



SYRACUSE CITY

Syracuse City Council Work Session Notice

March 14, 2012 – 6:00 p.m.

Large Conference Room

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Wednesday, March 14, 2012, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Meeting agenda for the Special Council Meeting to begin at 7:00 p.m. (5 min.)
- b. Review of agenda item #5, Proposed Ordinance No. 12-02 amending various provisions of Title 10, the Land Use Ordinance, relating to administrative review and development review procedures – Conditional Use Permits. (5 min.)
- c. Discuss agenda item #6, Proposed Ordinance No. 12-03 amending various provisions of Title 10, the Land Use Ordinance, relating to animals. (10 min.)
- d. Discussion regarding Proposed Resolution R12-11 appointing City Councilmembers to various committee positions and assignments; discussion regarding Proposed Resolution R12-09 appointing a representative(s) to serve as Syracuse City's appointee(s) on the Taxing Entity Committee (TEC) for the Redevelopment Agency of Syracuse City. (10 min.)
- e. Review of agenda item #9, Proposed Resolution R12-10 amending the Syracuse City Wage Scale by reclassifying the position of Deputy Fire Chief to a full-time position, and by making other minor title amendments throughout. (5 min.)
- f. Discussion regarding City Planner position. (5 min.)
- g. Review City Council Rules of Order and Procedure. (20 min.)
- h. Council business. (5 min.)

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 9<sup>th</sup> day of March, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on March 9, 2012.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



**Mayor**  
Jamie Nagle

**City Council**  
Brian Duncan  
Craig Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

**City Manager**  
Robert D. Rice

### ***Factual Summation***

- Any questions regarding this items may be directed at City Planner Kent Andersen
- Please see the attached proposed changes to Title 10 Chapter 4 Administrative Review and Development Review Procedures – Conditional Use Permits
- Please see the attached Ordinance No. 12-02

## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Community & Economic Development Department

**Date:** March 14, 2012

**Subject:** Proposed changes to Title 10 Chapter 4 Section 080 Conditional Use Permits

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### **Background**

During staff assessment of the current Title 10, and more specifically the zoning language, the Title was not sufficiently clear on the application of conditional uses permits. Therefore, staff has bolstered the existing language to clarify how to approve, suspend, or deny conditional use permits. Additional items are also included, such as the requirement of the Building Inspector to evaluate conditional use permit compliance and an amended review procedure for conditional use permit suspension or revocation.

### **Consideration of an Amendment Conditional Use Permits**

On February 7, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the Conditional Use Permits, in which no comments were received. On February 7, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to Title Ten, Chapter 4, Administrative and Development Review Procedures as it relates to Conditional Use Permits within the Syracuse City Code. This amendment clarifies the review procedure for revocation of a conditional use permit, enhances conditional use approval standards, adds the requirement of review by City Building Inspector to evaluate compliance, and states that a conditional use permit for a non-physical structure is not transferrable upon termination of permittee's residency. Additionally,

after Planning Commission recommendation for approval, City Attorney Will Carlson made some additional recommendations. (See attached proposed changes, Planning Commission in **Red**, City Attorney in **Blue**)

### **Recommendation**

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission and City Attorney, that the Mayor and City Council amend Title Ten, Chapter Four, Administrative and Development Review Procedures as it relates to Conditional Use Permits within the Syracuse City Code to reflect attached Ordinance No. 12-02.

# TITLE X

## SYRACUSE CITY LAND USE ORDINANCE

### CHAPTER 4

#### ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

**10-4-080: CONDITIONAL USE PERMITS.** (Ord. 08-07) (Ord. 10-02)

- (A) Purpose. This section sets forth procedures for considering and approving conditional use permits.
- (B) Authority. The Community Development Department, as the Advisory Body and/or Land Use Authority, or Planning Commission, as the Land Use Authority, has the authorization to issue conditional use permits as provided in this section. (Ord. 10-02)
- (C) Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in Subsection (D)(1) below.
- (D) Procedure. The City shall process and consider an application for a conditional use permit as provided in this subsection. (Ord. 10-02)
  - 1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information: (Ord. 10-02)
    - (a) Address and parcel identification of the subject property. (Ord. 10-02)
    - (b) Zone, zone boundaries and present use of the subject property. (Ord. 10-02)
    - (c) Complete description of the proposed conditional use. (Ord. 10-02)
    - (d) A plot plan showing the following:
      - i. applicant's name;
      - ii. site address;
      - iii. property boundaries and dimensions;
      - iv. layout of existing and proposed buildings, parking, landscaping, utilities, and easements;
      - v. adjoining property lines and uses within one hundred (100) feet of the subject property; and
      - vi. any other information determined to be necessary by the Land Use Administrator

- (e) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
  - (f) A statement by the applicant demonstrating how the requested use would meet the approval standards of Subsection (E) of this Section. (Ord. 10-02)
  - (g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
  - (h) ~~Such other information or documentation as the Department may deem necessary for a full and proper consideration and disposition of a particular application. (Ord. 10-02)~~ The Department may request that the applicant provide, at his or her expense, any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information necessary in order to render a proper decision.
2. If the use would require a variance, the applicant shall submit a variance application with the conditional use application. (Ord. 10-02)
  3. The Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application(s). (Ord. 10-02)
  4. The Community Development Department, as the Land Use Authority shall approve or deny applications for minor conditional uses. The Planning Commission, as the Land Use Authority, shall hold a public meeting and thereafter approve, approve with conditions, or deny major conditional use permit application(s) pursuant to the standards set forth in Subsection (E) below. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards. (Ord. 10-02)
  5. After the Land Use Authority makes a decision, the Community Development Department shall give the applicant written notice of the decision. (Ord. 10-02)
  - ~~6. Following the issuance of a conditional use permit, the City Building Inspector shall inspect such use to insure the development is undertaken and completed in compliance with the conditional use permit.~~
  - ~~67.~~ The Department shall maintain a record of all conditional use permits. (Ord. 08-11) (Ord. 10-02)
- (E) Approval Standards. The following standards shall apply to the issuance of a conditional use permit. The Land Use Authority may: (Ord. 10-02)
1. Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use. (Ord. 10-02)
  2. Impose conditions as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, the City as a whole, or public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. The

Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit. (Ord. 10-02)

3. Approve, approve with conditions, or deny a conditional use, but shall approve it if they can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if there are insufficient reasonable conditions the Land Use Authority could impose to substantially mitigate any reasonably anticipated detrimental effects of a proposed conditional use in order to achieve compliance with applicable standards, they may deny the requested conditional use. (Ord. 10-02)
4. The Land Use Authority may request additional information as needed to determine the potential for compliance with requirements of Subsection (3), above. (Ord. 10-02)
5. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application: (Ord. 10-02)

(a) Compliance of the proposed use with ~~objectives intent of the City's General Plan and the regulations and conditions of -and requirements of the City's General Plan and~~ this Title; (Ord. 10-02)

(b) ~~Suitability of the specific property for the proposed use~~The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; (Ord. 10-02)

(c) ~~Present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area; The City may request the applicant, at his or her cost, to provide any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information in order to render a proper decision;~~ (Ord. 10-02)

(d) Safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, ~~and pedestrian and vehicular circulation;~~ and to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use; (Ord. 10-02)

~~(e) Safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;~~ (Ord. 10-02)

~~(fe) Safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area~~The proposed use and/or accompanying improvements shall not inordinately impacts on schools, utilities, transportation, traffic, and streets for the proposed site and surrounding area, ~~and shall stress~~including the following criteria; appropriate buffering of uses and buildings, proper parking and traffic circulation, and use of building materials and landscaping that are in harmony with the area and compatible with adjoining uses; and (Ord. 10-02)

(gf) ~~Impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area~~ The proposed use, under applicable circumstances, will not be detrimental ~~Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity~~ . (Ord. 09-10) (Ord. 10-02)

6. When an applicant proposes a use which requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit, subject to the following requirements: (Ord. 10-02)

(a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors set forth in Subsection (E) of this Section. (Ord. 10-02)

(b) Allowing nonconformance with respect to building setbacks, building height, landscaping and parking space requirements. (Ord. 10-02)

(c) Meeting all current building, construction, engineering, fire, health and safety standards as a condition of approval. (Ord. 10-02)

(d) Notifying the applicable neighborhood association by mail and posting a copy on the affected property or premises. (Ord. 10-02)

(F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance or denial of a minor conditional use permit may appeal such decision to the Planning Commission by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. (Ord. 10-02)

(G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other title of the Syracuse City Municipal Code.

1. Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land. (Ord. 10-02)

(H) Amendments. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this Section.

(I) Revocation or Suspension. The Planning Commission may revoke or suspend a conditional use permit as provided in Section 10-3-080 of this Title. (Ord. 10-02)

1. Any of the following shall also be grounds for revocation or suspension:

(a) the use for which the City granted the permit has ceased for one (1) year or more; (Ord. 10-02)

- (b) the holder or user of the permit failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use; (Ord. 10-02)
- (c) the holder or user of the permit failed to construct or maintain the site as shown on the approved site plan or map; or (Ord. 10-02)
- (d) the Planning Commission determined that operation of the use or character of the site was a nuisance or by a Court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance. (Ord. 10-02)

2. ~~The Planning Commission shall not revoke a conditional use permit against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission to show cause as to why they should not amend or revoke the permit.~~ The Planning Commission shall not revoke a conditional use permit without first holding a public hearing. The City shall notify permittee in writing, served by registered mail or personal service, at least ~~fifteen~~ (105) days prior to the date of such hearing and the grounds for its convening. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Planning Commission shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council in the manner provided in Section 10-4-140. Revocation or suspension of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 10-02)

(J) Expiration.

- 1. Conditional Use Permit approval issued by the City shall expire if any of the following occur:
  - (a) Applicant does not implement the granted permit within one (1) year of the issued approval date. (Ord. 10-02)
  - (b) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
  - (c) A conditional use permit for a non-physical structure is valid for only the original applicant and not transferable to any other resident or address. Upon termination of a permittee's residency, the conditional use permit shall become invalid. Otherwise, a permit for physical structures remains with the land, and all future owners shall be held to the same standards as originally approved.
- 2. The holder of a permit may submit a written request to the Community Development Department, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority and meeting the requirements under Section 10-3-040 of this Title. If the Land Use Authority does not approve the application, no one shall reapply for the same purpose for a minimum period of twelve (12) months. (Ord. 06-17) (Ord. 06-27) (Ord. 10-02)

**ORDINANCE NO. 12-02**

**AN ORDINANCE OF THE SYRACUSE CITY COUNCIL AMENDING  
VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE,  
RELATING TO ADMINISTRATIVE REVIEW AND DEVELOPMENT  
REVIEW PROCEDURES – CONDITONAL USE PERMITS.**

**WHEREAS**, the Syracuse City Council has previously adopted the City Subdivision Ordinance and the City Land Use Ordinance for the purpose of regulating the use of land within the City; and

**WHEREAS**, the City Council hereby finds and determines that the use of subdivision and land use regulations is necessary to promote the public welfare by regulating the use of land in a manner that promotes sustainable development and preserves property values of both developing property and existing development; and

**WHEREAS**, the City Council hereby further finds that the City Subdivision Ordinance and the City Land Use Ordinance requires amendment to respond to conditional use permit reviews and requests;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 10-4-080 of the Syracuse City Code is hereby amended to read in its entirety as follows:

**CHAPTER 4**

**ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES**

**10-4-080: CONDITIONAL USE PERMITS.** (Ord. 08-07) (Ord. 10-02)

- (A) Purpose. This section sets forth procedures for considering and approving conditional use permits.
- (B) Authority. The Community Development Department, as the Advisory Body and/or Land Use Authority, or Planning Commission, as the Land Use Authority, has the authorization to issue conditional use permits as provided in this section. (Ord. 10-02)
- (C) Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in Subsection (D)(1) below.
- (D) Procedure. The City shall process and consider an application for a conditional use permit as provided in this subsection. (Ord. 10-02)

1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information: (Ord. 10-02)
  - (a) Address and parcel identification of the subject property. (Ord. 10-02)
  - (b) Zone, zone boundaries and present use of the subject property. (Ord. 10-02)
  - (c) Complete description of the proposed conditional use. (Ord. 10-02)
  - (d) A plot plan showing the following:
    - i. applicant's name;
    - ii. site address;
    - iii. property boundaries and dimensions;
    - iv. layout of existing and proposed buildings, parking, landscaping, utilities, and easements;
    - v. adjoining property lines and uses within one hundred (100) feet of the subject property; and
    - vi. any other information determined to be necessary by the Land Use Administrator
  - (e) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
  - (f) A statement by the applicant demonstrating how the requested use would meet the approval standards of Subsection (E) of this Section. (Ord. 10-02)
  - (g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
  - (h) The Department may request that the applicant provide, at his or her expense, any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information necessary in order to render a proper decision.
2. If the use would require a variance, the applicant shall submit a variance application with the conditional use application. (Ord. 10-02)
3. The Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application(s). (Ord. 10-02)
4. The Community Development Department, as the Land Use Authority shall approve or deny applications for minor conditional uses. The Planning Commission, as the Land Use Authority, shall hold a public meeting and thereafter approve, approve with conditions, or deny major conditional use permit application(s) pursuant to the standards set forth in Subsection (E) below. The

Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards. (Ord. 10-02)

5. After the Land Use Authority makes a decision, the Community Development Department shall give the applicant written notice of the decision. (Ord. 10-02)
  6. Following the issuance of a conditional use permit, the City Building Inspector shall inspect such use to insure the development is undertaken and completed in compliance with the conditional use permit.
  7. The Department shall maintain a record of all conditional use permits. (Ord. 08-11) (Ord. 10-02)
- (E) Approval Standards. The following standards shall apply to the issuance of a conditional use permit. The Land Use Authority may: (Ord. 10-02)
1. Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use. (Ord. 10-02)
  2. Impose conditions as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, the City as a whole, or public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit. (Ord. 10-02)
  3. Approve, approve with conditions, or deny a conditional use, but shall approve it if they can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if there are insufficient reasonable conditions the Land Use Authority could impose to substantially mitigate any reasonably anticipated detrimental effects of a proposed conditional use in order to achieve compliance with applicable standards, they may deny the requested conditional use. (Ord. 10-02)
  4. The Land Use Authority may request additional information as needed to determine the potential for compliance with requirements of Subsection (3), above. (Ord. 10-02)
  5. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application: (Ord. 10-02)
    - (a) Compliance of the proposed use with intent of the City's General Plan and the regulations and conditions of this Title; (Ord. 10-02)
    - (b) The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; (Ord. 10-02)
    - (c) Any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and

building massing, and any other information in order to render a proper decision; (Ord. 10-02)

- (d) Safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation and to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use; (Ord. 10-02)
- (e) Impacts on schools, utilities, transportation, traffic, and streets for the proposed site and surrounding area, including the following criteria; appropriate buffering of uses and buildings, proper parking and traffic circulation, and use of building materials and landscaping that are in harmony with the area and compatible with adjoining uses; and (Ord. 10-02)
- (f) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. (Ord. 09-10) (Ord. 10-02)

6. When an applicant proposes a use which requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit, subject to the following requirements: (Ord. 10-02)

- (a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors set forth in Subsection (E) of this Section. (Ord. 10-02)
- (b) Allowing nonconformance with respect to building setbacks, building height, landscaping and parking space requirements. (Ord. 10-02)
- (c) Meeting all current building, construction, engineering, fire, health and safety standards as a condition of approval. (Ord. 10-02)
- (d) Notifying the applicable neighborhood association by mail and posting a copy on the affected property or premises. (Ord. 10-02)

(F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance or denial of a minor conditional use permit may appeal such decision to the Planning Commission by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. (Ord. 10-02)

(G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other title of the Syracuse City Municipal Code.

1. Unless otherwise specified by the Land Use Authority and subject to

the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land. (Ord. 10-02)

- (H) Amendments. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this Section.
- (I) Revocation or Suspension. The Planning Commission may revoke or suspend a conditional use permit as provided in Section 10-3-080 of this Title. (Ord. 10-02)
  - 1. Any of the following shall also be grounds for revocation or suspension:
    - (a) the use for which the City granted the permit has ceased for one (1) year or more; (Ord. 10-02)
    - (b) the holder or user of the permit failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use; (Ord. 10-02)
    - (c) the holder or user of the permit failed to construct or maintain the site as shown on the approved site plan or map; or (Ord. 10-02)
    - (d) the Planning Commission determined that operation of the use or character of the site was a nuisance or by a Court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance. (Ord. 10-02)
  - 2. The Planning Commission shall not revoke a conditional use permit without first holding a public hearing. The City shall notify permittee in writing, served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its convening. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Planning Commission shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council in the manner provided in Section 10-4-140. Revocation or suspension of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 10-02)
- (J) Expiration.
  - 1. Conditional Use Permit approval issued by the City shall expire if any of the following occur:
    - (a) Applicant does not implement the granted permit within one (1) year of the issued approval date. (Ord. 10-02)
    - (b) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
    - (c) A conditional use permit for a non-physical structure is valid for only the original applicant and not transferable to any other resident or address. Upon termination of a permittee's residency, the conditional use permit shall become invalid. Otherwise, a permit for physical structures remains

with the land, and all future owners shall be held to the same standards as originally approved.

2. The holder of a permit may submit a written request to the Community Development Department, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority and meeting the requirements under Section 10-3-040 of this Title. If the Land Use Authority does not approve the application, no one shall reapply for the same purpose for a minimum period of twelve (12) months. (Ord. 06-17) (Ord. 06-27) (Ord. 10-02)

**Section 2. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 3. Effective Date.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,  
STATE OF UTAH, THIS 14<sup>th</sup> DAY OF MARCH, 2012.**

**SYRACUSE CITY**

ATTEST:

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Cassie Z. Brown, City Recorder

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Jamie Nagle, Mayor



**Mayor**  
Jamie Nagle

**City Council**  
Brian Duncan  
Craig Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

**City Manager**  
Robert D. Rice

### ***Factual Summation***

- Any questions regarding this items may be directed at City Planner Kent Andersen
- See the attached proposed changes to Title 10 Chapter 6 General Land Use Regulations - Animals
- See the attached Davis County Ordinance
- See the attached dissenting opinions from two Syracuse City Planning Commissioners
- See the attached Ordinance No. 12-03

## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Community & Economic Development Department

**Date:** March 14, 2012

**Subject:** Proposed changes to Title 10 Chapter 6 Section 040 Animals

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### **Background**

On September 27, 2011, staff presented a recommendation to the City Council for approval from the Planning Commission for an amendment to the Animal Ordinance to include pigeons in the point table as well as a small language change. At the September 27 meeting, City Council discussion moved beyond the changes presented and requested that staff and Planning Commission include additional changes such as a point allocation for quarter-acre lots, an example of the use of the point system, etc.

During the period in which staff and Planning Commission was formulating additional recommendations to the Animal Ordinance, Davis County informed staff that the County was considering making changes to the County Animal Ordinance. Davis County requested City staff to hold onto any changes to the Syracuse Animal Ordinance until Davis County was able to make their changes. Davis County also requested that Syracuse amend the Animal Ordinance to mirror the County Ordinance to ease the burden on County animal enforcement officers of knowing every city animal ordinance. Syracuse City is under no obligation to make this change and Davis County has reflected that they will continue to enforce our ordinance as written. On January 3, 2012, Davis County Commissioners approved the attached amendment to the County

Animal Control Ordinance, which went into effect on January 24, 2012. Primary changes includes: addition of cat registering and licensing requirements, allowance of maximum of three cats and dogs in any combination, if a third dog is owned the dog must be acquired from a legitimate animal shelter, etc. If the Syracuse City Ordinance does not address a specific issue, then the County Ordinance then the State Ordinance is applicable.

### **Consideration of an Amendment to the Cluster Subdivision Ordinance**

On February 7, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the Animal ordinance, in which comments were received. At that time, the Syracuse City Planning Commission chose to table the approval of the animal ordinance so that additional changes could be included. On February 22, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to Title Ten, Chapter 6, General Land Use Regulations within the Syracuse City Code.

This amendment includes the following: addition of a point allocation to lots that are a quarter of an acre or larger, examples of use of the point system and square footage conversion, reclassification of large animals, addition of a small fowl group in the points table, maintain that no more than two of the same species for household pets shall be kept, a limit on the maximum number of dogs a kennel permit allows, an additional exception to the point system, language regarding the harvesting of farm animals, the exemption of service animals from number of animals allowed through the use of a minor conditional use permit, a few definition changes, and other minor changes (see attached changes). Two dissenting opinions from Syracuse City Planning Commissioners have also been provided and are subsequently attached.

At the February 28, 2012 City Council Work Session, additional comments were received. Therefore, these additional changes are highlighted in yellow in the attached proposed changes.

### **Recommendation**

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, Chapter Six General Land Use Regulations - Animals within the Syracuse City Code to reflect attached Ordinance No. 12-03.

# TITLE X

## CHAPTER 6

### GENERAL LAND USE REGULATIONS

10-6-010: Effect of Chapter

10-6-020: Regulations for Buildings and Structures

10-6-030: Regulations for the Use of Land

10-6-040: **Farm Animals Keeping**

10-6-050: Lot and Yard Regulations

10-6-060: Miscellaneous Requirements and Provisions

10-6-070: Shade Trees

10-6-080: Buffer Yards

10-6-090: Agriculture Protection Areas

10-6-100: Conditional Uses

10-6-040: **ANIMALS.**

- (A) Animal Clinics. Such facilities shall require sound-proof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than one hundred (100) feet from any residential dwelling unless it also incorporates sound-proof walls. (Ord. 11-02)
- (B) Animal Hospitals. Such facilities shall receive site plan approval and locate no closer than two hundred (200) feet from any residential dwelling. (Ord. 11-02)
  - 1. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility. (Ord. 11-02)
  - 2. Hospitals shall be no closer than two hundred (200) feet to any adjacent primary structure, constructed with sound-proof walls, and comply with Table D for Buffer Yards. (Ord. 11-02)
  - 3. The lot-size requirement for such facilities shall be no less than one (1) acre. (Ord. 11-02)
  - 4. The property shall provide one-half (1/2) a parking space for each animal housed at the facility. (Ord. 11-02)
  - 5. Site plan shall include means for controlling dust, odor, and insects for the outdoor exercise runs, location of all existing and proposed structures, utilities, and landscaping. (Ord. 11-02)
- (C) Farm Animal Keeping.

1. Definitions:

**Comment [KA1]:** Alphabetize

LIVESTOCK. Any normally-domesticated animal that is not a cat or dog, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc. (Ord. 06-17)

ADEQUATE FENCING. At a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal-fence panels. (Ord. 06-17)

FARM INDUSTRY. Generally all phases of farm operation including, but not necessarily limited to, the keeping and raising of farm animals and/or fowl for domestic or commercial use, e.g. such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses as well as any and accessory uses thereof, except commercial slaughter. (Ord. 06-17)

**Comment [KA2]:** Changes reflect Chapter 2 definition. Only allowed in A-1 on a minimum of 5 acres

FARM ANIMAL KEEPING. The keeping of animals or fowl, such as commonly used for food or fiber production or as a beast of burden, ~~for commercial purposes or~~ for recreational pleasure. (Ord. 06-17)

**Comment [KA3]:** Permitted in A-1 and R-1

2. In residential and agricultural zones where permitted, farm animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot, and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50) feet from a public street. All farm animals and fowl shall be kept within the subject property unless under direct supervision and control of the property owner or designee. In residential zones where animal keeping is a permitted ~~or conditional~~ use, there shall be a minimum lot size of ~~twenty-one thousand seven hundred eighty (21,780)~~ ten thousand eight hundred ninety (10,890) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:

(a) To determine the square footage of a lot, use the following conversion:  
Square footage = 43,560 x (lot size in acreage)  
Example: 1/4 (0.25) acre lot  
43,560 x (0.25) = 10,890 square feet

(ab) In residential zones where farm animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of ~~ten (10)~~ one (1) points for each ~~ten thousand eight hundred ninety (10,890)~~ one thousand eighty nine (1,089) square feet thereafter. (Ord. 06-17) (Ord. 08-07) (Ord. 11-02)  
[Example, using schedule below: A lot size of twenty-one thousand seven hundred eighty (21,780) square feet, would have an allocation of forty (40) points which would allow one (1) horse for twenty (20) points and two (2) goats for ten (10) points each or two (2) horses for twenty (20) points each.]

(bc) In residential zones where farm animal keeping is a conditional permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) a minimum of ten thousand eight hundred ninety (10,890) square feet shall have an allocation of twelve (12) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) one thousand three hundred sixty one (1,361) square feet thereafter. Such square footage calculations shall not include the square footage of structures located on the premises nor the square footage of the front yard. (Ord. 08-07)  
[Example, using schedule below: A lot size of ten thousand eight hundred ninety (10,890) square feet, would have an allocation of twelve (12) points which would allow one (1) goat for ten (10) points and one (1) rabbit for two (2) points or two (2) turkeys for five (5) points each and a pigeon for two (2) points.]

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(c) Farm A animals shall have points assigned to them based on the following groups:

|      |                                                                                           |                               |
|------|-------------------------------------------------------------------------------------------|-------------------------------|
| i.   | Large animals such as horses, <u>llamas, emus, ostriches</u> or cows (Ord. 06-17)         | Twenty (20) points each       |
| ii.  | Medium animals such as sheep, <u>or goats, llamas, emus or ostriches</u> (Ord. 08-07)     | Ten (10) points each          |
| iii. | Large fowl such as turkey or geese (Ord. 08-07)                                           | Five (5) points each          |
| iv.  | <u>Small fowl such as pheasant, pigeons, ducks or hens</u>                                | <u>Two (2) points each</u>    |
| v.   | Small animals <u>and fowl</u> such as rabbits or <u>pygmy goats, chickens</u>             | Two (2) points each           |
| vi.  | Pigs (provided their pens are at least two hundred (200) feet from neighboring dwellings) | One Hundred (100) points each |

Exception 1: This provision shall not apply to certified breeds of potbellied pigs with the North American Potbellied Pig Association. (1998) (Ord. 06-17)

Exception 2: In zones where farm animal keeping is a permitted use, the point total shall not include the counting of the first six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6).

(d) Animal owners shall contain animal waste runoff water from paddocks or stables so as not to contaminate residential water resources, public rights of way, or adjacent properties. (Ord. 06-17)

(e) In residential zones, harvesting of farm animals is a permitted use and shall be conducted within the rear yard of the lot in an area not visible from the street or neighboring properties. See State Code for additional laws regulating harvesting.

Comment [KA4]: Will be removed, as animal cruelty laws is applicable in Title VI.

(D) Dog Kennel Regulations. Parcels or lots with three (3) or more dogs four (4) months old or older are considered Kkennels and shall require a conditional use permits. The Land Use Authority shall review each request separately on its own merits. The Land Use Administrator and may revoke a kennel conditional use permit as set forth in 10-3-080. In no case shall a residential kennel permit be for more than four (4) dogs. (Ord. 08-07) (Ord. 11-02)

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1. Owners of kennels shall obtain licensing for each dog from Davis County Animal Control and comply with all adopted animal-control regulations not addressed in this Title. (Ord. 11-02)
2. All pens, runs, shelters, or similar structures housing dogs in Agriculture and Residential Zones for residential kennels shall be no less than one hundred (100) feet from neighboring or abutting dwellings. (Ord. 11-02)
3. In order to qualify for a residential kennel, to have a third dogs, four (4) months old or older, on a residential lot the dogs' owner(s) shall acquire approval for a minor conditional use permit. (Ord. 08-07) (Ord. 11-02)
4. Kennels for commercial purposes shall keep a All pens, runs, shelters, or similar structures housing the dogs for commercial kennels shall be no less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings, and the owner of the parcel or lot shall acquire approval for a major conditional use permit. (Ord. 11-02)
5. Commercial kennels shall be located on a minimum of five (5) acres and must receive a minor conditional use permitsite plan approval. (Ord. 11-02)

**Comment [KA5]:** Currently only allowed in A-1, R-1, & R-2

(E) Household Pets. Property owners may keep dogs, cats, small animals and fowl as household pets in residential zones subject to the following conditions: (Ord. 06-17)

1. Dogs, cats, small A animals ander fowl shall be kept in pens, or otherwise secured, unless housed within the dwelling unit.
2. No more than two (2) of the same species shall be kept, excluding dependent young.
3. In no case shall there be more than four (4) dogs, cats, small animals or fowl kept as household pets.
4. To be eligible for more than two (2) cats, up to a maximum of four (4), the cats' owner(s) shall acquire approval for a minor conditional use permit. However, in no case shall a cats' owner(s) be allowed a residential kennel permit [three (3) to four (4) dogs] and a minor conditional use permit for more than two (2) cats.
45. All pens, coops, and structures shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)

**Comment [KA6]:** See Section 6.12.060 of the County ordinance below. Allows three cats or dogs of any combination, but if you want a third dog it must have been acquired from a legitimate "animal shelter"

**Comment [KA7]:** County is recommending three (3)  
[Section 6.12.060 of the Davis County Code reads "No person or persons at any one (1) residence within the jurisdiction of this title shall at any one (1) time own, harbor, license, or maintain more than three (3) cats and dogs in any combination. A person may only own, harbor license, or maintain three (3) dogs if one of the dogs has been acquired from a legitimate animal shelter, as the term "animal shelter" is defined in the Utah Animal Welfare Act."]

**Comment [KA8]:** This is proposed as non-zone specific. Therefore any zone is eligible for this conditional use, unlike a dog kennel, which is only eligible in A-1, R-1, and R-2 zones.

~~56.~~ Dogs, cats, small Ag animals ~~and~~ fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)

~~7.~~ Dogs require registering and licensing with Davis County according to County ordinance.

~~8.~~ Service animals (any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability) are considered exempt from the number of animals allowed by this ordinance. To be eligible for this exemption, an owner must apply for a minor conditional use permit and provide proof of National Service Animal Registry for each qualifying animal.

**Comment [KA9]:** Removed cat licensing as suggested at 2/28/2012 CC meeting.

(F) Stables, Public. (Ord. 11-02)

1. Stables shall require a minimum of four (4) acres.
2. The number of animals shall be no more than four (4) per each acres of property in the stable use.
3. The property shall provide one-half (1/2) of a parking space for each animal housed at the facility.
4. Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.
5. The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.
6. The applicant shall submit a site plans showing the location of all existing and proposed structures and utilities and landscaping.
7. All utilities servicing the stable shall be underground.
8. No stable shall be located within two hundred (200) feet of any residential dwelling unit.
9. Public access to the facility shall be from dawn to dusk.
10. Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water delivery systems or chemically treated exercise surface areas.

(G) Vietnamese Potbellied Pigs. Vietnamese Potbellied Pigs shall be considered household pets for the purposes of this Title and shall be allowed in any residential or agricultural zone subject to the following conditions:

- (a) No more than two (2) pigs may be kept per household, together with dependent young up to four (4) months in age.
- (b) The animals shall be purebred miniature Vietnamese potbellied pigs certified by the North American Potbellied Pig Association. The Land Use Authority may require proof of certification records as a condition of approval. (Ord. 06-17) (Ord. 08-07)

- (c) The animals may not exceed one hundred (100) pounds in weight. (1994) (Ord. 06-17)
- (H) Rabbits and Hens. Residents may keep rabbits and hens outside the dwelling subject to the following conditions: (Ord. 08-07)
  - (a) The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young. (Ord. 08-07)
  - (b) The animals shall be kept in pens, coops, or contained in a fenced area. (Ord. 08-07)
  - (c) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
  - (d) Roosters are not permitted in any residential zones. (Ord. 08-07)

# TITLE X

## CHAPTER 6

### GENERAL LAND USE REGULATIONS

**10-6-100: CONDITIONAL USES.** The following conditional use shall comply with the applicable standards established herein and may be subject to additional regulations specific to the applicable zone. The zone specific provisions shall apply if a conflict exists between general and specific conditional use provisions. Each applicable zone establishes if the use is conditional or permitted. (Ord. 08-07) (Ord. 10-02) (Ord. 11-02) (Ord. 11-10)

(B) Major. The following conditional uses are major and require approval as established in Section 10-4-080: (Ord. 11-10)

8. ~~Farm Animal Keeping (See Section 10-6-040) (Ord. 08-07)~~

# TITLE X

## CHAPTER 2

### DEFINITIONS

**10-2-040: DEFINITIONS.** As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Building Code shall be construed as defined therein. (Ord. 08-07)

FARM ANIMAL KEEPING: The keeping of animals and fowl, ~~for family use, such as commonly used for food or fiber production or as a beast of burden, for recreational pleasure.~~

**Comment [KA10]:** Matching Chapter 6 definition

**DAVIS COUNTY**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF THE ANIMAL CONTROL ORDINANCE AS SET FORTH IN TITLE 6, DAVIS COUNTY CODE, TO UPDATE THE CODE WITH REGARD TO THE LICENSING, CARE, AND PROTECTION OF ANIMALS**

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that Sections 6.04.010, 6.12.010, 6.12.060, 6.20.040, 6.28.010, 6.32.010 of the Davis County Code are inadequate and should be amended to reflect the changes in state law and better meet the purposes of the Davis County Animal Care & Control Office and the County, that Section 6.16.140 should be enacted to better meet the purposes of the Davis County Animal Care & Control Office and the County, that Section 6.12.070 should be repealed to better meet the purposes of the Davis County Animal Care & Control Office and the County, and that it is in the best interest of the County that this ordinance be adopted.

