

Minutes of the Work Session meeting of the Syracuse City Council held on August 12, 2014, 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:
Finance Director Steve Marshall
City Attorney Clint Drake
Police Chief Garret Atkin
Fire Chief Eric Froerer
Parks and Recreation Director Kresta Robinson

The purpose of the Work Session was to review the agenda for the business meeting to begin at 7:00 p.m.; review agenda item 9: proposed amendments to Public Safety Impact Fee; discuss agenda item 6: appointment of new Justice Court Judge; review items forwarded by Planning Commission: Final Plan, Tivoli Gardens, Wright Development Group, property located at approximately 1950 S 1000 W, R-3 Zone.; 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; 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.; General Plan Amendment, Requested by City Council to amend following locations: 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; and 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. Have a discussion regarding funding for a short film about Syracuse; discuss the 1700 South RDA; review agenda item 15: interlocal agreement for maintenance of Gentile Street and 2000 West; and discuss Council business.

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Agenda review

Mayor Palmer briefly reviewed the agenda for the business meeting to begin at 7:00 p.m. There was a brief general discussion about the correlation between agenda items 7a and 12, both dealing with property located at 3807 W. 2700 S.

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Review agenda item 9: proposed amendments to Public Safety Impact Fee

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 and Susie Becker of Zion's Bank used the aid of a PowerPoint presentation to review statutory requirements regarding amending an impact fee.

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The Council had a brief discussion regarding the types of purchases, expenses, or capital improvements that can be considered when determining the appropriate impact fee. Councilmember Duncan expressed his concern that increasing the impact fee for commercial development could be viewed as the City being anti-business or simply not friendly to businesses. He stated he does not want to deter commercial development by increasing fees. There was a discussion regarding the public safety impact fees charged in other cities, with the Council indicating they would like to see that information.

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Discuss agenda item 6: appointment of new Justice Court Judge

Mayor Palmer reviewed the process required by State Law used to select a new Justice Court Judge. He stated he has interviewed the three candidates that were recommended by the interview committee created by the State's Administrative Office of the Courts and selected a candidate to recommend to the Council for confirmation.

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Councilmember Peterson inquired as to the other members of City staff that participated in the interview process. City Attorney Drake stated he and the City's Human Resources professional, Shauna Greer, participated. Mayor Palmer indicated he selected the successful candidate without much input from Mr. Drake and Ms. Greer. He then offered a brief explanation for the reasons that he selected Catherine Hoskins.

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Councilmember Duncan stated he has worked with Ms. Hoskin's professionally and finds her to be very competent; he indicated he supports Mayor Palmer's selection for the new Justice Court Judge.

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Review agenda items forwarded by Planning Commission: 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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**Review agenda items forwarded by Planning Commission:
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 NDS 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.

Ms. Christensen reviewed her staff memo.

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Councilmember Johnson stated the packet materials for this item indicate the applicant has requested R-1 or R-2 zoning and he asked which zoning designation the applicant is actually seeking. Ms. Christensen stated the applicant initially requested R-2 zoning because they were interesting in working with Davis School District to locate a school on the subject property; upon further investigation the applicant found the District is not interested in the property and for that reason they will opt for R-1 zoning. The Council had a general discussion regarding the connection between the General Plan change and annexation action for the subject property.

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**Review agenda items forwarded by Planning Commission:
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.

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Ms. Christensen reviewed her staff memo. The Council discussed the proposed location of the charter school on the subject property with a focus on the zoning designations that permit a school. Councilmember Johnson expressed his concern that the applicant is seeking to locate more residential uses on the property. Councilmember Duncan agreed. The Council and applicant representative, Gary McEntee, discussed the proposal with a focus on the needed residential development to support the charter school to be built on the property. Councilmember Johnson referenced studies that have been conducted regarding the highest and best use for the subject property and noted those studies have always concluded that a business park type of development would be appropriate for the area. He stated that is his vision for the property.

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Review agenda items forwarded by Planning Commission: 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

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Ms. Christensen reviewed her staff memo.

Review agenda items forwarded by Planning Commission: 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:

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- c. subject to all applicable requirements of the City's municipal codes

Ms. Christensen reviewed her staff memo.

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Discussion regarding funding for a short film about Syracuse

A staff memo from City Manager Bovero explained producers of a syndicated cable program called Communities of Distinction contacted us to see if we are interested in partnering with them to produce a 5-minute video that would play on the Fox Business Channel nation-wide, and multiple airs on a selection of regional networks. The show highlights communities and focuses on their unique strengths, and is hosted by Terry Bradshaw. The City would receive the rights to the video which can be used thereafter on the website, or other promotional situations. Below are links to two other communities that have been aired:

<https://www.youtube.com/watch?v=AAAZuouCVI>

<https://www.youtube.com/watch?v=1sOXOe1a9SA>

Below is an excerpt from the Communities of Distinction website www.watchcod.com :

“The producers of Communities of Distinction with Terry Bradshaw had a vision for a show geared toward discovering what makes an area desirable to live, work, play, and visit. Is it economic strength, highly-ranked schools, top-notch healthcare, one-of-a-kind events, unique landmarks, or quality of life? What keeps lifelong residents from leaving, and turns newcomers into longtime residents? “We have found that often, it’s a combination of factors that make a city or town attractive,” said Paul Scott, Executive Producer of Communities of Distinction. “These are stories about all sorts of places in North America that, for their own unique reasons, are drawing new

businesses, attracting families, professionals, and retirees, and establishing themselves as fantastic vacation destinations. It's a glimpse into some of the most interesting and inspiring communities."

