

Minutes of the Work Session meeting of the Syracuse City Council held on October 8, 2013, at 6:03 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  
Larry D. Shingleton

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

Excused: Councilmember Douglas Peterson

City Employees Present:  
Public Works Director Robert Whiteley  
City Attorney Clint Drake  
Fire Chief Eric Froerer  
Police Chief Garrett Atkin  
Community Development Director Sherrie Christensen

The purpose of the Work Session was to review the agenda for the business meeting scheduled to begin at 7:00 p.m., discuss proposed Arts Council Appointments, discuss an Architectural Review Committee Appointment, discuss the proposed annexation of proposed annexation of property located at 4000 W. 1200 S., review proposed resolution updating the Syracuse City Fee Scheduled, and discuss a proposed ordinance amending Titles 8 and 10 of the Syracuse City Code, and discuss Council business.

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### **Business Meeting Agenda review**

Mayor Nagle reported that public comments and Council, Mayor, and City Manager reports were inadvertently left off the business meeting agenda and she asked that the motion to adopt the agenda include an amendment to add those items.

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### **Arts Council Appointments**

A letter from Arts Council Chair Jamie Murray explained due to the loss of Heather Steed, Shannon Elmer, and Brandon Bills in the fall of 2012, the Syracuse City Arts Council needed new Board members. In January 2013, Darren Maxfield contacted many individuals about joining the Board, and Sam Porter, James Hansen, Mariah Bailey, and Jamie Murray submitted letters of interest. After review and consideration during the January 29, 2013, Board meeting, Darren Maxfield, Judy Merrill, and Kresta Robinson nominated all four volunteers to the Board. Judy Merrill offered to step down from the Board but agreed to continue serving as Secretary. The former City Attorney, Will Carlson, conducted a Public and Open Meetings training for the Board on June 4, 2013. During the August 7, 2013, Board meeting, Darren Maxfield pointed out that he had been serving for more than a year as Chair and was resigning from the Board. Kresta Robinson, as Vice Chair, then became the Chair Pro Tem. Jamie Murray advertised the need for new Board members on the Syracuse City Arts Council web page. She also posted the needs on the following Facebook pages and group sites: SCAC Annie Cast, Clearfield Three Musketeers Cast, Northern Utah Community Theater, Syracuse City Arts Council Theater Troupe, SCAC Summer Musical, CPT Christmas Carol 2012 (Centerpoint Theater), SCAC Into the Woods & B4 Ever After, Syracuse Citizens, and Syracuse City. Jamie Murray, James Hansen, Mariah Bailey, and Sam Porter also made phone calls, talked to neighbors, and connected with current and former actors and previous Board members asking for referrals and letters of interest. The Board received four letters of interest, from Jared Jensen, Becky Snarr, Melanie Rollins, and Spencer Rollins. On September 11, 2013, the Board reviewed these letters and asked questions of the interested volunteers. Jamie Murray proposed lightening everyone's responsibilities and ensuring compliance with the Public and Open Meetings law by increasing the number of Board members and accepting all four volunteers as nominees for appointment to the Syracuse City Arts Council along with all those currently serving on the Board. Jamie Murray subsequently made that a motion, and all voted in favor. During this same meeting, the Board also elected Jamie Murray as the new Syracuse City Arts Council Chair.

An additional staff memo explained eight members of the Arts Council are being appointed at this time and the term expiration dates of each member are included in the proposed resolution. Syracuse City Code Title Three provides a process for appointing members of the Arts Council as follows:

3.09.020(A) The Board shall consist of not less than six (6) voting members, including a member of the Recreation Department staff assigned by the Department Director to oversee the Syracuse City Arts Council activities. The Mayor shall appoint the remaining five (5) members with the advice and consent of the City Council. The Mayor may appoint additional members to the Syracuse City Arts Council as voting at-large members with the advice and consent of the City Council. All members of the Board must live within the Syracuse City limits. The Mayor may appoint non-voting, ex-officio members with the advice and consent of the City Council. Each Board member should demonstrate interest, competence, and knowledge in the operation and functions of the Syracuse City Arts Council.

