

Minutes of the Regular meeting of the Syracuse City Council held on December 9, 2014, at 7:08 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  
Fire Chief Eric Froerer  
Police Chief Garret Atkin  
Parks and Recreation Director Kresta Robinson  
Community Development Director Sherrie Christensen

#### 1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:07 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. Police Chief Atkin provided a thought centered on Police work. A local Boy Scout then led all present in the Pledge of Allegiance.

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

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#### 2. Presentation of the Syracuse City and Wendy's "Award for Excellence" To Alexandra Youngblood and Xavier Muncaia.

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 December 2014 were nominated by Buffalo Point Elementary School staff.

##### Alexandra Youngblood

Buffalo Point Elementary has selected Alexandra Youngblood for Syracuse City and Wendy's Award for Excellence based on the following nomination from her teacher, Colette Goff, a 2nd Grade Educator at Buffalo Point. I have been invited to select a student from my second grade class here at Buffalo Point Elementary who magnifies exemplary academic skills and reflects outstanding citizenship/behavior in my classroom. It is my HONOR and PLEASURE to nominate Alexandra Youngblood based on the above qualifications.

Alexandra radiates excellence in all academic areas of the Davis School District curriculum, she is a leader for good, and magnifies her art talent in such a way, one might think she is much older than a second grader. It gives me great joy and happiness to see one of my students recognized for going above and beyond what is expected of a child Alex's chronological age. I have noticed Alex take a student by the hand who is alone, in need of a friend, and befriend that person who would otherwise be without friendships. She too, is quick to give academic assistance if there is someone on her classroom team who just doesn't understand the rigor of the academics expected. Her

behavior is an example to those who notice her demeanor and they quickly want to follow her example. Though Alex is young, her older Spirit radiates with love and kindness. She is eager to help others and looks forward to school each day, so she can work hard to be the best she can be. It is people like Alex who will help this old world change for the better one child at a time.

Xavier Munguia

Buffalo Point Elementary has selected Xavier Munguia for Syracuse City and Wendy’s Award for Excellence. He is a 5th grade student in Miss Warner’s classroom. Xavier is a stellar student when it comes to completing academic work. He always does his personal best and is meticulous with details. He is an excellent speller and has competed in the grade level Spelling Bee for the past two years. Xavier serves our school as a Student Council Representative and works with a team to manage our paper recycling program. Xavier always has a smile on his face and has a genuinely positive attitude. He is a polite young man, always treating others with respect and kindness...with a please and thank you. He holds the doors for others, which is a rare trait for a young man of his age. Xavier takes initiative to be helpful and tutor peers in the classroom setting. He is a friend to all on the playground and works to include others in games. Xavier makes choices that benefit those around him. We congratulate Xavier on this exceptional award and thank him for being a positive role model at Buffalo Point.

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3. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session and Regular Meeting of November 19, 2014.

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COUNCILMEMBER GAILEY MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA, AS AMENDED. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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4. Public Comments

TJ Jensen commented regarding the discussion that took place during the work session regarding Police Department body cameras. He stated the City is fortunate to have its Police Department and he is happy to see them using body cameras in the City; it protects the civil liberties of citizens and provides more accurate information. He then stated that when the Mayor was first elected he had a discussion with him about some morale issues in the City and he suggested hosting a Police, Fire, and staff appreciation day to let the citizens show their gratitude to the people that serve them. He added relative to the item on tonight’s agenda regarding the Ninigret development, it has been brought to his attention by Councilmember Johnson that the size of the commercial space included in the preliminary plat is only 216 feet deep and he wondered if that size would be viable for commercial use. He stated it would have been good to have that question sent to him in an email so that he could discuss it with the Planning Commission rather than miss it. He then noted the Planning Commission has approved the site plan for the new Arts Academy to be constructed in the Ninigret development and he feels that as the Planning Commission Chair he ‘dropped the ball’ because he should have been aware that the Ninigret plat should have been approved before the Arts Academy site plan could be approved. He stated the project has essentially been circumvented and that is the second time this has happened upon a recommendation from staff; staff needs to be more proactive of asking questions of appointed Planning Commissioners or elected officials in order to avoid future difficult situations.

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5. Introduction of new Police Officers

A memo from Police Chief Atkin provided information regarding the following new Police Officers:

Officer Jennifer Walker

Officer Walker has been with the Department since mid–August. She has been a great addition and recently completed her field training program two weeks ahead of schedule.

Officer Stan Penrod

Officer Penrod is back with the Department following a short hiatus with West Valley Police Department. Officer Penrod brings a great deal of energy and has returned to his role as our DARE officer. The Department is happy to be able to welcome him back.

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Chief Atkin reviewed his staff memo and formally introduced Officer Walker and Officer Penrod to the City Council and Mayor.

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Officer Walker stated she is appreciative of the opportunity to serve as a Police Officer in Syracuse; she has had wonderful experiences with the community and hopes to have many more. She also hopes to contribute as an Officer should and make the Council and community proud.

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Officer Penrod was not available to address the City Council.

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Councilmember Duncan stated he is happy to have Officer Penrod back in the City and he noted the fact that he returned to Syracuse after working for another entity is a real indication that the culture of the City matters to employees.

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6. Proposed Resolution R14-42 authorizing Syracuse City Police Department to apply lot or mislaid bicycles which remain unclaimed to a public interest use and designating a specific public interest use for such bicycles.