The Board of County Commissioners of Davis County, Utah, ordains as follows:

BE IT ORDAINED THAT

**Section 1. Section 6.04.010 of the *Davis County Code* is amended as follows:**

**Section 6.04.010 - Definitions.**

As used in this title:

1. "Animal" means any and all types of livestock, dogs and cats, **fowls**, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.
2. "Animal boarding establishment" means any establishment that takes in animals and boards them for profit.
3. "Animal Control Director" and "Director" each mean the Director of the Animal Care and Control Department.
4. "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
5. "Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
6. "Animal at large" means any animal, whether licensed or not, when
  - a. The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.
  - b. The animal is on the property of the owner or custodian and is not:

- (1) Securely confined in a building, fenced area, cage or kennel;
  - (2) Under the immediate physical restraint by the owner or custodian; or
  - (3) Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.
- c. A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.
7. "Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
8. "Cat" means any age feline of the domesticated types.
9. "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.
10. "Center" means the Davis County Animal Control Center.
11. "Custodian" means a person having formal or informal custody, control, or possession.
12. "Dangerous animal" means any animal that:
  - a. Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property;
  - b. Has been previously found to be a potentially dangerous animal, whose owner has received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
  - c. Is found to be in violation of any of the restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.
13. "Department" means the Davis County Department of Animal Care and Control.
14. "Dog" means any canis familiaris.
15. "Domestic animals" means animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.
16. "Estray" means any livestock found at large.
17. "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.
18. "Kennel" means land or buildings used in the keeping of three (3) or more dogs, four (4) months or older.
19. "Livestock" means any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.
20. "Owner" means any person having an ownership or proprietary interest in an animal or having formal or informal custody of an animal.
21. "Pet" means a domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
22. "Pet shop" means any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

23. "Potentially dangerous animal" means any animal:
- a. That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;
  - b. Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or
  - c. That, because of witnessed and documented conduct is reasonably believed to be capable or causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.
24. "Quarantine" means the isolation of an animal as required by this title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
25. "Restraint device" means any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.
26. "Riding school or stable" means an establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.
27. "Vicious animal" means any animal which has:
- a. Inflicted severe injury on a human being with or without provocation on public or private property;
  - b. Has killed a domestic animal with or without provocation while off the owner's property; or
  - c. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to Sections 6.16.050 and 6.16.060 of this title.
28. "Wild animal" means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:
- a. Alligators, crocodiles, Caiman;
  - b. Bears (Ursidae). All bears including grizzly bears, brown bears and black bears;
  - c. Cat Family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
  - d. Dog Family (Canidae). All, except domesticated dogs, and including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;
  - e. Porcupine;
  - f. Primates (all subhuman primates);
  - g. Raccoon (all varieties);
  - h. Skunks;
  - i. Venomous snakes or lizards;
  - j. Weasels. (All weasels, martens, wolverines, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised

commercially for their pelts, in or upon a properly constructed legally operated ranch.

**Section 2. Section 6.12.010 of the *Davis County Code* is amended as follows:**

**6.12.010 Licensing and registration of dogs and cats.**

It is unlawful for any person to own, keep, harbor or maintain a dog or cat over the age of four months of age, without registering and obtaining a license for such dogs and cats from the Animal Control Department or authorized vendor. All dogs and cats brought into Davis County shall require registering and licensing within thirty (30) days after they enter Davis County, or within thirty (30) days after having reached the age of four (4) months. The annual fee for all dog and cat licenses shall be from time to time set by resolution by the Board of County Commissioners. For any dog or cat not registered within thirty (30) days after having been brought into Davis County, or within thirty (30) days of being four months old, the owner thereof will be required to pay an additional license late fee which shall be set from time to time by resolution of the Board of County Commissioners. No dog or cat shall be licensed as spayed or neutered without proof that the surgery has been performed.

Dog and cat licenses shall be renewed each year, with each license being valid from the date of purchase for twelve (12) consecutive months with the license expiration date one year from the date of purchase. Three year cat licenses shall be valid from the date of purchase for thirty-six (36) consecutive months with the license expiration date three years from the date of purchase. Licenses not renewed within thirty (30) days of expiration shall be subject to the applicable late fee.

**Section 3. Section 6.12.060 of the *Davis County Code* is amended to read:**

**Section 6.12.060 Number of dogs and cats per residence.**

No person or persons at any one (1) residence within the jurisdiction of this title shall at any one (1) time own, harbor, license, or maintain more than three (3) cats and dogs in any combination. A person may only own, harbor, license, or maintain three (3) dogs if one of the dogs has been acquired from a legitimate animal shelter, as the term "animal shelter" is defined in the Utah Animal Welfare Act. ~~as otherwise provided in this chapter.~~

**Section 4. Section 6.20.040 of the *Davis County Code* is amended to read:**

**Section 6.20.40 – Impoundment and disposal.**

- A. Animals shall be impounded for a minimum of ~~three~~ five (5) business days before further disposition. Reasonable effort shall be made to notify the owner, caretaker or sponsor, of any animal wearing a license or other form of identification, including but not limited to a microchip, during that time. Notice shall be deemed given when sent to the last known address of the listed owner, caretaker or sponsor. Any animal voluntarily relinquished to the animal control facility by the

owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided. In compliance with the Community Cat Act, any cat received by a shelter under the provisions of Section 11-46-103, Utah Code Annotated, may be released prior to the five (5) day holding period to a sponsor that operates a community cat program.

- B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the Director of Animal Control shall direct. Any healthy dog or cat may be sold in compliance with the Davis County animal control adoption policy after payment of all applicable fees. Other small animals, not included as livestock may also be sold as determined by the director.
- C. Any animal impounded and having or suspected of having a serious physical injury or contagious disease requiring medical attention may, at the discretion of the Animal Control Director, be released to the care of a veterinarian with or without the consent of the owner, caretaker or sponsor.
- D. When, in the judgment of the Director of Animal Control, it is determined that an animal should be destroyed without delay for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this title, except as provided in Chapter 6.24, and without court order.
- E. The Animal Control Director or any of his or her agents may destroy an animal upon request of the owner without transporting the animal to County facilities. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass done by the Department of Animal Control.
- F. In the event that an impounded animal is to be sold at an administrative auction, notice of the sale shall be given in a newspaper of general publication once at least 10 calendar days prior to the sale.

**Section 35. Section 6.28.010 of the Davis County Code is amended to read:**

**Section 6.28.010 Cruelty to animals.**

A person commits cruelty to animals when he or she:

- A. Causes one animal or fowl to fight with another;
- B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his own property or that of

another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals;

- C. By act or omission causes pain, suffering, terror or torment, or if he or she injures, mutilates, or causes disease or death to any animal or fowl;
- D. Administers or applies or procures or permits the administration of application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to domestic animals or livestock, with the intent to harm or take the animal whether the animal be his or her own property or that of another. All set live capture traps shall be checked and emptied daily. All traps must have owner identification permanently affixed to them;
- E. In the case of an animal owner, custodian, or sponsor, ~~N~~neglects or fails to supply such animal with necessary and adequate exercise, care, rest, food, drink, air, light, space, shelter, protection from the elements, and/or medical care;
- F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur;
- G. Is present as a spectator at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals; or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or her or under his or her control for any of these purposes;
- H. Abandons an animal;
- I. Performs or causes to be performed any of the following operations:
  - 1. Inhumanely removes any portion of the beak of any bird, domestic or wild,
  - 2. Alters the gait or posture of any animal, by surgical, chemical, mechanical, or any other means, including soring,
  - 3. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian,
  - 4. Inhumanely docks the tail of an animal or removes an animal's dewclaws;
- J. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely, or lie down during transportation, or while awaiting slaughter, must be provided;
- K. ~~Leaves any animal confined in a vehicle unattended in excessively hot or cold weather~~ **Carries, transports, or confines any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal**

without adequate ventilation, food or water for an unusual length of time. In this section the determination of whether treatment of an animal is “cruel or inhumane” shall be made by the Director of Animal Care and Control, his designated officer, or local law enforcement officer, after considering the individual circumstances;

- L. Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically;
- M. Takes or kills any bird(s) or robs or destroys any nest, eggs or young or any bird in violation of the laws of the State of Utah;
- N. Inhumanely hobbles livestock or other animals;
- O. Leaves any livestock species used for draught, driving or riding purposes, on the street without protection from the weather and without food and water;
- P. Recklessly rides or drives any horse or other livestock species on any street, highway, or avenue within this jurisdiction;
- Q. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause physical injury or unnecessary suffering;

| **Section 46. Section 6.16.140 of the *Davis County Code* is hereby enacted to read as follows:**

**Section 6.16.140      Animals Attacking Persons and Animals.**

A. **Attacking Animals:** It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or threaten any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. “Threaten,” as used in this section means any menacing behavior, including but not limited to, lunging, growling, biting, or bearing of teeth.

B. **Owner Liability:** The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

C. **Defenses:** The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

- 1. That the animal was properly confined on the premises;
- 2. When the animal is on its owner’s property;

3. That the animal was deliberately or maliciously provoked.

D. Any person may take reasonably necessary actions, including killing, to defend him or herself, other persons, and property while the animal is committing any of the acts specified in subsection A of this section.

**Section 57. Section 6.32.010 of the *Davis County Code* is amended to read:**

**Section 6.32.010 Fees & Charges**

| <b>Fee Description</b>                                                                                                                                                                                                                                                                                                                                      | <b>Amount</b>    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Relinquishment (at the Animal Shelter)                                                                                                                                                                                                                                                                                                                      | 15.00            |
| Relinquishment (in the field with pickup by Animal Control officer)                                                                                                                                                                                                                                                                                         | 30.00            |
| Relinquishment (litter and mother)                                                                                                                                                                                                                                                                                                                          | 15.00            |
| Impound of domestic animal                                                                                                                                                                                                                                                                                                                                  | 50.00            |
| Impound of livestock (during day operation hours)                                                                                                                                                                                                                                                                                                           | 75.00            |
| Impound of livestock (after day operation hours)                                                                                                                                                                                                                                                                                                            | 95.00            |
| Daily board charges for domestic animal                                                                                                                                                                                                                                                                                                                     | 10.00            |
| Daily board charges for livestock                                                                                                                                                                                                                                                                                                                           | 25.00            |
| Euthanasia and disposal                                                                                                                                                                                                                                                                                                                                     | 40.00            |
| Quarantine (for 10 day period)                                                                                                                                                                                                                                                                                                                              | 100.00           |
| <del>Adoption/Purchase (unaltered dog or cat)</del>                                                                                                                                                                                                                                                                                                         | <del>15.00</del> |
| <del>Adoption/Purchase Off Site (unaltered dog or cat)</del>                                                                                                                                                                                                                                                                                                | <del>40.00</del> |
| <del>Adoption/Purchase (altered dog or cat)</del>                                                                                                                                                                                                                                                                                                           | <del>45.00</del> |
| <del>Adoption/Purchase Off Site (altered dog or cat)</del>                                                                                                                                                                                                                                                                                                  | <del>70.00</del> |
| <del>Adoption/Purchase (small animal excluding dogs and cats)</del>                                                                                                                                                                                                                                                                                         | <del>5.00</del>  |
| <u>Fees for adoption/purchase of dogs, cats, and small animals such as turtles, snakes, gerbils, etc., are on a sliding scale as set by Animal Control based on such factors as size, breed, and age of the animal, and time spent in the shelter. In no event, shall the fee for adopting/purchasing a dog, cat or small animal be more than \$295.00.</u> |                  |
| Spay/Neuter Feline                                                                                                                                                                                                                                                                                                                                          | 45.00            |
| Spay/Neuter Canine (under 30 lbs)                                                                                                                                                                                                                                                                                                                           | 55.00            |
| Spay/Neuter Canine (30-59 lbs)                                                                                                                                                                                                                                                                                                                              | 65.00            |
| Spay/Neuter Canine (60-89 lbs)                                                                                                                                                                                                                                                                                                                              | 75.00            |
| Spay/Neuter Canine (over 90 lbs)                                                                                                                                                                                                                                                                                                                            | 85.00            |
| Spay female in heat additional                                                                                                                                                                                                                                                                                                                              | 25.00            |
| Neuter with Retained Testicle additional                                                                                                                                                                                                                                                                                                                    | 25.00            |
| License for dog <del>or cat</del> (unsterilized/no microchip) for one year                                                                                                                                                                                                                                                                                  | 40.00            |
| License for dog <del>or cat</del> (sterilized / no microchip) for one year                                                                                                                                                                                                                                                                                  | 15.00            |

|                                                                                                                        |                  |
|------------------------------------------------------------------------------------------------------------------------|------------------|
| License for dog (unsterilized / microchip)                                                                             | 30.00            |
| License for dog (sterilized / microchip)                                                                               | 10.00            |
| Three year for dog (unsterilized / no microchip)                                                                       | 120.00           |
| Three year for dog (unsterilized / with microchip)                                                                     | 90.00            |
| Three year for dog (sterilized / no microchip)                                                                         | 45.00            |
| Three year for dog (sterilized / microchip)                                                                            | 20.00            |
| <u>License for cat (unsterilized/no microchip) for one year (includes microchip)</u>                                   | 15.00            |
| <u>License for cat (sterilized/no microchip) for one year (includes microchip)</u>                                     | 5.00             |
| <u>License for cat (unsterilized/microchip) for one year (no microchip)</u>                                            | 10.00            |
| <u>License for cat (sterilized/microchip) for one year</u>                                                             | 5.00             |
| <u>Three year license for cat (unsterilized with or without microchip)</u>                                             | 45.00            |
| <u>Three year license for cat (sterilized/no microchip) – includes microchip</u>                                       | 24.00            |
| <u>Three year license for cat (sterilized/microchip)</u>                                                               | 10.00            |
| License for dog <del>or cat</del> (unaltered unsterilized) for one year-Senior Citizen owner                           | 10.00            |
| License for dog <del>or cat</del> (altered sterilized) for lifetime - Senior Citizen owner                             | 20.00            |
| <u>License for cat (sterilized/microchip) for lifetime – Senior Citizen owner</u>                                      | 10.00            |
| <u>Transfer fee for cat or dog</u>                                                                                     | 5.00             |
| Late <u>license</u> fee for <del>license</del> <u>dog or cat</u>                                                       | 20.00            |
| Rabies Vaccination (1 year w/adoption)                                                                                 | 10.00            |
| Rabies Vaccination (3 years w/adoption)                                                                                | 12.00            |
| Five (5) Way Vaccination (w/adoption)                                                                                  | 15.00            |
| Vaccines Open to General Public                                                                                        | 20.00            |
| Combo Kits (any 2 vaccines) Open to General Public                                                                     | 30.00            |
| Combo Kits (any 3 vaccines) Open to General Public                                                                     | 50.00            |
| Micro Chip (Mandatory for Impounded Dogs)                                                                              | 25.00            |
| Micro Chip (For dogs of General Public)                                                                                | 25.00            |
| Micro chip (w/Adoption)                                                                                                | 20.00            |
| Kennel Fee (annual)                                                                                                    | 75.00            |
| Replacement/Duplicate tag <u>for dog or cat</u>                                                                        | 6.00             |
| <del>Regulatory permit (business)–</del>                                                                               | <del>50.00</del> |
| Euthanization of trapped raccoon (includes removal of carcass) and trapped skunk (does not include removal of carcass) | 20.00            |
| Trap rental security deposit                                                                                           | 50.00            |
| Trap rental fee per week                                                                                               | 10.00            |

**NON-CONTRACTED CITIES FEES:**

| <b>Fee Description</b>                       | <b>Amount</b> |
|----------------------------------------------|---------------|
| Impound                                      | 75.00         |
| Boarding per day/per animal                  | 20.00         |
| Impound of Livestock (regular working hours) | 125.00        |
| Impound of Livestock (after working hours)   | 175.00        |

|                                                                |                |
|----------------------------------------------------------------|----------------|
| Daily Boarding Charges for Livestock                           | 50.00          |
| Euthanasia and Disposal                                        | 50.00          |
| Quarantine (10 days)                                           | 200.00         |
| Stock Truck, Trailer and ACO from Animal Control site & return | 200.00         |
|                                                                | +2.00 per mile |

**Section 86. Section 6.12.070 of the *Davis County Code* is hereby repealed.**

**~~Section 6.12.070~~ — ~~Regulatory permits.~~**

~~It is unlawful for any person to operate a boarding kennel, cattery, pet shop, groomery, riding stable, or any similar establishment, unless such person first obtains a regulatory permit from the Animal Control Department, which permit shall be in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted together with the required permit fee on a printed form provided by the Animal Control Department. Before the permit is issued, approval shall be granted by the Davis County Health Department, and appropriate zoning authority and the Animal Control Department. Establishments in existence prior to the ratification of this title shall obtain such regulatory permit within ninety (90) days of written notification of the regulatory inspector that such a permit is necessary.~~

**Section 9. Effective Date.**

This ordinance shall become shall become effective 15 days after its adoption and upon publication as required by law.

This ordinance was duly approved and adopted by the Board of County Commissioners of Davis County, Utah on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, with Commissioners, Louenda H. Downs, P. Bret Millburn and John Petroff Jr., all voting as noted above regarding passage of this ordinance.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: \_\_\_\_\_  
Louenda H. Downs, Chairperson

ATTEST:

\_\_\_\_\_  
Steve S. Rawlings  
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:

---

Deputy Davis County Attorney

To: Syracuse City Council

From: TJ Jensen

Syracuse City Planning Commissioner

A Dissenting Opinion In Regard to Changes To The Animal Ordinance

Council members,

I am writing you in regards to the suggested changes forwarded by the Planning Commission yesterday. While I concur with most of the changes proposed, there is one point that I feel still needs to be addressed.

Under our current ordinance, pet owners in Syracuse are allowed a total of four pets (dogs, cats, birds, ferrets, and such), with a limitation of no more than two of any one species. Dog owners are granted an exception to this if they apply for a Kennel conditional use, which will allow them a total of three (3) dogs under the current ordinance, or four (4) dogs with the changes we have suggested.

My issue is that I strongly believe that the two of any one species provision is too restrictive, and is unfair to owners of pets that are not dogs. I would argue that most complaints that are fielded by staff involve dogs, and not other types of pets.

Under the recently adopted county ordinance, pet owners are allowed a total of three (3) pets, with dogs being additionally restricted. If the county does not have a problem with people owning three (3) cats, parakeets, or whatever, I would argue that at the very least we should allow the same, especially given the more rural nature of much of our community.

If a pet owner is deemed unable to care for his pets under health or humane standards, there are already other ordinances on the books to address such violations. Otherwise responsible pet owners should not be penalized for the bad behavior of a few bad pet owners.

I know we have quite a good number of households in our community that are in violation of the 'two of any one species' rule, from conversations with various residents. I'd prefer such residents to be able to keep their pets, rather than having to give them to the animal shelter, which may result in the termination of said pet if it is not adopted by a new owner.

And, as my neighbor pointed out to me, for those pet owners with larger lots, having an extra cat or two on hand to keep the mice population under control is a good idea. Especially with things like the hantha virus and such being carried by said vermin.

In short, I would ask that you consider relaxing the 'two of any one species' rule, either changing it to 'three of any one species' to more closely mirror the County ordinance or dropping the

species provision completely, which will still restrict the total number of pets to four (4) under our current ordinance.

Thank you for your consideration,

TJ Jensen

Syracuse City Planning Commissioner

City Council

Dissenting Opinion: Animal Ordinance

Gary Pratt, Vice Chair Planning Commission

After careful review, I feel that under section (C)2.c (Exception 2), which was added at the last minute, is unnecessary for a couple of reasons.

- First it mathematically adds a handicap impacting the ordinance points system that increases the numbers of animals artificially on properties which was not the intent of the ordinance points system.
- It is not part of the examples provided in the ordinance which were added for clarity or the point's grid in the same section. It just adds additional confusion in calculating the number of animals a property could have.

While the Planning Commission did add and make clarifications to the ordinance based on public comment, we did not hear any to illicit such an addition. This section is unnecessary and does not provide the clarity to the ordinance that was desired. I do support the other changes and additions to the ordinance.

I ask for your consideration in removing the language and exception base on these concerns.

Gratefully,

Gary Pratt

**ORDINANCE NO. 12-03**

**AN ORDINANCE OF THE SYRACUSE CITY COUNCIL AMENDING  
VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE,  
RELATING TO ANIMALS.**

**WHEREAS**, the Syracuse City Council has previously adopted the City Subdivision Ordinance and the City Land Use Ordinance for the purpose of regulating the use of land within the City; and

**WHEREAS**, the City Council hereby finds and determines that the use of subdivision and land use regulations is necessary to promote the public welfare by regulating the use of land in a manner that promotes sustainable development and preserves property values of both developing property and existing development; and

**WHEREAS**, the City Council hereby further finds that the City Subdivision Ordinance and the City Land Use Ordinance requires amendment to provide further clarification and to expand property rights as it relates to animals;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Section 10-6-040 of the Syracuse City Code is hereby amended to read in its entirety as follows:

**CHAPTER 6**

**GENERAL LAND USE REGULATIONS**

- 10-6-010: Effect of Chapter**
- 10-6-020: Regulations for Buildings and Structures**
- 10-6-030: Regulations for the Use of Land**
- 10-6-040: Animals**
- 10-6-050: Lot and Yard Regulations**
- 10-6-060: Miscellaneous Requirements and Provisions**
- 10-6-070: Shade Trees**
- 10-6-080: Buffer Yards**
- 10-6-090: Agriculture Protection Areas**

**10-6-100: Conditional Uses**

**10-6-040: ANIMALS.**

- (A) Animal Clinics. Such facilities shall require sound-proof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than one hundred (100) feet from any residential dwelling unless it also incorporates sound-proof walls. (Ord. 11-02)
- (B) Animal Hospitals. Such facilities shall receive site plan approval and locate no closer than two hundred (200) feet from any residential dwelling. (Ord. 11-02)
1. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility. (Ord. 11-02)
  2. Hospitals shall be no closer than two hundred (200) feet to any adjacent primary structure, constructed with sound-proof walls, and comply with Table D for Buffer Yards. (Ord. 11-02)
  3. The lot-size requirement for such facilities shall be no less than one (1) acre. (Ord. 11-02)
  4. The property shall provide one-half (1/2) a parking space for each animal housed at the facility. (Ord. 11-02)
  5. Site plan shall include means for controlling dust, odor, and insects for the outdoor exercise runs, location of all existing and proposed structures, utilities, and landscaping. (Ord. 11-02)
- (C) Farm Animal Keeping.
1. Definitions:  
  
ADEQUATE FENCING. At a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal-fence panels. (Ord. 06-17)  
  
FARM ANIMAL KEEPING. The keeping of animals or fowl, such as commonly used for food or fiber production or as a beast of burden, for recreational pleasure. (Ord. 06-17)  
  
FARM INDUSTRY. Generally all phases of farm operation including, but not necessarily limited to, the keeping and raising of farm animals and/or fowl for domestic or commercial use, e.g. fur farms, livestock feed yards, pig farms, dairy farms, and similar uses as well as any accessory uses thereto, except commercial slaughter. (Ord. 06-17)  
  
LIVESTOCK. Any normally-domesticated animal that is not a cat or dog, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc. (Ord. 06-17)
  2. In residential and agricultural zones where permitted, farm animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot,

and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50) feet from a public street. All farm animals and fowl shall be kept within the subject property unless under direct supervision and control of the property owner or designee. In residential zones where animal keeping is a permitted use, there shall be a minimum lot size of ten thousand eight hundred ninety (10,890) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:

- (a) To determine the square footage of a lot, use the following conversion:  
 Square footage = 43,560 x (lot size in acreage)  
 Example: 1/4 (0.25) acre lot  
 $43,560 \times (0.25) = 10,890$  square feet
  
- (b) In residential zones where farm animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of one (1) point for each one thousand eighty nine (1,089) square feet thereafter. (Ord. 06-17) (Ord. 08-07) (Ord. 11-02)  
 [Example, using schedule below: A lot size of twenty-one thousand seven hundred eighty (21,780) square feet, would have an allocation of forty (40) points which would allow one (1) horse for twenty (20) points and two (2) goats for ten (10) points each or two (2) horses for twenty (20) points each.]
  
- (c) In residential zones where farm animal keeping is a permitted use, each lot containing a minimum of ten thousand eight hundred ninety (10,890) square feet shall have an allocation of twelve (12) points with an additional accrual of one (1) point for each one thousand three hundred sixty one (1,361) square feet thereafter. (Ord. 08-07)  
 [Example, using schedule below: A lot size of ten thousand eight hundred ninety (10,890) square feet, would have an allocation of twelve (12) points which would allow one (1) goat for ten (10) points and one (1) rabbit for two (2) points or two (2) turkeys for five (5) points each and a pigeon for two (2) points.]
  
- (c) Farm animals shall have points assigned to-them based on the following groups:

|      |                                                                            |                         |
|------|----------------------------------------------------------------------------|-------------------------|
| i.   | Large animals such as horses, llamas, emus, ostriches or cows (Ord. 06-17) | Twenty (20) points each |
| ii.  | Medium animals such as sheep or goats (Ord. 08-07)                         | Ten (10) points each    |
| iii. | Large fowl such as turkey or geese (Ord. 08-07)                            | Five (5) points each    |

|     |                                                                                           |                               |
|-----|-------------------------------------------------------------------------------------------|-------------------------------|
| iv. | Small fowl such as pheasant, pigeons, ducks or hens                                       | Two (2) points each           |
| v.  | Small animals such as rabbits or pygmy goats                                              | Two (2) points each           |
| vi. | Pigs (provided their pens are at least two hundred (200) feet from neighboring dwellings) | One Hundred (100) points each |

Exception 1: This provision shall not apply to certified breeds of potbellied pigs with the North American Potbellied Pig Association. (1998) (Ord. 06-17)

Exception 2: In zones where farm animal keeping is a permitted use, the point total shall not include the counting of the first six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6).

- (d) Animal owners shall contain animal waste runoff water from paddocks or stables so as not to contaminate residential water resources, public rights of way, or adjacent properties. (Ord. 06-17)
- (e) In residential zones, harvesting of farm animals is a permitted use and shall be conducted within the rear yard of the lot in an area not visible from the street or neighboring properties.

(D) Dog Kennel Regulations. Parcels or lots with three (3) or more dogs four (4) months old or older are considered kennels and shall require a conditional use permit. The Land Use Authority shall review each request separately on its own merits and may revoke a conditional use permit as set forth in 10-3-080. In no case shall a residential kennel permit be for more than four (4) dogs. (Ord. 08-07) (Ord. 11-02)

1. Owners of kennels shall obtain licensing for each dog from Davis County Animal Control and comply with all adopted animal-control regulations not addressed in this Title. (Ord. 11-02)
2. All pens, runs, shelters, or similar structures housing dogs for residential kennels shall be no less than one hundred (100) feet from neighboring or abutting dwellings. (Ord. 11-02)
3. In order to qualify for a residential kennel, the dogs' owner(s) shall acquire approval for a minor conditional use permit. (Ord. 08-07) (Ord. 11-02)
4. All pens, runs, shelters, or similar structures housing dogs for commercial kennels shall be no less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings, and the owner of the parcel or lot shall acquire approval for a major conditional use permit. (Ord. 11-02)
5. Commercial kennels shall be located on a minimum of five (5) acres and must receive a minor conditional use permit. (Ord. 11-02)

- (E) Household Pets. Property owners may keep dogs, cats, small animals and fowl as household pets in residential zones subject to the following conditions: (Ord. 06-17)
1. Dogs, cats, small animals and fowl shall be kept in pens, or otherwise secured, unless housed within the dwelling unit.
  2. No more than two (2) of the same species shall be kept, excluding dependent young.
  3. In no case shall there be more than four (4) dogs, cats, small animals or fowl kept as household pets.
  4. To be eligible for more than two (2) cats, up to a maximum of four (4), the cats' owner(s) shall acquire approval for a minor conditional use permit. However, in no case shall a cats' owner(s) be allowed a residential kennel permit [three (3) to four (4) dogs] and a minor conditional use permit for more than two (2) cats.
  5. All pens, coops, and structures shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
  6. Dogs, cats, small animals and fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)
  7. Dogs require registering and licensing with Davis County according to County ordinance.
  8. Service animals (any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability) are considered exempt from the number of animals allowed by this ordinance. To be eligible for this exemption, an owner must apply for a minor conditional use permit and provide proof of National Service Animal Registry for each qualifying animal.
- (F) Stables, Public. (Ord. 11-02)
1. Stables shall require a minimum of four (4) acres.
  2. The number of animals shall be no more than four (4) per each acres of property in the stable use.
  3. The property shall provide one-half (1/2) of a parking space for each animal housed at the facility.
  4. Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.
  5. The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.
  6. The applicant shall submit a site plans showing the location of all existing and proposed structures and utilities and landscaping.
  7. All utilities servicing the stable shall be underground.

8. No stable shall be located within two hundred (200) feet of any residential dwelling unit.
  9. Public access to the facility shall be from dawn to dusk.
  10. Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water delivery systems or chemically treated exercise surface areas.
- (G) Vietnamese Potbellied Pigs. Vietnamese Potbellied Pigs shall be considered household pets for the purposes of this Title and shall be allowed in any residential or agricultural zone subject to the following conditions:
- (a) No more than two (2) pigs may be kept per household, together with dependent young up to four (4) months in age.
  - (b) The animals shall be purebred miniature Vietnamese potbellied pigs certified by the North American Potbellied Pig Association. The Land Use Authority may require proof of certification records as a condition of approval. (Ord. 06-17) (Ord. 08-07)
  - (c) The animals may not exceed one hundred (100) pounds in weight. (1994) (Ord. 06-17)
- (H) Rabbits and Hens. Residents may keep rabbits and hens outside the dwelling subject to the following conditions: (Ord. 08-07)
- (a) The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young. (Ord. 08-07)
  - (b) The animals shall be kept in pens, coops, or contained in a fenced area. (Ord. 08-07)
  - (c) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
  - (d) Roosters are not permitted in any residential zones. (Ord. 08-07)

**Section 2. Amendment.** Section 10-6-100 of the Syracuse City Code is hereby amended to read in its entirety as follows:

**10-6-100: CONDITIONAL USES.** The following conditional use shall comply with the applicable standards established herein and may be subject to additional regulations specific to the applicable zone. The zone specific provisions shall apply if a conflict exists between general and specific conditional use provisions. Each applicable zone establishes if the use is conditional or permitted. (Ord. 08-07) (Ord. 10-02) (Ord. 11-02) (Ord. 11-10)

- (B) Major. The following conditional uses are major and require approval as established in Section 10-4-080: (Ord. 11-10)
1. Animal Hospitals. (Ord. 11-10)
  2. Churches or Religious Service Buildings. (Ord. 11-10)

3. Cluster Subdivisions {See Chapter 15 of this Title} (Ord. 08-07)
4. Day Care Centers. (Ord. 11-10)
5. Dwellings, Single-Family. (Ord. 11-10)
6. Dwellings, Two- (2) Family The owner of such a residential dwelling shall: (Ord. 10-02) (Ord. 11-10)
  - (a) Meet the International Building Code standards. (Ord. 11-02)
  - (b) Provide a minimum of two (2) off-street parking spaces per dwelling unit. (Ord. 06-17) (Ord. 11-02)
  - (c) Be responsible for payment of all utilities. (Ord. 06-27) (Ord. 11-02)
  - (d) Install utility services for each dwelling unit as provided in State law. (Ord. 08-07) (Ord. 11-02)
  - (e) Comply with all requirements of the International Residential Code as adopted by the State of Utah for two- (2) family dwellings. (Ord. 10-02)
7. Dwelling Groups {See Section 10-6-030(A)} (Ord. 08-07)
8. Home Occupations, Major {See Section 10-7-040} (Ord. 10-02)
9. Medical and Other Health Facilities. (Ord. 11-10)
10. Preschool Centers. (Ord. 11-10)
11. Professional Non-Retail Services, up to a maximum twenty-five (25) percent of the commercial subdivision. (Ord. 11-10)
12. Public and Quasi-Public Buildings. (Ord. 11-10)
13. Public Parks. (Ord. 11-10)
14. Sexually-Oriented Businesses {See Chapter 25 of this Title} (Ord. 08-07)
15. Sewage Treatment Plants. (Ord. 11-10)
16. Signs {See Chapter 9 of this Title}
17. Wireless Communication Towers. {See Chapter 24 of this Title} (Ord. 08-07) (Ord. 11-10)

**Section 3. Amendment.** Section 10-2-040 of the Syracuse City Code is hereby amended to read in its entirety as follows:

**10-2-040: DEFINITIONS.** As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Building Code shall be construed as defined therein. (Ord. 08-07)

FARM ANIMAL KEEPING: The keeping of animals and fowl, such as commonly used for food or fiber production or as a beast of burden, for recreational pleasure.

**Section 4. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,  
STATE OF UTAH, THIS 14<sup>th</sup> DAY OF MARCH, 2012.**

**SYRACUSE CITY**

ATTEST:

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Cassie Z. Brown, City Recorder

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Jamie Nagle, Mayor



# COUNCIL AGENDA

March 14, 2012

## Agenda Item “d”

**Discussion regarding Proposed Resolution R12-11 appointing City Councilmembers to various committee positions and assignments; discussion regarding Proposed Resolution R12-09 appointing a representative(s) to serve as Syracuse City’s appointee(s) on the Taxing Entity Committee (TEC) for the Redevelopment Agency of Syracuse City. (10 min.)**

### *Factual Summation*

- Any questions regarding this item may be directed at City Recorder Cassie Brown and City Manager Bob Rice.
- Please see below for the memo regarding Council appointments and assignments.
- Please see attached Resolution R12-11
- Please see below for the memo regarding the TEC appointment provided by Community and Economic Development Director Mike Eggett
- Please see attached Proposed Resolution 12-09

### *Memorandum*

R12-11 - With the recent resignation of past Councilmember Kimmel, it is necessary to review the assignments that he held and consider appointing someone to fill those vacancies. Attached is Proposed Resolution R12-11, which allows the council to do so.

R12-09- Below is a quick list of the likely Taxing Entity Committee membership for Syracuse City as it relates to the EDA and CDA areas. Interesting to note is that the model, as represented by Davis County School District and Davis County, seems to reflect a membership of one non-elected member and one elected member to participate on this board for each respective organization. Another interesting thing to note is that there are only, at current time (minus Matt Kimmel), three elected officials that would participate on this board as is reflected below.

