a letter from the Public Works Department dated July 30, but he did not receive it until the day of the Planning Commission meeting when they voted not to support the action; the vote was based on the content of that letter. He stated he cannot fully design and engineer the subdivision without knowing what the zoning and density will be and what parameters he has to work within. He then referenced the issues that were raised by the Planning Commission relative to ingress and egress into the subdivision and noted he has the balance of the property to the west and it contains enough frontage to allow for an additional access road from 2700 South and after the first couple of phases of the project are complete it will be possible to work with other neighbors to provide alternative access points to the property. He then referenced the idea of looping the water system and stated there should be no problems with doing that; had the Public Works Department spoken to him before they wrote the letter to the Planning Commission he could have communicated that information to him. He concluded the additional concern expressed has been surprising to him and that is that up to one-third of the property is not developable. He stated that may or may not be true, but he has conducted a perimeter survey and it appears that the sewer line in the area will service the first 2,000 to 2,600 square feet back of 2700 South, which means most of the property will be serviced without needing pumps on individual h uses; it may be necessary to consider pumps on houses further back from 2700 South and in talking to the NDSB they are not opposed to pumps on individual houses, thought they are opposed to a lift station or a reverse-gravity fed system. He concluded these issues are typically addressed during the site plan phase of a project, but he cannot develop a site plan until he understands the zoning of the property and whether the property will actually be located in Syracuse City. He stated that he initially requested R-1 or R-2 zoning because there was a possibility of locating a school on the property, but since that possibility has been eliminated he would prefer the R-1 zoning designation.

[8:44:23 PM](#)

Councilmember Duncan asked if there is any intent to develop a cluster subdivision on the property. Mr. George stated he may want to do some clustering under the R-1 zoning designation, but that will depend upon topography and wetlands in the area. He stated there may be some opportunities to include open space or parks in the area along with a detention basin, but the overall design of the project will depend upon the zoning designation and the direction of the City relative to the cluster ordinance. Councilmember Duncan stated he is opposed to cluster developments in the R-1 zoning designation. Mr. George stated he can develop the property with the R-1 zoning with no clustering; he simply wants an answer and clear direction from the City. There was a general discussion regarding the timeline for the development, with Mr. George indicating he would like to begin work as soon as possible by developing 10 or 12 lots in the first phase and building a model home in order to begin marketing the second phase in spring of 2015.

[8:48:08 PM](#)

Councilmember Lisonbee referenced the Council's responsibility to balance the cost associated with annexing and servicing the property. She added that staff has indicated that a portion of the property is undevelopable and she noted that she did not believe the NDSB would be in favor of sewer pumps on individual homes. Public Works Director Whiteley stated he cannot speak for the NDSB, but it his position that the City will not allow lift stations in the subdivision for City utilities because they are much more labor intensive. He stated that he worries about individual residents being told that they are responsible for the sewer pump on their home with no assistance from the City in the event of a failure. Mr. George clarified that he is not asking the City for a pump station; he has indicated he can gravity feed the system per the NDSB's current standards for at least the first 2,000 to 2,600 feet back of the road, which is the majority of the property. He stated the back portion of the property may require individual pumps on homes and the NDSB has not expressed problems with that proposal. Mr. Whiteley stated the City has concerns with that proposal. Mr. George asked if the City has issued permits in the past for pumps on individual homes. Mr. Whiteley stated no home in Syracuse has an individual sewer pump. Mr. George stated that differs from the NDSB policy and it may be necessary to determine how to develop the property in order to avoid constructing homes on the back portion; it may be possible to locate all common area or open space on the back portion of the property.

[8:52:42 PM](#)

Councilmember Duncan asked Mr. George if he is opposed to the Council tabling this item until September 9 to give him an opportunity to meet with Mr. Whiteley and other staff to work through the issues that have been discussed this evening. Mr. George stated he is comfortable with tabling the general plan amendment, but he would like to know what the zoning is so that he can determine the most appropriate development and design of the property. Councilmember Duncan stated he is concerned about this development being similar to other developments that have located a high density on one portion of a property in favor of

locating open space on another portion. He reiterated he is opposed to a cluster subdivision on the property.

[8:56:07 PM](#)

There was a general discussion regarding development options that would assist in mitigating wetland issues on the back portion of the property. Mr. George stated he will continue to work with staff and other entities that may have jurisdiction over wetlands and other issues on the property.