A staff memo from the Police Chief Atkin explained periodically, officers from Syracuse Police Department are called to take possession of found bicycles. If a resident comes in to report a lost bicycle, we can check our files and bicycle storage area to see if we it, and then return the bicycle to them. Typically, these found bicycles remain in our storage area without being claimed, and we no way of identifying and contacting the owners directly. The Department is seeking a resolution from the Syracuse City Council allowing us donate unclaimed bicycles, in accordance with State law, to the Davis County Children's Justice Center. The purpose of the donation is to allow them to use the bicycles to raise funds that help support the valuable service they provide in our community.

Utah Code  
**Chapter 24a**

**Lost or Mislaid Personal Property**

**77-24a-1 Definition.**

(1) "Lost or mislaid property":

- (a) means any property that comes into the possession of a peace officer or law enforcement agency:
  - (i) that is not claimed by anyone who is identified as the owner of the property; or
  - (ii) for which no owner or interest holder can be found after a reasonable and diligent search;
- (b) includes any property received by a peace officer or law enforcement agency from a person claiming to have found the property; and
- (c) does not include property seized by a peace officer pursuant to Title 24, Forfeiture and Disposition of Property Act.

(2) "Public interest use" means:

- (a) use by a governmental agency as determined by the agency's legislative body; or
- (b) donation to a nonprofit charity registered with the state.

Repealed and Re-enacted by Chapter 394, 2013 General Session

**77-24a-2 Disposition by police agency.**

All lost or mislaid property coming into the possession of a peace officer or law enforcement agency shall be turned over to, held, and disposed of only by the local law enforcement agency whose authority extends to the area where the item was found.

Amended by Chapter 394, 2013 General Session

**77-24a-3 Statement of finder of property.**

(1) A person who finds lost or mislaid property and delivers it to a local law enforcement agency shall sign a statement included in a form provided by the agency, stating:

- (a) the manner in which the property came into the person's possession, including the time, date, and place;
- (b) that the person does not know who owns the property;
- (c) that, to the person's knowledge, the property was not stolen;
- (d) that the person's possession of the property is not unlawful; and
- (e) any information the person is aware of which could lead to a determination of the owner.

(2) Additional information may be requested by the agency receiving the property, as necessary.

Amended by Chapter 394, 2013 General Session

**77-24a-4 Locating owner of property.**

(1) The local law enforcement agency shall take reasonable steps to determine the identity and location of the owner, and notify the owner that the property is in custody.

(2) The owner may obtain the property only by providing personal identification, identifying the property, and paying any costs incurred by the agency, including costs for advertising or storage.

Amended by Chapter 394, 2013 General Session

**77-24a-5 Disposition of unclaimed property.**

(1)

(a) If the owner of any lost or mislaid property cannot be determined or notified, or if the owner of the property is determined and notified, and fails to appear and claim the property after three months of its receipt by the local law enforcement agency, the agency shall:

(i) publish notice of the intent to dispose of the unclaimed property on Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b);

(ii) post a similar notice on the public website of the political subdivision within which the law enforcement agency is located; and

(iii) post a similar notice in a public place designated for notice within the law enforcement agency.

(b) The notice shall:

(i) give a general description of the item; and

(ii) the date of intended disposition.

(c) The agency may not dispose of the lost or mislaid property until at least eight days after the date of publication and posting.

(2)

(a) If no claim is made for the lost or mislaid property within nine days of publication and posting, the agency shall notify the person who turned the property over to the local law enforcement agency, if it was turned over by a person under Section 77-24a-3.

(b) Except as provided in Subsection (4), if that person has complied with the provisions of this chapter, the person may take the lost or mislaid property if the person:

(i) pays the costs incurred for advertising and storage; and

(ii) signs a receipt for the item.

(3) If the person who found the lost or mislaid property fails to take the property under the provisions of this chapter, the agency shall:

(a) apply the property to a public interest use as provided in Subsection (4);

(b) sell the property at public auction and apply the proceeds of the sale to a public interest use; or

(c) destroy the property if it is unfit for a public interest use or sale.

(4) Before applying the lost or mislaid property to a public interest use, the agency having possession of the property shall obtain from the agency's legislative body:

(a) permission to apply the property to a public interest use; and

(b) the designation and approval of the public interest use of the property.

(5) Any person employed by a law enforcement agency who finds property may not claim or receive property under this section.

Amended by Chapter 394, 2013 General Session

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Chief Atkin reviewed his staff memo.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT RESOLUTION R14-42 AUTHORIZING SYRACUSE CITY POLICE DEPARTMENT TO APPLY LOST OR MISLAID BICYCLES WHICH REMAIN UNCLAIMED TO A PUBLIC INTEREST USE AND DESIGNATING A SPECIFI PUBLIC INTEREST USE FOR SUCH BICYCLES. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. Site Plan Approval, Residential Facility for Persons with a Disability,

located at approximately 2075 S. Bluff Road.

A staff memo from the Community and Economic Development Director explained the Planning Commission held a public hearing on December 2, 2014 for Site Plan recommendation. All items noted in staff report have been addressed by the Planning Commission. Site Plans for Residential Facilities for Disabled individuals under City Code are approved by the Council after Planning Commission recommendation. It is a permitted use in the R-2 zone and a protected use under the Americans with Disabilities Act. The home is located on 0.58 Acres, and will be a Type1 Assisted Living for 10-12 residents with developmental disabilities. The main floor is wheelchair accessible, making 50% of the structure ADA compliant. The International Building Code requires 10% of the facility to be ADA compliant. The Syracuse City Planning Commission hereby recommends that the City Council approve the site plan for the Andreason Assisted Living facility, located at 2075 S Bluff Road subject to meeting all 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 stated this application should be approved unless there is a compelling reason not to grant such approval. City Attorney Drake agreed.