### **Syracuse City Taxing Entity Committee (TEC) Membership**

#### **Davis County**

Kent Sulser – Economic Development Director  
Steve Rawlings – Elected Representative, County Auditor

#### **Syracuse City**

Mayor Jamie Nagle – Elected Representative  
**Vacant Seat- previously held by Matthew Kimmel**

#### **All Other Taxing Entities Representative**

Tage Flint – Weber Basin Water Conservancy District Manager

#### **Davis County School District**

Craig Carter – County Business Administrator  
Elected Representative from the County School Board

#### **Utah State Office of Education**

Larry Newton – Director of Finance  
(Alternate) Cathy Dudley – MSP Budget and Property Tax Specialist

## RESOLUTION R12-11

### A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS.

**WHEREAS** Syracuse City Councilmembers are desirous of being appointed to and serving on various community committees and boards; and

**WHEREAS** there are also internal City positions, such as Mayor Pro-Tem that Councilmembers are desirous of being appointed to; and

**WHEREAS** the Syracuse City Council discussed the vacant committee appointments and assignments during their Work Session Meeting of March 14, 2012 and determined appropriate appointments and assignments for each Councilmember and members of the Administration.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS FOLLOWS:**

#### **Section 1. Appointment.**

- a. is hereby appointed to serve on the Wasatch Integrated Waste Management District Board.
- b. Mayor Nagle is hereby appointed to serve as a non-voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- c. Mayor Nagle is hereby appointed to serve as the liaison to the Youth Council.
- d. Mayor Nagle is hereby appointed to serve as the City's representative on the Clearfield High School Community Council.
- e. Councilmember Johnson is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- f. Councilmember Johnson is hereby appointed to serve as the City's representative on the Syracuse Junior High School Community Council.
- g. Councilmember Johnson is hereby appointed to serve as an Employee Appeals Board alternate member.
- h. is hereby appointed to serve as the Second Mayor Pro-Tem.
- i. is hereby appointed to serve as the City's representative on the Syracuse High School Community Council.
- j. is hereby appointed to serve as an Employee Appeals Board alternate member.
- k. Councilmember Lisonbee is hereby appointed to serve as the Third Mayor Pro-Tem.
- l. Councilmember Lisonbee is hereby appointed to serve as an Employee Appeals Board member.
- m. Councilmember Lisonbee is hereby appointed to serve as the City's representative on the Buffalo Point Community Council.

- n. Councilmember Lisonbee is hereby appointed to serve as the liaison to the Arts Council.
- o. Councilmember Peterson is hereby appointed to serve as an Employee Appeals Board member.
- p. Councilmember Peterson is hereby appointed to serve as the City's representative on the Syracuse Elementary Community Council.
- q. Councilmember Peterson is hereby appointed to serve as the City's representative on the Cook Elementary Community Council.
- r. Councilmember Peterson is hereby appointed to serve as the City's representative on the Legacy Junior High Community Council.
- s. Councilmember Shingleton is hereby appointed to serve as the Youth Court Liaison.
- t. Councilmember Shingleton is hereby appointed to serve as the Mayor Pro-Tem.
- u. Councilmember Shingleton is hereby appointed to serve as the City's representative on the Bluff Ridge Elementary Community Council.
- v. Councilmember Shingleton is hereby appointed to serve as the Museum Board Advisor.
- w. City Manager Rice is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- x. Public Works Director Robert Whiteley shall seek election to the Davis and Weber Canal Board.
- y. Public Works Director Robert Whiteley is hereby appointed to serve as the City's representative on the Layton Canal Board.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14<sup>th</sup> DAY OF MARCH, 2012.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Jamie Nagle, Mayor

**RESOLUTION NO. R12-09**

**RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING REPRESENTATIVE(S) TO SERVE AS SYRACUSE CITY'S APPOINTEE(S) ON THE TAXING ENTITY COMMITTEE (TEC) FOR THE REDEVELOPMENT AGENCY OF SYRACUSE CITY**

**WHEREAS**, the Redevelopment Agency of Syracuse City was created to transact the business and exercise the powers provided for in the Community Development and Renewal Agencies Act; and

**WHEREAS**, the Community Development and Renewal Agencies Act, Section 17C-1-402, Utah Code Annotated, 1952, as amended, requires that a Taxing Entity Committee be created which shall (i) represent all taxing entities in an urban renewal or economic development area and cast votes that will be binding on the governing boards of all taxing entities in a project area; (ii) negotiate with the agency concerning a draft project area plan; (iii) approve or disapprove a project area budget as provided in Section 17C-2-204 for an urban renewal project area budget and Section 17C-3-203 for an economic development project area budget; (iv) approve exceptions to the limits of the value and size of a project area imposed by Section 17C-1-407, (v) approve exceptions to the percentage of tax increment and the period of time that tax increment is paid to the Agency; (vi) approve the use of tax increment for publicly owned infrastructure and improvements outside of an urban renewal or economic development project area that the agency and community legislative body determine to be of benefit to the urban renewal or economic development project area; (vii) waive the restrictions imposed by Subsection 17C-2-202(1); and give other taxing entity committee approval or consent required or allowed under the Community Development and Renewal Agencies Act; and

**WHEREAS**, Syracuse City is a taxing entity that must be represented on the Taxing Entity Committee for any urban renewal or economic development project area that may henceforth be adopted by the Redevelopment Agency of Syracuse City and the Syracuse City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, SYRACUSE CITY DOES HEREBY APPOINT TO THE TAXING ENTITY COMMITTEE FOR THE REDEVELOPMENT AGENCY OF SYRACUSE CITY FOR EACH AND EVERY PROJECT AREA THAT MAY HENCEFORTH BE ADOPTED BY THE REDEVELOPMENT AGENCY OF SYRACUSE CITY AND THE SYRACUSE CITY COUNCIL:**

1. Commencing as of the date of this resolution, City Manager Robert Rice as its official representative to the Taxing Entity Committee until otherwise notified by resolution of the Syracuse City Council or automatic replacement pursuant to Paragraph 2 herein; and
2. The City Council hereby authorizes that in the future City Manager Rice shall be automatically appointed as one of Syracuse City's official representatives to the Taxing Entity Committee until otherwise notified by resolution of the Syracuse City Council, commencing with the date of said individuals' appointment to the above named positions.

Such automatic appointment procedure shall continue until the City Council takes affirmative action to change the procedure for appointment; and

**BE IT FURTHER RESOLVED**, that the Syracuse City Council authorizes those herein appointed to attend meetings of the Taxing Entity Committee, to vote on behalf of Syracuse City and its Council on all matters coming before the Taxing Entity Committee, and to approve or disapprove a Project Area Budget for each and every Project Area and any amendments thereto on behalf of Syracuse City and its Council.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14<sup>th</sup> DAY OF MARCH, 2012.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Jamie Nagle, Mayor



# COUNCIL AGENDA

March 14, 2012

Agenda Item # e                      Review of agenda item #9, Proposed Resolution R12-10 amending the Syracuse City Wage Scale by reclassifying the position of Deputy Fire Chief to a full-time position, and by making other minor title amendments throughout.

## *Factual Summation*

- Any questions regarding this item may be directed at Finance Director Steve Marshall and Fire Chief Eric Froerer.
- Please see the memo below provided by Steve Marshall
- Please see attached Proposed Resolution R12-10 and supporting documentation.

## *Memorandum*

- Please see the attached resolution. The changes to the wage scale are reflected in the “recommended change” column and are highlighted in yellow. It is important to note that NO changes were made to the actual wages or ranges for any position with the exception of the proposed full-time deputy fire chief (discussed below in detail). Most of the changes are minor. For example:
  - City Administrator was changed to City Manager.
  - Recreation Director was changed to Parks & Recreation Director.
  - Utility Billing Clerk was changed to Utilities Billing Clerk.
  - Administrative Secretary was changed to Administrative Professional.
  - Secretary I & II were changed to Administrative Assistant I & II.
  - Several positions are recommended to be deleted from the wage scale since they are now obsolete.
  - The baliff position was changed from a full-time position to a part-time position on the wage scale. It was input as a full-time position in error when it was originally approved.
- The one major change to the wage scale is a recommendation to change the part-time fire chief to a full-time deputy fire chief. There are several reasons for this recommendation. The fire department has operated with a part-time fire chief for the past several years. However, with the retirement of our assistant fire chief our new fire chief has taken on the task of evaluating the fire department structure as a whole to see what will be the best model to move forward with in the future.

In benchmarking against other cities of comparable size and also fire districts, it was important to note that all of them had a full-time fire chief and a full-time or equivalent deputy fire chief. Most of the entities of our size also had a full-time fire marshal.

With this proposal to move to a full-time deputy fire chief it is our recommendation that this position would take on the additional duties of a fire marshal for the city.

What will it cost the city to make this change? I have performed a benchmark study to other cities of comparable size and/or location for a full-time deputy fire chief and determined that the pay range would best fit in our wage scale at grade 321 with a range from \$27.90 per hour to \$40.46.

We can minimize the increase in cost to the city by promoting employees from within. My estimate shows that if we promote from within, the net increase to the salaries & benefits for the fire department is approximately \$35,000. This increase in cost is primarily from adding benefits to a full-time position.

My recommendation is to move forward with changing the deputy fire chief position to a full-time position.

**RESOLUTION NO. R12-10**

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL AMENDING THE SYRACUSE CITY WAGE SCALE BY RECLASSIFYING THE POSITION OF DEPUTY FIRE CHIEF TO A FULL-TIME POSITION, AND BY MAKING OTHER MINOR TITLE AMENDMENTS THROUGHOUT.**

**WHEREAS**, the position of Assistant Fire Chief was previously established within the Syracuse City personnel classification plan and included as part of the fiscal year (FY) 2012-2013 wage scale; and

**WHEREAS**, the recommendation is being made to amend the position by classifying it as a full-time position and adding additional duties and responsibilities; and

**WHEREAS**, upon the approval of the reclassification of the position it is also necessary to amend the wage scale accordingly; and

**WHEREAS**, the City Manager and Finance Director have reviewed the FY 2012-2013 wage scale and have recommended other minor amendments, such as deletion or renaming of various positions.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Establishment.** The position of Assistant Fire Chief is hereby reclassified as a full time position and renamed Deputy Fire Chief as part of the City's personnel classification plan and added to the fiscal year FY 2012-2013 wage scale as more particularly set forth in Exhibit "A".

**Section 2. Amendment.** The City's FY 2012-2013 wage scale is further amended by deleting or renaming various employment positions as more particularly set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

**Section 3. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14<sup>th</sup> DAY OF MARCH, 2012.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Jamie Nagle, Mayor

**EXHIBIT A**

**Amended Classification Plan and  
Fiscal Year (FY) 2012-2013 Wage Scale**

FY 2012 - 2013 Wage Scale

| Grade | Status    | Position Title                              | Recommended Change           | Min      | Max       |
|-------|-----------|---------------------------------------------|------------------------------|----------|-----------|
| 409   | Salary    | City Administrator                          | City Manager                 | \$85,476 | \$123,941 |
| 408   | Salary    |                                             |                              | \$81,406 | \$118,039 |
| 407   | Salary    |                                             |                              | \$77,530 | \$112,419 |
| 406   | Salary    | Public Works Director                       |                              | \$73,838 | \$107,064 |
|       |           | Police Chief                                |                              |          |           |
|       |           | Fire Chief                                  |                              |          |           |
| 405   | Salary    | Finance Director                            |                              | \$70,322 | \$101,967 |
| 404   | Salary    | Information Systems Director                |                              | \$66,973 | \$97,110  |
|       |           | Attorney                                    |                              |          |           |
|       |           | Human Resources Director                    |                              |          |           |
| 403   | Salary    |                                             |                              | \$63,784 | \$92,487  |
| 402   | Salary    |                                             |                              | \$60,747 | \$88,083  |
| 401   | Salary    | Recreation Director                         | Parks & Recreation Director  | \$57,854 | \$83,888  |
|       |           | City Recorder                               |                              |          |           |
|       |           | Finance Manager                             |                              |          |           |
|       |           | Community and Economic Development Director |                              |          |           |
| 321   | Full-time | Police Lieutenant                           |                              | \$27.90  | \$40.46   |
|       |           |                                             | Deputy Fire Chief            |          |           |
| 320   | Full-time |                                             |                              | \$26.57  | \$38.53   |
| 319   | Full-time |                                             |                              | \$25.31  | \$36.70   |
| 318   | Full-time | Engineer                                    |                              | \$24.10  | \$34.95   |
| 317   | Full-time | Police Sergeant                             |                              | \$22.96  | \$33.29   |
|       |           | Planner II/Grant Administrator              |                              |          |           |
| 316   | Full-time | Building Official                           |                              | \$21.86  | \$31.70   |
| 315   | Full-time | Public Works Superintendent                 | Streets Superintendent       | \$20.82  | \$30.19   |
|       |           |                                             | Water Superintendent         |          |           |
|       |           |                                             | Parks Superintendent         |          |           |
|       |           |                                             | Recreation Superintendent    |          |           |
| 314   | Full-time | Human Resources Specialist                  |                              | \$19.82  | \$28.75   |
| 313   | Full-time | Building Inspector III                      |                              | \$18.88  | \$27.38   |
|       |           | Police Officer III                          |                              |          |           |
|       |           | Utility Billing Supervisor                  | Utilities Billing Supervisor |          |           |
|       |           | GIS Specialist III                          | Delete Position              |          |           |
|       |           | Improvement Inspector                       |                              |          |           |
| 312   | Full-time | GIS Specialist II                           | Delete Position              | \$17.98  | \$26.07   |
|       |           | Planner I/Grants Specialist                 |                              |          |           |
|       |           | Detective                                   |                              |          |           |
|       |           | Police Officer II                           |                              |          |           |
|       |           | Building Inspector II                       |                              |          |           |
|       |           | Fire Captain                                |                              |          |           |
| 311   | Full-time | Police Officer I                            |                              | \$17.12  | \$24.83   |
|       |           | Recreation Coordinator                      |                              |          |           |
|       |           | Court Clerk Supervisor                      |                              |          |           |
|       |           | Street Maintenance Worker III               |                              |          |           |

FY 2012 - 2013 Wage Scale

| Grade | Status    | Position Title                                 | Recommended Change                 | Min     | Max     |
|-------|-----------|------------------------------------------------|------------------------------------|---------|---------|
| 310   | Full-time | Water Maintenance Worker III                   |                                    | \$16.30 | \$23.64 |
|       |           | Code Enforcement Officer                       |                                    |         |         |
|       |           | Fire Lieutenant                                |                                    |         |         |
|       |           | Building Inspector I                           |                                    |         |         |
| 309   | Full-time | GIS Specialist I                               | Delete Position                    | \$15.52 | \$22.51 |
|       |           | Business License Clerk                         |                                    |         |         |
|       |           | Administrative Secretary                       | Administrative Professional        |         |         |
|       |           | Parks Maintenance Worker III                   |                                    |         |         |
| 308   | Full-time | Water Maintenance Worker II                    |                                    | \$14.79 | \$21.44 |
|       |           | Fire Engineer                                  |                                    |         |         |
|       |           | Bailiff                                        | Delete and move to 215 - Part-time |         |         |
|       |           | Street Maintenance Worker II                   |                                    |         |         |
| 307   | Full-time | Building Permit Technician                     |                                    | \$14.08 | \$20.42 |
|       |           | Water Maintenance Worker I                     |                                    |         |         |
|       |           | Meter Reader/Facilities Maintenance Technician | Facilities Maintenance Technician  |         |         |
|       |           | Senior Fire Fighter                            |                                    |         |         |
| 306   | Full-time | Utilities Billing Clerk                        |                                    | \$13.41 | \$19.45 |
| 305   | Full-time | Court Clerk II                                 |                                    | \$12.77 | \$18.52 |
|       |           | Streets Maintenance Worker I                   |                                    |         |         |
|       |           | Parks Maintenance Worker II                    |                                    |         |         |
|       |           | Secretary II                                   | Administrative Assistant II        |         |         |
| 304   | Full-time | Parks Maintenance Worker I                     |                                    | \$12.17 | \$17.64 |
| 303   | Full-time | Secretary I                                    | Administrative Assistant I         | \$11.58 | \$16.79 |
|       |           | Fire Fighter II                                |                                    |         |         |
| 302   | Full-time | Fire Fighter I                                 |                                    | \$11.04 | \$16.01 |
| 301   | Full-time | Court Clerk I                                  |                                    | \$10.49 | \$15.20 |
| 225   | Part-time | Assistant Fire Chief                           | Delete Position                    | \$24.10 | \$31.34 |
| 224   | Part-time |                                                |                                    | \$22.96 | \$29.85 |
| 223   | Part-time |                                                |                                    | \$21.86 | \$28.42 |
| 222   | Part-time |                                                |                                    | \$20.82 | \$27.06 |
| 221   | Part-time |                                                |                                    | \$19.82 | \$25.77 |
| 220   | Part-time |                                                |                                    | \$18.87 | \$24.53 |
| 219   | Part-time | Museum Curator                                 | Delete Position                    | \$17.98 | \$23.38 |
| 218   | Part-time | Recreation Coordinator                         |                                    | \$17.12 | \$22.26 |
| 217   | Part-time | Building Inspector I                           |                                    | \$16.30 | \$21.19 |
| 216   | Part-time |                                                |                                    | \$15.52 | \$20.18 |
| 215   | Part-time |                                                | Bailiff                            | \$14.79 | \$19.22 |
| 214   | Part-time | Water Maintenance Worker I                     |                                    | \$14.08 | \$18.30 |
|       |           | Senior Fire Fighter                            |                                    |         |         |
|       |           | Facilities Maintenance Worker                  |                                    |         |         |

FY 2012 - 2013 Wage Scale

| Grade | Status    | Position Title                                 | Recommended Change             | Min     | Max     |
|-------|-----------|------------------------------------------------|--------------------------------|---------|---------|
| 213   | Part-time |                                                |                                | \$13.41 | \$17.44 |
| 212   | Part-time | Streets Maintenance Worker I                   |                                | \$12.77 | \$16.60 |
| 211   | Part-time | Parks Maintenance Worker I                     |                                | \$12.17 | \$16.42 |
| 210   | Part-time | Secretary I                                    | Administrative Assistant I     | \$11.58 | \$15.06 |
|       |           | Intern                                         |                                |         |         |
|       |           | Fire Fighter II                                |                                |         |         |
| 209   | Part-time | Fire Fighter I                                 |                                | \$11.04 | \$14.35 |
|       |           | Custodian                                      |                                |         |         |
| 208   | Part-time |                                                |                                | \$10.51 | \$13.66 |
| 207   | Part-time | Mail Clerk                                     |                                | \$10.00 | \$13.01 |
| 206   | Part-time |                                                |                                | \$9.53  | \$12.39 |
| 205   | Part-time |                                                |                                | \$9.07  | \$11.79 |
| 204   | Part-time | Recreation Supervisor                          |                                | \$8.64  | \$11.24 |
| 203   | Part-time | Crossing Guard                                 |                                | \$8.23  | \$10.70 |
| 202   | Part-time |                                                |                                | \$7.84  | \$10.20 |
| 201   | Part-time | Recreation Assistant                           |                                | \$7.46  | \$9.70  |
| 104   | Seasonal  | Cemetery Supervisor / Seasonal                 | Cemetery Maintenance Worker    | \$10.25 | \$13.25 |
|       |           |                                                | Meter Reader                   |         |         |
|       |           | Land Maintenance Supervisor / Seasonal         | Delete Position                |         |         |
|       |           | Gang Mower Operator / Seasonal                 | Delete Position                |         |         |
|       |           | Jensen Pond Maintenance Supervisor / Part-time | Delete Position                |         |         |
| 103   | Seasonal  | Irrigation Crew / Seasonal                     | Delete Position                | \$9.00  | \$12.25 |
|       |           | Gardens Crew / Part-time                       | Delete Position                |         |         |
|       |           | Pesticide/Herbicide Applicator / Seasonal      | Delete Position                |         |         |
| 102   | Seasonal  | Seasonal Streets/Water System Crew             | Streets Maintenance Worker     | \$8.50  | \$11.75 |
|       |           |                                                | Water Maintenance Worker       |         |         |
|       |           | Cemetery Crew / Part-time                      | Delete Position                |         |         |
|       |           | Jensen Pond Maintenance Crew                   | Jensen Pond Maintenance Worker |         |         |
|       |           | Land Maintenance Crew / Seasonal               | Land Maintenance Worker        |         |         |
|       |           |                                                | Administrative Assistant       |         |         |
| 101   | Seasonal  | Sports Field Crew                              | Sports Fields Worker           | \$8.00  | \$10.00 |



**Syracuse City Corporation  
Job Description**

## Deputy Fire Chief

**Position Title:** Deputy Fire Chief  
**Department:** Fire  
**Reports to:** Fire Chief

**FLSA Status:** Non-Exempt  
**Pay Grade:** 321  
**EEO Code(s):** 02

**Approval Signatures:**

|           | Department Head | HR Director | City Administrator |
|-----------|-----------------|-------------|--------------------|
| Signature |                 |             |                    |
| Date      |                 |             |                    |

**Position Summary**

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Performs general administrative and managerial duties as needed to oversee the day-to-day operations of each of the five major divisions of the fire department. Those major divisions include: Fire Operations Division, EMT/Transport Division, Fire Inspections, Investigation & Education Division, and Training Division & Physical Facilities/Resource Division. The Deputy Chief serves as Fire Marshall, emergency incident command officer, provides administrative assistance to the chief related to planning, organizing, directing, staffing, and coordination fire prevention, fire investigations & inspections, fire suppression, emergency rescue and emergency medical services within the city.

**Essential Duties and Responsibilities**

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Assists to plan, direct and administer each of the five major division including Fire Operations Division, EMT/Transport Division, Fire Inspections, Investigation & Education Division, Training Division & Physical Facilities/Resource Division; recommends policy and revisions and implements city policy as established by the chief, city manager and or city council; recommends changes in ordinances and codes; determines essential resources needed to achieve program objectives and allocates resources to various phases of department operations.

Assists in the preparation and administration of department budget; recommends ordering of equipment and supplies; writes specifications and oversees purchasing processes; evaluates equipment options; collects and review bids and makes recommendation for purchase; assists to monitor expenditures to assure conformity to establish fiscal constraints; prepares and writes reports on department activity.

Develops and coordinates departmental training related to fire prevention, fire investigation, fire education, fire suppression, emergency medical response, equipment maintenance and hazardous materials handling; conducts training in fire fighting tactics and methods.

Exercises supervision over department personnel; implements policies, rules and regulation as deemed necessary for the department ; assigns and evaluates work; disciplines personnel when necessary; conducts periodic performance evaluation.

Assists with interviewing, screening and hiring of new department members; supervises and coordinates the training of new personnel; participates in the planning and implementation of fire drills; may conduct department training meeting; updates and informs personnel of new policy changes or procedures.

Directs departmental emergency response to fire and medical incidents; participates in and/or delegates investigation of fires (24 hours a day); determines the magnitude and needs of the fire to expedite suppression and minimize property loss.

Responds to fires on a rotating duty schedules with the fire chief and performs as incident commander; directs department personnel in the performance of their duties; makes decisions concerning effective fire strategy, water source usage, overhaul, removal of property, and blockading streets or other entrances while a fire is in progress for the protection of life and property.

Oversees station house maintenance and general upkeep programs and schedules through assigned shift commander(s); assures upkeep and functional operation of all equipment and fire fighting apparatus; conducts equipment and personnel evaluations and assessments to assure department readiness to deliver efficient and effective response to fire and emergencies.

Represents the city on various committees and task forces; serves as liaison to local emergency planning organization, Paramedic/EMT programs, EMS local and state committees, etc.

Performs related duties as required.

### **Required Knowledge, Skills, and Abilities**

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Thorough knowledge of principals of supervision and management practices and procedures, laws, ordinances, codes, and regulations effecting goals, objectives, and department operation; principals and practices of fire prevention and suppression; maintenance requirements and practices of firefighting equipment and apparatus; departmental rules, policies and regulation; city geography; emergency medical practices and procedures. Considerable knowledge of budget development and preparation; common fire and chemical hazards and related safety precautions; public speaking and interpersonal communication skills; modern practices related to personnel training, management and motivation; fire fighting techniques and equipment; working knowledge of fire/arson investigation procedures.

Skill in the evaluation of tactical and operational requirements of mass casualty or disaster situations.

Ability to plan, organize and direct the implementation of overall fire department programs and objectives; direct and supervise various levels of professional fire fighters; evaluate performance without partiality; communicate effectively, verbally and in writing; make quick and accurate decisions in emergency situations, develop effective working relationships with local elected officials, city merchants, subordinates and the public.

## **Minimum Qualifications**

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### **Education and Experience**

Graduation from an accredited University or College with an Associate's Degree in Fire Science or a closely related field and five to seven (5-7) years of experience, including two (2) years of administrative or supervisory experience at the level of a Fire Captain or an equivalent combination of education and experience.

### **Certifications and/or Licensures**

- Officer 1 Certificate
- Fire Inspector 1 and Investigator 1 Certificates
- Valid State of Utah Driver's License Class "D"
- Utah ADO Certificate
- Utah AEMT or Paramedic Certificate
- Hazmat Operations Certificate
- NIMS ICS 100, 200, 300, 700, 800 Completion
- Wildland Firefighter I (Red Card)

## **Physical Demands**

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The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of this position.

While performing the duties of this job the employee is frequently required to sit, talk, hear, and reach with hands and arms. The employee is occasionally required to climb, balance, stoop, kneel, crouch, and smell. Employee will also occasionally be required to perform a variety of physically demanding maneuvers and activities while involved in fire fighting and rescue operations, including running, walking, stooping, bending, rolling, crawling, climbing, jumping, lifting, carrying, dragging, and safely operating assigned equipment and vehicles. The employee must successfully pass medical exam (after job offer) and pass an annual physical fitness assessment.

The employee must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 200 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

## **Work Environment**

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Functions of the position are generally performed in a controlled environment, in office, vehicles and outdoor settings. Work is often performed in emergency and stressful situations. Individual is exposed to loud alarms and hazards associated with fighting fires and rendering emergency medical assistance including, but not limited to smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils.

Emergency response travel expected in normal course of performing duties. Many functions of the work pose a high degree of hazard uncertainty. Physical readiness and conditioning may be a condition of job retention. Various levels of mental application required, i.e. memory for details, emotional stability, discriminating thinking, creative problem solving. Continuous use of motor skills.

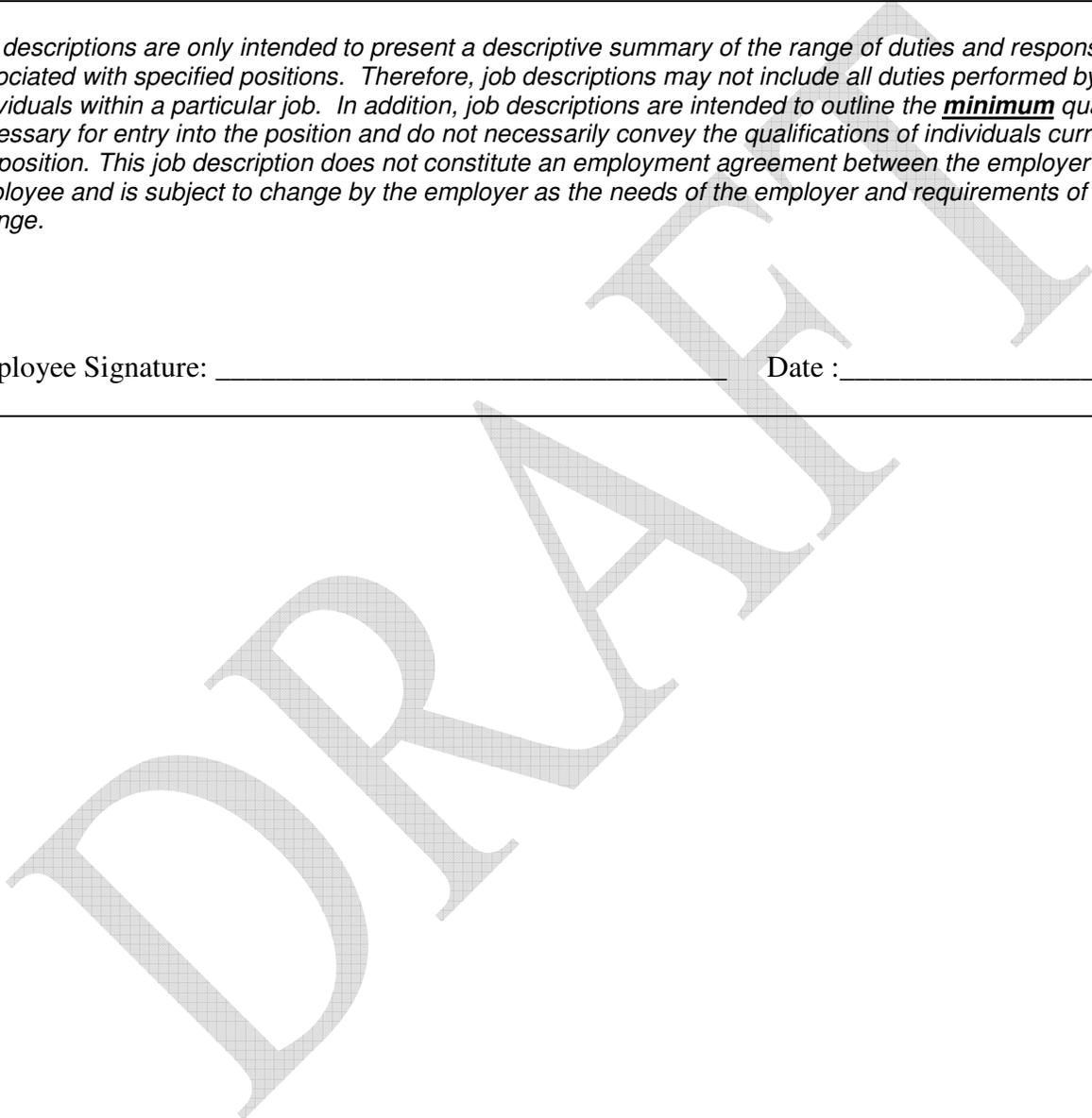
**Required Personal Protective Equipment (PPE)**

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- Standard Fire Fighting Uniform
  - Structural and Wildland Firefighting PPE
- Hearing and Vision protection as needed

*Job descriptions are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, job descriptions may not include all duties performed by individuals within a particular job. In addition, job descriptions are intended to outline the **minimum** qualifications necessary for entry into the position and do not necessarily convey the qualifications of individuals currently within the position. This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.*

Employee Signature: \_\_\_\_\_ Date : \_\_\_\_\_





# Syracuse City Fire Department

Deputy Chief

# Public Safety Code

## Utah Code -- Utah Fire Prevention and Safety Act

### **53-7-210. Fire investigations by local officers --**

(1) The chief fire officer of any city, town, or county fire department, or of any fire district or special service district organized for fire protection purposes, or his authorized representative shall investigate the cause, origin, and circumstances of each fire occurring in his jurisdiction when property has been destroyed or damaged.

## How Do We Accomplish This?

Utilize Talents, Skills and Expertise we have and  
Promote Within the Department!

- Captain to Deputy Chief
- Lieutenant or Firefighter to Captain

New full-time entry level firefighter hired utilizing former part-time Assistant Chief salary.

## ESSENTIAL FUNCTIONS...

- Fire Marshall Programs and Duties
  - Code Enforcement
  - Pre-Development Plans Review
  - Commercial Occupancy Fire Inspections
  - Fire Investigations
  - Inter-Agency Fire Dept Representation
  - Staff Supervision and Evaluation

## Surrounding Agency Fire Officers...

### Clinton Fire Dept

Chief, Assist. Chief (Full-time), Fire Marshall (Part-time)

21K Population Served

### Layton Fire Dept

Chief, Assist. Chief, Fire Marshall (Full-time)

60K Population Served

### North Davis Fire District (Clearfield/West Point)

Chief, Deputy Chief (with FM designation) (Full-time)

39K Population Served

## Surrounding Agencies Continued...

### South Davis Metro Fire Dept

Chief, 2 Deputy Chiefs (Admin & Ops), Fire Marshal, Deputy FM  
(Full-time)

95K Population Served

### Kaysville City /Fruit Heights

Chief, 2 Part-time Assist. Chiefs, Part-time Fire Marshall

27K + 5K Population Served

### Farmington City Fire

Chief (Full-time), 2 Battalion Chiefs, Fire Marshall (Part-time)

19,500 Population Served



# COUNCIL AGENDA

March 14, 2012

**Agenda Item “f”**

**Discussion regarding City Planner position. (5 min.)**

***Factual Summation***

- This item has been added to the agenda at the request of Councilmember Shingleton and Councilmember Lisonbee.
- Any questions regarding this item may be directed at City Manager Bob Rice.



# COUNCIL AGENDA

March 14, 2012

**Agenda Item “g”**

**Review City Council Rules of Order and Procedure.  
(20 min.)**

***Factual Summation***

- This item has been added to the agenda at the request of Councilmember Lisonbee.
- Any questions regarding this item may be directed at Councilmember Lisonbee.
- Please see attached City Council Rules of Order and Procedure.

## SYRACUSE CITY COUNCIL

### **RULES OF ORDER AND PROCEDURE TO GOVERN PUBLIC MEETINGS OF THE LEGISLATIVE BODY**

#### **1. PURPOSE.**

These policies and procedures are designed and adopted for the purpose of providing guidelines for the members of the Syracuse City Council in the performance of their duties and conducting their meetings. The City Council shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these rules. Nothing in these rules shall be interpreted to provide independent basis for invalidating or in any way altering a final decision of the Council unless otherwise provided by City ordinance, or State Law. Nor shall anything herein be construed so as to provide or create an independent cause of action for any person or action.

