

Minutes of the Special meeting of the Syracuse City Council held on August 27, 2013, at , in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
Acting City Manager/Finance Director Steve Marshall
City Recorder Cassie Z. Brown

City Employees Present:
Community Development Director Sherrie Christensen
Public Works Director Robert Whiteley
Police Chief Garret Atkin
Fire Chief Eric Froerer
Parks and Recreation Director Kresta Robinson

6:03:31 PM

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at p.m. as a special meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

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

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2. 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

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN 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. COUNCILMEMBER DUNCAN SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING “AYE” – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, PETERSON, AND SHINGLETON. VOTING “NO” – NONE.

The Council convened in a closed executive session at 6:04 p.m.

The special business meeting reconvened at 7:25 p.m.

3. Presentation of the Syracuse City and Wendy’s “Award for Excellence” to Anedy Hopkins and Ryan Zaugg.

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 Nagle noted both students being recognized this month are from Syracuse High School and she read the award nomination provided by each of their respective teachers.

Atedy Hopkins

Atedy Hopkins would be an excellent choice for this award. She is not only an extremely talented athlete, but has also been in the top of her class academically every year. This summer, she traveled to Missouri to compete in the National Tumbling meet and took 5th overall in the country! She is training for 5 hours each day right now in gymnastics, too. She just finished her last season of competitive soccer a couple of months ago where she was one of the leading scorers on the team. She has been selected to participate in the district decathlon for the last 2 years at school and her team placed 5th or 6th in the district. Atedy has also earned the National Presidential Fitness award for the past couple of years. Atedy is not only competitive in sports, but she excels in music too. She takes piano lessons and also participates in the school choir. Atedy is a wonderful student in the classroom earning high scores on her end of level tests each year in all subjects and is reading well above grade level. She is a wonderful example of leadership to her peers and strives to be a friend to everyone.

-Nominated by Ms. Jodi Breese, 3rd Grade Teacher, Cook Elementary

Ryan Zaugg

Ryan Zaugg is an amazing student. He was an influential leader to his peers this past year as a 5th grader at Cook Elementary. Academically his was very receptive. He was able to quickly learn each day's concepts and was also able to re-teach them to students who were struggling. He had a positive attitude that spread to his peers. Academically and socially he was phenomenal. He also plays and takes lessons on two musical instruments, piano and cello. He will be in his second year of cello with Mr. Watts at Cook Elementary this coming year. He also has been a member of two robotics teams at the school, first competing with the "Robotic Honey Badgers" team in the regional First Lego League (FLL) meet in the winter, and then also preparing for and competing in the A-Mazing Bot competition as a 5th grader with the UT Elementary Robots at the Utah State University Physics Day at Lagoon. In addition to this, Ryan also is actively involved in Scouting.

-Nominated by Mr. Brandon Spatig, 5th Grade Teacher, Cook Elementary

Both students received a round of applause from those present and shook the hand of each Councilmember and the Mayor. Mayor Nagle stated she looks forward to this item on the agenda each month; recognizing the award recipients is the highlight of the meeting for her.

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4. Public Recognition of Police and Fire Departments.

Syracuse resident, Larry Kerr, asked for the opportunity to present the Police and Fire Departments with an award for saving his life recently. Mr. Kerr will be present to explain the situation and provide a plaque to both Departments.

Mayor Nagle provided an explanation of the situation that occurred with Mr. Kerr that resulted in him wanting to recognize the public safety departments of the City. Members of the Police and Fire Departments in attendance were recognized and given a round of applause from the audience. Mayor Nagle also acknowledged the loss of Part-Time Syracuse Firefighter, Brigham Bradley.

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5. Approval of Minutes.

The minutes of the work session and special meetings of July 9 and July 30, 2013 were reviewed.

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COUNCILMEMBER SHINGLETON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION AND BUSINESS MEETINGS OF JULY 9 AND JULY 30, 2013 AS PRESENTED. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6. Public comments.

There were no public comments.

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7. Request from Glenn Girsberger regarding transfer of secondary water agreement.

A staff memo from the Community Development Department explained in November 1993, Wayne & Ila Burton granted an easement to Syracuse City for the purpose of installing a storm drain line. In consideration of the installation of the easement, the easement states that the City would install a 3 inch secondary water connection from 2700 South to the Northeast corner of the Burton property. The document further states that the City will furnish Mr. Burton with secondary water for an annual fee of \$100 as long as the property is owned and being farmed by the Grantor. Mr. Glenn Girsberger contacted the City as he is planning on purchasing the property from Mr. Burton. Mr. Girsberger is asking that the City continue to provide secondary water to the property and extend this agreement/easement to him as the new owner. Staff reviewed the Easement that was recorded in 2006, and noted that the agreement is not transferrable. Therefore only the Council could agree to amend the agreement or sign a new agreement granting transfer to the new owner. Staff has been unable to locate any evidence of the agreed \$100 annual payment being received. City Ordinance relating to secondary water reads: 4-05-010. SCHEDULE OF RATES AND CHARGES. The City Council shall, by Resolution establish such rates for the provision of pressure irrigation services as appropriate and necessary. The pressure irrigation water service shall not be used to irrigate any area exceeding 1.0 acre or for any lot on which the principle building has not been constructed. (Ord. 02-15). The staff memo concluded with the following staff recommendation: as the property in question is greater than one acre in size, a transfer of the agreement to the new owner would be in conflict with the adopted codes related to secondary water. Staff cannot at this time recommend the Council enter into an agreement that is in violation of adopted code.