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Dave Andreason stated he is the owner of the home on the subject property and he purchased it with the understanding that he would be able operate a facility for those with intellectual disabilities. He provided a summary of the services his business will provide, noting there is a lack of such services in Davis County. He concluded he desires and is able to provide the needed services in his home. The only modifications to be made to his home are improvements to the hallway and bathroom to accommodate a wheelchair. He stated he will also install a fire suppression system and convert all doorknobs to levers in order to meet State licensing requirements. He noted he plans to utilize space in the garage as an officer area, but he does not plan to make any structural changes to the home.

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Councilmember Johnson thanked Mr. Andreason for the thought and effort he has put into his application.

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COUNCILMEMBER GAILEY MADE A MOTION TO GRANT SITE PLAN APPROVAL FOR A RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY LOCATED AT APPROXIMATELY 2075 S. BLUFF ROAD. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Mr. Andreason stated that many cities have laws in place that essentially outlaw these types of facilities and he thanked Syracuse City for recognizing that disabled individuals need a place to live as well.

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8. Preliminary Plat Approval, Ninigret North Subdivision Phase 2,  
located at approximately 1550 W 200 South, applicant Ninigret LLC.

A staff memo from the Community Development Director explained the Planning Commission held a public hearing on December 2, 2014 for Preliminary Plan recommendation. All items noted in staff report have been addressed by the Planning Commission. The Planning Commission discussed the extension of 1550 West to Monterey Estates with the developer. The proposal was to install the of site utilities and install road base, such that lot 1 would have a secondary access to the site for the school site. The fire marshal stated this would be adequate to alleviate his concerns. UPDATE: City Engineer, Brian Bloemen spoke with the developer on Wednesday and with the release of the bond from Ninigret North, Phase 1, the developer is willing to pave the entirety of the road from SR-193 to Monterey Estates. The city will need a minor development agreement to ensure the road completion outside the boundaries of this subdivision. The Syracuse City Planning Commission hereby recommends that the City Council approve the preliminary plat for the Ninigret North II Subdivision, located at approximately 1550 W 200 South subject to meeting all requirements of the City's Municipal Codes and City staff reviews.

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Ms. Christensen reviewed her staff memo. She also addressed the comments made by Mr. Jensen during the public comment portion of the meeting regarding the fact that site plan approval has been granted to the Arts Academy prior to the Council's consideration of the Ninigret plat. She explained public schools must be given priority processing and staff felt that the site plan for the school and the preliminary plat for Ninigret could be processed simultaneously because site plan approval only

gives the school the authority to apply for their building permit with the State of Utah; no construction will happen at the site until final plat approval has been granted for the project.

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Councilmember Johnson asked if in the future the City Council will have the opportunity to review a concept plan independent of the preliminary plat. Ms. Christensen answered yes and noted there was not sufficient time to review the items separately due to the altered City Council and Planning Commission meeting schedules in November. Councilmember Johnson stated the ordinance dictates that the concept plan should be reviewed before preliminary plat is considered. Ms. Christensen stated the ordinance actually states that the concept plan will be reported to the City Council in their next regularly scheduled work session meeting. Councilmember Johnson stated it may be necessary to amend the ordinance to require sufficient time for review and consideration of the concept plan before the preliminary plat is forwarded to the City Council. Ms. Christensen stated she would be agreeable to that. Councilmember Johnson then stated that he understands the Arts Academy qualifies for an expedited process, but that does not mean the City should skip processes and she feels it was incorrect to review the site plan prior to the subdivision plat being approved.

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Councilmember Duncan stated he shares many of the same concerns as Councilmember Johnson and noted he feels the City Council does not have enough information to consider tonight in order to grant preliminary plat approval; he stated once preliminary plat approval has been granted, the project will be vested and that makes him uneasy. Councilmember Peterson stated the project has been discussed at length and he wondered what additional information the Council needs in order to make a decision. Councilmember Duncan stated that the applicant is not committed to provide the items that have been discussed in the past and that is concerning to him.

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Councilmember Gailey asked if the Council is opposed to a school being built on the subject property. Councilmember Johnson stated he is opposed to processes being circumvented. He stated the site plan for lot one of the subdivision should not have been addressed before the final plat for the subdivision process has been considered and approved. He stated the concept plan should have also been provided in a work session meeting before the preliminary plat was listed on a Council agenda. Councilmember Gailey asked if the circumvention was caused by circumstances or by motive. Ms. Christensen stated staff does not have motive to circumvent the process; it was a matter the schedule of Planning Commission and City Council meetings in November and December. She added she is not sure what additional information the Council would like to see in order to consider the preliminary plat; the question is whether the two lots in the subdivision meet the City's minimum standards relative to frontage, lot size, the number of fire hydrants, street lights, and other infrastructure requirements. She stated upon staff review of the plat, all items have been addressed.

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Mayor Palmer asked if the requirements for the school parking area and nearby cul-de-sac have been met. Ms. Christensen answered yes. The cul-de-sac is less than 500 feet as required by City Code and the number of parking spaces is adequate. She added that the City has a limited scope in reviewing site plan for schools. Mayor Palmer stated the development also includes a commercial lot. Ms. Christensen stated that is correct, but there is not yet a commercial use; when a commercial use is identified it will be necessary for them to follow the process to receive site plan approval. Mayor Palmer inquired as to when access to the 1.3 acres of ground in the rear of the subject property will be considered. Ms. Christensen stated that is included on the proposed preliminary plat; an easement has been provided across the commercial lot and development of the access will be decided upon at a future date, which many options to consider after preliminary plat approval has been granted.