[8:59:09 PM](#)

Councilmember Lisonbee indicated that if she were forced to make a vote this evening she would likely vote to deny the general plan amendment as well as the annexation due to the cost and burden the proposed development could have on the City. However, she is willing to allow the process to move forward and hold the annexation public hearing on September 9. Councilmember Johnson agreed, but noted he feels the A-1 zoning is most appropriate for the property as this time.

[9:00:53 PM](#)

Councilmember Peterson stated he would likely also vote to deny the general plan amendment an annexation this evening, but he is willing to allow the process to move forward and allow Mr. George to meet with the appropriate people to see if the concerns that have been raised can be adequately addressed. He concluded he would support the R-1 zone. Councilmember Gailey agreed and stated that it seems that there are differing opinions from the engineers that have reviewed the project and he would like for everyone involved in the project to try to get on the same page.

[9:02:27 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO TABLE THE REQUESTED GENERAL PLAN AMENDMENT FOR DAVID GEORGE FOR PROPERTY LOCATED AT 3807 W. 2700 S. UNTIL SEPTEMBER 9, 2014. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:03:58 PM](#)

13. General Plan Amendment and Rezone, Business Park to Commercial C-G & Residential R-3, Ninigret North LC, property located at approximately 1550 W. 200 S.

A staff memo from Community Development Director Christensen explained the property is currently designated as BP Business Park on the General Plan. The developer is requesting a residential zoning in order to facilitate a single family development, a charter school and a small retail commercial area. The property is currently designated as A-1 Agriculture on the Zoning Map. The developer is requesting a residential zoning in order to facilitate a single family development, a charter school and a small retail commercial area. The Planning Commission held a public hearing on August 5, 2014 and made a favorable recommendation for the General Plan & Zoning Map Amendments. The memo offered the following summary of recommendations:

General Plan Amendment

The Planning Commission recommends approval to the City Council for the General Plan Amendment request from Ninigret North LC, located at approximately 1550 W 200 S, for the requested change from BP Business Park to C-G Commercial & R-3 Residential, subject to all applicable requirements of the City's municipal codes, with the recommendation that the G-C Commercial Zone be extended to the East property line adjacent to the power corridor and along the frontage of SR193 at an equivalent depth as proposed by the property owner.

Zone Map Amendment

The Planning Commission recommends approval to the City Council for the Zoning Map Amendment request from Ninigret North LC, located at approximately 1550 W 200 S, for the requested change from A-1 Agriculture to C-G Commercial & R-3 Residential, subject to all applicable requirements of the City's municipal codes and in conformance to the recommended General Plan Map Amendment.

[9:04:16 PM](#)

Ms. Christensen reviewed her staff memo.

[9:05:24 PM](#)

Gary McEntee reviewed the overall plan that is subject to the general plan amendment and rezone request.

[9:10:40 PM](#)

Mayor Palmer asked if there are plans to extend 1550 West and locate the charter school directly west of that road. Mr. McEntee answered yes. Mayor Palmer asked if the amphitheater would be located closer to Syracuse High School, to which Mr. McEntee answered yes. He reviewed the overall design of the project and the connection of 1550 West. Sheldon Kilpack added that the school would like to be setback somewhat from State Road 193 and he reviewed the traffic cueing plan for the school. He

noted the school must be completed and turned over to the State by August 1, 2015 and it is important to address the road layout and traffic needs as soon as possible; if it is not possible to accommodate the school on this property he needs to know soon in order to begin looking for an alternative property.

[9:14:33 PM](#)

Councilmember Peterson asked if the City could purchase property from Ninigret for a park. Mr. McEntee stated Ninigret would be a willing seller, but would only sell the property for market rate. Councilmember Peterson inquired as to the per acre cost. Mr. McEntee stated that it depends upon the exact location within the area. He stated he would not be opposed to selling the property, but he does not know if a park is appropriate for the area.

[9:15:50 PM](#)

Councilmember Lisonbee stated she is somewhat hesitant to approve residential development for the area and she wondered if there are opportunities to offer economic incentives to facilitate the construction of the road instead. Mr. McEntee stated the Economic Development Area (EDA) was set up to reimburse for costs such as these, so Ninigret would be required to front the cost of the road in order to be reimbursed at a future date. Mayor Palmer noted a big box store was interested on the property at the corner of 2000 West and they decided to go to West Point instead for many reasons, including the high speed limit on State Road 193 and lack of access points. He stated he and Ms. Christensen met with Mr. McEntee and Mr. Abood and they were hesitant to come before the Council unless they were confident the Council would look favorably upon this proposal. Mr. McEntee stated that he wanted to make a recommendation that makes sense for the area and he feels the package with a charter school and an Ivory Homes residential development coupled with the amount of commercial space that will be left available is a good package. He stated he feels the charter school will benefit the entire community and additional rooftops are needed to feed the commercial businesses in the City.