#### **2. ORGANIZATION**

- A. Mayor.** The Mayor is the Chief Executive and Administrative Officer of the City. Except as otherwise provided herein, he/she shall sign his/her name officially for and in behalf of the City, and shall sign all deeds, bonds, bills, notes, obligations, and other agreements, documents, and papers to which the City is legally a party and shall perform such other duties as may be provided by law or ordinance. During his/her temporary absence or disability the City Council shall elect a Councilmember to act as Mayor pro tem, who, during such absence or disability, shall possess the power of Mayor.
- B. Duties of the Mayor.**
- i. To preside at all meetings of the Council and shall provide general direction for the meetings;
  - ii. To call the Council to order, and proceed with the order of business;
  - iii. To announce the business before the Council in the order in which it is to be acted upon;
  - iv. To receive and submit in the proper manner all motions and propositions presented by the members of the Council;
  - v. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
  - vi. To inform the Council, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Mayor shall have the right to call upon Legal Counsel for advice;
  - vii. To authenticate by signature, when necessary, or when directed by the Council, all acts, orders, and proceedings of the Council;
  - viii. To maintain order at meetings of the Council;

- ix. To move the agenda along, hold down redundancy, reference handouts and procedures in a sensitive way during meetings;
- x. Recognize speakers and Councilmembers prior to receiving comments and presentation of physical evidence, i.e., plans and pictures; and
- xi. The Mayor will not participate in the voting procedures unless authorized to do so by provisions of State law or City Ordinance.

**C. Duties of Mayor Pro Tem.** In the absence of the Mayor, a Mayor pro tem is appointed. This appointment is made via resolution adopted by the Council at the beginning of each calendar year. The Council will assign the position of Mayor pro tem, second Mayor pro tem, and third Mayor pro tem to three different Councilmembers. The assignment of the Mayor pro tem positions will remain unchanged until a subsequent vote of the Council. The Mayor pro tem, during the absence of the Mayor, shall have and perform all the duties and function of the Mayor.

**D. City Recorder.** The City Recorder shall serve as the secretary of the Council. The City Recorder shall have the following duties:

- i. To give notice of all City Council meetings;
- ii. To keep and record the minutes of the proceedings of the City Council;
- iii. To keep and maintain a permanent record file of all vital documents and papers pertaining to the work of the Council;
- iv. Is authorized to sign the meeting minutes after said minutes have been approved by the City Council; and
- v. To perform such other duties as may be required.

### **3. DUTIES OF COUNCILMEMBERS.**

**A. Meeting Attendance.** Every member of the Council shall attend the sessions of the Council unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the City Recorder. The City Recorder shall call the same to the attention of the Mayor.

**B. Conflict of Interest.** A Councilmember to whom some private benefit may come as a result of a Councilmember action shall not participate in the action.

- i. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of the person's loyalty. However, membership itself in a group or organization shall not be considered a conflict of interest as to Council action concerning such group or unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.

- ii. A Councilmember experiencing, in their opinion, a conflict of interest, shall declare that interest publicly, abstain from voting on the action, and be excused from the room during consideration of the action. That Councilmember shall not discuss the matter privately with any other Councilmember.
- iii. A conflict of interest may exist under these rules although a Councilmember may not believe an actual conflict does exist; therefore, a Councilmember who has any questions as to whether a conflict of interest exists under these rules shall raise the matter with the remaining Councilmembers and the City Attorney in order that a determination may be made as to whether a conflict of interest exists.
- iv. No Councilmember shall engage in any transaction in which the Councilmember has a financial interest, direct or indirect, with the agency or jurisdiction that the official serves unless the transaction is disclosed publicly and determined to be lawful.
- v. The requirements of Section 10-3-1301 et. Seq. of the Utah Code, known as the “Municipal Officers’ and Employees’ Ethics Act”, shall be adhered to. If a conflict exists between these policies, State law, or City ordinance, the most strict shall apply.

**C. Gifts and Favors.** Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. It is very important that Councilmembers be fair and impartial in their dealings with the public and that they serve all citizens equally. It is not enough to avoid favoritism; Councilmembers should strive to avoid even the appearance of giving preference to one citizen or business over another.

- i. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars, or office bric-a-brac are often, but not always, acceptable. In cases of doubt, Councilmembers should refuse.
- ii. Councilmembers should not accept gifts from outside agencies which may be competing or applying for City business, permits, or development decisions. Accepting gifts not only gives the appearance of favoritism, but may create an embarrassing and possibly unlawful position for the City. Items of small value such as calendars, pencils, etc. with advertising or logos are acceptable, but large items such as clothing, equipment for personal use, etc. should be declined.

**D. Councilmember Removal.**

- i. **From Meetings.** A Councilmember may be fined or expelled from a meeting for disorderly conduct upon a two-thirds (2/3) vote of all members.

ii. **From Office.** Any removal from office shall be pursuant to State law. In the event of removal due to violation of the Utah Municipal Officer and Employees Ethics Act, the responsible investigating officer of the City shall authorize the City Attorney to institute an action in the name of the City to declare the offending Councilmember removed from office and the office vacant, subject to appointment or election as provided for in Utah law.

E. **Treatment of Information.** It is important to discriminate between Council information that belongs to the public and Council information that does not.

- i. Generally, final reports and official records of City Departments must be open on an equal basis to all inquiries.
- ii. Information considered private, controlled, or protected that is learned in the course of performing Council duties must be treated in confidence if specifically requested by the applicant, or as dictated by State law. Such information becomes public when an application for official action is submitted.
- iii. Information contained in studies that are in progress should not be divulged except in accordance with established City policies on the release of its studies.

F. **Decorum.**

- i. Members of the Governing Body shall not engage in personal attacks and shall restrict comments to issues before the body. Violations of decorum or conduct of Councilmembers shall be addressed by the Mayor who may declare a Councilmember out of order.
- ii. Governing Body members should avoid engaging in private discourse or committing any other act, such as text messaging, which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Mayor.

#### 4. **MEETINGS.**

- A. **Place.** All meetings of the City Council shall be held in the City Council Chambers of City Hall, 1979 W. 1900 S., Syracuse, Utah, or at such other place as the Syracuse City Council may designate.
- B. **Business Meetings.** Business meetings of the City Council shall be held on the second Tuesday of each month beginning at 7:00 p.m.
- C. **Work Sessions.** Work sessions may be held on the second and fourth Tuesdays of each month beginning at 6:00 p.m. The work session held on the fourth Tuesday of each month is generally referred to as an "extended

work session”, since there is no regularly scheduled business meeting following the work session.

- D. **Special Meetings.** Special meetings may be ordered by the Mayor or by any two (2) members of the Council if the business of the City requires it. Special Council meetings shall be properly noticed at least 24 hours in advance of the meeting.
- E. **Emergency Meetings.** Emergency meetings may be called by the Mayor or by two (2) members of the Council for urgent matters. An attempt will be made to notify all Councilmembers of the meeting. In accordance with 10-3-502 et. Seq. of the Utah Code, a majority of the Council must vote to hold the Emergency Meeting.
- F. **Closed Meetings.** Closed meetings may be held to consider certain sensitive matters as allowed by 52-4-205 et. Seq. of the Utah Code. A majority of the Council must vote to convene a closed meeting.
- G. **Electronic Meetings.** The procedures to be followed at the electronic meeting shall be the same as those followed by the City Council in a non-electronic open and public meeting of the City Council. The Mayor, or Mayor Pro-tempore, shall conduct the meeting and the meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open Meetings Law. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.
- H. **Public Hearings.** Public hearings are generally part of a scheduled and noticed business meeting agenda and shall consist of those items for which the Council is legally required to hold a hearing or for those items for which the Council would like to receive public input. Public hearings will be held after providing proper notice as required by state law or City ordinance for the particular subject matter to be addressed. Such hearings shall include, but not be limited to, those matters for which a public hearing is required by state law or City ordinance. Matters for which state law or City ordinance requires a public hearing will be automatically scheduled by City administration. By majority vote, the Council can direct City administration to schedule a public hearing on any other topic.
  - i. When a public hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions.
  - ii. The Mayor will then declare the public hearing as opened or convened.
  - iii. At that point, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council or before any motion

is made. The Mayor may provide a time limit for those addressing the Council during a public hearing.

- iv. Each individual who speaks will state his or her name and address before proceeding.
- v. After all individuals who desire to speak have spoken, or after an amount of time determined to be sufficient, the Mayor will announce the potential closure of a public hearing two times before declaring the public hearing closed.
- vi. The Council may vote to continue a public hearing to a future specified date, time, and location if there is insufficient time to take all public comment during a particular Council meeting.
- vii. A public hearing can be reopened only upon a showing of exceptional circumstances and a two-thirds vote of the Council.
- viii. After the public hearing is closed the Council may proceed with discussion on the matter at hand. When discussion by the Council is finished, a motion and second may occur concerning the item and the Council will subsequently vote.

**I. Quorum.** Three (3) members of the Council shall constitute a quorum thereof for the transaction of all business except where otherwise required.

**J. Content.** Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentation by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council. Individuals addressing the Council during the public comment period of the meeting or during a public hearing shall be given a time limit of not less than three minutes. Groups desiring to address the Council will be asked to select a spokesperson for this purpose and the Mayor may also impose a time limit on said spokesperson. A group shall be defined as an assembly of five or more people in attendance with similar viewpoints on a give issue. The names of each member of the group shall be provided to the City Recorder as well as the name of the spokesperson of the group. This information must be provided prior to the spokesperson being allowed to address the Governing Body for a minimum of five minutes. Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise, may be removed at the direction of a two-thirds vote by the Governing Body.

**K. Additional Guidelines.** In addition to these policies and procedures, the Council may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent with content herein.

## **5. MOTIONS.**

- A. **Making of Motions.** Any Councilmember except for the Mayor may make or second a motion. Motions should state findings for denial or approval within the motion:
  - i. Findings should be included in the beginning of the motion.
  - ii. Staff reports should be in sufficient enough detail to assist the Council in stating findings.
  - iii. All motions should be repeated at the direction of the Mayor.
- B. **Second Required.** Each motion of the City Council must be seconded by a member of the Governing Body; the Mayor is not allowed to second a motion. A motion that is not seconded is considered failed or dead.
- C. **Withdrawing a Motion.** After a motion is stated by the Mayor or read by the City Recorder, it shall be deemed in the possession of the Council, but may be withdrawn at any time before decision or amendment by the unanimous consent of the Council.
- D. **Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and, whenever possible, a specific date to rehear the matter should be scheduled.
- E. **Amending Motions.** When a motion is pending before the Council any member may suggest an amendment; the amendment requires a second with a voice vote on the proposed amendment. After voting upon the amendment motion the Council will vote on the initial motion, if necessary.
- F. **Amending Amendments to Motions.** An amendment to a motion may be amended, no second required, at any time prior to the Mayor calling for a vote on the motion. The amendment to the amendment must be accepted by the author and the member making the second in order for the stated motion to be amended. The author and the member making the second may choose not to accept the additional amendment.
- G. **Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.
- H. **To Reconsider a Motion.** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Councilmember who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Council. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.

- I. **Motion to Recess.** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.
- J. **Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each City Council meeting. The motion requires a second and is not debatable.

## 6. VOTING.

Except as otherwise specifically provided in these rules, a majority vote of the Council shall be required and shall be sufficient to transact any business before the City Council.

- A. **Changing a Vote.** No member shall be permitted to change his/her vote after the decision is announced by the Mayor.
- B. **Tie Votes.** Tie votes shall be broken by the Mayor casting a vote.
- C. **Conflict of Interest/Disqualification.** Any member declaring a conflict of interest shall be disqualified and shall leave the bench and sit in the audience and shall not participate in the discussion and vote pertaining to that particular matter.
- D. **Minimum Votes Required.** Unless otherwise provided herein, a minimum of three (3) affirmative votes are required to make a determination on any item presented to the City Council.
- E. **Method of Voting.** For all ordinances, resolutions, and actions that would create liability for the City, or at the request of any Councilmember, a roll call vote shall be taken with either a “yes” or “no” vote. All votes shall be recorded. Voting on all other actions may be done by voice vote or other effective method. The result of those votes shall also be recorded.

## 7. AMENDMENTS.

These rules may be amended at any business meeting of the City Council by an affirmative vote of the Council, provided that such amendment has been presented in writing to each member of the Council at least 48 hours preceding the meeting at which the vote is taken. Proposals to amend said rules shall also be properly advertised on the business meeting agenda.



# SYRACUSE CITY

## Syracuse City Council Agenda **\*\*AMENDED\*\***

**March 14, 2012 - 7:00 p.m.**

City Council Chambers

Municipal Building, 1979 W. 1900 S.

1. Meeting called to order  
Invocation or thought\*\*  
Pledge of Allegiance  
Adopt agenda
2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Hunter Dimick and Takenna Hamblin.
3. Approval of Minutes:
  - a. Special Meeting of November 15, 2011
  - b. Regular Meeting of December 13, 2011
  - c. Special Meeting of December 29, 2011
  - d. Regular Meeting of January 10, 2012 (Potential reconsideration of Resolution R12-02)
4. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.
5. Proposed Ordinance No. 12-02 amending various provisions of Title 10, the Land Use Ordinance, relating to administrative review and development review procedures – Conditional Use Permits.
6. Proposed Ordinance No. 12-03 amending various provisions of Title 10, the Land Use Ordinance, relating to animals.
7. Proposed Resolution 12-11 appointing City Councilmembers to various committee positions and assignments.
8. Proposed Resolution R12-12 appointing Councilmember Shingleton to the Wasatch Integrated Waste Management District Administrative Control Board.
9. Proposed Resolution R12-09 appointing a representative(s) to serve as Syracuse City's appointee(s) on the Taxing Entity Committee (TEC) for the Redevelopment Agency of Syracuse City.
10. Proposed Resolution R12-10 amending the Syracuse City Wage Scale by reclassifying the position of Deputy Fire Chief to a full-time position, and by making other minor title amendments throughout.
11. Proposed Ordinance No. 12-04 approving General Plan update specific to the Trail System Master Plan.
12. Councilmember Reports.
13. Mayor Report.
14. City Manager Report.
15. 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 (roll call vote).
16. Adjourn

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 13th day of March, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on March 13, 2012.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER

**Members of the public who desire to offer a thought or invocation at Syracuse City Council Meetings shall contact the City Administrator at least two (2) weeks in advance of the meeting. Request will be honored on a first come, first serve basis. In the event there are no requests to offer a comment or prayer, the Mayor may seek opening comment or prayer from those members of the public attending the meeting or from City Staff or City Council.



COUNCIL AGENDA

March 14, 2012

Agenda Item “2”

**Presentation of the Syracuse City and Wendy’s
“Award for Excellence” to Hunter Dimick and
Takenna Hamblin.**

Factual Summation

- Any questions regarding this item may be directed at Community Development Director Mike Eggett.
- Please see attached supporting documentation.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

City Manager
Robert D. Rice

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: March 14th, 2012

Subject: Presentation of the Syracuse City & Wendy's Award for Excellence to Hunter Dimick and Takenna Hamblin

Background

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 first recipients for the "Syracuse City & Wendy's Award for Excellence."

"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 following are the individuals selected for the award and the reasoning for their selection:

Hunter Dimick

- Hunter has played football for Syracuse High school for all 4 years
- Awarded the Titan Football Award all 4 years
- On the high honor roll with a GPA 3.5 or better
- Runs Track for Syracuse High School
- Has been All-Region 3 years in a row
- Defensive End, 3- MVP of Region
- All-State for 2 years
- Most Improved Player Award his 2009 sophomore year
- MVP Defensive player Awarded in 2010
- MVP Syracuse Titan Awarded in 2011
- Ironman of the month awarded in 2011

- Recently signed a letter of intent to the University of Utah football program
- Hunter's citizenship and leadership define him
- In the coaches opinion Hunter is the best Football player in the history of Syracuse High School

Takenna Hamblin

- Takenna is a Junior at Syracuse High School and a valuable member of the girls' basketball team
- She does a fantastic job of pushing the older girls on the team to get better
- She is the leader of the Junior Varsity team and is one of the team's leading scorers
- She also is on the Syracuse High School track team and volleyball team
- Takenna is a High Honor Roll student with a 3.5 GPA or better
- She is respectful, reliable, and she is a leader with integrity and heart
- She has unwavering convictions, kindness, vibrant personality and endless energy that she displays every day
- Takenna is a true athlete, having to juggle three sports while keeping her grades up

Both Hunter and Takenna will:

- Receive a certificate and be recognized at a City Council meeting
- Have their picture put up in City Hall
- Have a write up in the City Newsletter, Facebook, Twitter, and website
- Be featured on the Wendy's product TV
- Receive \$10 gift certificate to Wendy's

Recommendation

The Community & Economic Development Department hereby recommends that the Mayor and City Council present the "Syracuse City & Wendy's Award for Excellence" to Hunter Dimick and Takenna Hamblin.



COUNCIL AGENDA

March 14, 2012

Agenda Item “3”

Approval of Minutes:

- a. **Special Meeting of November 15, 2011**
- b. **Regular Meeting of December 13, 2011**
- c. **Special Meeting of December 29, 2011**
- d. **Regular Meeting of January 10, 2012 (Potential reconsideration of Resolution R12-02)**

Factual Summation

- Any questions regarding this item may be directed at City Recorder Cassie Brown.
- Please see attached draft minutes.

Minutes of the Syracuse City Council Special Meeting, November 15, 2011.

Minutes of the Special Meeting of the Syracuse City Council held on November 15, 2011, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark
D. Matthew Kimmel
Matthew Ocaña
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:
Police Chief Brian Wallace
Information Technologies Director TJ Peace
Finance Manager Steve Marshall
Community Development Director Mike Eggett
City Planner Kent Andersen

| | | | |
|-------------------|--------------------|-----------------------|---------------------|
| Visitors Present: | Mike Ford | Erryl Colvin | Austin Wilcox |
| | Dallyn Zaugg | Tex Couch | Craig Johnson |
| | Gerald Jacobs | Jerry Guffey | Dan Schuler |
| | Kim Schuler | Natalie Levi | Caleb Cliffords |
| | Rhett Jensen | Spencer Silva | Joannie Panucci |
| | Derrick Butters | Hyrum Loforte | Tyler Pulsipher |
| | Joshua Pulsipher | Mike Pulsipher | Bill Silva |
| | Colleen Thurgood | Edith Reniker | Bruce Schofield |
| | Daniel Bettridge | Tonya Dodge | Jason Dodge |
| | Alex Dodge | Brenden Vanderstappen | Blake Vanderstappen |
| | Braden Jackson | Amanda Ehrig | Nathan Nyre |
| | Caden Bodily | Nicholas Bodily | Scott Holt |
| | Kevan Steed | Brayden Fralick | Tyler Barnes |
| | Ione Mortensen | Keith Mortensen | Joe Levi |
| | Lurlen Knight | Raquel Willard | Benjamin Willard |
| | Michael C. Johnson | Kenze Wagstaff | John Gross |
| | Isaac Gross | Mike Egbert | Robert Whiteley |
| | Matthew Jackson | Montera Jackson | Mindy Johnson |
| | Tom Johnson | Bob Yeaman | Dan Yeaman |

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 p.m. as a specially scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Peterson provided an invocation. Boy Scout Joshua Pulsipher, representing Troop 316, then led all present in the Pledge of Allegiance.

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

2. Approval of Minutes

1 The minutes of the Work Session Meeting of October 25, 2011 were reviewed.

2 COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK
3 SESSION MEETING OF OCTOBER 25, 2011 AS PRESENTED. COUNCILMEMBER OCAÑA SECONDED THE
4 MOTION. ALL VOTED IN FAVOR.

5 The minutes of the Special Meeting of October 25, 2011 were reviewed.

6 COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK
7 SESSION MEETING OF OCTOBER 25, 2011 AS PRESENTED. COUNCILMEMBER OCAÑA SECONDED THE
8 MOTION. ALL VOTED IN FAVOR.

9

10 3. Public Comments

11 Karianne Lisonbee, 4334 W. 1700 S., stated that she wanted to talk about the Taxing Entity Committee (TEC) that
12 the Council will be establishing in part tonight. She stated that the TEC will have a lot of responsibility and will be making
13 decisions on taxes through creation of taxing increment financing (TIF). She stated the TEC will also be making decisions
14 on the budget for the project area. She stated that because the TEC deals with taxpayer funds in a nontraditional way, other
15 municipalities appoint elected officials to their TEC's. She stated that she understands that some feel that appointing staff to
16 these positions would be less political; however, taxation is political and she is concerned that taxing accountability to the
17 citizens that rightly falls on elected officials and reassigning that to staff members that have no direct accountability to the
18 taxpayers is not best or even common practice. She stated that Salt Lake City appoints to their TEC for any given
19 Redevelopment Agency (RDA) project area their RDA Chair and their Council Chair; both are elected officials and both are
20 members of the Salt Lake City Council. She stated that no one is saying that the two proposed staff members would not do a
21 good job, but accountability lies with elected officials to sit on committees with special taxing authority. She then stated that
22 during tonight's work session meeting the Council did not get to the agenda item to discuss the creation of new positions.
23 She stated that she would really like to hear the numbers related to those proposals because they were not in the Council
24 packet. She asked that information be provided during the discussion of that agenda item.

25 Scott Holt, 1123 W. 3150 S., stated there has been some discussion or rumor around Syracuse City that the Council
26 is considering installing meters on the secondary water system. He stated that some residents have lived here for a very long
27 time and understand the background of the system as well as the promises that were made when the system was initially
28 installed, he would like the Council to address the issue and explain the status of the process and what the City's plans are.

1 City Manager Rice stated that the City is in a process that will take a couple of years; the process is to completely overhaul
2 the operation of the City's water system. He stated that the first step in the process was to change the billing system so that
3 residents can more easily understand exactly how much culinary water they are getting and paying for. He stated that
4 eventually the City does plan to begin metering secondary water so that citizens are working under a pay-as-you-go system
5 whereby they pay for actual usage rather than paying a capped rate. He stated that secondary water will be managed similar
6 to other utilities. Mr. Holt asked why the City wants to go in that direction. He stated that there is currently a surplus of
7 secondary water and the City is making a 100 percent profit on it. He asked why the City wants to make changes. He stated
8 that a recent proposal to increase taxes was defeated as was a proposed bond to repair City streets. He asked if this proposal
9 is being considered in order to shift a revenue source. Mr. Rice answered no and stated that the idea is to simply implement a
10 system whereby citizens will actually pay for what they use. Mr. Holt stated that everything is "pay as you use". Mr. Rice
11 stated that is not currently the case; citizens that water their lawn one day out of the week pay the same rate as someone that
12 waters their lawn twice a day every week or allows their water to run 24-hours a day. Mr. Holt stated that there are some
13 residents that remember when the City bonded to provide secondary water and the citizens paid the debt on that bond with
14 the promise that the rates would be reduced once the bond was paid off and that has never happened. He stated that he does
15 not understand why the City wants to make a change; some people will be greatly impacted. He stated that those with larger
16 lots or with more acreage to water will be paying much more to the City. He stated that he has reviewed the City's secondary
17 water budget and the City is making a tremendous profit on secondary water and he asked why there is a desire to increase
18 that profit. Mr. Rice stated that the profit may not increase because many residents may pay less than they are currently
19 paying because they will only be paying for what they are actually using. Mayor Nagle stated that she appreciates Mr. Holt's
20 comments and she stated that when staff and the Council get ready to move forward there will be extensive discussions and
21 public hearings before any decisions are made.

22 Joe Levi, 1844 W. 1975 S., stated that he would like to thank each Councilmember and the Mayor. He stated that a
23 couple of Council meetings ago he appeared before the Council to discuss what he thought was an issue where the Council
24 was not adhering to State law regarding rules of order and procedure being present at meetings of the Governing Body. He
25 stated that it is evident by the swift action of the Council that they somewhat agree with him. He stated that he knows that he
26 knows that the Council has spoken a lot about the rules during the work session meeting and he was able to listen to that
27 discussion via the internet and he appreciates having that option. He stated that the time allotted for that agenda item expired
28 and there were some things that were not discussed. He stated that he sent an email previously about some of the concerns he

1 had about the rules document that has been prepared. He stated that section 6C talks about conflicts of interest and
2 disqualifications of Councilmembers and he stated that section disincentivizes people from declaring their conflict because it
3 requires them to leave the room where the meeting is held so they are not even able to listen to the conversations about the
4 issue. He stated that members should be allowed to declare a conflict and recuse themselves from voting. He stated that
5 section 4J talks about content of discussions that are taking place; he stated he wanted to remind the Council that Section
6 2.02.150 of the City Code states that before any member of the public or a person is expelled from a meeting there shall be an
7 affirmative vote of the majority of the Council. He stated that there is some misinformation that is being circulated about
8 Section 10-3-608 of the Utah State Code, which relates to members of the public, rather than members of the Governing
9 Body. He stated these code citations need to be considered and addressed because it is not legal for any one person on the
10 City Council, including the Mayor, to order the removal of a citizen from the meeting. He stated that “we” still have not
11 come to a conclusion regarding the rules document and there is still a lot of discussion that needs to take place and his
12 recommendation is to table the agenda item.

13 Lurlen Knight, 400 S. 2000 W., stated that he wants to express a couple of concerns. He stated he saw on tonight’s
14 agenda that the Council may be creating some new full-time employment position. He stated that several years ago the City
15 appointed a full-time in-house engineer and he only worked for the City for three months. He stated that his concern is that
16 the positions that are being proposed may soon become a revolving door and there will be no long term professionalism. He
17 stated that concern comes from the fact that he has learned that over the past two weeks the City has lost four of its senior
18 employees. He stated that it causes him a lot of concern that so much institutional knowledge is fleeing the City. He stated it
19 concerns him that the employees are feeling a great burden of weight and taking a lot of blame; he would ask the Council to
20 support the City employees because services can not be provided without them. He then stated that he wants to make a
21 comment about secondary water; many residents with larger lots in the City used to have waste water ditches that they used
22 to water their land with. He stated that when the City decided to install a secondary water system, they eliminated the waste
23 water ditches and told the residents that there would be a flat fee established for the use of secondary water and that those
24 residents would still be able to water their lots. He stated that those were commitments that were made by the City to
25 residents and he would encourage the staff and Council to research those commitments and consider them when moving
26 forward with any changes to the secondary water system. He stated that some residents did give up their ditches to make way
27 for the secondary water system. Councilmember Kimmel asked if residents gave up any water rights or shares throughout
28 that process. Mr. Knight stated that there were no water rights, but there were agreements between farmers. He stated that in

1 the past when a waste water ditch was created and after it was in place for one year it became an established water way. He
2 stated that farmers gave up those waterways that they used to irrigate to make way for the secondary water system.
3 Councilmember Kimmel asked if part of the negotiations the City told residents that they would always be charged a flat fee.
4 Mr. Knight answered yes and noted that residents were actually told that they would pay a flat fee for six months out of the
5 year, but then the change was made to charge the fee year round, so residents were actually charged double the amount they
6 were initially told pretty soon after the system was implemented. He stated that he understands the need to maintain the
7 system, but staff needs to understand there are growing pains associated with the transition from a farming community to a
8 City. He stated, however, that he feels that the City should follow through with commitments that were made.

9 Thomas Mellars, 1833 W. 2525 S., stated that he wanted to commend the Council for referring the road bond to a
10 vote of the residents. He stated that he thinks the citizens appreciate the opportunity to make their concerns known. He then
11 stated that regarding the secondary water issue, he pays for his water every month and it is not free.

12
13 4. Proposed Resolution R11-33 adopting Syracuse City Council
14 Bylaws and Rules of Order and Procedure to Govern Public Meetings
15 of the Legislative Body

16 Title Two of the Syracuse City Code currently includes rules that all members of the Governing Body must adhere
17 to. It also includes the statement that the City Council will refer to Robert's Rules of Order as a guide for City Council
18 meetings. The Council is now desirous of adopting a document independent of the City Code that provides more specific
19 rules and procedures for the orderly conduct of City business during City Council meetings. This item was first discussed
20 during the work session and special meeting of October 25, 2011.

21 Mayor Nagle stated that she wanted to respond to the comments made by Mr. Levi in regards to the rules document.
22 She stated that during the work session held this evening there were definitive statements made about the section dealing with
23 conflicts of interest and the Council determined that someone declaring a conflict will not be required to remove themselves
24 from the room; rather they can simply sit in the audience during the discussion of the item that they have a conflict with. She
25 stated that all other concerns that Mr. Levi expressed were addressed during the work session meeting.

26 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-33
27 ADOPTING SYRACUSE CITY COUNCIL RULES OF ORDER AND PROCEDURE TO GOVERN PUBLIC MEETINGS
28 OF THE LEGISLATIVE BODY, WITH THE STIPULATION THAT THE CHANGES REQUESTED DURING THE

1 NOVEMBER 15, 2011 WORK SESSION MEETING ARE INCLUDED THE FINAL DOCUMENT. COUNCILMEMBER
2 CLARK SECONDED THE MOTION.

3 Councilmember Kimmel stated that he thinks the discussion that the Council had during the work session was great,
4 but he is still hesitant to vote in favor of adopting the document because he does not feel it is perfect. He stated that he
5 understands that the Council can request amendments as needed in the future when new information becomes available. He
6 stated that it is going to be extremely helpful for the public to be able to review a copy of the rules when they are in
7 attendance at a Council meeting and it is good that the City will be abiding by State law, as well.

8 Mayor Nagle stated she wanted to review the changes that were discussed during the work session meeting for the
9 benefit of those in attendance. She stated that the section dealing with a conflict of interest, Section 3B(ii); the Section
10 currently states that a Councilmember declaring a conflict of interest must remove themselves from the room in which the
11 discussion is taking place. She stated that the Council decided that the Councilmember can simply step down from the dias
12 and sit in the audience during discussion of the item that they have a conflict with, but they are not required to leave the
13 room. She then stated the second change deals with decorum, Section 3F(ii); the Section shall be changed to include
14 language that prohibits members of the Governing Body from text messaging during a meeting. She stated that Section 4H
15 was amended to add language to specify how a public hearing can be reopened once it has been closed. She stated the final
16 substantive change was to add language to Section 5 to provide instructions on how to amend a motion of the Council. Ms.
17 Brown added that the Council also requested that any references to the term "Governing Body" in the document be changed
18 to "City Council". She stated that she also had a resident approach her after the work session and ask that language be added
19 to Section 5 to explain that there will be time allotted for the discussion of a motion to amend a motion. Councilmember
20 Peterson stated that City Attorney Godfrey suggested that it is proper to vote on the amended motion before voting on the
21 initial motion. Ms. Brown stated that is correct, but the citizen simply asked that language be added to allow for discussion
22 of the amended motion before a vote is called for. Councilmember Ocaña stated that the Council also directed that the word
23 "bylaw" be removed from the title of the document. Ms. Brown stated that is correct.

24 COUNCILMEMBER SHINGLETON MADE AN AMENDED MOTION TO ADOPT PROPOSED
25 RESOLUTION R11-33 ADOPTING SYRACUSE CITY COUNCIL RULES OF ORDER AND PROCEDURE TO
26 GOVERN PUBLIC MEETINGS OF THE LEGISLATIVE BODY, WITH THE CHANGES REFERENCED AND WITH
27 AN ADDITIONAL AMENDMENT TO SECTION 4J TO SPECIFY THAT THE RULES SHALL BE IN ACCORDANCE
28 WITH UTAH CODE ANNOTATED SECTION 10-3-608 AND THAT NO PERSON CAN BE REMOVED FROM THE

1 MEETING UNLESS THERE IS AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE GOVERNING BODY.
2 COUNCILMEMBER KIMMEL SECONDED THE MOTION; ALL VOTED IN FAVOR.

3

4 5. Proposed Resolution R11-34 establishing the position of
5 Attorney/Engineer/Bailiff/Marketing and Communications Specialist,
6 and amending the FY 2011-2012 wage scale accordingly

7 City Administration is recommending the creation of new positions City Attorney, City Engineer, Bailiff, and
8 Marketing and Communications Specialist. The purpose of the creation of these positions is to bring the services offered by
9 these positions in house rather than contracting with private businesses or proprietors for those services. After extensive
10 research staff feels that moving in this direction will cut costs while providing a better level of service. In conjunction with
11 the creation of the positions it is necessary to amend the wage scale in order to assign an appropriate wage scale to each of
12 the new positions. Staff obtained wages paid by cities of similar sizes and budgets for the development of the wages for the
13 new positions. An additional change is being made to the wage scale; on November 9 the City Building Official resigned
14 from his position. The Administration will proceed with filling the vacant positions, but at a lower wage than was being paid
15 to the former employee.

16 Mr. Rice summarized the staff memo that was provided to each member of the Governing Body. He stated this item
17 has been reviewed by staff for the last four to five months. He stated that he has considered what the actual costs will be for
18 legal services for the year and he noted that the City will only actually receive approximately two days of work per week for
19 the amount of money that is being paid to the firm that represents the City. He stated that the City could save approximately
20 \$5,000 if an in-house attorney were hired at the low end of the proposed wage scale. He stated that attorney will work 40-
21 hours per week, will perform the prosecution in the Justice Court, will conduct legal review of rewritten titles of the City
22 Code, and will perform any other work deemed necessary by the Council and staff. He stated the moving forward with his
23 proposal gives the City the opportunity to produce a better product at a faster rate. He then stated that Justice Court hours
24 have been increased to a full day each week rather than a half day; therefore, the amount paid to the City's contract
25 prosecution firm will also be increasing soon. He stated that from a financial standpoint it will be less expensive to hire a
26 full-time in-house attorney and the added benefit is that the Council and staff will have an attorney to confer with at all times.