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Councilmember Lisonbee stated it is very important for the City to follow its own processes and she suggested that when situations like this one arise in the future that the City Council be willing to hold a special meeting to discuss a necessary issue so that an application can proceed through the process. The remainder of the Council agreed they would not object to convening in a special meeting for that purpose.

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Councilmember Duncan stated it may seem like there is a lack of information due to the fact that the preliminary plat is for a two lot subdivision. Ms. Christensen stated that may be the case and noted the plat is on a much different scale than plats for developments with more lots.

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Councilmember Johnson referenced lot two in the subdivision and wondered if it will be commercially viable given the fact that it is only 216 feet in depth. He stated that it is his recollection that when the general plan was amended for the property

there was discussion about the commercial property being 300 feet in depth and it looks as if the applicant has reduced the property depth by locating a road there. He stated it would have been possible to move the road to maintain the size of 300 feet and he wondered if the proposed layout is being recommended so that the subdivision located to the south of the commercial property will be able to accommodate more houses. Ms. Christensen stated that the angles and curves of the road can be somewhat deceptive and the property is actually 296 feet in depth. Councilmember Johnson stated that the location of the road is essentially reducing the commercial area and it would be better if the road were moved to maintain the 300 foot commercial size. Ms. Christensen stated cannot speak to the intent behind the location of the road. Councilmember Duncan stated that he can understand Councilmember Johnson's concern and noted he does not want to be in a situation where someone comes to the City five years from now to say that the commercial property is not viable due to it being too shallow. He stated he does not want to see further reduction of the frontage property on State Road 193. He wondered if the size that is being proposed will be able to accommodate a strip mall with sufficient parking, to which Ms. Christensen answered yes.

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Councilmember Lisonbee stated that she thought the discussion at the time of the general plan amendment was regarding a depth of 500 feet; she is positive that the parcel for the school was eight acres and she though the depth for the commercial property was to be deeper than 300 feet. She asked for a review of the Council meeting minutes when the general plan was approved. Mayor Palmer stated he also though the commercial depth was discussed as being 500 or 600 feet.

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Gary McEntee, Ninigret, stated no changes have been made to the plat since the zoning for the property was approved; the only difference is that the width of the road was increased from 54 feet to 66 feet. Councilmember Duncan asked if any portion of the school property is located in the commercial zoning designation, to which Mr. McEntee answered no.

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City Manager Bovero referenced the claim that the City's process had been circumvented by granting site plan approval for the school prior to subdivision plat approval. He noted there is a single lot whereupon the school could seek site plan approval without approval of the subdivision plat. He stated subdivision plat approval will be needed in order to work through agreements with the developer, but he wanted to clarify that the process that was followed as legal. Councilmember Duncan stated he is more concerned about the width of the commercial area; if the width needs to be changed to adhere to the terms of the general plan amendment, it will be necessary to shift the location of the road and the school property. Councilmember Johnson agreed.

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The Council discussed the action they took on August 26 when considering the general plan amendment, with Councilmember Lisonbee suggesting she made a motion to move the school lot from one side of 1550 West to the other side of 1550 West, which shifted the location of the school. Mr. McEntee stated that he is fairly confident that during past discussions he talked about the commercial parcel being five acres in size and the school parcel being just over eight acres. He stated that with the inclusion of the cul-de-sac, regardless of its width, the layout is consistent with what was approved at the time the zoning of the property was considered. He stated he is comfortable with the proposed layout and there is no ulterior motive to build more homes on the residential property. He stated Councilmember Lisonbee did suggest to move the school to the other side of 1550 West and upon that suggestion he met with Ms. Christensen to amend the layout and make the commercial parcel five acres and the school parcel eight acres. There was also a conversation about trying to build in an open space buffer and an easement was also added. He stated he feels his application is consistent with what was discussed in the past.

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Mr. Bovero stated that in the Council packet from the August 26 meeting there is a rendering of the layout of the subdivision; it included the cul-de-sac, a five acre commercial site, an 8.4 acre school site, 1.12 acres of open space, and on the west side of 1550 West there is 12.41 acres for a business park. Councilmember Lisonbee stated in the same packet, on an alternate general plan recommendation, the width of the general commercial site appears to be the same width as the school site; the recommended general plan included commercial going straight across in a thin strip and there was quite a bit of discussion about how that was too thin and more frontage was needed for commercial. Councilmember Duncan stated he cannot remember which option the Council approved and it is necessary to figure that out. Ms. Christensen stated the drawings are not to scale and it would ultimately be necessary to review the legal descriptions for the parcels.

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Mayor Palmer asked Mr. Bovero if the orientation of the school matches on both the recommended general plan amendment sketch as well as the concept plan. Mr. Bovero answered yes. Ms. Christensen added that when the application was originally discussed during the August 12 meeting, the rendering included a commercial parcel of 3.9 acres so it was widened to more than five acres before it was approved. Mr. McEntee stated that once the school was moved to the east side of 1550 West, everything else on the plat remained the same.

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Councilmember Gailey stated he does not feel there has been any intent to sidestep or circumvent the City's processes.