3.09.020(B) Terms of Office. The terms of office for the five (5) Board members, who are not a member of the Recreation Department, shall be for five (5) years. These members' terms shall be staggered so that no more than one (1) member's term expires at the same time. The terms of office for at-large and ex-officio members shall be five (5) years from the date of appointment. The term of office for the Recreation Department staff designated as a member of the Board shall be as determined by the Department Director. Appointments to the Board shall be made no later than the first City Council meeting in July of each year.

Acting City Manager Marshall reviewed the packet documentation regarding the item.

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Council discussion ensued and the outcome was to table the proposed resolution until a time that the City Code can be amended to allow appointments to the Board to be made at any time during the year rather than before July 1 of a given year.

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### **Architectural Review Committee Appointment**

A staff memo from Community Development Director Christensen 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 regularly. Staff contacted those individuals and asked if they wished to continue to serve. Helen Murdock has submitted a letter of resignation, citing her busy schedule and thanking the city for the opportunity to serve. Staff approached the Mayor requesting that new appointees be found for the committee. Two applicants submitted letters of interest, Nicholas Weber and Dan Schuler. The Mayor, requested that I meet with each of the candidates and make a recommendation for appointment. Noah Steel and I interviewed applicants for the vacancies on the Architectural Review Committee on October 1 and 2, 2013. Both candidates were very interested in serving on the ARC and contributing to the community.

Mr. Weber is currently employed by Smith Hyatt Architects in Bountiful. He holds a Master's degree in Architecture from North Dakota State University. He is currently preparing to take the licensing examination to be a licensed Architect. He has a lot of practical experience with architectural design and projects in Davis County. Currently, Syracuse City does not have anyone serving on the ARC with his experience in Architecture.

Mr. Schuler is currently employed by Clearfield City as the Storm Water Manager and Public Works Inspector. He has 23 years of City experience and is very knowledgeable with public works systems. He is very willing to serve and anxious to find a way to serve his community.

Ms. Christensen summarized her staff memo.

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### **Proposed annexation of property located at 4000 W. 1200 S.**

A staff memo from the City Recorder explained 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. On August 27, 2013 the Council voted to accept the annexation and I immediately began the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated. The annexation petition was certified shortly thereafter and a notice of certification was published in the Standard-Examiner for three consecutive weeks; the notice was meant to outline the annexation protest process. The same notice was also sent to all affected entities. The protest period expired October 3, 2013 and no valid protests were filed. It is now appropriate to move to the next step in the process, which is to hold a public hearing to consider adopting an

ordinance approving the annexation petition. A draft ordinance has been prepared for Council consideration and all relevant materials have been attached hereto.

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Council discussion regarding the proposed annexation ensued.

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### **Proposed Resolution updating the Syracuse City Consolidated Fee Schedule**

A staff memo from Acting City Manager Marshall explained staff periodically reviews and recommends changes to the consolidated fee schedule. Staff recommends changes outlined in red in Exhibit A of the proposed resolution. Most changes are minor with the exception of the plan check fee revision and the public works contracting service rate.

#### **Plan Check Fees:**

Recently the City has been questioned regarding the imposition of a plan check fee on building permits for duplicate structures, ie. town homes. State Code makes the following limitations on the city:

10-9a-510. Limit on fees -- Requirement to itemize fees -- Appeal of fee --

Provider of culinary or secondary water.

(1) A municipality may not impose or collect a fee for reviewing or approving the plans for a commercial or residential building that exceeds the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the municipality charges for a building permit fee for that building.

(2) Subject to Subsection (1), a municipality may impose and collect only a nominal fee for reviewing and approving identical floor plans.

Staff proposes to amend the consolidated fee schedule and add the following line under the heading Plan Check Fee: Duplicate Multi-Family Structure = 50% of original plan check fee\* \*applicable within 1 year of first permit issuance and within the same ICC code period.