27 Mr. Rice then reviewed the proposal to hire an in-house engineer. He stated that the Council has funded one road
28 project to be completed in the current Fiscal Year (FY) and depending on the status of the budget at the mid-year point, staff

1 may be able to recommend the addition of another road project to the budget. He stated that all engineering costs for the
2 anticipated projects have been added together, and staff has considered that there will be additional engineering costs
3 associated with the additional projects and potential developments. He stated that the City stands to save the most money by
4 hiring an in-house engineer. He added that Public Works Director Waite recently resigned and in posting the job
5 advertisement for that position staff added that one of the desired qualifications for the position is that the successful
6 candidate be a professional engineer (PE). He stated that will translate into having two engineers on staff while the City is
7 only creating one actual engineering position. He stated the total projected engineering costs for the FY, if the City continues
8 to use a private engineering firm, are \$151,000. He stated that the mid-range salary for the proposed engineer position is
9 \$90,000. He added that staff believes that engineering costs will only continue to increase in the near future; therefore, it
10 behooves the City to opt for an in-house engineer versus outsourcing the service.

11 Mr. Rice then reviewed the proposal to hire a bailiff. He stated that since the City has transitioned to holding Justice
12 Court for a full day each week, staff has contracted with a company in Morgan County to provide bailiff services. He stated
13 that he believes the City can get better service by hiring a part time bailiff that can be in court on Monday's and can serve
14 warrants on any other day of the week. He stated that the City currently has \$160,000 in outstanding warrant fines and fees
15 and he believes that if a part time bailiff can work to collect those warrants that amount will greatly decrease. He stated
16 hiring a bailiff will also eliminate the need to have a patrolman in Justice Court on Monday's and that person can go back to
17 patrolling the streets. He closed by stating that the bailiff will work anywhere from 15 to 20 hours per week.

18 He then stated that the last position that he would like for the Council to approve is a marketing and communications
19 specialist. He stated that he feels it is logical to create the full-time position so that the City has an employee to perform
20 community outreach as well as market and communicate with the residents via all social media outlets. He stated that the
21 City's website has improved by approximately half since he has been employed as the City Manager, but there are still
22 improvements to be made to the website as well as to the City's Facebook and Twitter accounts. He stated that one of the
23 tasks that the Council has given him over the past year is to make the City even more transparent and open to the public via
24 performance management measures. He stated that City Planner Kent Andersen is taking on that task, but it would also be
25 good to have someone with a communications and marketing background work on that.

26 Mayor Nagle stated that the question was raised earlier by a resident about the financial implications of creating
27 these positions. She stated the current costs as well as the anticipated costs associated with creating the positions was
28 provided to the Council. Mr. Rice stated that is correct; he conducted cost comparisons with cities of like size to determine

1 what the proposed salaries should be. He stated that he also used real budget numbers and projections for the outsourcing
2 costs. Mayor Nagle reviewed the financial information associated with the proposed position creations. She stated that the
3 current FY budget includes \$101,000 for legal services and \$151,000 for engineering services. She stated that to hire an
4 attorney at the low end of the wage scale would cost the City \$96,000, which includes a full benefits package. She stated that
5 to hire an engineer at the low end of the wage scale would cost the City \$76,000, which includes a full benefits package as
6 well. Mr. Rice added that those numbers are based on the worst case scenario, which would be that the successful candidates
7 have been employed somewhere within the Utah Retirement System and they are eligible to a higher retirement contribution;
8 and that they have a family that they must provide full medical benefits for. He stated that if the City hires a tier two
9 employee that does not have a family, those numbers will be much less. Mayor Nagle stated that the bottom line is that the
10 City plans to expend \$252,000 in the current FY for legal and engineering services; if the City were to hire an attorney and
11 engineer and pay them the highest salary provided in the wage scale, the City would be paying just over \$252,000. She
12 stated that she wanted everyone to be aware of the financial information that the Council has to base their decisions upon.
13 She stated that the Council has asked the City to run “lean” and streamline processes. She stated that she has also asked that
14 the staff provide data for the Council to base their decisions upon and she commended the staff for doing that. She stated she
15 appreciates all the information that staff has provided.

16 COUNCILMEMBER SHINGLETON MADE A MOTION TO TABLE PROPOSED RESOLUTION R11-34
17 ESTABLISHING THE POSITIONS OF ATTORNEY/ENGINEER/BAILIFF/MARKETING COMMUNICATIONS
18 SPECIALIST AND AMENDING THE FY2011-2012 WAGE SCALE ACCORDINGLY. COUNCILMEMBER KIMMEL
19 SECONDED THE MOTION.

20 Councilmember Shingleton stated that he would like to have additional time to review and consider this proposal.
21 He stated that he would also like to see the data that staff used to prepare the proposed wage scales. He stated that he
22 received the financial information just prior to tonight’s meeting and he did not have sufficient time to review it.

23 Councilmember Clark stated that he has some questions about the proposal. He stated that one of the proposals is to
24 completely replace all legal costs with an in-house attorney. He stated that he feels that is a best case scenario, but he
25 wondered if it would still be necessary to continue to contract with Mazuran and Hayes to provide some legal resources to the
26 City. Mr. Rice stated he does not believe that will be necessary and he noted that the attorney will have resources besides an
27 outside legal firm. He stated there are several other City Attorneys in the area that are willing to assist the City whenever
28 they are able. He stated that he has talked to Justice Court Judge Bean about mentoring an attorney in the prosecutor duties

1 and he has agreed to do that. He added that legal counsel from the Utah League of Cities and Towns is also available. He
2 added that oftentimes the staff contacts Mazuran and Hayes to ask a question and the response that the City gets is that
3 research will be necessary and the firm will call the City back. He stated that is no different than what the new attorney will
4 be doing. Councilmember Clark asked if the same will be true for the engineering position. Mr. Rice stated that he
5 originally thought that the City may still need to have a contract for outside engineering services, but since Mr. Waite has
6 resigned and the requirement for a new Public Works Director to be a PE was added to the job description, he is hopeful that
7 the City will get two engineers for the price of one. He stated the engineer will work mostly with the Community
8 Development Department on developments, but the engineer will report to the Public Works Director because he is hopeful
9 that the Public Works Director will be a PE. He then stated that after today with the announcement of the potential industrial
10 development on the north end of the City, he does not think that the City's legal and engineering costs will do anything but
11 climb.

12 Councilmember Peterson stated that he has the same concerns that Mr. Knight mentioned earlier in the meeting. He
13 stated that if the City decides to hire the attorney and engineer at the lowest end of the wage scale, there may be turnover in
14 the positions and that will cost the City additional costs in retraining employees. Mr. Rice reiterated that even if the
15 employees are hired at the highest wage possible according to the wage scale, there will only be a slight budget increase over
16 the amount that is currently budgeted for outsourcing the services. Mayor Nagle stated that if the employees are hired at the
17 mid-point of the scale the City will save money. Mr. Rice added that the staff work will also be better; if the attorney is
18 involved in all staff work the Council will notice that change.

19 Councilmember Clark inquired as to the costs required to get an attorney and engineer prepared to work for the City.
20 He stated he is referring to the tools and resources they will need, such as a library, computer software and hardware, etc.
21 Finance Director Marshall stated that he added \$1,500 to cover some of those start-up costs, but he will need to conduct
22 further research to determine if that amount will be sufficient. Councilmember Clark stated that from a professional
23 perspective, he knows that those costs are somewhat high. He stated both positions will need continuing education funding
24 as well as travel and training. Councilmember Shingleton stated that he believed that law books are fairly expensive.
25 Councilmember Clark stated that he is aware that most legal resources are available online, but he does not know if there is a
26 cost to subscribe to those resources.

27 Councilmember Ocaña asked if this decision must be made in a certain amount of time for contracting termination
28 purposes. Mr. Rice stated that the City is able to terminate both the legal and engineering contracts upon 30-days notice.

1 Councilmember Kimmel stated that one point that Mr. Rice raised was that he would like to have the Public Works
2 Director also be a PE. He stated that Mr. Rice also wants to hire a full-time engineer. Mr. Rice stated that is correct.
3 Councilmember Kimmel asked if there is any possibility that the Public Works Director could be the engineer as well. Mr.
4 Rice stated he does not think that would work very well. He stated that the Public Works Director is responsible for directing
5 a number of things; there is too much work that needs to be done by the engineer, especially for the Community
6 Development Department, and it would not be possible for the Public Works Director to complete that work in addition to his
7 own job. Councilmember Kimmel stated he simply thought that would be something that would be interesting to look at.
8 Mr. Rice stated that City Engineer Robert Whiteley is present this evening and he could respond to that inquiry. Mayor
9 Nagle stated that before Mr. Whiteley speaks she wanted to note that she read the job description for Public Works Director
10 and it noted that the City was desirous of securing someone that was a PE in the civil engineer field. She stated that there
11 may be some people that are not aware that a big announcement was made that will have significant impacts on Syracuse
12 City. She stated a developer has signed a letter of intent to purchase and develop 212 acres on the north end of the City by
13 Syracuse High School. She stated that development will require a lot of work from the Community Development
14 Department. She stated it could also cause a significant spike in the City's engineering costs if the City were to continue to
15 contract with JUB Engineers. Mr. Whiteley then stated that Mr. Rice is correct in his statement that it would be difficult for a
16 Public Works Director to also act as the engineer. He stated that someone that has the knowledge of Public Works projects
17 and engineering issues will be very valuable to the City, but the Public Works Director will be very busy and the workload
18 for that person and the engineer will be very high. He stated that in regards to the potential development that Mayor Nagle
19 mentioned, it will take an enormous amount of coordination and from all departments in the City. Councilmember Kimmel
20 asked Mr. Whiteley what he believed the increased costs would be for JUB to take on the engineering for a project of the size
21 of the development that Mayor Nagle mentioned. Mr. Whiteley stated that the \$150,000 budget would definitely be inflated
22 as a result of the development. He stated that he has been involved with two projects of similar size; the Kaysville Business
23 Park and an industrial park in Woods Cross. He stated that depending on the involvement from JUB, the costs could range
24 anywhere from \$80,000 to over \$100,000. He stated that he does not want to provide a firm estimate, but the bigger the
25 development, the more involved the engineering costs could be. Councilmember Kimmel asked if the majority of the costs
26 would be consumed in one budget year. Mr. Rice stated the developer believes that it will take them three to seven years to
27 complete the development. Mr. Whiteley stated that means that the engineering costs would likely be spread out over the
28 seven years. Councilmember Kimmel asked if the City would need to increase the current FY budget by \$100,000. Mr.

1 Whiteley stated he is not sure what the budget increase amount would need to be. Mr. Rice stated that it is important to note
2 that the current budget of \$150,000 does not provide the City with a 40-hour work week from one dedicated engineer. Mr.
3 Whiteley agreed and stated that he does not spend 40-hours a week working for Syracuse City and in actuality he likely only
4 spends approximately two days each week working on Syracuse City projects.

5 Councilmember Ocaña asked if the increased engineering costs would be absorbed or covered by the additional
6 revenue that would be brought to the City by the development. Mr. Rice answered no and stated the engineering costs are
7 actual additive costs that the City would incur. He stated that eventually the City will recoup the costs in tax increment, but
8 there will be upfront staff costs to complete the work and that will all be absorbed by the City.

9 Councilmember Clark stated that he is aware that there are several different types of engineers and is it better to
10 contract with an engineering firm in order to have access to all different types of engineers versus hiring one engineer to do
11 all engineering work for the City. Mr. Whiteley stated there are pros and cons to both approaches. He stated that so many
12 cities do so many different things. He stated that typically very small towns with a population of less than 5,000 will contract
13 with an engineering firm on an as needed basis. He stated that medium sized towns opt for either option; some have a full
14 time engineer and some contract with a firm. He stated that large towns typically have an in-house engineer or their own
15 team of engineers. He stated that there is an advantage of contracting with a company because the City gets a package deal;
16 they are assigned one engineer, but they have access to all kinds of specialists. He stated that the converse of that is that the
17 City does not always have access to someone when they are needed. He stated that it can be inconvenient to make a phone
18 call and wait a day for a response, especially when the question at hand is so minor. Mayor Nagle stated that one of the
19 things she has heard is that many of the issues that the City is having with the roads are a result of the City not utilizing an
20 engineer to inspect road projects and certify that they were done correctly. She asked if that could be the case. Mr. Whiteley
21 stated he does not know the answer to that question because he was not doing the City's engineering work when major road
22 projects were completed. He stated there are many options for determining if a road project is going to be built to last; one of
23 the options is to conduct geo-technical surveying to see what types of materials the road will be built upon. He stated the
24 second component is installing the road and ensuring that inspections were done properly to check for compaction and
25 density of the asphalt. He stated that if those inspections were done properly, the roads should last. He stated that the third
26 component to consider is maintenance. He stated that he is not sure what was done on City road projects in the past. He
27 stated that there are a few roads that he has seen problems with; some have failed and reconstruction has been recommended.

1 Mayor Nagle stated there has been a motion and a second to table consideration of the proposed resolution. Mr.
2 Rice stated that the resolution also includes changes to the building official's wage scale as well as the creation of a bailiff
3 position. He stated that the changes to the building official wage scale are being requested because the position is currently
4 classified as a Department Head position and that is not longer necessary. He stated that he would like to make the position
5 and hourly position that is non-exempt. He stated that the previous building official has resigned and the vacancy has been
6 posted. He then stated that he would also like for the bailiff and the marketing and communications specialist positions to be
7 created this evening. He stated that the marketing and communication specialist position will not be filled at this time; rather
8 it will simply be added to the wage scale so that if there is an opportunity in the future to fill the position he can move
9 forward with that. Councilmember Shingleton stated that the building official adjustment is not included in the resolution.
10 Ms. Brown stated that the changes to the building official position are included in the exhibit of the resolution, which is the
11 wage scale.

12 COUNCILMEMBER CLARK MADE AN AMENDED MOTION TO ADOPT PROPOSED RESOLUTION R11-
13 34 ESTABLISHING THE POSITIONS OF BAILIFF AND MARKETING COMMUNICATIONS SPECIALIST AND
14 AMENDING THE FY2011-2012 WAGE SCALE ACCORDINGLY. COUNCILMEMBER OCAÑA SECONDED THE
15 MOTION.

16 COUNCILMEMBER SHINGLETON MADE AN AMENDED MOTION TO ADOPT PROPOSED
17 RESOLUTION R11-34 AMENDING THE FY 2011-2012 WAGE SCALE. HE STATED HE DOES NOT WANT TO
18 CREATE ANY POSITIONS THIS EVENING. COUNCILMEMBER KIMMEL SECONDED THE MOTION.

19 Councilmember Peterson asked Councilmember Shingleton why he wanted to table consideration of any of the
20 position creations. Councilmember Shingleton stated that he is not sure that there is a need for a marketing and
21 communications specialist. He stated that he knows that Mr. Rice communicated that the position would not be filled until
22 some time in the future, but he pointed out that the future could be tomorrow. Councilmember Clark noted that there would
23 need to be funding for the position before it could be filled. Councilmember Shingleton stated that he knows that, but he
24 would prefer to not create the position tonight. He stated the issue needs to come before the Council again and more
25 information is needed. Mayor Nagle stated that she recognizes what Councilmember Shingleton is saying, but she wanted to
26 point out that the Council recently adopted a new version of Title Two of the City Code and in that recodification the City
27 Manager is given the authority to run the day-to-day operations of the City within the budget that has been adopted by the
28 Council. She stated she wants to make sure that the Council is not getting in the way of those operations. She reiterated

1 Councilmember Clark's comment that no one can be hired to fill the position without the budget being place to do so. She
2 stated that she wants to make sure that the Council is not moving backwards and trying to take away the capability of the City
3 Manager to oversee the day-to-day operations of the City. Mr. Rice stated there are a large number of job positions that have
4 been created in the City that remain unfilled because the positions are not necessary at this time. Councilmember Shingleton
5 stated that he understands that and he simply wants more information about the positions. Councilmember Ocaña stated
6 there is a job description for the marketing and communications specialist in the packet and it spells out what an employee
7 hired to do that job would be doing. Councilmember Kimmel stated that is correct. Councilmember Shingleton stated there
8 is a reason why the position is being requested; someone on staff feels that there is a need for the position at this time and he
9 wants to make sure that need is truly there and that the amount of money being requested for the position is valid. He stated
10 that he is willing to move forward with creating the bailiff position this evening, and he amended his amended motion to that
11 affect, but he does not want to create any of the other positions without more information. Mayor Nagle stated that she wants
12 to be clear that the Council does not have the authority to do the hiring and firing of any other employee besides the City
13 Manager and Department Heads. She stated that in Title Two, the City Manager is specifically responsible to run the
14 Departments accordingly. Councilmember Shingleton stated that if that is the case, why was this issue brought to the
15 Council. Mayor Nagle stated that the Council must create positions and include them in the wage scale. Councilmember
16 Shingleton stated that is his point. Mayor Nagle stated that the Council is not trusting the City Manager to do the job he was
17 hired to do. Councilmember Shingleton stated that last week two-thirds of the population of the City voted to defeat a bond
18 proposition for \$3 million in road repairs. He stated the citizens want the Council to look closer at the budget and be more
19 effective. He stated that sometimes the Council is so "hands-off" that they do not know what is happening sometimes. He
20 stated that he had no idea that GIS Specialist Troy Moyes submitted his resignation to the City. He stated he also had no idea
21 that Building Official Tex Couch had submitted his resignation. He stated he was forced to find out about those things from
22 residents and he thinks that he should have been informed that those things had taken place. He stated that he represents the
23 people and he needs to be informed. He stated that he is in favor of transparency. Councilmember Peterson stated that he
24 agrees to an extent, but all the Council is being asked to do is approve a human resources proposal for the City. He stated
25 that there will be another opportunity to address the issue when the staff asks for funding for the position. He stated that the
26 Council is only being asked to approve a job description right now. Councilmember Shingleton stated that if the funds
27 become available at any point during the fiscal year, staff could use those funds to fill the position. Councilmember Kimmel
28 stated it is the Council's duty to be involved in the budget and if a position is approved the staff can use available budget

1 funds to fill the position. He stated the Council needs to be weary. He stated that it has nothing to do with this staff, but once
2 government – at any level – gets the door open a little, they kick it wide open and they can never be reigned back in. He
3 stated if the Council approves positions, even if they are not going to be filled next week, they can be filled without Council
4 consent at a later date.

5 Mayor Nagle stated that there are clearly some strong opinions on both sides and she stated that an amended motion
6 has been made to adopt the resolution and create the position of bailiff and amend the wage scale relative to the building
7 official position. She called for a vote on the motion made by Councilmember Shingleton and seconded by Councilmember
8 Kimmel. VOTING “AYE”: COUNCILMEMBERS CLARK, KIMMEL, AND SHINGLETON. VOTING “NO”:
9 COUNCILMEMBERS OCAÑA AND PETERSON.

10

11 6. Public Hearing – Proposed Resolution R11-32 adjusting
12 the Syracuse City Budget for the year ending June 30, 2012.

13 There are a two items that need to be adjusted in the FY2011-12 budget. First, the Community and Economic
14 Development budget was amended to account for a Housing and Urban Development (HUD) grant originally awarded in
15 2009 that was not included in the Fiscal Year (FY) 2011-2012 budget. This HUD grant is a cooperative planning grant for
16 the study of the State Road (SR) 193 expansion project area and potential impacts it will have on the surrounding cities. The
17 total grant award is \$95,000. The City is eligible to retain 10 percent for administration of the grant in the form of salaries
18 and wages. Therefore, the expense budget’s net increase is \$85,500. The net change to the budget is an addition to fund
19 balance of \$9,500. Second, the Fire Department budget was amended to include the total revenue and cost of the fire trailer
20 of \$78,500. This item was discussed at the last council meeting. The City match of 10 percent was already included in the
21 FY12 budget. The net change to the budget is zero.

22 Mayor Nagle then convened the public hearing.

23 Edith Reniker, no address given, stated that she wanted to convey her congratulations to the City’s Finance
24 Department for the recognition they received recently. She stated that she also wanted to point out how impressed she is with
25 Finance Director Marshall; she had a chance to meet with him recently and he is very knowledgeable. She stated that even
26 though the City received recognition, an auditor can not tell the City how much money to spend or whether the City needs
27 something. She stated a good example of this is the truck and plow that was purchased for \$45,000 and was charged as an
28 expense to the secondary water budget of the City. She stated that she wanted to know how a snow plow was related to

1 secondary water. She stated that is besides the point and she is willing to let the City “have that”. She stated that she has a
2 lot of questions about the budget – too many to ask tonight – but, she wants to cover two points. She stated that in looking
3 over the budget she found three expense accounts; one for professional and technical services; one for books and
4 subscriptions; and one for travel and training. She stated that the staff is requesting an increase of \$50,340 to professional
5 and technical services for a total of \$297,740; the increase to books and subscriptions is \$6,016 for a total of \$67,416; and the
6 increase to travel and training is \$18,895 for a total of \$70,995. She stated that the total increase to these three accounts is
7 \$436,151 for items that she feels are overstated for this economy. She stated that she suggests that the City send two or three
8 people to training and let them come back and train other employees in their area. She stated there is enough money in the
9 books and subscriptions fund that the City could almost set up its own library. She stated that the other point that she wants
10 to ask about is the \$938,000 sitting in the transportation fund; she knows that there are limits on its use, but she heard that it
11 could have been used for Bluff Road. She stated that she feels the City may have been delaying using the money for Bluff
12 Road because of the potential changes to the West Davis Corridor route, but the money could have been used for something.

13 Joe Levi, 1844 W. 19975 S., stated that “we’ve” made mention tonight about the pay-as-you-go philosophy and he
14 wanted the Council to keep that philosophy in mind when considering this budget opening. He stated that very simply put, if
15 there are projects, departments, or things that are deemed unnecessary for the core functionality of the City, the Council
16 should apply the pay-as-you-go philosophy. He stated that if staff is considering changing the way that water is paid for, they
17 should consider doing the same for every area of the City. He stated that if something is not necessary and is not required in
18 order to keep government functioning, let the people that participate pay for it and everyone else that does not participate
19 should not be required to pay for it.

20 There being no additional persons appearing to be heard, Mayor Nagle closed the public hearing.

21 Finance Director Marshall approached the Council and summarized the staff memo that was provided to each
22 member of the Governing Body.

23 COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-32
24 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE YEAR ENDING JUNE 30, 2012. COUNCILMEMBER
25 SHINGLETON SECONDED THE MOTION.

26 Councilmember Kimmel asked Mr. Marshall for more information regarding the HUD grant. He asked what
27 conditions are associated with the grant. Mr. Marshall stated that the grant will be used to study the impacts that will occur in
28 the area surround the SR 193 improvement project. He stated it is intended for designing the development of the area.

1 Councilmember Kimmel asked if the City is restricted in any way relative to the development of the area being studied. He
2 asked if there are any clauses to repay the grant in a certain amount of time depending upon development. He stated that he
3 basically wanted to know if there are any stipulations associated with the funding. Mr. Marshall stated he is not aware of any
4 stipulations like those that Councilmember Kimmel is mentioning and there is a cooperative agreement between Syracuse,
5 West Point, and Clearfield to study the area and the funding is being used for that study. Mayor Nagle stated that she thinks
6 that she might be able to help add some information to the discussion. She stated that the grant was applied for years ago
7 when the three cities were considering proceeding with the Davis Technological Economic Cooperative (DTEC)
8 development of the area. She stated that project is no longer on the table so the cities are using the funding to study what
9 types of improvements need to be made in order to be infrastructure-friendly and improve efficiencies. She stated that the
10 intent is to coordinate the planning of infrastructure for the area. She stated there are really no strings attached to the funding
11 and there is no repayment clause nor a match required.

12 Mayor Nagle stated there has been a motion and a second regarding the proposed resolution and she called for a
13 vote. ALL VOTED IN FAVOR.

14
15 7. Canvass and consider certification of the results of the Syracuse City General Election held November 8, 2011.
16 election certification.

17 The Syracuse City General Election was held November 8, 2011 at the Syracuse Community Center. Early voting
18 for the General Election was held October 25 through November 4, 2011 at City Hall. A copy of the short report of the
19 results of the General Election was provided to each member of the Governing Body.

20 Mayor Nagle stated the election was a "nail biter". She stated that the race between Councilmember Peterson and
21 Dan Schuler was extremely close. She then stated there are 13 precincts in Syracuse City. City Recorder Brown stated that
22 there were 2,369 voters that turned out to vote out of 10,735 registered voters in Syracuse City; that equates to a 22.1 percent
23 turnout. She stated that the total votes cast were 6,828; that is because each voter was allowed to vote for up to three
24 candidates. She stated that number can be somewhat confusing. She stated that Karianne Lisonbee received 1,538 votes, or
25 22.52 percent; Craig Johnson received 1,488 votes, or 21.79 percent; Douglas Peterson received 1,005 votes, or 14.72
26 percent; Daniel Schuler received 1,004 votes; or 14.70 percent; Alan Clark received 942 votes, or 13.80 percent; and
27 Matthew Ocaña received 824 votes, or 12.07 percent. She then stated that for the road bond only 2,341 people cast their vote
28 for the bond issue; 1,569 voted against issuing a road bond and 772 people voted in favor of issuing a road bond.

1 COUNCILMEMBER CLARK MADE A MOTION TO CERTIFY THE RESULTS OF THE SYRACUSE CITY
2 GENERAL ELECTION HELD NOVEMBER 8, 2011. COUNCILMEMBER SHINGLETON SECONDED THE MOTION;
3 ALL VOTED IN FAVOR.

4 Mayor Nagle stated that she wanted to thank everyone that sought election. She stated that she wanted to thank
5 Councilmembers Clark and Ocaña. She stated it is always hard to go through an election. She stated that she wanted to
6 quickly discuss the special bond election that was on the ballot. She stated the current City Council has been “beat up” pretty
7 significantly for adding that issue to the ballot. She stated that Gary Pratt is in the audience tonight and she noted that he was
8 one of the residents that first suggested that the City consider bonding to repair roads rather than passing a tax increase or
9 implementing a fee. She stated that she has contended that the Council listened to the request of the citizens to let the entire
10 City vote on the issue. She stated that she believed that the Council and the people that sought election wanted to see
11 financial transparency and integrity and she feels that adding that item to the ballot proved that. She stated that she
12 commends the citizens for speaking and she commends the Council for listening to the voice of the residents.

13

14 8. Proposed Resolution R11-35 appointing representatives to serve
15 as Syracuse City’s appointees on the Taxing Entity Committee (TEC)
16 for the Redevelopment Agency (RDA) of Syracuse City.

17 Recently, Syracuse City Administration has discussed the possibility of establishing an economic development area
18 (EDA) in Syracuse City to commence a tax increment development area along the Syracuse portion of the State Road (SR)
19 193 project area. In order for the City to participate in any economic development area (EDA) or urban renewal area (URA),
20 according to Utah State Code 17C “Community Development and Renewal Agencies Act”, the City is required to appoint
21 two representatives to participate as members of the Taxing Entity Committee (TEC) that will be established to oversee the
22 operations and long-term budget of the proposed EDA. The TEC is planned to be composed of representatives from
23 Syracuse City, the local school district, the State Board of Education, Davis County, and other representatives from special
24 service districts who would be dedicating funding to the project area in cooperation with Syracuse City. All participants of
25 the TEC have equal representative voices for discussion and voting purposes regarding the established EDA area. City
26 Administration has discussed the TEC appointments with the Community and Economic Development Department and feels
27 that it is in the best interests of the Syracuse City Council to appoint the City Manager and City Finance Director to serve as

1 the Syracuse City TEC representatives, until otherwise changed by the City Council at a later date. City Administration and
2 the Community and Economic Development Department hereby recommend that the City Council approve the appointments
3 of the City Manager and City Finance Director, as presented in the resolution, to serve as the Syracuse City TEC
4 representatives for future EDA and URA project areas in the City.

5 Mr. Rice summarized the staff memo that was provided to each member of the Governing Body. He stated that
6 Davis County actually recommended that that City appoint non-elected officials to the TEC because they are most familiar
7 with the issues that the TEC will be dealing with. He stated that the TEC is made up of the school district, Davis County, and
8 local special districts. He stated that Kent Sulser, an employee of the County Economic Development Department, represents
9 the County on the TEC and there is just one person that represents all local special districts on the TEC.

10 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPTION PROPOSED RESOLUTION R11-35
11 APPOINTING REPRESENTATIVES TO SERVE AS SYRACUSE CITY'S APPOINTEES ON THE TAXING ENTITY
12 COMMITTEE (TEC) FOR THE REDEVELOPMENT AGENCY OF SYRACUSE CITY. COUNCILMEMBER CLARK
13 SECONDED THE MOTION.

14 Councilmember Kimmel stated that this is a pretty serious decision for the Council. He stated that he knows people
15 that have had conversations with some of the County Commissioners about their concerns with this issue. He stated it was
16 stated earlier in public comments that the largest EDA in the State appoints elected officials to their TEC. He stated that any
17 Board that can tax the people needs to have elected representatives make up the committee. He stated that he wanted to see
18 how the rest of the discussion goes and he wanted to see if the rest of the Council feels that staff can handle these
19 assignments. He stated that he does not doubt they are capable, but he feels that the accountability should lie with someone
20 that directly represents the people.

21 Mayor Nagle stated that the Salt Lake City Council is a full-time Council. She stated that she had the same concerns
22 as Councilmember Kimmel so she called Commissioner Petroff and Kent Sulser. She stated that she also called the Mayor of
23 Farmington to get his opinion. She stated that they told her that the Sale Lake City Council is made up of full-time
24 Councilmembers and that is their only job. She stated that is not the case in smaller cities and therefore the Council has the
25 authority to give direction to City staff and if they are not in compliance with direction from the Council, the Council could
26 terminate either Mr. Rice or Mr. Marshall. She stated that is the accountability that the Council will have.

1 Councilmember Shingleton stated one of his concerns it that the TEC gets to vote on how to spend taxpayer money
2 and their decision is binding no matter if the Council disagrees with it after the fact. He stated that for that reason it is very
3 important to have elected officials on the TEC.

4 Councilmember Clark stated that his concern is that there is difficulty staffing assignments to committees or boards
5 that hold their regular meetings during the day. He stated that he was not sure if there is anyone on the Council that can
6 attend a daytime meeting. Mayor Nagle added that there have also been people appointed to those types of positions that
7 have not fulfilled their assignments. She stated that is a real concern for her. Councilmember Kimmel stated that there will
8 be turnover on the Council and there will be some new Councilmembers sworn into office on January. He stated that should
9 be taken into consideration.

10 Councilmember Peterson stated that even if he were to be appointed to the TEC, there is no guarantee that he would
11 vote the way the rest of the Council would like him to vote. Councilmember Kimmel stated the difference is that
12 Councilmember Peterson is responsible to the voters. Councilmember Peterson stated that he is still responsible to the voters
13 even if staff is appointed to the positions. Councilmember Kimmel stated that if Councilmember Peterson participated in the
14 TEC he would be able to hear from voters about how they want their money to be spent and if he is not doing what the voters
15 ask they will have the opportunity to vote him out of office if he chose to seek another term on the Council. He stated that
16 voters do not have those options with employees. Councilmember Peterson stated that his point is that he could vote the way
17 that he wants to vote, but if staff were appointed the entire Council could come to a consensus and tell the staff member how
18 they should vote. Councilmember Kimmel stated that this position is similar to Councilmember Peterson's position on the
19 North Davis Sewer District (NDSD) Board; Councilmember Peterson may vote in ways that Councilmember Kimmel does
20 not like, but Councilmember Peterson is accountable to the citizens for those votes.

21 Councilmember Shingleton asked how soon the TEC will be convening. Mayor Nagle stated the City needs to move
22 fairly quickly on this item. She stated that there will be an EDA near the Syracuse High School and the City needs to begin
23 working on it as soon as possible. She stated that the developer already has tenants that are interested in the development and
24 he wants to begin construction in the early spring months of 2012. Councilmember Shingleton asked if there is a date when
25 the TEC will first convene. Mayor Nagle stated it is contingent upon the action of the Council tonight.

26 Mr. Rice stated there is a RDA meeting following tonight's Council meeting and the RDA Board is being asked to
27 complete the first step in the development of the EDA. He stated that the EDA could potentially be completed and approved

1 in the March-April time frame. He stated that the City met with the developer today and he wants to break ground in the
2 same time frame. He stated that time is of the essence.

3 Mayor Nagle stated there has been a motion and a second regarding the proposed resolution and she called for a
4 vote. VOTING "AYE": COUNCILMEMBERS CLARK AND PETERSON. VOTING "NO": COUNCILMEMBERS
5 KIMMEL, OCAÑA, AND SHINGLETON.

6 COUNCILMEMBER KIMMEL MADE A MOTION TO TABLE PROPOSED RESOLUTION R11-35 UNTIL
7 THE COUNCIL CAN HAVE FURTHER DISCUSSIONS ABOUT APPOINTING ELECTED OFFICIALS TO THE TEC
8 AND BE PRIVY TO A TIME FRAME FOR THE ENTIRE EDA DEVELOPMENT PROCESS.

9 Mayor Nagle stated that the City will not know the time line for the process and it is ultimately up to the other
10 members of the TEC. She suggested that Councilmember Kimmel make an alternate motion to appoint someone to the TEC
11 tonight.

12 Councilmember Ocaña stated that he voted with Councilmember Kimmel because he agreed with his point that the
13 TEC should be made up of elected officials. He stated that he also believes that elected officials need to take their duties
14 seriously and follow-up with the appointments they accept. He stated that can be decided tonight.

15 Mayor Nagle suggested appointing one Councilmember and the City Manager. Councilmember Kimmel asked
16 which entities make up the TEC voting block. Mr. Rice stated that the Davis School District, Davis County, Utah State
17 School Board, and local special improvement districts will be represented. He stated that once the process begins the TEC
18 will only meet once a month and all agenda items will need to be provided to them three weeks in advance of the meeting.