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COUNCILMEMBER GAILEY MADE A MOTION TO GRANT PRELIMINARY PLAT APPROVAL FOR NINIGRET NORTH SUBDIVISION PHASE 2 LOCATED AT APPROXIMATELY 1550 W. 200 S. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Duncan stated he wants to ensure that the preliminary plat is in line with what the Council approved in the past. Mayor Palmer stated it appears that the preliminary plat is in line with the sketch plan. Councilmember Duncan reiterated that he feels the commercial space is too small and he wants clarification that the preliminary plat is in line with the general plan amendment that was approved. Councilmember Lisonbee stated she shares the concerns that the commercial property may be too narrow. Councilmember Duncan asked if it is possible to grant preliminary plat approval contingent upon the plat conforming to the general plan and zoning that was approved. Mr. Drake answered yes. Councilmember Duncan stated staff could be asked to research and determine that the preliminary plat is consistent with the zoning and that the school is not located within the commercial zone.

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COUNCILMEMBER DUNCAN MADE AN AMENDED MOTION THAT PRELIMINARY PLAT APPROVAL BE CONSISTENT WITH THE ZONING AS APPROVED AND CONSISTENT WITH THE IDEA THAT THE SCHOOL IS NOT LOCATED IN THE COMMERCIAL ZONE. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Councilmember Duncan suggested that staff work quickly to determine that the preliminary plat is in line with past approvals. Mr. Drake suggested Ms. Christensen can conduct research to make that determination and keep the Council informed of the outcome of her research.

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Mayor Palmer then called for a vote on the initial motion to grant preliminary plat approval. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON WHO VOTED IN OPPOSITION.

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9. Proposed Ordinance 14-24 amending various sections of Title Ten pertaining to land use.

A staff memo from the Community Development Director explained Staff has requested the proposed revisions to the City Code Title 10 regarding administrative issues regarding: second kitchens, not part of an accessory dwelling unit and a requirement for landscaping to be installed within 1 year of occupancy of a dwelling. Staff has requested this amendment to allow home owners to construct second kitchens in their homes without requiring a conditional use permit for an accessory dwelling unit. Many people wish to have a second kitchen in their basements for entertaining or canning purposes. The Building Code and the Zoning Code currently require that be viewed as a second living unit and as such require additional permitting and expensive construction for fire walls, utility access, etc. The proposed amendment would allow homeowners to build a second kitchen, file a notice on the property that the kitchen is not approved as a second living unit, until such time that appropriate permits are obtained. This protects future home buyers who will receive notice prior to closing on the home that they cannot rent the basement as an apartment until it is brought up to code and has a permit issued. A draft Second Kitchen Agreement has been created to demonstrate how the ordinance would be administered. The agreement would be recorded and would only be binding until such time that permits were obtained to use the kitchen as part of an accessory dwelling unit. This is a common method used in many cities, examples can be found in Draper, Herriman, Hurricane, Murray, Pleasant Grove, Salt Lake City, Provo, and West Point. Also in the packet are excerpts from the International Building Codes. Under these codes the Building Inspector would still need to treat a kitchen as a second dwelling unit, unless the agreement noted above was recorded for assurance. The second part of the requested amendment is a requirement that landscaping be installed within 1 year of issuance of a certificate of occupancy. This will give homeowners at least one summer season to complete landscaping regardless of the month the home is completed. The Planning Commission held public hearings on the proposed amendments on October 21, 2014. At a public meeting on November 18, 2014 the Planning Commission recommended to the City Council the adoption of the proposed amendments. In making determination on Code amendments the City Council should review the City Municipal Code, Section 10-4-070(E)(1), which states the following:

(E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider: (Ord. 10-02)

1. Whether it would be is consistent with goals, objectives and policies of the City's General Plan; (Ord. 10-02)

The memo concluded the Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 14-24, Amending Title X.

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Ms. Christensen reviewed her staff memo.

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Councilmember Duncan stated that he is opposed to this proposal and one of the reasons for his opposition is that the suggested code language states the City can inspect a basement for compliance; he stated he is not sure why anyone would invite the City to search their home. Ms. Christensen stated that language was actually included on the application form and would not be part of the ordinance; that language could be changed and was only based on what other cities currently do. Councilmember Duncan stated he is concerned that citizens would essentially be waiving their rights under the fourth amendment of the Constitution. Councilmember Johnson stated he is also opposed to the proposal and the recommended restrictions upon basement kitchens.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT ORDINANCE 14-24 AMENDING VARIOUS SECTIONS OF TITLE TEN PERTAINING TO LAND USE, WITH THE FOLLOWING CHANGES:

- STRIKE OUT SECTION 10-30-25, WITH THE EXCEPTION OF THE FIRST SENTENCE THAT STATES A SECOND KITCHEN WITHIN A SINGLE FAMILY RESIDENCE SHALL BE PERMITTED.
- REVISE THE DEFINITION OF FAMILY AND KITCHEN AS FOLLOWS:
  - STRIKE SECTION TWO OF THE CURRENT DEFINITION OF FAMILY;
  - FOR KITCHEN USE A SIMPLER DEFINITION THAT STATES A KITCHEN MEANS ANY ROOM AND/OR OTHER PLACE USED, INTENDED, OR DESIGNED TO BE USED FOR COOKING OR FOR THE PREPARATION OF FOOD. A SECOND KITCHEN IN A SINGLE FAMILY DWELLING IS PERMITTED.

COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:24:13 PM](#)

Councilmember Duncan asked Councilmember Johnson to clarify the intent of his motion. Councilmember Johnson stated cleaning up the definitions of family and kitchen allow for second kitchens without restrictions. The ordinance will essentially state that a resident can have a second kitchen without meeting requirements. Councilmember Duncan stated that he feels residents should have the option to allow family to live in their basement with a second kitchen. Councilmember Johnson agreed and stated his motion will remove the government regulations upon that type of action. Councilmember Lisonbee stated she is happy that the motion will remove the original presumption that a second kitchen creates a second dwelling.

[8:25:45 PM](#)

Ms. Christensen stated she feels the motion, if passed, will create a conflict with the International Building Code (IBC). She stated that the IBC is adopted by the State of Utah and according to that code the construction of a secondary kitchen requires a basement to be treated as a secondary dwelling unit. She stated she wondered how the City will regulate against undocumented secondary dwelling units. Councilmember Lisonbee stated that the City can declare exceptions to the IBC in the City Code. Ms. Christensen stated another section of the City Code calls for a conditional use permit for a secondary dwelling unit. Councilmember Johnson stated that section will not apply to this issue because adding a kitchen does not necessarily create a secondary dwelling unit.

[8:26:59 PM](#)

Mayor Palmer stated it is his opinion that the Council should reject or deny the proposal to make sure the Council has the opportunity to examine the language that is being recommended.

[8:27:50 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO TABLE ADOPT ORDINANCE 14-24 AMENDING VARIOUS SECTIONS OF TITLE TEN PERTAINING TO LAND USE UNTIL SUCH TIME THAT IT AND THE

PROPOSED RECOMMENDATIONS MADE BY COUNCILMEMBER JOHNSON CAN BE REVIEWED BY THE COUNCIL IN DETAIL.

[8:27:51 PM](#)

Councilmember Duncan stated he would also like for the Council to have access to an alternative ordinance that reflects what the Council is asking for. He stated he understands that some people may create an alternate dwelling unit by renting their basement to tenants, but simply allowing one's grown children to live in their basement coupled with the fact that there may be a kitchen in the basement does not make it a secondary dwelling unit. He stated he feels the definition of family should be broader. Councilmember Johnson stated his motion accomplishes what Mayor Palmer and Councilmember Duncan are asking for. Councilmember Lisonbee stated she supports the motion, but she respects the request that other members of the Governing Body want additional time to review the proposal.

[8:29:07 PM](#)

Mayor Palmer asked if there is a second for Councilmember Gailey's motion. COUNCILMEMBER DUNCAN SECONDED THE MOTION TO TABLE.

[8:30:34 PM](#)

Councilmember Duncan stated he agrees with the spirit of Councilmember Johnson's motion, but feels it is appropriate to put everything in writing. Councilmember Lisonbee stated that when the issue is brought back to reconsideration she would like to see Councilmember Johnson's motion in writing as well as the different language options the Planning Commission had to choose from.

[8:31:10 PM](#)

Mayor Palmer called for a voted on the motion to table. ALL COUNCILMEMBERS VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON WHO VOTED IN OPPOSITION.

[8:31:40 PM](#)

**10. Public Hearing – Authorize Administration to dispose of surplus property.**

A staff memo from City Administration explained several Departments of the City have indicated they have surplus property to dispose of. Please review the lists provided by the Police Department, Information Technology/Building Maintenance Department, Parks and Recreation Department, and the Public Works Department.

***Police Department Surplus Equipment***

Veh. #	Year	Vehicle Type	Plate #	Vin #
1	2009	Dodge Charger	200430ex	2B3KA43TX9H519294
2	2008	Dodge Charger	500410ex	2B3KA43H38H138767
3	2008	Dodge Charger	500419ex	2B3KA43H28H134791
4	2008	Dodge Charger	94349ex	2B3KA43H68H134793
5	2008	Dodge Durango	500408ex	1D4HB48258F149834
6	2008	Dodge Charger	94347ex	2B3KA43H08H134790
7	2008	Dodge Charger	500409ex	2B3KA43H38H138755
8	2008	Dodge Charger	94348ex	2B3KA43H48H134792
9	2006	Ford Crown Vic	37039ex	2FAFP71W76X120993
10	2002	Dodge Dakota	83188ex	1B7GG42X72S682748

***Information Technology/Building Maintenance Department***

55 T5 ho fluorescent light fixtures.

Leftover rock, cinder block, and flat stone material left from City Hall fountain remodel.

***Parks and Recreation Department***

23 Football Helmets

29 Football Shoulder Pads

Bizhub C352 Copy Machine

Riso Printer

3 pt Spranger tank hose

Fertilizer spreader

Spring tooth drag  
Redmax weed trimmer BCZ24015  
Redmax weed trimmer BCZ26106  
Echo Weed Trimmer S79812005399  
Echo Weed Trimmer S73311012821  
Echo Weed Trimmer S73311012783  
Back Pack Blower Remax EBZ4800  
Husky Pressure Washer AN1466087  
Ferris IS1000Z

**Public Works Surplus Equipment**

1994 11-foot wide snowplow  
1998 8-foot wide Western snowplow  
John Deere Snow blower 724D 7HP 24”  
3HP trash pump  
8HP trash pump (qty 2)  
Titan 7500 Watt Generator  
Jumping Jack Wacker BS600  
Power Mate 5000 Generator  
Lava Rock BBQ Grill

[8:31:50 PM](#)

City Recorder Brown reviewed the staff memo.