Staff believes this is fair and nominal fee that covers the costs of nominal review that the plans are in fact unchanged, the siting of the structure is in conformance with the adopted plat, materials or other conditions of site plan approval have been met for each structure, and administrative processing. Time limits are imposed to ensure that duplicate structures are built within a reasonable time frame and to accommodate any code changes or fee schedule changes that may occur in between construction of multiple structures. An example of the Building Permit Fees based on valuation of the structure are as follows:

Building Fee \$1,411.00

Plan Check Fee \$564.00

Duplicate structures would reduce the Plan Check fee to \$282

#### **Public Works Contracting Service Rate**

The City has encountered times when a contract service rate is needed for our public works department in order to bill the work time on a job. Examples of this include our safety sidewalk project and the reimbursement of work hours for insurance claims like the one we had for the power surge at our Freeport water tank.

The memo explained Mr. Marshall has calculated a rate for employee costs and also a rate for heavy equipment costs based on actual costs to the city.

Staff recommends the adoption of proposed resolution R13-27 amending the Syracuse City Consolidated Fee Schedule by making changes throughout.

Mr. Marshall reviewed his staff memo and provided a brief review of the proposed changes to the fee schedule.

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Council discussion regarding the proposal ensued and the Council ultimately decided to continue discussion during the regular business meeting.

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### **Proposed Ordinance amending Titles Eight and Ten of the Syracuse City Code**

A memo from the Community Development Department explained the Planning Commission has been reviewing the Cluster Subdivision Ordinance for the past few months in order to clarify open space requirements, provide further clarification on minimum lot standards, and refine the requirements for density bonus.

Staff has identified various minor code changes to Title VIII and Title X in the administration of the code that will alleviate confusion, provide clarification and streamline processes.

The Planning Commission held a public hearing on the proposed amendments on September 17, 2013. At a public meeting that same night the Planning Commission recommended to the City Council the adoption of the proposed amendments.

Summary of Amendments

Section 8.02.020 Provides for the City Engineer to approve installation of infrastructure prior to recording final plat, changes inspection from Building Official to City Engineer.

Section 8.04.010 Specifies number of copies to be provided

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Section 8.06.030 Specifies number of copies to be provided, clarifies the procedure to record final plat to conform with current procedures, specify when a final plat approval expires

Section 10.02.040 Define cluster subdivision-currently 5 acres in Chapter 2 and 10 acres in Chapter 16

Section 10.04.090(D)1 Add provision for landscape architect signature Table 1, Chapter 4 Change public hearing notice to 10 days for plat amendments, consistent with other public hearing notice requirements

Section 10.06.060 Clarify maximum height of fences in front setback, current language is subjective and unenforceable.

Section 10.08.030 All the Planning Commission to permit parking in front of a building in Multi-family, Industrial, or Commercial uses.

Chapter 9 Change heading to reflect chapter content

Section 10.16.020(C) Correct grammar error

Section 10.16.020(E) Add minimum lot standards for single family lots

Section 10.16.020(G) Clarify where measurement is taken

Section 10.16.020(H) Specify open space shall be provided for all residents of subdivision

Section 10.16.020(I) Specify that HOA be professionally managed

Section 10.16.040 Clarify required and optional elements to qualify for bonus density, remove inconsistent language, add optional moderate income housing bonus.

Section 10.16.070(A) Remove the word "generally"

Section 10.16.070(E) Add professionally managed HOA

Section 10.16.070(F) Require developer to fund HOA for 3 years and pay dues for lots when owning less than 40% of the lots

Section 10.25.020 Require sensitive lands documents with application for preliminary plat

Section 10.26.080 Allow a reduction in cell tower setback, provided an equivalent fall zone easement is obtained from adjacent property

Ms. Christensen reviewed her staff memo.

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Council discussion of the item ensued and the Council determined to continue discussion of the item during the regular business meeting.

The meeting adjourned at 7:01 p.m.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

City Council Work Session  
October 8, 2013

Date approved: October 22, 2013