

Minutes of the Work Session meeting of the Syracuse City Council held on September 10, 2013, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

Excused: Mayor Jamie Nagle

City Employees Present:
Public Works Director Robert Whiteley
City Attorney Clint Drake
Fire Chief Eric Froerer
Police Chief Garrett Atkin
Planner Noah Steele

The purpose of the Work Session was for the Governing Body to review the regular business meeting agenda; discuss agenda items 7, 8, 9, 10, and 11 of the business meeting agenda; discuss Redevelopment Agency (RDA) issues; and discuss Council business.

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Review agenda item 7, Authorize Mayor Nagle to execute a memorandum of understanding between Syracuse City and the Stone Living Trust.

A staff memo from City Attorney Clint Drake explained in November 1993, Wayne and 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 document states that the City would install a 3 inch secondary water connection from 2700 South to the Northeast corner of the Burton property. The easement also states that the City will furnish Wayne and Ila Burton with secondary water for an annual fee of \$100 "as long as the property is owned and being farmed by Grantor".

Mr. Glenn Girsberger is a real estate broker who represents David Scott who wishes to purchase the Burton property. Mr. Girsberger contacted the City and requested that the City continue to allow secondary water to the property.

Staff reviewed the Easement and found that it executed on November 1, 1993 but was not recorded until June 27, 2006. It is unclear why there was a delay in recording the Easement. The Easement was signed by Wayne and Ila Burton but was never signed or accepted by Syracuse City and is not binding upon the City. Wayne and Ila have since passed away and the property is currently owned by their son Dwayne Burton. This means that even if the Easement were binding on the City at one time, the water arrangement would no longer be in effect because Wayne and Ila Burton no longer own the property. It should also be noted that Staff has been unable to locate any evidence of the \$100 annual payment being received. Although the Easement is not binding, it appears that the City did install a secondary water pipe on the property which limited the Burton's access to secondary water on the property. The City confirmed through the West Branch Irrigation Company that a pipe was installed on the property. The fact that the City installed a secondary pipe on the property suggests that there was an agreement between the City and the Burtons. If a new owner is not allowed to use secondary water to irrigate the property it will not be able to be farmed. Because the Easement is not binding on the City any grant of rights can only be bestowed by the Council. Under the facts and circumstances, it is within the Council's authority and discretion to allow continued access to secondary water on the property should the Council find it is in the best interests of the City.

The 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)**

At the direction of the Mayor and Council Staff has met with Mr. Girsberger and Mr. Scott to discuss possible solutions that are mutually beneficial to the City and property owners/purchaser. Staff proposes that the City enter into an agreement with Mr. Scott that would provide the City water shares and allow Mr. Scott to water and farm the property. The agreement would be contingent upon Mr. Scott purchasing the property. A summary of the terms is as follows:

1. Grant Mr. Scott continued access to secondary water, provided that the access only continue so long as the property is farmed and would not be allowed if/when the property is subdivided.
2. Addition of the rear portion of the Bair and Kuck property that will be consolidated into one parcel.
3. Transfer of water shares from Mrs. Kuck prior to purchase or from Mr. Scott subsequent to purchase and consideration of those shares in the future as credit toward any requirement for water share transfer as required by Code at the time of any future subdivision.
4. Mr. Scott would pay for and install and donate a water meter on the property that would monitor water usage on the property.
5. Voluntary water metering of the secondary water to ensure that the allotted water being delivered does not exceed the agreed quantity.
6. The connection serving the agricultural area of the property may be upsized in accordance with the adopted fee schedule in order to deliver the allotted water. All applicable connection fees, if any, will be paid by Mr. Scott.
7. Verification of all connections being properly billed.

In consideration of the donation of the water shares, the addition of metering equipment and an agreement with David Scott, staff can support the transaction.

Mr. Drake and Public Works Director Robert Whiteley summarized the staff memo.

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Council discussion regarding the item commenced and input was provided by the applicant and Wayne Burton. The conclusion was that discussion of the item could continue in the business meeting prior to action being taken.

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**RDA Discussion: Cost of Parking Lot Improvements;
Storm Drain Request from Letrono Cross Fit; Road
Improvements for 500 West.**

A staff memo from the Community Development Department explained staff has been working to identify the issues related to the high vacancy rates in the Town Center. On Wednesday, September 4, 2013 staff coordinated a meeting at the Town Center with the property owners to help identify issues that need to be addressed to attract business to the complex. The meeting was well attended and staff believes it was very helpful for the owners to meet and discuss issues and solutions.

A variety of reasons have caused the high vacancy rates were identified by the owners as follows:

1. Widening of Antelope Dr. and the length of time access was impeded to the businesses.
2. Economic downturn
3. Conservative and frugal citizens
4. Lack of daytime population in the City (ie. jobs)
5. Parking lot layout
6. Signage (lack of and Town Center clock tower blocking views)

It was determined that a number of actions could be undertaken to help address the issues as follows:

1. Removal of the "canoes" in front of the Orangeman building (Imperial, Sally's, etc.) and having a more open parking lot configuration.
2. Remodel of the parking area in front of the Papa Murphy's building and creating it one directional traffic flow.
3. Widening the curve radius entering the Wendy's parking lot.
4. Holding future events in the center that will draw traffic into the area, such as craft fairs, farmer's market, carnival attractions, sidewalk sales, etc.