[8:32:22 PM](#)

Mayor Palmer opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

[8:32:42 PM](#)

Councilmember Duncan asked if the items to be declared as surplus have been used to the end of their life or if they were purchased and it was found that they were not needed. Public Works Director stated that all items included on his list are non-operational and are past their useful life.

[8:33:42 PM](#)

Councilmember Johnson inquired as to the manner in which vehicles are disposed of. Mr. Bovero noted the City will use an auction company that will get 6.8 percent of the amount that the vehicle is sold for. Councilmember Duncan asked if that is a better deal than the City selling the vehicles independently. Chief Atkin answered yes and noted staff has spent a large amount of time in the past selling vehicles and the auction will reach a broader market. Councilmember Duncan stated he is comfortable with trying the auction route this time, but if the financial outcome is not beneficial for the City he would like to reconsider the disposal avenue in the future. There was a brief general discussion about the City’s ability to effectively dispose of the equipment contained in police vehicles as well.

[8:37:23 PM](#)

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

[8:37:56 PM](#)

11. Request from Matt Gertge for relief from impact fee for Rain Tree Assisted Living Center on 1900 South.

A staff memo from the Community Development Director explained Matt Gertge is requesting consideration to waive the park impact fees for the Rain Tree Assisted Living Center on 1900 South. Staff met with Mr. Gertge on December 1, 2014 to review the calculations of the impact fees as part of the building permit approval process. Attending this meeting were the Building Official, CED Director, Public Works Director, City Engineer, Finance Director and City Manager. The two impact fees in question were the Traffic Impact Fee and the Park Impact Fee. The Fee Schedule for each impact fee is as follows:

Residential Transportation	Single Family Residence	\$1,131.00 per Unit
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Residential Transportation	All other types/units	\$705 per Unit
Commercial Transportation		
General Commercial		\$2,326.00 per 1,000 sf of GFA
Office/Institutional		\$2,428.00 per 1,000 sf of GFA
Industrial		\$668.00 per 1,000 sf of GFA
Parks, Trails & Recreation		\$2393.56 per Household

The initial fee was calculated as an Institutional Commercial Use, the revised fee was calculated as a Residential Use.

	<b>Initial Fee:</b> based upon total area of Phase 1 & 2 using the Institutional Rate under the Commercial Impact Fee	<b>Adjusted Fee:</b> the fee was recalculated under the “All other types/units” fee for Residential Transportation Impact Fee
Transportation Impact Fee	30,906 sq. x \$2,428 = \$75,268	Ph. 1 28 units x \$705 = \$19,740 Ph. 2 33 units x \$705 = \$23,265

The Park Impact Fee was calculated by determining the equivalent household units the assisted living would house. The creation of the Park Impact Fee Plan used the Cities median household size of 3.71 persons per household. Staff reviewed the number of residents in the facility and divided it by 3.71 to determine the multiplication factor.

	Methodology	Initial Fee:	Requested Fee:
Phase 1: 28 units	$28 \div 3.71 = 7.547$	$7.547 \times \$2,393 = \$18,060$	\$0
Phase 2: 33 units	$33 \div 3.71 = 8.895$	$8.895 \times \$2,393 = \$21,285$	\$0

Staff interpretation of the Impact Fee Ordinance is that if the use is residential and impact fee for Transportation is based upon a residential schedule then the park impact should be assessed. The facility is a Type 1 Care Facility, in which the residents are ambulatory and must be able to self-evacuate in the event of an emergency. It is plausible that residents may have use of city park and recreation facilities during group outings, family outings, or at senior citizen activities at the community center. Staff recognizes that the level of use by the residents would be less than that of an average household and therefore a reduction of fee is appropriate. The proposed fee from staff equals a 75% discount over the per unit fee charged for the Transportation Impact Fee unit size. The Syracuse City Parks, Trails & Recreation Impact Fee Analysis, page 18, in accordance with State Code states the following:

*The standard impact fee can also be decreased to respond to unusual circumstances in specific cases in order to ensure that impact fees are imposed fairly. In certain cases, a developer may submit studies and data that clearly show a need for adjustment.*

*At the discretion of the City, impact fees may be modified for low-income housing, although alternate sources of funding must be identified.*

The memo concluded it is the discretion of the City Council to waive or modify the impact fees to be assessed. Mr. Gertge has requested a total park impact fee waiver. His request has been attached with his justification. No data was submitted that clearly demonstrates a need for adjustment.

[8:38:20 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO TABLE THE REQUEST FROM MATT GERTGE FOR RELIEF FROM IMPACT FEE FOR RAIN TREE ASSISTED LIVING CENTER ON 1900 SOUTH IN THE ABSENCE OF THE APPLICANT. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:38:39 PM](#)

Councilmember Gailey inquired as to staff’s opinion regarding the application. In response to Councilmember Gailey’s question, Ms. Christensen reviewed her staff report. Councilmember Lisonbee inquired as to what the total would have been if Mr. Gertge’s impact fees were based upon residential use. Ms. Christensen answered \$19,000. She noted the City has already calculated the impact fees in a way that Mr. Gertge is saving approximately \$21,000.