[9:19:48 PM](#)

Councilmember Duncan stated he feels the sales pitch for the project has changed; initially Ninigret did not want residential development and said that it would cost the City more with less of a return in tax revenue. He noted Ninigret was pushing for industrial development at that time. He stated he would prefer to be patient relative to the development of the area and see if better uses are interested in the property in the future. Mr. McEntee disagreed with Councilmember Duncan's representation and stated that Ninigret was seeking light industrial east and west of the power corridor. He stated the current plan bundles business park with light industrial and the biggest amount of property that is available is designated for commercial use. He stated the way the business park zone was crafted is not marketable and will result in the land being vacant. He stated Ninigret has an opportunity to bring a charter school to the community and couple it with residential development while leaving over 60 acres of commercial property available for development. He stated the point he is trying to make is that the residential development will help the commercial development be successful. He concluded he still thinks the light industrial designation would have been the best choice for the property, but he has compromised and tried to create a plan that would be looked upon favorably by the Council. Councilmember Duncan stated that there has only been one light industrial tenant interested in the property and it seems to him that Ninigret will simply be looking for anything to come along that will help them sell their property, make money, and get out of Syracuse. He stated he will not fault Ninigret for that position, but as a Councilmember he must take a long term look at the property and understand that there is an opportunity to bring variety or a business park to the City. He stated the area is a perfect spot for a business park and it makes the most sense to stick to the studies that have been conducted. He stated he feels this proposal would essentially be throwing away a perfect opportunity to construct a business park when there are so many other places in the City that could accommodate rooftops. Councilmember Johnson agreed and stated he would like to wait for better development to come along. He stated he feels Ninigret is holding the charter school hostage to get approval for the residential development. He stated he feels the best use of the property is as a business park. Mr. McEntee stated the study the Council continues to reference calls for a mix of uses on the property. Councilmember Johnson stated that it is a matter of preference and the Council's vision for the City. He stated he feels the business park vision should be allowed to move forward. Mr. McEntee disagreed and stated he does not feel the business park designation is viable. He stated there is an opportunity for a great project and he is not holding the charter school hostage in order to get approval of residential. Councilmember Duncan stated he likes the idea of the charter school, but is not willing to approve the residential component in order to get it. He stated the property is the best piece of real estate in the City with access to Interstate 15 and it is the only opportunity for a business park in the City. Mr. McEntee stated if there is a demand for business park there is an additional 60 acres of property available for it.

[9:28:06 PM](#)

Councilmember Lisonbee expressed her concerns regarding the project; the only road that provides access from State Road 193 would be sandwiched between a charter school, residential development, and commercial property. She is concerned about all the commercial traffic travelling past the school. She stated she would prefer for the charter school to be on the other side with homes surrounding it and everything west of 1550 West could be commercial or business park. Councilmember Duncan

continued to reference studies that have been conducted regarding the development of the property and noted none of the studies called for residential development. He stated he will not vote in favor of the proposal because the property is far too important to the City and he wants to preserve it for future development in order to improve the community. Councilmember Lisonbee stated that she would also like to see a business park on the property, but she likes the idea of the charter school on the property and the other amenities that would accommodate the school. She stated the remaining property could be preserved for commercial or business park development and the City would be gaining the best of both worlds. Mayor Palmer agreed and stated Councilmember Lisonbee's recommendation to shift the orientation of the school and houses would increase the amount of commercial and business park space available. Mr. McEntee stated he would need to consider that recommendation further before offering his consent this evening.

[9:34:57 PM](#)

Councilmember Peterson stated he likes Councilmember Lisonbee's idea to shift the orientation of the school and homes. He concluded he does not think this is the best use for the property, but it is a solution that he feels everyone can accept and live with; the property has been discussed for six years and those discussions have been contentious and he feels this solution is workable. He stated he is leaning towards approving the proposal. Councilmember Johnson stated he would prefer more discussion and he is not ready to approve the proposal at this time. Mr. McEntee reiterated he is not holding the school hostage and he would not do that to Mr. Kilpack or the school's administration. Councilmember Johnson reiterated he feels more discussion is needed.