Bluff Ridge Drive Storm Sewer: As part of the new Letrono Cross Fit building that will be built to replace the building lost to roof collapse last winter, the owner of the building will be required to provide onsite detention and a connection to the storm water sewer system. The nearest storm drain is approximately 472 feet to the south. The owners of Letrono have asked if the RDA would be willing to participate in the construction of the extension of the storm drain, as the extension will serve future development of the parcel to the north and any modifications to the parcel to the south.

The proposed line is estimated at a cost of \$50,049. Staff is proposing a 50/50 split of this cost with Letrono. In conjunction with the project, engineering is proposing some road repairs with class C road funds of \$36,250. That portion of the road was not rebuilt by UDOT when the road alignment was changed and is in dire need of repair.

500 West Improvement: Staff has consulted with Clearfield City and has received a favorable response. They are willing to consider a joint venture between both cities and the property owners to improve and complete 500 West to Antelope Dr. Clearfield has already obtained a 65 foot right-of-way for the first 460 feet of the alignment.

Staff will continue processes determine needed right-of-way dedication from property owners and further develop better cost estimates, so that an interlocal agreement can be drafted and a contract for property owner participation negotiated.

Acting City Manager Marshall summarized the staff memo.

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Council discussion of the item ensued.

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Discuss agenda items 8 – Proposed Ordinance 13-13 amending Title X, Land Use Ordinance concerning C-2 commercial zone.

A staff memo from the Community Development Department explained the Planning Commission has been reviewing the C-2 Commercial Zone for the past year. Having not come to a consensus with the City Council on the future of the C-2 zone, the Planning Commission has put forth the following amendment to correct an error in density calculation for developments created in the C-2 zone. The amendment clarifies the intent of the zone to allow residential development on 20% of the property and to calculate the density on only that 20%.

The Planning Commission held a public hearing on the proposed amendments on September 3, 2013. At a public meeting that same night the Planning Commission recommended to the City Council the adoption of the proposed amendments.

The Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 13-13, Amending Title X, C-2 Commercial.

City Planner Steele summarized the staff memo.

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Discuss agenda item 9 – Final Plat Approval, Phases 6 and 7 Ovation Homes, located at approximately 1800 West 2900 South, R-1 Cluster Residential Zone.

A staff memo from the Community Development Department explained the Planning Commission held a public meeting on September 3, 2013 for Final Plan approval of Trailside Park Subdivision, Phase 6 & 7. 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 Trailside Park Subdivision, Phase 6 & 7, located at approximately 3000 South 2000 West, subject to meeting all requirements of the City's Municipal Codes and City staff reviews.

City Planner Steele summarized the staff memo.

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Discuss agenda item 10 – Proposed Resolution R12-23 appointing Matt Blackburn to the Architectural Review Committee.

A staff memo from the Community Development Department explained the Architectural Review Committee meets on an as needed basis to review commercial site plan reviews. At the previous meeting it has been noted that some members do not attend and one member Braxton Shank, a representative from the Planning Commission resigned in November 2012. Staff approached the Mayor requesting that new appointees be found for the committee.

The Mayor, Planning Commission Chair, Curt McCuiston and Community Development Director Christensen interviewed applicants for the vacancies on the Planning Commission on July 10, 2013. Matt Blackburn was interviewed and

was an excellent candidate for the Planning Commission. As we did not have any additional vacant seats on the Planning Commission and were aware of vacancies on the ARC, Mr. Blackburn was asked if he would be willing to serve on the Architectural Review Committee and he indicated that he was willing and able to serve.

Matt Blackburn- is a Syracuse resident and is employed by the Department of Defense at Hill Air Force Base as a Deputy Technical Project Manager with a background in Software Engineering. He is currently pursuing a MBA in Project Management. Mr. Blackburn was very personable in his interview and willing to serve the community.

City Planner Steele summarized the staff memo. .

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Discuss agenda item 11 – Proposed Resolution R12-24 appointing Ralph Vaughan to the Architectural Review Committee.

A staff memo from the Community Development Department explained the Architectural Review Committee meets on an as needed basis to review commercial site plan reviews. At the previous meeting it has been noted that some members do not attend and one member Braxton Shank, a representative from the Planning Commission resigned in November 2012. Staff approached the Mayor requesting that new appointees be found for the committee.

Ralph Vaughan from the Planning Commission has expressed interest in serving on the ARC and staff has recommended him to the Mayor. He is well versed in Planning and Zoning matters and brings vast experience to the process.

City Planner Steele summarized the staff memo. .

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Council business

Councilmember Peterson provided a brief report regarding the North Davis Sewer District (NDS) impact fee.

The meeting adjourned at 6:53 p.m.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: October 8, 2013