[8:41:16 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO DENY THE REQUEST FROM MATT GERTGE FOR RELIEF FROM IMPACT FEE FOR RAIN TREE ASSISTED LIVING CENTER ON 1900 SOUTH. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[8:41:37 PM](#)

Councilmember Lisonbee stated that if the Council had been approached by an elderly resident who claimed that they would never use City parks and that they would ensure their grandkids would also not use the parks when they visit Syracuse, the Council would not consider that explanation as valid to grant relief from impact fees. She stated Mr. Gertge's development will create traffic in the City and some of that traffic may stop at City parks and create some impact. She stated the City has bent over backwards for Mr. Gertge and she feels offering further relief would set a bad precedent. Councilmember Duncan stated that is fine denying the application, but wondered why Mr. Gertge was not present this evening. Councilmember Lisonbee stated that she is not sure she would support the request after listening to the applicant's reasons for making it. Councilmember Peterson stated he agrees with the denial, but that does not preclude Mr. Gertge from reapplying. Councilmember Gailey agreed and stated that the use is actually a business and the Gertge's stand to gain financially from it. Ms. Christensen stated the main question is whether the facility is more residential or more commercial in nature; the residents will be ambulatory and can go off-site to events or parks. She stated Mr. Gertge has not provided any studies or data to show the need for his requested adjustment.

[8:46:39 PM](#)

Councilmember Lisonbee asked that, when contacted by Mr. Gertge, staff explain the Council's reasoning behind their decision; other senior developments in the City have been assessed a park impact fee because there will be some impact. She stated Mr. Gertge is welcome to reapply.

[8:47:22 PM](#)

Councilmember Johnson withdrew his motion to table the item.

[8:47:34 PM](#)

Councilmember Gailey restated his motion, which was seconded by Councilmember Lisonbee. Mayor Palmer called for a vote. ALL VOTED IN FAVOR.

[8:48:04 PM](#)

12. Authorize Administration to execute Temporary Land Use Agreement with Old Farm Properties, LLC.

A staff memo from the City Manager explained the draft lease is for the temporary use of the property at Town Center for purposes of operating an ice rink through February 18, 2014. The main points of the lease are as follows:

- o No rental payment or other fee for the use of the property
- o City assumes responsibility and liability for the use of the area occupied
- o City indemnifies and holds the Lessor harmless from liability
- o City pays for utilities used (electric)
- o City removes all equipment, supplies, and temporary improvements, leaving property in good, clean condition.

[8:48:08 PM](#)

Mr. Bovero reviewed his staff memo.

[8:49:21 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE TEMPORARY LAND USE AGREEMENT WITH OLD FARM PROPERTIES, LLC. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[8:49:31 PM](#)

Councilmember Johnson stated he does not feel the proposal to provide an ice rink with City resources if the proper use of government resources. He asked if there are any other private properties the City leases for public ventures. Mr. Bovero answered no, but the City has the ability to lease property on an as needed basis.

[8:50:00 PM](#)

Mayor Palmer stated there has been a motion and second and he called for a vote. ALL VOTED IN FAVOR WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON WHO VOTED IN OPPOSITION.

[8:50:16 PM](#)

13. Authorize Administration to execute First Amendment to Land Lease Agreement for Founder's Park Cell Tower.

A staff memo from Community and Economic Development Director Christensen explained the City amended this lease on July 8, 2014 to facilitate the tower company to sub-lease the tower to additional carriers and pay the city a per month fee for each additional carrier. The co-location fee of \$500/month for cellular carriers and \$200/month for non-cellular carriers was approved. In execution of the agreement the tower company discovered an error in that the lease rate for sub-lease carriers would increase at a rate of 15% per year. The terms of the lease with the tower increase 15% per 5 years. Crown Castle is requesting the Council correct and execute the lease with the terms of increase be the same as the tower, 15% per 5 years, as negotiated. Staff requests approval to authorize the amendment to the lease agreement with Crown Castle for the Founder's Park Cell Tower on Parcel # 12-052-0075, located approximately at 1500 S 1800 W, Syracuse.

[8:50:29 PM](#)

Ms. Christensen reviewed her staff memo.

[8:51:42 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE FIRST AMENDMENT TO LAND LEASE AGREEMENT FOR FOUNDER'S PARK CELL TOWER. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:51:58 PM](#)

14. Proposed resolution R14-41 encouraging the State of Utah to address comprehensive transportation funding.

[8:52:17 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO REJECT PROPOSED RESOLUTION R14-41 ENCOURAGING THE STATE OF UTAH TO ADDRESS COMPREHENSIVE TRANSPORTATION FUNDING AND SEND A FRIENDLY MESSAGE TO ALL INTERESTED PARTIES THAT SYRACUSE CITY DOES NOT SUPPORT THE STUDIES SUGGESTED, THE QUARTER-CENT TAX INCREASE, AND THAT SYRACUSE CITY FEELS IT IS WITHIN THE STATE'S PURVIEW TO INVESTIGATE THIS ISSUE AND THAT RESPONSIBILITY DOES NOT LIE WITH THE CITY. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR.

[8:53:46 PM](#)

15. Councilmember reports.

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Peterson's report began at [8:54:03 PM](#). He was followed by Councilmembers Gailey, Johnson, and Lisonbee. Councilmember Duncan indicated he had nothing to report.

[8:59:49 PM](#)

16. Mayor's Report.

At each meeting the Mayor provides a report regarding the meetings and events he has participated in since the last City Council meeting. Mayor Palmer's report began at [8:59:51 PM](#).

[9:01:55 PM](#)

17. City Manager report

City Manager Bovero's report began at [9:02:01 PM](#). He provided an update regarding the City's ice rink project.

[9:09:23 PM](#)

18. 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

[9:09:26 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 THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. 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 9:09 p.m.

The meeting reconvened at 10:17 p.m.

At 10:18 COUNCILMEMBER DUNCAN 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: January 13, 2015