19 Councilmember Shingleton stated that he believed the City is the only entity that has two votes and the rest of the
20 entities only have one vote. Mr. Rice stated that is incorrect; Davis County and the Davis School District both have two
21 votes. Community Development Director Eggett stated that there are nine voting members; two from Davis County, two
22 from Davis School District, two from State School Board, two from Syracuse City, and one at large representative of all the
23 special improvement districts. Mayor Nagle asked if each one have a vote. Mr. Eggett answered yes. He stated that they
24 meet annually to supervise the budget and the efforts of the area. Mayor Nagle stated that the person(s) appointed to the
25 positions are not compensated and she would be interested in being appointed to the TEC. Councilmember Kimmel stated
26 that he does not have a problem with that, but the only thing that he wants to consider is that there will be two new
27 Councilmembers in January and he thinks they should be involved in the process. Mayor Nagle stated that the City can not
28 stop doing business for six weeks until the two new Councilmembers are sworn into office. She stated that someone should

1 be named tonight because time is of the essence. Councilmember Shingleton stated that both Councilmembers-elect are
2 present and he asked if it would be appropriate to ask if they would be willing to sit on the board. Councilmember Peterson
3 stated that they are still citizens and appointing them to the TEC goes against the argument that staff should not be appointed
4 to the positions. Councilmember Ocaña agreed and stated that the only other option is for Councilmembers Kimmel,
5 Peterson, or Shingleton to “step-up” and volunteer to be appointed.

6 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-35
7 APPOINTING MAYOR NAGLE AND CITY MANAGER RICE AS SYRACUSE CITY’S APPOINTEES ON THE
8 TAXING ENTITY COMMITTEE (TEC) FOR THE REDEVELOPMENT AGENCY (RDA) OF SYRACUSE CITY.
9 COUNCILMEMBER CLARK SECONDED THE MOTION.

10 Councilmember Kimmel stated he believes that both appointees should be elected officials. Councilmember
11 Peterson stated that there will be so many questions that the elected officials will not know the answers to and that is why he
12 thinks it will be valuable to have a staff member serve as one of the appointees. Councilmember Kimmel stated that the
13 elected officials can ask those questions of staff; that is what they are for. He stated they do not need to be present at the
14 meetings. Councilmember Shingleton stated they could be present. Mr. Eggett stated that he believed that the Council would
15 want staff present at the meetings to provide a level of expertise. Councilmember Kimmel stated they could be present, but
16 they do not need to be the people casting the votes.

17 Councilmember Peterson suggested that Councilmember Kimmel make a motion to appoint himself to the TEC.
18 Councilmember Ocaña agreed and stated that the only other option is for Councilmember Kimmel, Peterson, or Shingleton to
19 be appointed in addition to the Mayor. Councilmember Peterson stated that his understanding is that the meetings will be
20 very involved and lengthy and he asked if that is correct, to which Mayor Nagle answered yes. Councilmember Peterson
21 stated that he can not attend meetings during the day due to his private employment obligations.

22 Councilmember Kimmel stated that he is hesitant to make such a large decision knowing that there will be a
23 turnover on the Council in January of 2012. He suggested holding a special Council meeting on the day of the swearing in
24 ceremony to appoint people to the TEC. Councilmember Clark stated he would rather make appointments tonight and if the
25 Councilmembers that take office January 1 want to hold a meeting on the day of the swearing in to make changes to the
26 resolution, they are welcome to do that. Councilmember Kimmel stated that he would like to be appointed to the TEC rather
27 than Mr. Rice.

1 COUNCILMEMBER OCAÑA MADE AN AMENDED MOTION TO ADOPT PROPOSED RESOLUTION R11-
2 35 APPOINTING MAYOR NAGLE AND COUNCILMEMBER KIMMEL AS SYRACUSE CITY'S APPOINTEES ON
3 THE TAXING ENTITY COMMITTEE (TEC) FOR THE REDEVELOPMENT AGENCY (RDA) OF SYRACUSE CITY.
4 COUNCILMEMBER SHINGLETON SECONDED THE MOTION. ALL VOTED IN FAVOR.

5
6 9. Authorize Administration to execute lease agreement with ReMax
7 Corporation for the east wing of Syracuse City Hall.

8 The City Administration has been working towards preparing the east wing of City Hall for lease to a private
9 business in the area. A local real estate company has expressed interest in leasing the space. Staff, in conjunction with legal
10 counsel, has negotiated a lease agreement that both parties can agree to.

11 Mr. Rice summarized the memo that was provided to each member of the Governing Body.

12 COUNCILMEMBER CLARK MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE A
13 LEASE AGREEMENT WITH REMAX CORPORATION FOR THE EAST WING OF CITY HALL. COUNCILMEMBER
14 OCAÑA SECONDED THE MOTION.

15 Councilmember Kimmel stated that he noticed some conflicting verbiage in the agreement; one section says it is a
16 five-year lease, but the document only includes three-years of payment. He stated there is also one other section that says
17 three years rather than five. He stated that will need to be correct. He asked if it is a three-year or a five-year lease. Mr. Rice
18 stated that it is a five-year lease, but the lease rate has only been determined for the first-three years. He stated that
19 renegotiation will take place after three-years and if both parties cannot agree on a lease rate moving forward, the agreement
20 can be terminated. Councilmember Kimmel stated that to him that means that the lease is only a three-year lease. He then
21 stated that it appears that the lease rate is \$13 per square foot and he asked if any study was done to ensure that rate was in
22 line with competitive market rates. Mr. Rice stated that the market rate at the time that the lease was first negotiated was
23 anywhere from \$13 to \$15 per square feet and he noted that some spaces were available for lease for a rate as low as \$9 per
24 square foot. Councilmember Kimmel asked if staff considered what class the space is, i.e., class a, class b, or class c. Mr.
25 Rice answered yes and stated that the City Hall space is designated as class a. Councilmember Kimmel asked if there were
26 comparable properties that were considered class a that actually had lease rates as low as \$9 per square foot, to which Mr.
27 Rice answered yes and noted that comparable property is located in Layton. Councilmember Kimmel stated that there are no
28 annual lease rate increases included in the contract and he asked why that is. Mr. Rice stated that is the term that the two

1 parties negotiated and that was driven by the market. Councilmember Kimmel then stated that the security deposit is only
2 equal to one month's rent, but usually the security deposit is equal to the first and last month's lease rate. Mr. Rice stated the
3 security deposit section was recommended by legal counsel. Councilmember Kimmel then stated that when a lease
4 transitions to a month-to-month lease, there is usually a minimum of a 25 percent increase in the rent amount, which will
5 induce the tenant to sign a new lease or vacate the space so it can be leased again. He stated that there is zero penalty for
6 holding over in this lease. Mr. Rice stated that was also determined by legal counsel. Councilmember Kimmel asked for
7 clarification on the lease term; is it a three year lease with the option to negotiate two additional one year terms in the lease.
8 Mr. Rice stated that is correct and he noted that means that it will be five years before the lease will need to be reconsidered
9 by the Council again if the same tenant chooses to lease the space for that entire time period. Councilmember Kimmel asked
10 that exhibit C, Section 2 be changed to reflect the true term of the agreement. Mr. Rice stated that will be corrected.
11 Councilmember Kimmel asked who provided the skeleton lease. Mr. Rice stated that it was provided by legal counsel.
12 Councilmember Kimmel stated that a 16 page lease is a fairly small document; he would expect to see a 40-page lease for
13 this type of transaction. He then stated that he wanted to make a statement about his position regarding this lease. He stated
14 that his philosophical and principled stance about having government compete with private market. . .there is a lot of vacant
15 space in Syracuse and there are developers that have put their own money on the line to construct those spaces. He stated
16 that the City wants to make things easy and fair for those developing land in Syracuse, yet the City is competing with them
17 and offering rates that are equal to or less than the market rate. He stated that he feels that an unfair advantage is being
18 provided to the City and whenever a private business tries to compete with government they will always lose because the
19 government has taxpayer dollars to use as funding. He stated some of the developers live in Syracuse and have invested large
20 amounts of money and they are losing a 4,000 square foot tenant to their own City government. He stated that he
21 understands that the City has payments to make and he knows why this lease is being recommended, but in his philosophy
22 regarding the proper role of government he feels he is correct.

23 Mayor Nagle stated there has been a motion and second regarding the proposed lease agreement and she called for a
24 vote. VOTING "AYE": COUNCILMEMBERS CLARK, OCAÑA, AND PETERSON. VOTING "NO":
25 COUNCILMEMBERS KIMMEL AND SHINGLETON.

26
27 10. Councilmember Reports.

1 Mayor Nagle stated that she has asked other cities for suggestions on how to make Council meetings a little less
2 contentious. She asked that the entire Governing Body only provide reports regarding any assignments that they have and
3 refrain from making any personal attacks or discussion any personal opinions.

4 Councilmember Ocaña said he wanted to mention a few things that have taken place over the past few weeks. He
5 stated that on October 28 he went on a ride along with the Police Department; he always appreciates the job they do and he
6 asked Chief Wallace to extend his thanks to the Officers. He then stated that he attended a Justice Court session and he met
7 with Judge Bean and the other City employees that work in the court. He then stated that on Veteran's Day he had the
8 opportunity to go to a ceremony held at the Clearfield American Legion VFW and it was a great ceremony and he was
9 honored to be able to attend it. He then reported that the Turkey Trot will be held on November 19 and he encouraged all
10 residents to participate in the event. He then stated that he and the other Councilmembers have been getting a lot of questions
11 about the proposed Harvest Point development. He asked Mr. Eggett for information regarding that development. Mr.
12 Eggett stated that the Planning Commission met tonight at 6:00 p.m. and the applicant received preliminary approval for the
13 Planned Residential Development (PRD). He stated that the Planning Commission gave unanimous approval to the
14 developer after considering all comments and evidence regarding the development that was provided to them.

15 Councilmember Clark asked where the exit road will be located. Mr. Eggett stated that it will stub southward into the future
16 phases six and seven of the Harvest Point development. He stated that it will be up to other property owners to determine
17 how to develop their properties and connect to the road in the future.

18 Councilmember Shingleton stated there was an election last week and he wanted to compliment everyone for
19 participating. He stated that "we" saw a republic in action and this is where it begins. He stated that the people spoke.

20 Councilmember Clark reported that the Clearfield High School Community Council will meet tomorrow at 4:00
21 p.m.

22 Councilmember Peterson stated that he attended the Guns and Hoses basketball game, which was a fundraiser for
23 Maddie Cook who is a sick young woman in the community. He stated that it was a great event and the community was at its
24 best. He asked how much money was raised by the event. Chief Wallace stated that the total proceeds to be donated to Ms.
25 Cook is near \$10,000. He then reiterated Councilmember Ocaña's comments about the Turkey Trot. He stated any money
26 raised at that event will be put towards the construction of the "No Child Left Out" Park. He then reported that the North
27 Davis Sewer District (NDSD) Board is in the process of reviewing the District's budget and they are in the same kind of
28 financial condition as the rest of the world, but they do a very good job of keeping their financial house in order. He stated

1 that he will report more information as the budget review process continues. He then stated that he wanted to thank Ms.
2 Brown for conducting and overseeing the City's election and he noted that every last vote is very important. He thanked all
3 citizens that voted and participated. He then stated that the City is losing a few employees. He stated that all City employees
4 are great, but he is especially sad to see the loss of these three employees to other entities. He stated that he wanted to
5 acknowledge the hard work they have done for the City.

6 Councilmember Kimmel stated that the Pumpkin Walk was a fantastic event and it is a really great way to bring the
7 community together. He stated that the new innovative ways to make it more accessible and open were great. He then stated
8 that he also wanted to talk about City employees that are moving on. He stated that he talked to Mike Waite recently and he
9 appreciated what he brought to the City; he was extremely valuable and the way he went about doing things was exactly what
10 the City should want in a Public Works Director. He then stated that he did not know about the departure of Troy Moyes and
11 Tex Couch until tonight, but he also wished them well. He then stated the last thing he wanted to discuss was the election; he
12 appreciated everyone exercising their right to vote and it is amazing to see someone win by one vote in a City the size of
13 Syracuse. He stated that illustrates the fact that every vote truly does count.

14
15 11. Mayor Report.

16 Mayor Nagle then stated that she is the Co-Chair of the TRANSCOM committee and the City has the opportunity to
17 seek additional funding for roads and she is encouraging that application. She then stated that she is hopeful that the City
18 will prevail in that application. She stated that she was also successful in getting a legislator to run a bill to review delinquent
19 taxes of developers in the City who have bought land and neglected to pay property taxes until they are in jeopardy of losing
20 their property. She stated Senator Ben McAdams will sponsor the bill and he has been very successful in the past so she is
21 hopeful that this legislation will move in a positive direction. She then stated that Tex Couch did submit his resignation not
22 too long ago, but that information was included in tonight's Council packet so the Council should have been aware of that.
23 She stated that Mr. Couch has done a great job and she wishes him the very best and the City will miss him. She stated that
24 the City has lost some great institutional knowledge in the past two weeks and that is unfortunate. She stated that she wished
25 the departing employees nothing but the best.

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27 12. City Manager Report

28 Mr. Rice stated he had nothing to report.

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At 9:04 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER
OCAÑA SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor
Date approved: _____

Cassie Z. Brown, CMC
City Recorder

Minutes of the Syracuse City Council Regular Meeting, December 13, 2011.

Minutes of the Regular Meeting of the Syracuse City Council held on December 13, 2011, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: D. Matthew Kimmel
Matthew Ocaña
Douglas Peterson
Larry D. Shingleton

Councilmember Alan Clark was excused from the meeting.

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:
Police Chief Brian Wallace
Information Technologies Director TJ Peace
Finance Manager Steve Marshall

Visitors Present: Raquel Ocaña Mercedes Ocaña David Goodsell
Darel Webb Robert Whiteley Craig Johnson

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 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. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Shingleton provided an invocation. Mayor Nagle then led all present in the Pledge of Allegiance.

2. Public Comments

TJ Jensen, 3242 S. 1000 W., stated that during tonight's work session the Council talked about possibly selling 60 acres of property that was purchased from his family in 2004 prior to the construction of the Jensen Nature Park. He stated that he has a couple of thoughts on the proposed transaction. He stated that at the time that the City bought the property they did so because of results of a study that was conducted by Brigham Young University regarding the needs of the City based on growth. He stated the study included a determination of how much park space the City would need at built out and the Administration at that time felt it would be good for the City to have a regional park in that location. He stated the City purchased the property at a great sales price. He then stated that the West Davis Corridor may be constructed in that area and designating the 60 acres as a park now may give the City more leverage in trying to negotiate the location of the road. He stated that his bigger concern is how the City will find that much contiguous acreage for a large park. He stated that there may be some potential for the City to work through some land swap agreements to get enough property for a larger park elsewhere in the City. He then stated the second issue he wanted to discuss was the fact that he has heard "through the

1 grapevine” that someone has been offered the Public Works Director job. He stated that the person that he was told was
2 offered the job has already done a lot of good for the City and it will be nice to see him in that position.

3
4 3. Public recognition of Councilmember Matt Ocaña for his service as a
5 City Councilmember.

6 Mayor Nagle stated that Councilmember Ocaña jumped into his role as an appointed Councilmember with both feet
7 and he never stopped working. She stated that she is very thankful for the service that he gave to the City. She stated that he
8 always was willing to represent the City in a very professional way. She stated that some of his efforts through his
9 participation with the Antelope Island Tourism Board have been instrumental in increasing local business revenues. She
10 stated that she will really miss Councilmember Ocaña and she thanked him again for his service. She then provided him with
11 a gift on behalf of the City.

12 Councilmember Ocaña received a round of applause from the audience.

13 Councilmember Peterson stated that he has really appreciated the opportunity to work with Councilmember Ocaña
14 as well. He stated that he felt that Councilmember Ocaña had done four years worth of work in a one year time period. He
15 stated that most important is the relationship that Councilmember Ocaña built with the Antelope Island Tourism Board and
16 he appreciates that work. He stated that Councilmember Ocaña has a calm demeanor and common sense that helps the rest of
17 the Council during arguments or debates that they may have. He stated that he will miss Councilmember Ocaña and he
18 wished him luck in whatever he chooses to do after this.

19 Councilmember Kimmel stated that he feels the same as Councilmember Peterson; Councilmember Ocaña has done
20 a great job and he is proud to have served on the Council with him. He stated that Councilmember Ocaña has done a good
21 job of bringing compromise to the table; he has broken down fences and helped join those on differing sides of an issue. He
22 stated that is a great leadership quality. He stated that while Councilmember Ocaña will not continue on the Council, he still
23 brings a lot to the City and he would love to see him stay involved.

24 Councilmember Shingleton stated he would echo all the comments that have been made to this point. He stated that
25 he visited with Councilmember Ocaña for a moment before tonight’s meeting, but he wanted to publicly say that he and
26 Councilmember Ocaña have not always seen eye to eye on issues, but Councilmember Ocaña has always been cordial and he
27 considers him a friend. He stated he would really encourage Councilmember Ocaña to stay involved because the City can

1 use his expertise. He stated he wanted to thank him from the bottom of his heart and he believes the citizens would say the
2 same thing.

3 Mayor Nagle stated that she wanted to thank Councilmember Ocaña's family as well for supporting him.

4 Councilmember Ocaña stated that the past year has flown by; it was very exciting. He stated he did not know what
5 he was getting into, but he felt it was a great opportunity. He stated that he appreciated working with everyone on the
6 Council and he appreciated the City staff for all the hard work they do. He stated it has been very interesting. He stated that
7 he would also thank his family; they did not ask for him to be involved in this capacity and he took his work home with him a
8 lot. He stated that he still hopes to be involved as much as possible. He stated that he appreciated all the support that he has
9 received from citizens.

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11 4. Public Hearing – authorize administration to dispose of a
12 parcel of real property.

13 Parcels of property intended to be used for the construction of Jensen Park were purchased in 2004 and 2005. In
14 light of the future construction of the West Davis Corridor and staff identification of City properties for possible sale, staff is
15 exploring the option to divest of 60 acres of undeveloped property at Jensen Park. The Community and Economic
16 Development Department hereby recommends that the City Council review the request to authorize administration to dispose
17 of surplus property. Community and Economic Development Department Staff hereafter recommends that the City Council,
18 following the recommendation from staff, approve the request to dispose of surplus property, described as the undeveloped
19 60 acres of Jensen Park. Should the City Council approve the divestiture of this undeveloped portion of Jensen Park, City
20 Staff will need to follow the steps listed below in order to divest of the Jensen Park property:

- 21 - Allow staff to enter into negotiations with parties interested in purchasing this property
 - 22 - A closed session of City Council to discuss and negotiate the details of a real estate transaction
 - 23 - Finalize the transaction following steps discussed and approved during the closed session
- 24 Mayor Nagle convened the public hearing.

25 TJ Jensen, 3242 S. 1000 W., stated that he talked to the Utah Department of Transportation (UDOT) regarding the
26 West Davis Corridor and its proposed alignment that was announced in December of 2010. He stated that an issue that he
27 has with the alignment is that it will be constructed directly on top of a sewer line. He stated that it will also impact potential
28 development for property owners north of the sewer line. He stated that it would be nice for the City to try to get UDOT to
29 move the alignment just 250 feet to the south.

30 Mayor Nagle then closed the public hearing.

31 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF
32 A PARCEL OF REAL PROPERTY. COUNCILMEMBER KIMMEL SECONDED THE MOTION; ALL VOTED IN
33 FAVOR.

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5. Public Hearing - Proposed Ordinance 11-12 amending Title Two of the Syracuse City Code by eliminating Section 2.06.030 – Building Official; amending Title Eight of the Syracuse City Code by adding Section 8-1-4 – Building Official.

On November 15 the City Council adopted a resolution that amended the position of Building Official by making it a merit employee position and lowering the wage. Therefore, the position is no longer designated as a Department Head position and it is not necessary for the newly hired Building Official to be appointed by the City Council. With that change it is necessary to amend Titles Two and Eight of the City Code accordingly. Title Two is being amended by deleting the entire section dealing with the Building Official. Information regarding the Building Official position is being moved to Title Eight, which is the Building Code of the City. The new language states that the Building Official will be appointed by the City Manager.

City Recorder Brown summarized the memo that was provided to each member of the Governing Body.

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 11-12 AMENDING TITLE TWO OF THE SYRACUSE CITY CODE BY ELIMINATING SECTION 2.06.030 – BUILDING OFFICIAL; AMENDING TITLE EIGHT OF THE SYRACUSE CITY CODE BY ADDING SECTION 8-1-4 – BUILDING OFFICIAL. COUNCILMEMBER OCAÑA SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Proposed Resolution R11-38 appointing a Public Works Director for Syracuse City.

Mayor Nagle stated that Robert Whiteley has been offered the position of Public Works Director. She stated that the City was devastated to lose Mike Waite; he took a tremendous amount of institutional knowledge with him. She stated that he had such a great team working for him and she was worried that it would be hard to find someone to maintain that cohesive unit. She stated that she has heard that the employees in the Public Works Department are very happy to have Mr. Whiteley on board. She stated that she is also very happy about the fact that he is a certified engineer.

Councilmember Peterson stated that he is also excited to have Mr. Whiteley on board and he congratulated him on the appointment.

1 COUNCILMEMBER OCAÑA MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-38
2 APPOINTING A PUBLIC WORKS DIRECTOR FOR SYRACUSE CITY. COUNCILMEMBER PETERSON
3 SECONDED THE MOTION; ALL VOTED IN FAVOR.

4

5 7. Proposed Resolution R11-39 amending the employment contract for City Manager Robert Rice.

6 Mayor Nagle explained that the proposed Resolution will amend the amount of vacation leave that Mr. Rice is
7 allowed to earn each pay period.

8 COUNCILMEMBER OCAÑA MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-39
9 AMENDING THE EMPLOYMENT CONTRACT FOR CITY MANAGER ROBERT RICE. COUNCILMEMBER
10 PETERSON SECONDED THE MOTION; VOTING “AYE”: COUNCILMEMBERS OCAÑA AND PETERSON.
11 VOTING “NO”: COUNCILMEMBERS KIMMEL AND SHINGLETON. MAYOR NAGLE CAST A TIE-BREAKING
12 VOTE AND VOTED “AYE”.

13

14 8. Councilmember Reports.

15 Councilmember Ocaña reiterated that he has been grateful for the opportunity to have worked with the Council and
16 he thanked them for supporting him.

17 Councilmember Shingleton stated he wanted to wish everyone a Merry Christmas and a Happy New Year. He
18 stated he also wanted to welcome Mr. Whiteley to the City. He stated he participated in the interview and he feels Mr.
19 Whiteley has great credentials.

20 Councilmember Peterson stated the past year has been a great one and he is looking forward to a good year next year
21 working with the newly elected Councilmembers and new staff members as well.

22 Councilmember Kimmel stated that he looks forward to working with Mr. Whiteley in the City. He stated that not
23 only is Mr. Whitley well qualified, but he is a good person as well and that is a good thing to add to City government. He
24 stated that he is happy to have him working in the City.

25

26 9. Mayor Report.

27 Mayor Nagle stated that she wanted thank City staff as the year draws to an end. She stated that she was recently
28 trying to write an end-of-year message for the City newsletter and everything she reflected upon had something to do with

1 City employees. She stated she stated that the Council gets to stand on the shoulders of giants; the employees do a great job
2 of representing the City and managing public resources. She stated that she hopes that they have a very good holiday season.
3 She stated the City asks a lot of them and she is thankful for all that they do for the City.

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5 11. City Manager Report.

6 Mr. Rice stated he had nothing to report this evening.

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9 At 7:23 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER
10 KIMMEL SECONDED THE MOTION; ALL VOTED IN FAVOR.

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14 _____
15 Jamie Nagle
16 Mayor

Cassie Z. Brown, CMC
City Recorder

17 Date approved: _____

Minutes of the Syracuse City Council Special Meeting, December 29, 2011.

Minutes of the Special Meeting of the Syracuse City Council held on December 29, 2011, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark
Matthew Ocaña
Larry D. Shingleton

Councilmembers D. Matthew Kimmel and Douglas Peterson were excused from the meeting.

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:
Police Chief Brian Wallace
Information Technologies Director TJ Peace
Finance Manager Steve Marshall
Community Development Director Mike Eggett
City Planner Kent Andersen

Visitors Present: Bruce Schofield Craig Johnson TJ Jensen

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 6:00 p.m. as a specially scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. .

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

2. Approval of Minutes

The minutes of the Special Meeting of November 29, 2011 were reviewed.

COUNCILMEMBER OCAÑA MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF NOVEMBER 29, 2011 AS PRESENTED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION. ALL VOTED IN FAVOR.

3. Public Comments

Bruce Schofield, 3982 W. 1700 S., stated that he has noticed that a sidewalk is being constructed on 1700 South west of his house and the question that these types of projects have generated in the past is who is going to take care of and clean the sidewalks. He stated that he has cleaned many sidewalks in the area, but he has never been told who is actually responsible for that maintenance. He stated that he worries about the sidewalks after a snow storm when kids are supposed to be using them to travel to and from school. He stated that he does not want anyone to get hurt. He stated that he knows that

1 it is the law that homeowners are required to clean the sidewalks in front of their own home, but there are many acres in
2 Syracuse City that are home to a sidewalk with no home behind it. He stated that another problem that he is aware of is the
3 ditch on the south side of Antelope Drive and he wondered who is responsible to keep that ditch cleaned. He stated there are
4 many flooding problems created by the ditch. Mayor Nagle encouraged Mr. Schofield to meet with the City's new Public
5 Works Director, Robert Whiteley as well as City Manager Robert Rice. She stated that Mr. Schofield's concerns are valid
6 and she would like for him to work with City staff to address them. Mr. Schofield stated he would be willing to do that. He
7 stated that several years ago before the City gained ownership of the ditch, it was owned by the County and they always
8 cleaned it out. He stated that the McBride family used to clean the ditch on a regular basis as well, but now that the City
9 owns the ditch he feels it would be wise to install pipe to direct the water directly to the Great Salt Lake. He stated he knows
10 that would be a costly project, but it is needed.

11
12 4. Proposed Resolution R11-40 appointing an Attorney for Syracuse City.

13 COUNCILMEMBER OCAÑA MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-40
14 APPOINTING AN ATTORNEY FOR SYRACUSE CITY. COUNCILMEMBER CLARK SECONDED THE MOTION.

15 Councilmember Clark stated that he needed to disclose something for the record. He stated that he was not aware of
16 it until earlier this week, but he personally knows the person that is being recommended for appointment as the City
17 Attorney. He stated that he has known him for four years and he does not think that the City could have found anyone more
18 qualified or capable to be the City's attorney. He stated that he has seen what he has done in his past employment positions
19 and he has talked to people that have worked with him and he feels he will be a great asset to the City. He stated he is glad
20 that Mr. Carlson applied.

21 Councilmember Shingleton stated that he has some questions for Mr. Rice about this issue. He asked if the City had
22 looked into hiring a legal firm on a part-time basis. Mr. Rice stated that the City previously had a contract with Mazuran and
23 Hayes that was essentially a part-time contract. He stated that there was an attorney that spoke at a previous Council meeting
24 about this issue, his name was Jacob Briggs. He stated he contacted Mr. Briggs after the meeting to ask him what he would
25 charge to act as the City's attorney on a part time basis. He stated the services that the City would get from Mr. Briggs would
26 be similar to the service that the City gets from the contract prosecutor and from Mazuran and Hayes. He stated that Mr.
27 Briggs reported that his standard fee is \$150 per hour, but he could possibly charge the City a lower rate. He stated that Mr.
28 Briggs has never worked as a prosecutor and he has no experience in municipal government; rather, he has done mostly

1 litigation work. He stated that Mr. Briggs reported that his partner may be willing to handle the municipal government cases,
2 but he could not confirm that because he had not talked to him. Mr. Rice stated that his honest opinion is that he did not
3 come away from the conversation with Mr. Briggs with a sense of confidence that contracting with him would be best for the
4 City. He stated that he has also called several cities to see how they address legal issues. He stated Clearfield and Roy cities
5 both have full time attorneys; Layton City has a staff of in-house attorney's at their disposal. He stated that West Point City
6 contracts with Felshaw King and they do not have a Justice Court. He then stated that staff already knows what they will pay
7 this Fiscal Year in legal costs for the prosecution contract with Mike Houtz, as well as Mazuran Hayes. He stated the two
8 contracts total \$91,000. He added that a portion of the recodification costs included in the budget. \$5,000, are to be spent on
9 legal review. He stated the City paid \$6,500 to Ballard Spahr for the drafting of bond resolutions and other documents
10 related to the bond issue that was on the November ballot. He stated that the City is going to be forming an Economic
11 Development Area (EDA) this year for the potential Ninigret project, which will need extensive legal input. He stated that
12 his projections are that the City will save at least \$5,000 to \$10,000 each year by hiring an in-house attorney. He stated that
13 is a very conservative estimate and he anticipates that City will realize even greater savings. He stated that the City staff is
14 one big team and this is about providing the best bang for the buck for the residents. He stated the City has crossed the
15 threshold to the point where a full-time, in-house attorney is needed. He stated that for less money the City will get an
16 attorney working 45 or more hours a week while the City likely only got 15 hours per week of work from the firm that had
17 the contract. He stated that the City needs more than 15 hours per week in legal services. He stated the Police Department
18 needs legal counsel on a very regular basis, as does the Community Development Department. He stated that he believed
19 everyone is in agreement that it would be nice to have an attorney at all meetings of the City Council. He stated that asking
20 the contracting firm to attend all City Council meetings would cost the City \$5,000 to \$10,000 more each year. He stated that
21 Councilmember Shingleton participated in the interviews for the position and he asked some questions about Roberts Rules
22 of Order and the successful candidate answered those questions very well and gave a couple of examples about his personal
23 experience with that document. He stated that he feels that hiring Mr. Carlson will make the entire City much more
24 professional. He stated that there is a point in time where it does not make sense for cities to contract with outside firms for
25 essential services. He stated that the entire Council is aware of many of the projects that are ongoing in the City. He stated
26 that he has no desire to build the team any bigger and, in fact, he has eliminated three positions – a utility billing clerk, a
27 streets employment position, and the GIS specialist position – since he has been employed as the City Manager. He stated
28 that because of the expertise of the staff in the Community Development and Public Works Department as well as the

1 transition from GIS to Google-type technology, the City no longer needed a GIS Specialist. He stated the person that was
2 previously employed in that position was being paid \$55,000 per year. He stated that the lawyer will be paid a salary of
3 \$70,000 per year, but his total compensation package will be \$9,000 less than the GIS Specialist's was because he is not
4 married and does not have a family to provide insurance benefits for. He stated that all of the legal fees of the City will be
5 eliminated and one staff position will essentially be replaced by another. He stated his main goal is to make the City more
6 efficient. He reported that the City's fund balance has increased by 50 percent since this time last year. He stated on January
7 1, 2011 the City had a cash balance of \$5.1 million; on December 31 the City will have \$7.1 million in cash on hand. He
8 stated that for him it is all about enhancing revenues, cutting expenses, and doing better staff work to provide better service
9 for the citizens. He stated that he feels that the Governing Body as well as everyone on staff will be very happy that there
10 will be an attorney that they can go to for help in ironing out legal issues. He stated it is unfortunate that the staff has had to
11 make the decision to "shoot in the dark" because they did not want to spend the money to contact Mazuran and Hayes. He
12 stated it would be easy for the City to spend \$10,000 on legal services by calling Mazuran and Hayes. He stated that another
13 thing that many Department Heads, such as Ms. Brown, Mr. Wallace, Mr. Marshall, and Mr. Eggett can attest to is the
14 number of decisions and the amount of interaction that takes place in staff meeting. He stated that the Department Heads
15 meet every Wednesday for a couple of hours and it is amazing the things that come from those meetings. He stated everyone
16 is working together to get things done and it will make the staff even better to have an attorney at those meetings. He stated
17 he is asking Councilmember Shingleton to trust him on this issue. He stated he is not trying to pad his resume by adding
18 another employment position. He stated in his last job he had 1,300 civilians and 800 marines and sailors working for him.
19 He stated he has no personal interest in this issue besides making the City better. He stated that when he first began his
20 employment with the City he was shocked to find out that the City did not have general counsel or human resources support
21 on staff and he was somewhat frightened by that fact. He stated that HR issues will get the City in trouble faster than
22 anything else and it would be great to have an attorney on staff to assist in sorting out those kinds of issues. He stated the
23 City has been "shooting in the dark" on some things that they shouldn't be. He stated that this issue is all about making the
24 City better and producing a better product. He stated that he feels that the entire Council will look back on this day a year
25 from now and say that they are glad that they hired an attorney. He stated that it is already known that the City will save
26 money, but he feels that staff will be able to produce a better product. He stated if that is not the case the City Council has
27 the option to revisit the action.

1 Councilmember Shingleton stated that the Council has been informed of what the base salary for the position is, but
2 he inquired as to the total compensation package including all taxes, retirement contributions, etc. Mr. Rice stated that the
3 salary that he has reported includes all costs associated with the position. He stated that the City will save at least \$10,000
4 even when all benefit costs are considered. He stated the total compensation package is \$91,000. He stated that the current
5 Fiscal Year (FY) budget includes a programmed amount of \$101,000 for legal costs. He reiterated that does not include the
6 amount paid to Ballard and Spahr for their work on the bond election.

7 Mayor Nagle stated that she has also had a discussion with Mr. Rice about B&C Road funds. She stated that two
8 years ago the City new they were facing a big issue by the fact that the City was using those funds to pay salaries. She stated
9 the Council and staff knew it would take a long time to fix the problem, but they were all committed to do that. She stated
10 that she thought it would take four to five years to fix it, but because of some of the things that Mr. Rice and the staff has
11 done, the City is on schedule to completely fix the problem early in 2012. She stated that a \$10,000 savings in one budget
12 line may not seem like a big savings, but each small budget reduction adds up and eventually there is enough money to fix
13 problems like the B&C Road funding problem. Mr. Rice agreed and stated that some of the enhancements that have been
14 made by Mr. Marshall are adding up to "real money". He stated that Councilmember Clark has made recommendations in
15 the past about using a credit care with a cash back bonus to pay City expenditures. He stated that Mr. Marshall implemented
16 that program recently because it was becoming common practice for staff to use credit cards to pay for many things. He
17 stated that the City is averaging a monthly cash back reward of \$1,500. He stated those small amounts of money add up to a
18 significant amount of money very quickly. He stated that he and the staff are conservative in everything they do and he
19 anticipates a budget opening in February during which he will ask the Council to add \$600,000 to a road project from the
20 transportation impact fee fund and dedicate another \$200,000 from the general fund for an additional road project. He stated
21 that between now and the summer of 2012, the City may be able to dedicate \$1 million to road projects. He stated that the
22 City's fleet has been reduced by 10 percent and he will likely cut another 10 percent in the near future; many of those
23 vehicles are being sold and generating good revenues for the City.