Community Development Director Christensen summarized her staff memo.

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Council discussion of the item ensued and questions were addressed to the applicant and staff. Staff was ultimately directed to add a discussion item for this issue to the next work session agenda.

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8. Accept or Deny Petition 2013-02 requesting the annexation into Syracuse City 18.58 acres of property located at approximately 4000 West 1200 South, and forward to City Recorder for certification

A staff memo from the City Recorder explained ground that on August 13, 2013 Con Wilcox filed a petition to annex into Syracuse City 20.61 acres of property located at approximately 4000 West 1200 South. The City Engineer has reviewed the annexation petition and his comments have been addressed by the petitioner. If the Council votes to accept the annexation petition staff will begin the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated.

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COUNCILMEMBER PETERSON MADE A MOTION TO ACCEPT ANNEXATION PETITION 2013-02 REQUESTING THE ANNEXATION INTO SYRACUSE CITY OF 18.58 ACRES OF PROPERTY LOCATED AT APPROXIMATLEY 4-000 WEST 1200 SOUTH AND FORWARD IT TO THE CITY RECORDER FOR CERTIFICATION. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

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Council discussion of the motion ensued and questions regarding the property subject to the annexation were answered by Ms. Christensen.

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

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9. Recommendation of Award of Contract for Doral Drive Road Improvement Project

A staff memo from the Public Works Director explained this project is one that was identified in our list as a high priority due to extremely poor existing asphalt conditions and high traffic volumes. This project includes a complete asphalt replacement on the following roads:

- Asphalt replacement on Doral Drive from Antelope Drive to Princeville Drive;
- Asphalt overlay and reconstruction of 3000 West from Antelope to Bluff Road;
- Asphalt overlay on Bluff Road from Antelope Drive to 3000 West; and
- Asphalt overlay on Gentile Street from the City boundary (approx. 500 West) to Bluff Road.

The construction will begin as soon as contract documents are in place and be complete by October 2013. The total bid amount on this project is \$393,143.00 which came in about \$25,000 less than the budgeted amount. The funding for the project will come from the following sources:

Storm Drain Capital: \$59,450.73

Class C Roads: \$333,692.27

Staff recommends that the bid be awarded to Granite Construction Company

Mr. Whiteley summarized his staff memo.

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COUNCILMEMBER JOHNSON MADE A MOTION TO AWARD A CONTRACT FOR THE DORAL DRIVE ROAD IMPROVEMENT PROJECT. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Council discussion regarding the motion ensued.

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

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10. Proposed Resolution R13-21, Municipal Waste Water Planning Program.

A staff memo from the City Attorney and Public Works Director explained the Utah Department of Environmental Quality, Division of Water Quality has established the Utah Sanitary Sewer Management Program for the purpose of monitoring wastewater facilities throughout the State. In order to meet the reporting requirements of the Utah Sanitary Sewer Program the Division of Water Quality has implemented the Municipal Wastewater Planning Program which enables the State, with the help of municipalities, to identify and solve potential problems before they become serious and costly. As a participating member of the Municipal Wastewater Planning Program, the State requests that the City submit an annual Municipal Wastewater Planning Program Self-Assessment Report. In addition to helping to identify potential problems before they become serious and costly, completing the self-assessment forms offer three additional benefits to the City. First, the self-assessment forms meet the reporting requirements of the mandatory Utah Sanitary Sewer Management Program. Second, submitting the self-assessment gives the City points on the Utah Wastewater Project Priority List/System which is used to allocate funds under various grant and loan programs. And third, certified wastewater operators who complete the forms will be given operational continuing educational units for each form returned

Public Works Director Whiteley summarized the staff memo.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-21 AFFIRMING THE SYRACUSE CITY COUNCIL REVIEWED THE CITY OF SYRACUSE'S MUNICIPAL WASTEWATER PLANNING PROGRAM SELF-ASSESSMENT REPORT FOR 2012. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

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Council discussion regarding the motion ensued.