[9:37:26 PM](#)

Councilmember Duncan stated if the school and residential development were all located on the east side of 1550 West he would not be in favor of expanding the commercial property because he feels it is possible to have too much commercial property. He wondered if additional business park property would be appropriate on the west side of 1550 West. Mr. McEntee stated he would also be willing to consider that idea along with Councilmember Lisonbee's idea. Mayor Palmer stated that the City is in discussions with a big-box retailer that would prefer to be located closer to 1550 West to provide more access to the property and their business would not work in the business park zone. Councilmember Duncan stated that he wants to preserve the value of the property and he is willing to have discussions about opportunities for shifting orientation in order to make the proposal work.

[9:41:53 PM](#)

Councilmember Lisonbee asked if tabling this item for a couple of weeks would derail the charter school component of the project. Mr. Kilpack stated he would wait two more weeks for an answer, but he would like to have an answer as soon as possible.

[9:44:01 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE THE GENERAL PLAN AMENDMENT AND REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1550 WEST 200 S. UNTIL AUGUST 26, 2014. COUNCILMEMBER PETERSON SECONDED THE MOTION.

[9:46:09 PM](#)

Councilmember Duncan stated he is hopeful Ninigret and Mr. Kilpack will meet with staff with the intent to compromise on their plan and take into consideration the comments and suggestions that have been made by the Council tonight.

[9:46:46 PM](#)

Councilmember Gailey apologized to Mr. McEntee for the use of the word hostage. Councilmember Johnson addressed Councilmember Gailey and indicated it is not necessary for him to apologize because he was expressing his feelings about the situation. Councilmember Gailey stated that he would hate to see the City lose the Syracuse Arts Academy to another City.

[9:47:59 PM](#)

Mayor Palmer stated there has been a motion and second to table the general plan amendment and rezone request and he called for a vote. ALL VOTED IN FAVOR

[9:48:30 PM](#)

14a. General Plan Amendment, Requested by City Council to amend following location: properties owned by Schneiters Riverside Golf Club & Rocky Mountain Power, at approximately 3400 W. 200 S. from PRD (Planned Residential Development) to Open Space/Residential;

A staff memo from Community Development Director Christensen explained the current General Plan designates several areas throughout the City with a PRD designation. The City Council has requested the Planning Commission review the

appropriateness of the locations of these currently designated PRD zones and consider amendment to the General Plan if the areas are deemed inappropriate. The Planning Commission recommends approval to the City Council for the General Plan Amendments for the following:

- a. Properties owned by Schneiters Riverside Golf Club & Rocky Mountain Power, at approximately 3400 W. 200 S. from PRD(Planned Residential Development) to Open Space/Recreational
- b. Portion of property owned by Nathan George Clark, Jr-Trustee, at approximately 3500 S Bluff Rd., from PRD (Planned Residential Development) to R-2 Residential.
- c. subject to all applicable requirements of the City's municipal codes

[9:49:36 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO APPROVE THE GENERAL PLAN AMENDMENT FOR SCHNEITERS RIVERSIDE GOLF CLUB AND ROCKY MOUNTAIN POWER, PROPERTY LOCATED AT APPROXIMATELY 3400 W. 200 S. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

14b. General Plan Amendment, Requested by City Council to amend following locations: portion of property owned by Nathan George Clark, Jr. Trustee, at approximately 3500 S. Bluff Road from PRD (Planned Residential Development) to R-2 Residential.

A staff memo from Community Development Director Christensen explained the current General Plan designates several areas throughout the City with a PRD designation. The City Council has requested the Planning Commission review the appropriateness of the locations of these currently designated PRD zones and consider amendment to the General Plan if the areas are deemed inappropriate. The Planning Commission recommends approval to the City Council for the General Plan Amendments for the following:

- a. Properties owned by Schneiters Riverside Golf Club & Rocky Mountain Power, at approximately 3400 W. 200 S. from PRD(Planned Residential Development) to Open Space/Recreational.
- b. Portion of property owned by Nathan George Clark, Jr-Trustee, at approximately 3500 S Bluff Rd., from PRD (Planned Residential Development) to R-2 Residential.
- c. subject to all applicable requirements of the City's municipal codes.

[9:49:36 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO APPROVE GENERAL PLAN AMENDMENT FOR NATHAN GEORGE CLARK, JR. TRUSTEE FOR PROPERTY LOCATED AT APPROXIMATELY 3500 S. BLUFF ROAD. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:50:31 PM](#)

15. Authorize Mayor Palmer to execute Interlocal Agreement with Davis County pertaining to the maintenance of Gentile Street and 2000 West.