24 Councilmember Clark stated that he does not understand Councilmember Shingleton's concerns. He stated that the
25 Council has talked constantly about making budget reductions. He stated that when the Council adopted the current FY
26 budget Councilmember Shingleton was concerned about a \$3,000 expenditure in the budget, but the idea that Mr. Rice is
27 proposing will save the City three times that amount. He stated he does not know why Councilmember Shingleton does not
28 understand that the City will save a substantial amount of money, but will also be able to provide better service to the

1 citizens. Councilmember Shingleton stated that he is not saying that there will be no benefit to the City, but he does question
2 whether the City needs a full time attorney. He stated that Mr. Rice talked about Clearfield and Roy, but has not heard if a
3 comparison has been made to cities like Kaysville or Clinton. Councilmember Clark asked why that matters if the City is
4 going to be saving a large amount of money. Councilmember Shingleton stated that he has talked to several attorneys and
5 they can not understand why the City needs a full time attorney. Police Chief Wallace stated that Kaysville does not have
6 their own Justice Court. Councilmember Clark stated that none of that matters. He stated this is Syracuse City and the
7 Council needs to decide what benefits this City. He stated that he does not care about Clinton and Kaysville; he cares about
8 increasing efficiencies and saving the City money. He stated that even if the City hired a full-time attorney and he only
9 worked for 20 hours a week the City would still be saving money. Mayor Nagle stated that no one that works for Mr. Rice
10 will ever put in only 20 hours per week. Councilmember Shingleton stated that a citizen and another attorney approached
11 him and suggested hiring a full-time attorney, but contract with another city to share him. Mr. Rice stated that he talked to
12 West Point about that and their answer was that they contract with Felshaw King and they feel a loyalty to him. He stated
13 that if the City does hire an attorney and he does not have enough to do he will pursue other cities with that option. He stated
14 that he has put many issues on hold that need legal attention very soon.

15 Councilmember Clark stated he has tried to approach this issue from his perspective as a consultant. He stated that
16 he has clients that do not call him because they do not want to pay his billable rate. He stated that he recently had a client
17 that worked for two weeks on a project and they could not complete it on their own; eventually they called him and it took
18 him 15-minutes to solve the issue that they had been working on for two weeks. He stated that type of issue happens very
19 often because people are working with contractors that charge for billable services. He stated that if there is someone on staff
20 that can solve problems, that issue will not happen in Syracuse City any longer. Mr. Rice agreed and stated that there are so
21 many things that the City is not billed for because the City does not want to spend the money. He stated that he felt the City
22 could easily pay the City's legal contractor for two more hours each week, which adds up to over 100 hours per year. Ms.
23 Brown stated she felt that is a low estimate and there is enough work to keep an attorney busy on a full time basis.

24 Councilmember Clark stated that the City could contract with an accounting firm that could perform the same
25 functions that Mr. Marshall does for the City, but he can not imagine the shape the City would be in if there was not a full
26 time Finance Director on staff. He stated that Mr. Marshall provides incredible value to the City.

27 Mr. Rice asked Chief Wallace to provide the Council with some information about how an in-house attorney would
28 benefit his Department. Chief Wallace stated that every morning he reads the reports generated by the Spillman software

1 system and a good portion of them include a statement that the case needs to be referred to City Attorney to determine if
2 charges will be filed. He stated that the City's prosecutor, Mike Houtz, is only at the City one day a week and by that time
3 some of the reports are five or six days old and people have been waiting that long to see if they are going to be charged. He
4 stated that his staff does not call the City's legal firm because they do not want to incur charges. He stated having an in-
5 house attorney will be great for his Department; the attorney can review reports when he gets to work each morning and work
6 with the Police Officers to determine what charges to file and what courts to refer those charges to. He stated that everything
7 in criminal law is not black and white and Officers have to make judgment calls and they often do not have enough
8 information while on the scene to make those calls. He stated that he feels that the work for an attorney that would be
9 generated by his Department alone would keep the attorney busy on a full-time basis. Mr. Rice stated that another "big win"
10 he wanted the Council to know about was an idea from Ms. Brown about an application that can be used on iPads or iPhones
11 that utilizes a credit card swiper to allow someone to pay a court fine or warrant rather than come to court to pay the fine. He
12 stated that the first fine that an officer collected with the application was \$780. He stated that the person that paid the fine
13 was so happy that he did not have to come to jail because of the warrant and he was able walk back into his office and finish
14 his day of work. He then stated there are untold benefits of having an attorney on staff.

15 Councilmember Shingleton asked what will happen if it becomes apparent that there is not 40-hours worth of work
16 to keep the attorney busy. He asked if the Mr. Carlson would have a problem with being a "for-rent" attorney. Mr. Carlson
17 stated that he believes that the City has underutilized legal services to this point. He stated that he does not think there is only
18 16 hours a week of legal work to be completed. He stated that, having said that, if the City needs to save costs by extending
19 his services he would be happy to do that unless a conflict of interest arises. He stated that if he were to represent Syracuse
20 City and West Point City and the two cities were to get into some sort of conflict, he would not be able to represent either city
21 and that could create a problem for Syracuse. He stated he is comfortable doing whatever needs to be done. Mr. Rice added
22 that there are many employees in the City that perform many functions that are outside of their regular job duties. He stated
23 that Mr. Carlson may be a good fit for a committee such as a parks and recreation committee. He stated the truth is that the
24 City could use an attorney participating in every project the City is involved in.

25 Councilmember Clark stated that he is disappointed that he will not have the opportunity to work with Mr. Carlson.
26 He stated that Mr. Carlson is a leader and he makes things happen; he will not be sitting back in his office waiting for people
27 to ask him to do something. He stated that he will be a great addition to the staff that the City already has and he only sees

1 the City improving as a result of employing Mr. Carlson. He stated that he cannot say enough good things about Mr. Carlson
2 and he feels this is a great opportunity for Syracuse.

3 Councilmember Ocaña stated that from his perspective, it seems like this is a good decision for the City. He stated it
4 will save the City money and help staff provide a better product. He stated that Mr. Rice is sitting before the Council; he
5 works in the City day to day and has a track record that shows that he gets things done that are in the best interest of the City.
6 He stated he does not feel the need to not trust what Mr. Rice thinks needs to be done. He stated that he has nothing but good
7 things about Mr. Carlson and he thinks it is amazing that the City has the opportunity to save money and get better service.

8 Mayor Nagle stated that one of her favorite shows on television is Undercover Boss. She stated that she is always
9 amazed when a boss goes to work with the front line employees and they show him things and he asks why they do not share
10 their ideas to those “up the line”. She stated that the front line employees feel that people in management will not listen to
11 them or understand what they are asking for. She stated that she believes that everyone in this room has probably been in that
12 same situation at least once in their life. She stated that they know that there are ways to improve things, but their voice is
13 not always heard by those “at the top”. She stated that at the end of the day every member of the Council is trying to be wise
14 stewards of taxpayer dollars and she does not think anything about this proposal is contrary to that goal. She stated that
15 hiring a City Attorney will allow for taxpayer dollars to be spent even wiser. She stated that there have been a couple of legal
16 issues that the City has dealt with in the past that likely would not have arisen if the staff had had access to better legal
17 resources. She stated that Mr. Rice has never come to the Council with a “hairbrained” idea that has “gone south”. She
18 stated that his ideas are well studied and verified by data.

19 Councilmember Shingleton stated that he believes the citizens, as well as the Council, will be closely monitoring
20 this decision. Mr. Rice stated that he has thought about that and he wants to be as honest and up front with the Council and
21 citizens as possible. He stated that he will task Mr. Carlson to keep track of his billable hours so that they can be reviewed at
22 the end of a one-year period to determine if the proposal has paid off. Councilmember Shingleton stated that he would like to
23 see that accounting on a monthly basis. He stated that he hears from residents about the City spending more money and they
24 are not comfortable with that. Mayor Nagle stated that one idea she has been trying to implement is a scorecard type of
25 tracking report that could track functions in every area of the City. She stated that it would target efficiencies and
26 inefficiencies. She stated that government is good at tracking where money is spent, but it is not as great at tracking what
27 those expenditures produce and whether it adds value to the community. She stated that she wants to provide measurable
28 outcomes for the City.

1 The Mayor stated there has been a motion and second regarding the proposed Resolution; she called for a vote.
2 ALL VOTED IN FAVOR. Councilmembers Kimmel and Peterson were not present when this vote was taken.

3
4
5 5. Proposed Ordinance 11-13 amending various provisions of Title Ten,
6 Land Use Ordinance, relating to cluster subdivisions.

7 The Cluster Subdivision is a major conditional use overlay, allowing increased density in the A-1 Agriculture Zone
8 to encourage open space conservation and creative land use. For a developer to achieve an increase in density, specific
9 requirements must be met. Previously the Cluster Subdivision overlay was an eligible conditional use in A-1, R-1, R-2, and
10 R-3 zones. At which time, based on concern of implementation of a development agreement, City Council reduced the
11 eligibility to only the A-1 Zone. A developer wishing to purchase and further develop Trailside Park by amending phase 2
12 and the development of a new concept for a phase 3 (a previously approved R-1 Zone with a Cluster Subdivision overlay,
13 changed after the 2006 approval of Trailside Park) has approached the City requesting the ability to amend the originally
14 approved plans to encourage the sales of homes at this development. But, as the R-1 Zone is no longer able to include a
15 Cluster Subdivision overlay, the City is unable to meet this request. It is staff's recommendation, as well as the Syracuse
16 City Planning Commission, that the City Council amend the Cluster Subdivision ordinance allowing the R-1 Zone be
17 included as an overlay option. This increases the flexibility of land use decision, and is in the best interest of the future of
18 Trailside Park and of future development within Syracuse City. The proposed amendment to the Cluster Subdivision
19 ordinance would allow the R-1 Zone a 1.85 dwelling per net acre incentive density, resulting in a maximum density from 2.9
20 to 4.75 dwellings per net acre. Additional language is also recommended regarding development agreements to provide for
21 additional ordinance strength.

22 On December 20th, 2011 the Syracuse City Planning Commission held a public hearing regarding the proposed
23 amendments to the Cluster Subdivision, in which no comments were received. On December 20th, 2011 the Syracuse City
24 Planning Commission approved recommendation to the Syracuse City Council the attached amendments to Title
25 Ten, Chapter 16, Cluster Subdivision within the Syracuse City Code. This amendment allows the option for areas zoned R-1
26 to apply for a major conditional use permit to allow a Cluster Subdivision and provides additional development agreement
27 language. The Community & Economic Development Department hereby recommends, following recommendation from the

1 Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, Chapter 16, Cluster Subdivision
2 within the Syracuse City Code to reflect attached Ordinance No. 11-13.

3 Community Development Department Director Eggett approached the Council and summarized the staff memo that
4 was provided to each member of the Governing Body.

5 COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 11-13
6 AMENDING VARIOUS PROVISIONS OF TITLE TEN, LAND USE ORDINANCE, RELATING TO CLUSTER
7 SUBDIVISIONS. COUNCILMEMBER CLARK SECONDED THE MOTION.

8 Mayor Nagle stated that she is happy that staff, the Planning Commission, and City Council moved so quickly on
9 this item to assist a developer in the City She stated that the Council needs to have future conversations about the ordinance
10 and about any potential impacts to the Trailside Subdivision. She stated that she wondered if there is any way that the City
11 can educate potential homeowners about possible future road construction that may take place near their homes. She stated
12 that the people that live in the Trailside Subdivision were never told that a road may be constructed near their home 10-years
13 in the future. After a short discussion, Mr. Eggett explained that it is ultimately the responsibility of the developer and
14 homeowners to research any occurrence in the future that could potentially impact their home.

15 Mayor Nagle stated there has been a motion and a second regarding the proposed Ordinance; she called for a vote.
16 ALL VOTED IN FAVOR. Councilmembers Kimmel and Peterson were not present when this vote was taken.

17

18 6. Councilmember reports.

19 Councilmember Clark stated that one of the best parts of being able to serve as a Councilmember has been the
20 relationship he has developed with the staff. He stated that he does not want to list the names of the employees because he
21 would forget someone, but he wanted everyone to know that the friendships he has developed have made his service more
22 memorable. He stated that he hopes those friendships do not go away and he promises to stay involved. He stated that he
23 loves Syracuse City and he will do whatever he can to continue to make it a better place.

24 Councilmember Ocaña thanked Councilmember Clark for his service and for being a friend to him on the Council.

25 Councilmember Shingleton stated that he needs to apologize for the apparent mix-up that occurred on Tuesday,
26 December 27 that resulted in the cancellation of the regularly scheduled meeting. He stated that through his conversations
27 with the Mayor there was a miscommunication and he apologized to everyone that made an effort to attend the meeting that

1 was cancelled. He stated that his son and grandchildren were visiting from Missouri. He then stated that even though he and
2 Councilmember Clark did not always see eye-to-eye on every issue, he has enjoyed serving with him and he has learned a lot
3 from him and he hoped that he would continue to stay involved in the City. He stated that most of the past elected officials
4 that no longer serve have “ridden off into the sunset” and he hoped that would not be the case with Councilmembers Clark
5 and Ocaña.

6
7 7. Mayor report.

8 Mayor Nagle stated that she was going to brag about the iPhone application that allows for the collection of payment
9 because she thought it was a great thing. She stated that she thinks it is great that employees are thinking outside the box and
10 everyone is working together. She then stated that she will greatly miss Councilmember Clark; he has been the voice of
11 reason and calm. She stated that even before she got involved in local politics she can remember Councilmember Clark
12 being involved in so many things in the City, such as participating in the committee that helped to shape the boundaries for
13 Syracuse High School. She stated that he has always “walked the talk” when it comes to being invested in the City. She
14 stated that she looks up to him and she will miss him.

15
16 8. City Manager report.

17 Mr. Rice stated that he had nothing to report.

18
19 Planning Commissioner TJ Jensen stated that he loves it when there is a Councilmember in attendance at the
20 Planning Commission meetings and he hoped that Councilmember-elect Craig Johnson will continue to attend those
21 meetings. Councilmember Clark stated that the City Council has been given direction from legal counsel not to attend
22 Planning Commission meetings because the City Council is the appeal body for decisions made by the Planning Commission.
23 Mr. Johnson stated that he is not sure about the legalities of attending, but it has been very beneficial for him to attend and he
24 will continue to attend if he legally can.

25
26 At 7:03 p.m. COUNCILMEMBER CLARK MADE A MOTION TO ADJOURN. COUNCILMEMBER OCAÑA
27 SECONDED THE MOTION; ALL VOTED IN FAVOR.

City Council Special Meeting
December 29, 2011

1 _____
2 Jamie Nagle
3 Mayor
4
5 Date approved: _____

Cassie Z. Brown, CMC
City Recorder

Minutes of the Syracuse City Council Regular Meeting, January 10, 2012.

Minutes of the Regular Meeting of the Syracuse City Council held on January 10, 2012, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Craig A. Johnson
D. Matthew Kimmel
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:

Police Chief Brian Wallace
Community Development Director Michael Eggett
City Attorney Will Carlson
Information Technologies Director TJ Peace
Finance Manager Steve Marshall
Police Detective Corey Rowley
City Planner Kent Andersen

Visitors Present: Mike Hedquist Dennis DeRaveo Jory Johner
Jerry Guffey West Adams Alex Reimers
Derick Peterson Wade Stoker Josh Bomen
Bruce Schofield Troy Shingleton Ray Zaugg
Rob Ortega Alan Clark Jonathan Hendricks
Nathan Hatch Dylon Garder Adam Littlewood
Lloyd Barnett

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 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. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Peterson provided an invocation. Boy Scout Noah Yoder from Troop 568 then led all present in the Pledge of Allegiance.

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

2. Public Comments

Jory Johner, 1901 S. 1475 W., stated that he wanted to briefly express his interest in an issue related to 1475 West. He stated he and some of his neighbors submitted a citizen action request regarding 1475 West and they are grateful for the quick response of the City in striping the road and adding a three-way stop sign. He stated he has noticed a significant difference in the speed of the traffic and the extra enforcement has been very helpful. He stated his neighborhood also wants to give the City some input and support for an additional access point from 1000 West when and if the Stoker property is

1 developed. He stated that a couple of reasons for requesting that access point would include faster emergency response times
2 from public safety. He stated that currently there is only one access point to his subdivision from Antelope Drive, one access
3 point from 1000 West, two or three access points from Gordon, and a handful of access points from 2000 West. He stated
4 there is a need for the additional access from 1000 West for driving and walking. He stated his kids often walk to the
5 shopping area located near the intersection of 1000 West and Antelope Drive, but they cut through fields to do that. He
6 stated that as the City continues to develop, walk-ability and pedestrian access is very important. He added that the reduction
7 of the amount of vehicles that will travel right in front of his house is also very attractive to him and other residents of the
8 Antelope Run subdivision. He stated he will be interested to see how the area will continue to be developed.

9 Mayor Nagle thanked Mr. Johner for his comments and stated that she appreciated the feedback he provided to City
10 staff because they were able to consider the information while reviewing the development plans for the Stoker property. She
11 stated that it is great to see the community work together that will cost very little money, but will make very many people
12 happy.

13 TJ Jensen, 3242 S. 1000 W., stated that he wanted to follow up on Mr. Johner's comments. He stated that the
14 Planning Commission has reviewed the ideas that Mr. Johner discussed and he feels that there will ultimately be many
15 options to connect Mr. Johner's subdivision and the surrounding area to 1000 West. He stated he would encourage Mr.
16 Johner to continue to stay in contact with staff and the Planning Commission so that he can be informed of developments in
17 the project. He then stated that he wanted to welcome the recently elected Councilmembers. He stated he is excited to see
18 everyone present and he is happy that Councilmember Peterson was re-elected. He stated Syracuse City is very lucky to have
19 had very passionate Councilmembers and Mayors. He stated that elected officials often get a "bad rap" and that is
20 undeserved because there is a lot of misinformation that is spread throughout the community. He stated that he attends
21 meetings regularly and he knows each elected official fairly well and he feels the City is very fortunate that they have all
22 decided to serve. He then stated that he also wanted to express that he is not necessarily happy with the proposed alignment
23 of the North Davis Corridor in the area north of Gentile Street between 1000 West and 2000 West. He stated that he knows
24 the City is considering selling a portion of the Jensen Park property and he thinks that is a good idea if the City can get a fair
25 price for the property. He stated that he hopes that the City will be very thoughtful about selling the property and that the
26 right decision will be made. He stated, however, that he is very persistent and he would appreciate the City helping him in
27 getting the alignment adjusted so that is least impactful on the area.

28

1 3. Public recognition of past-Councilmember Alan Clark for his service
2 as a City Councilmember

3 Mayor Nagle stated that this item was on the agenda for the last business meeting of 2011, but past-Councilmember
4 Clark was not able to attend that meeting so she asked that the item be added again so that Mr. Clark could be present and
5 publicly recognized. She presented Mr. Clark with a token of the City's appreciation. She stated that she wanted to tell Mr.
6 Clark that she has always appreciated Mr. Clark for his level-headedness and his mentorship to her when she was first elected
7 Mayor. She stated that he was a very calming force. She stated that she appreciates his commitment to the City; she can
8 remember when she first moved to the City and Mr. Clark was not on the Council, but he was working to be involved to try
9 to shape the boundaries for Syracuse High School. She stated she has witnessed Mr. Clark's commitment to the City on
10 multiple levels.

11 Councilmember Peterson stated that he was fortunate to work with Mr. Clark over the past four years and he has
12 always appreciated Councilmember Clark's knowledge about finances because that was always foreign to him. He stated he
13 also appreciated Mr. Clark's common sense and willingness to listen to all opinions and then have an open conversation in
14 order to make a wise decision. He stated that he has enjoyed working with Mr. Clark and he hopes that he stays involved in
15 the City.

16 Councilmember Shingleton stated that he visited with Mr. Clark after the final meeting of 2011 and personally
17 expressed his appreciation. He stated that Mr. Clark is a good person. He stated that he did not always agree with him or see
18 eye-to-eye with him and that is ok. He stated that Mr. Clark always had the best interest of the City in mind. He stated he
19 also hopes that Mr. Clark stays involved.

20 Councilmember Kimmel stated that he also did not always see eye-to-eye with Mr. Clark, but he believes him to be
21 a friend and a good man who was always trying to do what was best for the City. He stated the ideals Mr. Clark believes in
22 are commendable and he thanked him for his service to the City.

23
24 4. Presentation of Resolution R12-01 to Stoker's Nursery and Greenhouse
25 Recognizing Receipt of the Syracuse City "Friend of the Community"
26 Business Award

1 Continuing marketing efforts to support and drive commerce, the Community and Economic Development (CED)
2 Department developed a Business Award concept for the community. The second recipient of this award is Stoker's Nursery
3 and Greenhouse. The background information is as follows:

4 **Syracuse City "Friend of the Community" Business Award**

5 To recognize the ongoing support to the residents of Syracuse from the business community, Stoker's Nursery and
6 Greenhouse has been selected for the Syracuse City "Friend of the Community" Business Award. At the January 19th,
7 2012 Syracuse City Business Summit, Mayor Nagle and attending Council Members will present a framed business
8 award certificate to Stoker's Nursery and Greenhouse, signed by Mayor Jamie Nagle and City Manager Robert Rice.
9 Stoker's Nursery and Greenhouse representatives will accept the award on behalf of the company.

10 The second part of the Business Award is formal recognition and presentation of a resolution at a City Council meeting.
11 The attached resolution recognizes Stoker's Nursery and Greenhouse as the Winter 2012 recipient of the business award.
12 Stoker Nursery & Greenhouse has been nominated because:

- 13 • Established in 1967 and is a long time employer of many residents in the community
- 14 • During peak times of the year, Stoker's employ as many as 37 employees
- 15 • Donates and plants flowers in the City roundabouts each year
- 16 • Donates poinsettia's for the Lions Club senior dinner each year
- 17 • 2011 was Stoker's Nursery and Greenhouse final year in operation

18 The Community & Economic Development Department requested that the Mayor and City Council pass and adopt
19 Proposed Resolution 12-01 recognizing Stoker's Nursery and Greenhouse as the recipient of the Syracuse City "Friend of the
20 Community" Business Award. Furthermore, a representative from Stoker's Nursery and Greenhouse will be present at the
21 City Council meeting, and CED staff recommends that the Mayor present the resolution at that time.

22 Mayor Nagle stated that it is with a heavy heart that she gives this award. She stated that in the short time she has
23 lived in Syracuse City she has grown to love the nursery; she walks there in the summer to purchase flowers and she will
24 miss that. She added that one of the things that stands out in her mind the most about the nursery is the fact that each year
25 they would donate hundreds of flowers to be planted in the roundabouts located in the City. She stated that Stokers have not
26 asked for any recognition or reimbursement for that service even after people have said nasty things to the people planting the
27 flowers because they believed the City was spending money for that service. She stated the Stokers go about volunteering in

1 the community in a very considerate and genuine way. She stated they have left a wonderful legacy in this community. She
2 stated she wanted to read the language of the Resolution for the record and then invite Sid and Jerry Stoker, and Wade and
3 Rhonda Stoker to receive the award. She then read the Resolution as follows:

4 A Resolution of the Syracuse City Council recognizing Stoker's Nursery and Green house as the Winter 2012
5 recipient of the Syracuse City "Friend of the Community" Business Award.

6
7 Whereas the Syracuse City "Friend of the Community" Business Award is given to a Syracuse business that has
8 proven itself to be a friend of the community through social responsibility, philanthropic actions, and commitment to
9 the community; and

10
11 Whereas Stokers Nursery & Greenhouse has been a significant business icon in the community for 45 years, reflects
12 positively upon the city, and is emblematic of Syracuse City values; and

13
14 Whereas Stokers Nursery & Greenhouse, through acting as a long-time employer and contributor to numerous
15 Syracuse City residents, events and activities, has been shown to be a highly valued "Friend of the Community".

16
17 Now therefore, be it resolved by the City Council of Syracuse City, Utah, as follows:

18
19 Recognition. Stokers Nursery & Greenhouse is the recipient of the Winter 2012 Syracuse City "Friend of the
20 Community" Business Award.

21
22 Effective Date. This Resolution shall become effective immediately upon its passage.

23 Wade Stoker accepted the award and approached the Council and stated that he appreciates the award and the
24 service from the Mayor and Council. He stated he has lived in Syracuse City for 65 years in the same house and he has
25 always welcomed everyone with open arms. He stated that the business has had a great relationship with the City over the
26 past 45 years and he and his family have been very familiar with those responsible for leading the City. He stated that the
27 people that come and go through the business's door are the choicest people in the world and he is happy to call them friends.

1 He stated that back when his dad built his first greenhouse Heritage Days was still called Onion Days and the parade would
2 start on 2000 West and they would hand out flowers to people sitting along the parade route. He stated he would then spend
3 the rest of the day delivering flowers to elderly people living in the area. He stated their business started when they would go
4 from door to door picking up geraniums from residents; they would deliver the geraniums back to the residents in the spring,
5 but they would keep the cuttings to raise in their greenhouse. He stated the first greenhouse was a five foot by 25-foot
6 building on the side of their garage and it had a wind-up roof that he would raise every morning and lower every afternoon.
7 He stated that the reason they have done so well is because of the people of Syracuse City and they put their name on their
8 product. He stated he tried to complete the roundabout planting projects undercover because he did not want anyone to know
9 that he was doing it, but they have been pleased to do it and he appreciates the award very much.

10 Councilmember Shingleton stated that he has known the Stokers for about 40 years. He stated that when he was
11 building his first house in Syracuse City he worked at Albertsons and he would deliver box bottoms to Stokers to use for their
12 flowers and they would give him \$.10 for every box he brought to them. He stated that he would take that money as a credit
13 and that is the money he used to put his first lawn in. He stated the Stoker family is a great family with great parents and he
14 has many fond and loving memories of them. He stated they are very deserving of the award they received tonight.

15 Mayor Nagle stated the Stokers have been a pillar of the community and they have great posterity and that is
16 probably their best legacy, even though the nursery is going away.

17 Councilmember Peterson stated he hoped that Wade Stoker would continue to write his article in the Syracuse
18 Islander to assist people in taking care of their yards.

19 COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-01
20 RECOGNIZING STOKER'S NURSERY AND GREENHOUSE AS THE WINTER 2012 RECIPIENT OF THE
21 SYRACUSE "FRIEND OF THE COMMUNITY" BUSINESS AWARD. COUNCILMEMBER LISONBEE SECONDED
22 THE MOTION; ALL VOTED IN FAVOR.

23
24 5a. Resolution appointing City Councilmembers to various committee
25 positions and assignments.

26 At the beginning of each calendar year past Councils have reviewed the lists of appointments and assignments and
27 made changes according to recent election results or other determining factors. The most current list of assignments was
28 provided to each Councilmember and the Mayor prior to the meeting. Staff is hopeful that the Governing Body can

1 determine what appointments and assignments should be made so that a new resolution can be adopted to formalize any
2 changes to assignments or appointments.

3 Councilmember Peterson stated this item was discussed during the work session held prior to this meeting and he is
4 hopeful that the Council will allow him to continue with his appointment to the North Davis Sewer District (NDSB) Board.
5 He stated he has spent countless hours earning the trust of the Board again and he has also spent much time with District staff
6 trying to understand the budget and other projects handled by the Board. He reiterated he hoped the Council would allow
7 him to continue to work on what he has started.

8 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-02
9 APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS AS WELL
10 AS APPOINTING COUNCILMEMBER PETERSON TO THE NORTH DAVIS SEWER DISTRICT BOARD OF
11 TRUSTEES.

12 Councilmember Lisonbee stated she wanted to propose an amendment to the motion for the sake of discussion. She
13 stated she would like to hear more about Councilmember Shingleton's desires to be appointed to the NDSB Board. She
14 stated he has said several times that he would like to be appointed to the position and he only has a couple of years left on his
15 term since he has expressed that he will not seek re-election to the Council. She stated she would simply like to hear his
16 position and reasons why he wants to be appointed to the NDSB. She stated that if her motion is defeated "that is fine", but
17 she would like to hear the discussion.

18 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R11-02
19 APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS AS WELL
20 AS APPOINTING COUNCILMEMBER SHINGLETON TO THE NORTH DAVIS SEWER DISTRICT BOARD OF
21 TRUSTEES. COUNCILMEMBER KIMMEL SECONDED THE MOTION.

22 Councilmember Shingleton confirmed that he has asked to be appointed to the position several times. He stated that
23 he would be able to attend the meetings of the NDSB Board because they are held at 6:00 in the evening. He stated many of
24 the appointments that the Councilmembers are eligible to be appointed to do not fit into his schedule because most of the
25 meetings related to those appointments are held during business hours and he is not available to attend meetings at those
26 times. He added that the NDSB is a taxing entity and they may be proposing an increase in fees and he thinks that "we" need
27 to be very careful about raising taxes and fees.

1 Councilmember Peterson stated that he would make the same argument. He stated that he can also attend the
2 meetings at the time they are scheduled. He reiterated that he has held the appointment for nearly a year and he would like to
3 continue for at least another year or two.

4 There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed
5 resolution; she called for a vote. VOTING "AYE": COUNCILMEMBERS JOHNSON, KIMMEL, AND SHINGLETON.
6 VOTING "NO": COUNCILMEMBER PETERSON. ABSTAINING: COUNCILMEMBER LISONBEE.

7
8 5b. Resolution appointing a Councilmember to the Wasatch Integrated
9 Waste Management District Administrative Control Board.

10 The City has the opportunity to appoint one of its members to serve on the Wasatch Integrated Waste Management
11 District (WIWMD) Administrative Control Board. Past-Councilmember Clark was appointed to this position until his term
12 on the Council expired on January 2, 2012. The WIWMD Board will have its first meeting of 2012 at the beginning of
13 February and they have asked that the Council appoint one of its members before that date. The WIWMD Board meets the
14 first Wednesday of the month at 5:00 p.m. at its offices located at 1997 E. 3500 N. in Layton.

15 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-03
16 APPOINTING MAYOR NAGLE TO THE WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT
17 ADMINISTRATIVE CONTROL BOARD. COUNCILMEMBER KIMMEL SECONDED THE MOTION; ALL VOTED
18 IN FAVOR.

19
20 6. Proposed Ordinance 12-01 amending various provisions of Title 10,
21 the land use ordinance relating to Planned Residential Development (PRD).

22 In review of the current Stoker Gardens subdivision request, staff identified an inconsistency in the application of
23 setbacks within the Planned Residential Development (PRD) zone when compared to other residential zones. The current
24 PRD zone requires the setback to the nearest zone boundary to not exceed the height of the building, with a building height
25 maximum of 30 feet. For example, if the building is 22 feet high, it must be at least 22 feet away from the nearest zone
26 boundary. All other residential zones do not restrict building height to the distance from the nearest zones. Zones setbacks in
27 all other residential zones are dictated by yard setbacks. In relation to height, all other residential zones allow a maximum of

1 35 feet in height. PRD will maintain a maximum of 30 feet in height. The reasoning for this decrease in height allowed
2 encourages a development that may reach 12 units per net acre to not be as overwhelming to neighboring uses.

3 On January 3, 2012 the Syracuse City Planning Commission held a public hearing regarding the proposed
4 amendments to the PRD ordinance, in which no comments were received. On January 3, 2012 the Syracuse City Planning
5 Commission approved recommendation to the Syracuse City Council amendments to Title Ten, Chapter 15, PRD – Planned
6 Residential Development within the Syracuse City Code. This amendment allows for units built within a PRD zone to let
7 yard setbacks dictate the distance of buildings from an adjacent zone boundary, not building heights. This is consistent with
8 all residential zone building setbacks. The amendment also clarifies a clerical oversight from “a maximum of eight (8)
9 dwelling units” to “a maximum of twelve dwelling units,” as listed in section 10-15-050.

10 The Community & Economic Development Department recommended, following recommendation from the
11 Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, Chapter 15, PRD – Planned
12 Residential Development within the Syracuse City Code to reflect Ordinance 12-01.

13 Community Development Director Eggett approached the Council and summarized his memorandum that was
14 provided to the Mayor and each Councilmember prior to the meeting.

15 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-01
16 AMENDING VARIOUS PROVISIONS OF TITLE 10 RELATED TO PLANNED RESIDENTIAL DEVELOPMENT
17 (PRD) COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

18
19 6. Final Plat Approval for Stoker Gardens Development

20 On August 16, 2011 the Planning Commission held two public hearings to consider applications made by Castle
21 Creek Homes. The first regarded rezoning 6.4 acres, located at approximately 2040 South 1000 West, from General
22 Commercial and R-2 Single-Family Residential zones to a Planned Residential Development zone, and the second regarded
23 sketch plan approval for a Planned Residential Development Subdivision for 81 lots. The Planning Commission
24 recommended approval of the rezone, subject to all applicable requirements of the City Municipal Codes and City staff’s
25 review letter, dated August 12, 2011. After much deliberation over the sketch plan, the Commission tabled it until the
26 applicant could provide drawings that reflected accurate acreage, a viable footprint of lots with an appropriate number of
27 units that did not exceed the maximum density allowed for the zone, and appropriate answers to the issue of the large
28 accessory building as far as landscaping, maintenance, access, platting, how it would affect the open-space calculations,

1 restrictions, the cell tower, and other legal impacts. Commissioners tried to schedule a special meeting to help the Stokers
2 meet their needed timeline for the sale of this property to Castle Creek Homes, but the motion failed.