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

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11. Final Approval of Zaugg Meadows Subdivision

A staff memo from the Community Development Department explained the Planning Commission held a public meeting on August 6, 2013 for Final Plan approval of Zaugg Meadows Subdivision. All items noted in staff report have been addressed by the Planning Commission. All requirements of sketch, preliminary and final have been met. The Syracuse City Planning Commission hereby recommends that the City Council approve the final plat for the Zaugg Meadows Subdivision,

located at approximately 1600 West 700 South, subject to meeting all requirements of the City's Municipal Codes and City staff reviews dated July 29, 31 & August 1, 2013.

Ms. Christensen summarized the staff memo.

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COUNCILMEMBER LISONBEE MADE A MOTION TO GRANT FINAL APPROVAL OF THE ZAUGG MEADOWS SUBDIVISION. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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12. Final Approval of Harvest Point Subdivision Phase 6, located at approximately 2150 S 1070 W.

A staff memo from the Community Development Department explained the Planning Commission held a public meeting on August 6, 2013 for Final Plan approval of Harvest Point Subdivision, Phase 6. All items noted in staff report have been addressed by the Planning Commission. All requirements of sketch, preliminary and final have been met. The Syracuse City Planning Commission hereby recommends that the City Council approve the final plat for the Harvest Point Subdivision, Phase 6, located at approximately 2150 South 1070 West, subject to meeting all requirements of the City's Municipal Codes and City staff reviews dated July 25 & 31, 2013.

Ms. Christensen summarized the staff memo.

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COUNCILMEMBER PETERSON MADE A MOTION TO GRANT FINAL APPROVAL FOR THE HARVEST POINT SUBDIVISION PHASE SIX, LOCATED AT APPROXIMATELY 2150 S. 1070 W. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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13. Proposed Ordinance No. 13-12 rezoning the property located at approximately 1500 West 700 South from A-1 Agricultural to R-3 Residential.

A memo from the Community Development Department explained the Planning Commission held a public hearing on May 21, 2013 for rezone request on the above noted property. The property is 40 acres in size and is currently zoned A-1 Agriculture with a General Plan designation of R-3. The proposed zone change is in accord with the General Plan as amended by the City Council on July 30, 2013. The Syracuse City Planning Commission hereby recommends that the City Council approve the rezone request, located at approx. 1500 W 700 S, change from A-1 Agriculture to R-3 Residential.

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COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 13-12 REZONING THE PROPERTY LOCATED AT APPROXIMATELY 1500 W. 700 S. FROM A-1 AGRICULTURAL TO R-3 RESIDENTIAL. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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14. . Canvass and consideration of certification of the results of Syracuse City Primary Election held August 13, 2013.

A memo from the City Recorder explained the Syracuse City Primary Election was held August 13, 2013 at the Syracuse Community Center. Early voting for the Primary Election was held July 30 through August 9, 2013 at City Hall. Attached are copies of the official short and long reports of the results of the Primary Election. The short report simply provides the total votes cast in the election and the total votes cast for each candidate. The long report provides the number of votes cast in each precinct for each candidate.

City Recorder Brown reviewed her staff memo and the results of the Primary Election.

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Council discussion of the election results ensued.

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COUNCILMEMBER SHINGLETON MADE A MOTION TO CERTIFY TE RESULTS OF THE CITY PRIMARY ELECTION HELD AUGUST 13, 2013. COUNCILMEMBER LISONBEE SECONDED THE MOTION,

WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

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15. Authorize Mayor Nagle to execute encroachment agreement within a public utility easement with Castle Creek Homes, LLC

A memo from the City Attorney explained Castle Creek Homes, LLC, is the owner of Lots 805 and 806 in Phase 8 of the Wasatch Villas Subdivision. Castle Creek recently began construction on Lot 806. After digging and pouring the foundation it was discovered that the foundation encroached into the City's fifteen foot public utility easement by three feet and that two twelve inch waterlines ran under the foundation. As a result the City stopped all work on Lot 806. In reviewing location of the waterlines, it was discovered that the same issue exists on Lot 805 of the same subdivision. In an effort to resolve the issues on these two lots, City staff and Castle Creek Homes held a meeting. In that meeting, Castle Creek agreed that if the City would allow the home to encroach three feet into the public utility easement and allow construction to continue, it would relocate the waterlines on both Lot 805 and 806 at its own expense and would limit the type of structure that would be built on Lot 805.

Public Works Director Whiteley summarized the memo.

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COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE MAYOR NAGLE TO EXECUTE AN ENCROACHMENT AGREEMENT WITHIN A PUBLIC UTILITY EASEMENT WITH CASTLE CREEK HOMES, LLC. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Council discussion of the motion ensued.

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

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At 8:20 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO RECONVENE IN A 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. COUNCILMEMBER DUNCAN SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

The Council convened in a closed executive session at 8:20 p.m.

The special business meeting reconvened at 8:39 p.m.

At 8:39 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: September 10, 2013