A memo from City Attorney Drake explained for decades, Davis County has maintained roads located at approximately Bluff Road and Gentile Street to 2000 West as well as 2000 West from Gentile Street heading to the roundabout at Bluff Road and 2700 South. In recent years some of the properties abutting these streets have been annexed and development has been approved by the City. The above noted streets were not part of the annexations. In order for development to proceed according to the City's guidelines as set forth by City Ordinances and Engineering Standards and Specifications, the City will need to take over maintenance of the above noted streets until such time that the City can annex these streets into the City boundaries. City staff has met with the County and the developers multiple times in an effort to efficiently and effectively transfer maintenance of the streets to the City. In order to accomplish this goal the County and the City have been working on an interlocal agreement regarding the maintenance and annexation of the streets. Utah law allows for interlocal agreements to be made in order for two or more State or local entities to accomplish a mutual goal. The proposed interlocal agreement allows for the City to essentially take control and maintenance of the road until such time that the streets are annexed. If the City is unsuccessful in annexing the properties after two years, the City may terminate the agreement and the control and maintenance of the streets will revert back to the County.

[9:50:51 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO AUTHORIZE MAYOR PALMER TO EXECUTE INTERLOCAL COOPERATIVE AGREEMENT WITH DAVIS COUNTY PERTAINING TO THE MAINTENANCE OF GENTILE STREET AND 2000 WEST. COUNCILMEMBER PETERSON SECONDED THE MOTION.

[9:51:02 PM](#)

Councilmember Duncan asked if the City will own the property on either side of the road. Mr. Drake said not at this time, but in the future. He stated the entire right of way will be annexed into the City, but the property on the other side of the road will not be part of the City. There was a general discussion regarding opportunities for annexing property in the future, with Mr. Drake indicating the intention of this agreement is for the City to assume maintenance of the road and begin working in good faith to begin annexing property when appropriate. He stated it could take anywhere from two years up to six years to annex all property into the City. Councilmember Duncan stated that he is concerned about the cost to maintain the road and adjacent property and he wondered how the City would be harmed by not agreeing to the terms of the agreement. Mr. Drake stated the City will benefit by assuming maintenance of the road because it will be possible to maintain it according to City standards and a developer can be required to do that; the County's standards are much more lax and do not require installation of curb, gutter, and sidewalk. He stated it will also be possible for the City to have a police presence on the road and enforce speed limits, etc. He stated much discussion has gone into the negotiation of the agreement and he feels confident that the City benefits by entering into the agreement. There was a general discussion regarding the speed limit on the road, with a focus on opportunities for increasing the speed limit at some time in the future.

[9:58:27 PM](#)

Ms. Christensen added that one reason City Administration feels it appropriate for the street to be annexed into the City is that the City would prefer for the water line in the area to be located outside of the right of way rather than down the middle of the road; the County would locate the water line under the travel lanes, which would compromise the life of the pavement on the road. Mr. Drake agreed and stated the City will realize a significant savings by locating the water line in the shoulder of the road rather than under the travel lanes. He reviewed the section of the road that is subject to the agreement, noting the total length is 1.75 miles. Councilmember Duncan stated he always fears taking on more responsibility and that is where his concerns are rooted. Mr. Drake stated that the City, County, and developer of the adjacent property worked well together to ensure the agreement benefits all parties.

[10:03:58 PM](#)

Mayor Palmer stated there has been a motion and a second to permit execution of the agreement and he called for a vote. ALL VOTED IN FAVOR.

[10:04:29 PM](#)

16. Councilmember reports.

There were no Councilmember reports.

17. Mayor's Report.

There was no Mayor's report.

18. City Manager report

There was no City Manager's report.

[10:04:39 PM](#)

19. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (roll call vote).

[10:04:41 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN INTO CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS ACT FOR THE PURPOSE OF DISCUSSING PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER DUNCAN SECONDED THE MOTION. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: VOTING "AYE" – COUNCILMEMBERS DUNCAN, GAILEY, JOHNSON, LISONBEE, AND PETERSON. VOTING "NO" – NONE.

The meeting adjourned at 10:04 p.m.

The meeting reconvened at 10:49 p.m.

City Council Regular Meeting  
August 12, 2014

At 10:50 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: September 9, 2014