North America is the world's third-largest continent, spanning more than nine million square miles. Each region is different and offers something special. There's the vibrant U.S. east coast, the charming south, the thriving heartland, the laid-back west coast, and the magnificent provinces and territories of Canada. Communities of Distinction with Terry Bradshaw explores the fascinating states, provinces, counties, cities, and towns that make up this vast land. These are places brimming with opportunities; places that people and businesses are proud to call "home". "We are taking a firsthand look and sharing stories about the very people, places, and things that make up the United States and Canada," said Jim Nicholas Vesper, Senior Vice President of Production for Communities of Distinction. "Viewers will be thrilled to see that we've covered locations of all sizes – terrific small towns and even some of the larger, well-known cities." Viewers travel from region to region, enjoying the familiar voice of Terry Bradshaw narrating each and every story. "It's like touring North America right from your living room," said Bradshaw. "Along with viewers, I am gaining better insight into so many different places."

In addition to concentrating on communities throughout North America, Communities of Distinction also explores the companies, industries, products, and individuals that make these places thrive. Communities of Distinction is filmed on-location in counties, cities, and towns across North America. The show is produced at their studios in Coral Springs, Florida. Along with Host Terry Bradshaw, Communities of Distinction combines a team of talented producers, writers, editors and broadcast professionals to deliver the best in educational and informative programming. The show airs on a variety of well-known television networks throughout the United States and Canada."

The memo indicated that in order to partner with the program's producers, the City would need to contribute \$24,800. The spotlight would be aired one (1) time nationally on FOX Business Network, and thirty-four (34) times regionally on ABC, FOX and/or ION Broadcast Stations and/or Regional News Networks, in many of the top 100 markets nationwide based on viewer demographics, interests and distribution checklist. The Mayor indicated that this proposal was worth discussing at the City Council level to evaluate the merits of participating. Economically, this effort is a shotgun approach in highlighting the city, with the chance that someone, either locally or nationally, would see it and gain interest in investing their business in the City. The trailing benefits would include the ongoing use of the film, with the added endorsement of Terry Bradshaw raising the level of notoriety. The cost will also be something to evaluate.

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Mayor Palmer and City Manager Bovero summarized the staff memo.

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The Council discussed the concept and concluded they do not support the idea of funding the creation of a short film at the cost of \$14,000.

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Discussion regarding 1700 South RDA

A staff memo from Community Development Director Christensen explained the owners of the buildings at 2342 W 1700 S, in the Syracuse 6 Theaters Center have recently obtain commitments from several businesses that would like to locate and open within the center. The owner has agreed to install tenant improvements for the businesses in order to entice them to open new locations within Syracuse. The Community & Economic Development is excited to see these businesses come Syracuse. These businesses are 2 restaurants, 1 clothing store, a day spa and potentially 1 other highly desired business. The completion of tenancy in the Center will help create a momentum of new commercial development and will spur additional businesses to other vacant locations in Syracuse. The business will also help support the existing businesses in the center by creating synergy and providing opportunities to combine retail activities, such as dinner and movie. The property owner is requesting assistance from the RDA to utilize the tax increment that is being generated from the property for the RDA. Staff is requesting input from the Council as to the allocation of approved budgeted funds for tenant improvements. The purpose of the funding is to secure quality retail tenants. Staff supports the expenditures and believes that the opening of these vacant stores will bring much needed traffic to the Center and benefit not only these businesses but the others within the complex, as well. Staff has reviewed the RDA budget with the Finance Director and sufficient funds exist for the improvements and would like to discuss the possibility with the Council/RDA Board. Staff is requesting guidance from the Council/RDA if this is a project that would be appropriate for that RDA line item expenditure.

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Ms. Christensen reviewed her staff memo.

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The Council had a general conversation about the proposal, ultimately concluding to support the request.

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Review agenda item 15: interlocal agreement for 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.

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Mr. Drake reviewed his staff memo. There was a general discussion about ownership of property fronting the street as well as responsibility for maintenance of the road. Mayor Palmer cut off conversation indicating it is time to convene in the business meeting; he noted discussion of this item can continue during that meeting.

Council business

There was no Council business.

The meeting adjourned at 7:03 p.m.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: August 26, 2014