3 On September 6, 2011, the Planning Commission granted Sketch Plan approval, subject to all requirements of the
4 Land Use and Subdivision ordinances and City staff's review letter, dated September 1, 2011.

5 On November 15, 2011, the Planning Commission considered preliminary plans and written documentation from
6 residents regarding the future connection of the Harvest Point Subdivision to 1000 West. The Fire and Police departments
7 supported the proposed connection for emergency services and pointed out the fact that this was not the only access needed to
8 that area. City staff worked with residents to alleviate their concerns, such as requiring a four-way stop at the 2150 South
9 1230 West intersection and a stop sign in Stoker Gardens as well as speed limits of 25 mph. A proposed 90-degree
10 configuration and t-intersection would slow traffic as well and discourage through traffic. At the end of their discussions, the
11 Commission granted Preliminary Plan approval subject to all applicable requirements of the City Municipal Codes, as
12 identified in the City staff review, dated November 10, 2011, and the City Engineer's comments, dated November 9, 2011.

13 On December 20, 2011, the Planning Commission considered final plans. However, staff pointed out that their
14 review identified an issue with the building heights as proposed. The PRD zone required heights to be "equal to the
15 horizontal distance from the nearest zone boundary with a maximum height of 30 feet to the top of the roof ridge." Since the
16 rear setbacks were only 21 feet on the south side and 15 feet on the north side, and the height of the buildings were 26 feet 3
17 ½ inches, the developer needed to reduce the height, depth, or eliminate units to increase the setbacks. Upon comparing these
18 regulations with those in other zones, staff realized that buildings in the General Commercial zone on the north side could be
19 35 feet high and as close as 10 feet to the boundary line and residential homes on the other three sides could be as high as 35
20 feet and as close as 8 feet to the boundary line. Therefore, staff proposed an amendment to the PRD zone regulations to
21 match them a little more closely with the minimum lot standards in other zones. The Commission then tabled the item until
22 their January 3, 2012, meeting in order to consider such a proposed amendment.

23 On January 3, 2012, the Planning Commission reviewed a proposed amendment to the Planned Residential
24 Development regulations regarding minimum lot standards specific to building heights and recommended approval to amend
25 Section 10-15-040(F) to read, "Building Height: As allowed by current adopted building code, with a maximum height of 30
26 feet to the top of the roof structure." During that same meeting, the Commission also revisited the Final Plans for the Stoker
27 Gardens PRD Subdivision and recommended approval, subject to all applicable requirements of the City's Municipal Code,
28 City Engineer and staff reviews, dated January 3, 2012, and the condition that the plans include a landscape-relocation table

1 to sheet 12, verification that the storm-drain water, shown on sheet 4, entering the subdivision from the north was properly
2 handled, a correction in the development agreement regarding garage widths, and a clarification for the retaining wall as to
3 whether it was part of the foundation or side structure as far as footings and the possible need for a hand rail.

4 The Community and Economic Development Department hereby recommends that the City Council review the
5 Stoker Gardens PRD final approval request for discussion purposes. Community and Economic Development Department
6 Staff hereafter recommend that the City Council, following the recommendation from the Planning Commission, approve the
7 Stoker Gardens PRD Subdivision, located at approximately 2050 South 1000 West, to move forward with development for
8 the proposed subdivision, subject to all recommendations made by the Planning Commission, City Staff, and the City
9 Engineer.

10 Community Development Director Eggett approached the Council and summarized his memorandum that was
11 provided to the Mayor and each Councilmember prior to the meeting.

12 COUNCILMEMBER PETERSON MADE A MOTION TO GRANT FINAL PLAT APPROVAL FOR THE
13 STOKER GARDENS PRD DEVELOPMENT TO BE LOCATED AT APPROXIMATELY 2050 SOUTH 1000 WEST.
14 COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

15 Councilmember Johnson stated that he has been involved in the process this development has gone through by way
16 of attending the Planning Commission meetings and listening to all presentations made. He stated there has been a lot of
17 work done on this project by staff, the Stoker Family, and Castle Creek Homes. He stated that they have all gone out of their
18 way to ensure that all requirements included in the City Code are satisfied and it has been a “neat” process to see them go
19 through.

20 Councilmember Kimmel stated he appreciates the staff helping this project rather than hindering it. He stated that
21 the Council has expressed that they want to the City to be business friendly and he feels that is what has been done in this
22 case. He stated that he is “big on property rights” and he does not think government should be in the middle of a transaction
23 between a seller and a buyer. He stated he appreciates staff helping that happen.

24
25 7. Councilmember Reports.

26 Councilmember Lisonbee stated that she is excited to be on the Council and she also wanted to thank
27 Councilmember Peterson for his service on the NDSB Board. She stated she abstained from voting on the motion she made
28 because it was a very hard decision. She stated that she is grateful for what Councilmember Peterson has done to provide

1 oversight for the citizens and their taxpayer dollars. She stated she would challenge Councilmember Shingleton to be a
2 “bulldog” and make sure that he represents the citizens to that taxing authority. She stated that she looks forward to
3 diligently serving via all of the assignments that she committed to this evening.

4 Councilmember Peterson stated he did not have anything to report.

5 Councilmember Kimmel asked that staff send an email to all members of the Governing Body containing
6 information about all of the assignments they committed to this evening as well as the essential contact information for those
7 associated with those assignments. He then stated that this week has been a very unique week for Police Officers. He stated
8 that he often works in Ogden and that city is experiencing a tragedy. He stated that he often reflects on the Officers that work
9 for Syracuse City and the fact that they do put their lives on the line every day and they take an oath to perform their duties.
10 He stated that he wanted to take a moment and thank Chief Wallace and the men and women that protect this community. He
11 stated that he wanted them to know that he appreciates their service.

12 Councilmember Shingleton stated that he wanted to echo Councilmember Kimmel’s comments. He then added that
13 last Saturday the Council participated in a bus tour to the Ninigret Business Park in Salt Lake City. He stated it was very
14 eye-opening and the Council received a lot of good information. He stated that he had some preconceived ideas about the
15 development that he no longer has. He stated many of his concerns were alleviated. He stated that is not to say that the
16 Council will stop investigating the project.

17 Councilmember Johnson stated that he also wanted to echo Councilmember Kimmel’s comments and he added that
18 he appreciates the Police Department in the City. He stated that he agrees that Ogden is experiencing a tragic event. He
19 stated that the fallen officer’s funeral will be held Wednesday and there will be Boy Scouts lining the street holding
20 American flags to show their allegiance. He stated that he is also grateful for the opportunity that he has to be elected to the
21 Council and he hopes that he can stand and serve the way the citizens are hoping. He stated that he is also looking forward to
22 the assignments he accepted this evening and he also wanted to thank past-Councilmember Clark for his service to the City.
23 He stated that he feels it takes a certain characteristic to seek election to an office; it takes character. He stated that he is only
24 beginning what it will take to act in this role.

25
26
27 9. Mayor Report.

1 Mayor Nagle stated that she wanted to thank Ninigret for reaching out to the community by organizing the bus tour
2 to their Salt Lake development. She stated that she has heard from several people around the state and the county about how
3 lucky Syracuse City is to have a developer like Ninigret interested in locating here. She stated they have jumped in with both
4 feet and they are “in it for the long haul”. She stated that it was great for her to be able to participate in the bus tour and see
5 the concept for herself because it really proved to her that the developer goes “above and beyond” with his projects. She
6 stated that she welcomes them to the table as the project moves forward and she is confident the City will have a long term
7 relationship with them. She then stated that she wanted to thank Mr. Rice because he has gone out of his way to foster a
8 relationship with the developer. She then stated that she wanted to thank and comment Chief Wallace for volunteering to
9 cover shifts of Ogden Police Officers so that they can have time off to attend the fallen officer’s funeral and recover from the
10 tragedy. She stated that she has so much respect for the City’s Police Department and especially for Chief Wallace. She
11 stated the City is so lucky to have him and she doubts there is a situation that he would not be able to handle.
12 She thanked Ninigret for reaching out to the community. She has had several people from the state as well as county and
13 cities report how lucky we are to have such a great developer interested in this city. They have jumped in with both feet and
14 they are in it for the long haul. It was great to go and see the concept for herself because it really showed her that they go
15 above and beyond in his projects. She wanted to welcome them to the table as we go forward; we will have a long term
16 relationship with him. She wanted to thank bob as well because he has gone out of his way to foster that relationship. The
17 other thing she wanted to thank the Chief for is volunteering to cover shifts in Ogden so their police department could have
18 time off. She has so much respect for our PD, but for chief especially. We are so lucky to have him and she doubts there is
19 not a situation that he would not be able to talk down. She is committed to the Police and Fire Departments; the wages for
20 the employees in those departments are so low and the community can and should do better for those employees and she
21 thinks that is possible.

22

23 11. City Manager Report.

24 Mr. Rice confirmed that members of the Syracuse City Police Department are pulling four 12-hour patrol shifts in
25 Ogden so that the entire department can attend the funeral for the fallen officer. He stated that Chief Wallace is actually
26 pulling one of the 12-hour patrol shifts himself.

27

28 12. Consideration of adjourning into Closed Executive Session

1 pursuant to the provisions of Section 52-4-205 of the Open
2 and Public Meetings Law for the purpose of discussing the character,
3 professional competence, or physical or mental health of an individual;
4 pending or reasonably imminent litigation; or the purchase, exchange,
5 or lease of real property

6 COUNCILMEMBER LISONBEE MOVED THE COUNCIL ADJOURN INTO A CLOSED EXECUTIVE
7 SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW
8 FOR THE PURPOSE OF DISCUSSING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR
9 MENTAL HEALTH OF AN INDIVIDUAL. COUNCILMEMBER PETERSON SECONDED THE MOTION, WITH THE
10 FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS JOHNSON, KIMMEL, LISONBEE,
11 PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

12 The meeting adjourned into Closed Executive Session at 7:50 p.m.

13 The meeting reconvened at 8:55 p.m.

14

15 At 8:55 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER
16 JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

17

18

19 _____
20 Jamie Nagle
21 Mayor

Cassie Z. Brown, CMC
City Recorder

22
23 Date approved: _____

RESOLUTION R12-02

A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS.

WHEREAS Syracuse City Councilmembers are desirous of being appointed to and serving on various community committees and boards; and

WHEREAS there are also internal City positions, such as Mayor Pro-Tem that Councilmembers are desirous of being appointed to; and

WHEREAS the Syracuse City Council discussed committee appointments and assignments during their Work Session Meeting of January 10, 2012 and determined appropriate appointments and assignments for each Councilmember and members of the Administration.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS FOLLOWS:

Section 1. Appointment.

- a. Mayor Nagle is hereby appointed to serve on the Wasatch Integrated Waste Management District Board.
- b. Mayor Nagle is hereby appointed to serve as a non-voting member of the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- c. Mayor Nagle is hereby appointed to serve as the liaison to the Youth Council.
- d. Mayor Nagle is hereby appointed to serve as the City's representative on the Clearfield High School Community Council.
- e. Councilmember Johnson is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- f. Councilmember Johnson is hereby appointed to serve as the City's representative on the Syracuse Junior High School Community Council.
- g. Councilmember Johnson is hereby appointed to serve as an Employee Appeals Board alternate member.
- h. Councilmember Kimmel is hereby appointed to serve as the Second Mayor Pro-Tem.
- i. Councilmember Kimmel is hereby appointed to serve as the City's representative on the Syracuse High School Community Council.
- j. Councilmember Kimmel is hereby appointed to serve as an Employee Appeals Board alternate member.
- k. Councilmember Lisonbee is hereby appointed to serve as the Third Mayor Pro-Tem.

- l.** Councilmember Lisonbee is hereby appointed to serve as an Employee Appeals Board member.
- m.** Councilmember Lisonbee is hereby appointed to serve as the City's representative on the Buffalo Point Community Council.
- n.** Councilmember Lisonbee is hereby appointed to serve as the liaison to the Arts Council.
- o.** Councilmember Peterson is hereby appointed to serve as an Employee Appeals Board member.
- p.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Syracuse Elementary Community Council.
- q.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Cook Elementary Community Council.
- r.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Legacy Junior High Community Council.
- s.** Councilmember Shingleton is hereby appointed to serve as the Youth Court Liaison.
- t.** Councilmember Shingleton is hereby appointed to serve as the Mayor Pro-Tem.
- u.** Councilmember Shingleton is hereby appointed to serve as the City's representative on the Bluff Ridge Elementary Community Council.
- v.** Councilmember Shingleton is hereby appointed to serve as the Museum Board Advisor.
- w.** Councilmember Shingleton is hereby appointed to serve on the North Davis Sewer District Board of Trustees.
- x.** City Manager Rice is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- y.** Public Works Director Robert Whiteley shall seek election to the Davis and Weber Canal Board.
- z.** Public Works Director Robert Whiteley is hereby appointed to serve as the City's representative on the Layton Canal Board.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE
CITY, STATE OF UTAH, THIS 10th DAY OF JANUARY, 2012.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor

RESOLUTION R12-02

A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS.

WHEREAS Syracuse City Councilmembers are desirous of being appointed to and serving on various community committees and boards; and

WHEREAS there are also internal City positions, such as Mayor Pro-Tem that Councilmembers are desirous of being appointed to; and

WHEREAS the Syracuse City Council discussed committee appointments and assignments during their Work Session Meetings of January 10 and 31, 2012 and determined appropriate appointments and assignments for each Councilmember and members of the Administration. **Appointments are made by the Mayor with the advice and consent of the City Council.**

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS FOLLOWS:

Section 1. Appointment.

- a. Mayor Nagle is hereby appointed to serve on the Wasatch Integrated Waste Management District Board.
- b. Mayor Nagle is hereby appointed to serve as a non-voting member of the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- c. Mayor Nagle is hereby appointed to serve as the liaison to the Youth Council.
- d. Mayor Nagle is hereby appointed to serve as the City's representative on the Clearfield High School Community Council.
- e. Councilmember Johnson is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- f. Councilmember Johnson is hereby appointed to serve as the City's representative on the Syracuse Junior High School Community Council.
- g. Councilmember Johnson is hereby appointed to serve as an Employee Appeals Board alternate member.
- h. Councilmember Kimmel is hereby appointed to serve as the Second Mayor Pro-Tem.
- i. Councilmember Kimmel is hereby appointed to serve as the City's representative on the Syracuse High School Community Council.
- j. Councilmember Kimmel is hereby appointed to serve as an Employee Appeals Board alternate member.
- k. Councilmember Lisonbee is hereby appointed to serve as the Third Mayor Pro-Tem.

- l.** Councilmember Lisonbee is hereby appointed to serve as an Employee Appeals Board member.
- m.** Councilmember Lisonbee is hereby appointed to serve as the City's representative on the Buffalo Point Community Council.
- n.** Councilmember Lisonbee is hereby appointed to serve as the liaison to the Arts Council.
- o.** Councilmember Peterson is hereby appointed to serve as an Employee Appeals Board member.
- p.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Syracuse Elementary Community Council.
- q.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Cook Elementary Community Council.
- r.** Councilmember Peterson is hereby appointed to serve as the City's representative on the Legacy Junior High Community Council.
- s.** Councilmember Shingleton is hereby appointed to serve as the Youth Court Liaison.
- t.** Councilmember Shingleton is hereby appointed to serve as the Mayor Pro-Tem.
- u.** Councilmember Shingleton is hereby appointed to serve as the City's representative on the Bluff Ridge Elementary Community Council.
- v.** Councilmember Shingleton is hereby appointed to serve as the Museum Board Advisor.
- w.** City Manager Rice is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- x.** Public Works Director Robert Whiteley shall seek election to the Davis and Weber Canal Board.
- y.** Public Works Director Robert Whiteley is hereby appointed to serve as the City's representative on the Layton Canal Board.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE
CITY, STATE OF UTAH, THIS 31st DAY OF JANUARY, 2012.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor



COUNCIL AGENDA

March 14, 2012

Agenda Item “5”

Proposed Ordinance 12-02 amending various provisions of Title 10, the Land Use Ordinance, relating to administrative review and development review procedures – Conditional Use Permits.

Factual Summation

- Any questions regarding this item may be directed at Community Development Director Mike Eggett.
- Please see attached supporting documentation.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

City Manager
Robert D. Rice

Factual Summation

- Any questions regarding this items may be directed at City Planner Kent Andersen
- Please see the attached proposed changes to Title 10 Chapter 4 Administrative Review and Development Review Procedures – Conditional Use Permits
- Please see the attached Ordinance No. 12-02

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: March 14, 2012

Subject: Proposed changes to Title 10 Chapter 4 Section 080 Conditional Use Permits

Background

During staff assessment of the current Title 10, and more specifically the zoning language, the Title was not sufficiently clear on the application of conditional uses permits. Therefore, staff has bolstered the existing language to clarify how to approve, suspend, or deny conditional use permits. Additional items are also included, such as the requirement of the Building Inspector to evaluate conditional use permit compliance and an amended review procedure for conditional use permit suspension or revocation.

Consideration of an Amendment Conditional Use Permits

On February 7, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the Conditional Use Permits, in which no comments were received. On February 7, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to Title Ten, Chapter 4, Administrative and Development Review Procedures as it relates to Conditional Use Permits within the Syracuse City Code. This amendment clarifies the review procedure for revocation of a conditional use permit, enhances conditional use approval standards, adds the requirement of review by City Building Inspector to evaluate compliance, and states that a conditional use permit for a non-physical structure is not transferrable upon termination of permittee's residency. Additionally,

after Planning Commission recommendation for approval, City Attorney Will Carlson made some additional recommendations. (See attached proposed changes, Planning Commission in **Red**, City Attorney in **Blue**)

Recommendation

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission and City Attorney, that the Mayor and City Council amend Title Ten, Chapter Four, Administrative and Development Review Procedures as it relates to Conditional Use Permits within the Syracuse City Code to reflect attached Ordinance No. 12-02.

TITLE X

SYRACUSE CITY LAND USE ORDINANCE

CHAPTER 4

ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

10-4-080: CONDITIONAL USE PERMITS. (Ord. 08-07) (Ord. 10-02)

- (A) Purpose. This section sets forth procedures for considering and approving conditional use permits.
- (B) Authority. The Community Development Department, as the Advisory Body and/or Land Use Authority, or Planning Commission, as the Land Use Authority, has the authorization to issue conditional use permits as provided in this section. (Ord. 10-02)
- (C) Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in Subsection (D)(1) below.
- (D) Procedure. The City shall process and consider an application for a conditional use permit as provided in this subsection. (Ord. 10-02)
 - 1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information: (Ord. 10-02)
 - (a) Address and parcel identification of the subject property. (Ord. 10-02)
 - (b) Zone, zone boundaries and present use of the subject property. (Ord. 10-02)
 - (c) Complete description of the proposed conditional use. (Ord. 10-02)
 - (d) A plot plan showing the following:
 - i. applicant's name;
 - ii. site address;
 - iii. property boundaries and dimensions;
 - iv. layout of existing and proposed buildings, parking, landscaping, utilities, and easements;
 - v. adjoining property lines and uses within one hundred (100) feet of the subject property; and
 - vi. any other information determined to be necessary by the Land Use Administrator

- (e) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
 - (f) A statement by the applicant demonstrating how the requested use would meet the approval standards of Subsection (E) of this Section. (Ord. 10-02)
 - (g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
 - (h) ~~Such other information or documentation as the Department may deem necessary for a full and proper consideration and disposition of a particular application. (Ord. 10-02)~~ The Department may request that the applicant provide, at his or her expense, any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information necessary in order to render a proper decision.
2. If the use would require a variance, the applicant shall submit a variance application with the conditional use application. (Ord. 10-02)
 3. The Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application(s). (Ord. 10-02)
 4. The Community Development Department, as the Land Use Authority shall approve or deny applications for minor conditional uses. The Planning Commission, as the Land Use Authority, shall hold a public meeting and thereafter approve, approve with conditions, or deny major conditional use permit application(s) pursuant to the standards set forth in Subsection (E) below. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards. (Ord. 10-02)
 5. After the Land Use Authority makes a decision, the Community Development Department shall give the applicant written notice of the decision. (Ord. 10-02)
 - ~~6. Following the issuance of a conditional use permit, the City Building Inspector shall inspect such use to insure the development is undertaken and completed in compliance with the conditional use permit.~~
 - ~~67.~~ The Department shall maintain a record of all conditional use permits. (Ord. 08-11) (Ord. 10-02)
- (E) Approval Standards. The following standards shall apply to the issuance of a conditional use permit. The Land Use Authority may: (Ord. 10-02)
1. Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use. (Ord. 10-02)
 2. Impose conditions as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, the City as a whole, or public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. The

Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit. (Ord. 10-02)

3. Approve, approve with conditions, or deny a conditional use, but shall approve it if they can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if there are insufficient reasonable conditions the Land Use Authority could impose to substantially mitigate any reasonably anticipated detrimental effects of a proposed conditional use in order to achieve compliance with applicable standards, they may deny the requested conditional use. (Ord. 10-02)
4. The Land Use Authority may request additional information as needed to determine the potential for compliance with requirements of Subsection (3), above. (Ord. 10-02)
5. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application: (Ord. 10-02)

(a) Compliance of the proposed use with ~~objectives intent of the City's General Plan and the regulations and conditions of -and requirements of the City's General Plan and~~ this Title; (Ord. 10-02)

(b) ~~Suitability of the specific property for the proposed use~~The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; (Ord. 10-02)

(c) ~~Present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area; The City may request the applicant, at his or her cost, to provide any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information in order to render a proper decision;~~ (Ord. 10-02)

(d) Safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, ~~and pedestrian and vehicular circulation;~~ and to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use; (Ord. 10-02)

~~(e) Safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;~~ (Ord. 10-02)

~~(fe) Safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area~~The proposed use and/or accompanying improvements shall not inordinately impacts on schools, utilities, transportation, traffic, and streets for the proposed site and surrounding area, and shall stressincluding the following criteria; appropriate buffering of uses and buildings, proper parking and traffic circulation, and use of building materials and landscaping that are in harmony with the area and compatible with adjoining uses; and (Ord. 10-02)

(gf) ~~Impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area~~ The proposed use, under applicable circumstances, will not be detrimental ~~Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity~~ . (Ord. 09-10) (Ord. 10-02)

6. When an applicant proposes a use which requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit, subject to the following requirements: (Ord. 10-02)

(a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors set forth in Subsection (E) of this Section. (Ord. 10-02)

(b) Allowing nonconformance with respect to building setbacks, building height, landscaping and parking space requirements. (Ord. 10-02)

(c) Meeting all current building, construction, engineering, fire, health and safety standards as a condition of approval. (Ord. 10-02)

(d) Notifying the applicable neighborhood association by mail and posting a copy on the affected property or premises. (Ord. 10-02)

(F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance or denial of a minor conditional use permit may appeal such decision to the Planning Commission by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. (Ord. 10-02)

(G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other title of the Syracuse City Municipal Code.

1. Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land. (Ord. 10-02)

(H) Amendments. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this Section.

(I) Revocation or Suspension. The Planning Commission may revoke or suspend a conditional use permit as provided in Section 10-3-080 of this Title. (Ord. 10-02)

1. Any of the following shall also be grounds for revocation or suspension:

(a) the use for which the City granted the permit has ceased for one (1) year or more; (Ord. 10-02)

- (b) the holder or user of the permit failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use; (Ord. 10-02)
- (c) the holder or user of the permit failed to construct or maintain the site as shown on the approved site plan or map; or (Ord. 10-02)
- (d) the Planning Commission determined that operation of the use or character of the site was a nuisance or by a Court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance. (Ord. 10-02)

2. ~~The Planning Commission shall not revoke a conditional use permit against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission to show cause as to why they should not amend or revoke the permit.~~ The Planning Commission shall not revoke a conditional use permit without first holding a public hearing. The City shall notify permittee in writing, served by registered mail or personal service, at least ~~five~~ ten (10) days prior to the date of such hearing and the grounds for its convening. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Planning Commission shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council in the manner provided in Section 10-4-140. Revocation or suspension of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 10-02)

(J) Expiration.

1. Conditional Use Permit approval issued by the City shall expire if any of the following occur:
 - (a) Applicant does not implement the granted permit within one (1) year of the issued approval date. (Ord. 10-02)
 - (b) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
 - (c) A conditional use permit for a non-physical structure is valid for only the original applicant and not transferable to any other resident or address. Upon termination of a permittee's residency, the conditional use permit shall become invalid. Otherwise, a permit for physical structures remains with the land, and all future owners shall be held to the same standards as originally approved.
2. The holder of a permit may submit a written request to the Community Development Department, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority and meeting the requirements under Section 10-3-040 of this Title. If the Land Use Authority does not approve the application, no one shall reapply for the same purpose for a minimum period of twelve (12) months. (Ord. 06-17) (Ord. 06-27) (Ord. 10-02)

ORDINANCE NO. 12-02

**AN ORDINANCE OF THE SYRACUSE CITY COUNCIL AMENDING
VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE,
RELATING TO ADMINISTRATIVE REVIEW AND DEVELOPMENT
REVIEW PROCEDURES – CONDITONAL USE PERMITS.**

WHEREAS, the Syracuse City Council has previously adopted the City Subdivision Ordinance and the City Land Use Ordinance for the purpose of regulating the use of land within the City; and

WHEREAS, the City Council hereby finds and determines that the use of subdivision and land use regulations is necessary to promote the public welfare by regulating the use of land in a manner that promotes sustainable development and preserves property values of both developing property and existing development; and

WHEREAS, the City Council hereby further finds that the City Subdivision Ordinance and the City Land Use Ordinance requires amendment to respond to conditional use permit reviews and requests;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 10-4-080 of the Syracuse City Code is hereby amended to read in its entirety as follows:

CHAPTER 4

ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

10-4-080: CONDITIONAL USE PERMITS. (Ord. 08-07) (Ord. 10-02)

- (A) Purpose. This section sets forth procedures for considering and approving conditional use permits.
- (B) Authority. The Community Development Department, as the Advisory Body and/or Land Use Authority, or Planning Commission, as the Land Use Authority, has the authorization to issue conditional use permits as provided in this section. (Ord. 10-02)
- (C) Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in Subsection (D)(1) below.
- (D) Procedure. The City shall process and consider an application for a conditional use permit as provided in this subsection. (Ord. 10-02)

1. An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information: (Ord. 10-02)
 - (a) Address and parcel identification of the subject property. (Ord. 10-02)
 - (b) Zone, zone boundaries and present use of the subject property. (Ord. 10-02)
 - (c) Complete description of the proposed conditional use. (Ord. 10-02)
 - (d) A plot plan showing the following:
 - i. applicant's name;
 - ii. site address;
 - iii. property boundaries and dimensions;
 - iv. layout of existing and proposed buildings, parking, landscaping, utilities, and easements;
 - v. adjoining property lines and uses within one hundred (100) feet of the subject property; and
 - vi. any other information determined to be necessary by the Land Use Administrator
 - (e) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
 - (f) A statement by the applicant demonstrating how the requested use would meet the approval standards of Subsection (E) of this Section. (Ord. 10-02)
 - (g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.
 - (h) The Department may request that the applicant provide, at his or her expense, any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information necessary in order to render a proper decision.
2. If the use would require a variance, the applicant shall submit a variance application with the conditional use application. (Ord. 10-02)
3. The Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application(s). (Ord. 10-02)
4. The Community Development Department, as the Land Use Authority shall approve or deny applications for minor conditional uses. The Planning Commission, as the Land Use Authority, shall hold a public meeting and thereafter approve, approve with conditions, or deny major conditional use permit application(s) pursuant to the standards set forth in Subsection (E) below. The

Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards. (Ord. 10-02)

5. After the Land Use Authority makes a decision, the Community Development Department shall give the applicant written notice of the decision. (Ord. 10-02)
 6. Following the issuance of a conditional use permit, the City Building Inspector shall inspect such use to insure the development is undertaken and completed in compliance with the conditional use permit.
 7. The Department shall maintain a record of all conditional use permits. (Ord. 08-11) (Ord. 10-02)
- (E) Approval Standards. The following standards shall apply to the issuance of a conditional use permit. The Land Use Authority may: (Ord. 10-02)
1. Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use. (Ord. 10-02)
 2. Impose conditions as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, the City as a whole, or public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this Title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit. (Ord. 10-02)
 3. Approve, approve with conditions, or deny a conditional use, but shall approve it if they can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if there are insufficient reasonable conditions the Land Use Authority could impose to substantially mitigate any reasonably anticipated detrimental effects of a proposed conditional use in order to achieve compliance with applicable standards, they may deny the requested conditional use. (Ord. 10-02)
 4. The Land Use Authority may request additional information as needed to determine the potential for compliance with requirements of Subsection (3), above. (Ord. 10-02)
 5. The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application: (Ord. 10-02)
 - (a) Compliance of the proposed use with intent of the City's General Plan and the regulations and conditions of this Title; (Ord. 10-02)
 - (b) The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; (Ord. 10-02)
 - (c) Any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and

building massing, and any other information in order to render a proper decision; (Ord. 10-02)

- (d) Safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation and to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use; (Ord. 10-02)
- (e) Impacts on schools, utilities, transportation, traffic, and streets for the proposed site and surrounding area, including the following criteria; appropriate buffering of uses and buildings, proper parking and traffic circulation, and use of building materials and landscaping that are in harmony with the area and compatible with adjoining uses; and (Ord. 10-02)
- (f) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. (Ord. 09-10) (Ord. 10-02)

6. When an applicant proposes a use which requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit, subject to the following requirements: (Ord. 10-02)

- (a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors set forth in Subsection (E) of this Section. (Ord. 10-02)
- (b) Allowing nonconformance with respect to building setbacks, building height, landscaping and parking space requirements. (Ord. 10-02)
- (c) Meeting all current building, construction, engineering, fire, health and safety standards as a condition of approval. (Ord. 10-02)
- (d) Notifying the applicable neighborhood association by mail and posting a copy on the affected property or premises. (Ord. 10-02)

(F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance or denial of a minor conditional use permit may appeal such decision to the Planning Commission by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fifteen (15) days from the date of such final determination. (Ord. 10-02)

(G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this Title or any other title of the Syracuse City Municipal Code.

1. Unless otherwise specified by the Land Use Authority and subject to

the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land. (Ord. 10-02)

- (H) Amendments. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this Section.
- (I) Revocation or Suspension. The Planning Commission may revoke or suspend a conditional use permit as provided in Section 10-3-080 of this Title. (Ord. 10-02)
 - 1. Any of the following shall also be grounds for revocation or suspension:
 - (a) the use for which the City granted the permit has ceased for one (1) year or more; (Ord. 10-02)
 - (b) the holder or user of the permit failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use; (Ord. 10-02)
 - (c) the holder or user of the permit failed to construct or maintain the site as shown on the approved site plan or map; or (Ord. 10-02)
 - (d) the Planning Commission determined that operation of the use or character of the site was a nuisance or by a Court of competent jurisdiction in any civil or criminal proceeding found it to be a public nuisance. (Ord. 10-02)
 - 2. The Planning Commission shall not revoke a conditional use permit without first holding a public hearing. The City shall notify permittee in writing, served by registered mail or personal service, at least ten (10) days prior to the date of such hearing and the grounds for its convening. At any such hearing, the permittee shall be given an opportunity to testify, call witnesses, and present evidence. Upon conclusion of the hearing, the Planning Commission shall decide whether to revoke or suspend the permit. In the event the determination is to revoke or suspend the permit, the permittee may appeal the decision to the City Council in the manner provided in Section 10-4-140. Revocation or suspension of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit. (Ord. 10-02)
- (J) Expiration.
 - 1. Conditional Use Permit approval issued by the City shall expire if any of the following occur:
 - (a) Applicant does not implement the granted permit within one (1) year of the issued approval date. (Ord. 10-02)
 - (b) The conditional use of land or structure ceases for any reason for a period of more than one (1) year.
 - (c) A conditional use permit for a non-physical structure is valid for only the original applicant and not transferable to any other resident or address. Upon termination of a permittee's residency, the conditional use permit shall become invalid. Otherwise, a permit for physical structures remains

with the land, and all future owners shall be held to the same standards as originally approved.

2. The holder of a permit may submit a written request to the Community Development Department, prior to the expiration date of said permit for an extension of up to six (6) months, subject to approval of the Land Use Authority and meeting the requirements under Section 10-3-040 of this Title. If the Land Use Authority does not approve the application, no one shall reapply for the same purpose for a minimum period of twelve (12) months. (Ord. 06-17) (Ord. 06-27) (Ord. 10-02)

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,
STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Jamie Nagle, Mayor



COUNCIL AGENDA

March 14, 2012

Agenda Item “6”

Proposed Ordinance 12-03 amending various provisions of Title 10, the Land Use Ordinance, relating to animals.

Factual Summation

- Any questions regarding this item may be directed at Community Development Director Mike Eggett.
- Please see attached supporting documentation.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

City Manager
Robert D. Rice

Factual Summation

- Any questions regarding this items may be directed at City Planner Kent Andersen
- See the attached proposed changes to Title 10 Chapter 6 General Land Use Regulations - Animals
- See the attached Davis County Ordinance
- See the attached dissenting opinions from two Syracuse City Planning Commissioners
- See the attached Ordinance No. 12-03

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: March 14, 2012

Subject: Proposed changes to Title 10 Chapter 6 Section 040 Animals

Background

On September 27, 2011, staff presented a recommendation to the City Council for approval from the Planning Commission for an amendment to the Animal Ordinance to include pigeons in the point table as well as a small language change. At the September 27 meeting, City Council discussion moved beyond the changes presented and requested that staff and Planning Commission include additional changes such as a point allocation for quarter-acre lots, an example of the use of the point system, etc.

During the period in which staff and Planning Commission was formulating additional recommendations to the Animal Ordinance, Davis County informed staff that the County was considering making changes to the County Animal Ordinance. Davis County requested City staff to hold onto any changes to the Syracuse Animal Ordinance until Davis County was able to make their changes. Davis County also requested that Syracuse amend the Animal Ordinance to mirror the County Ordinance to ease the burden on County animal enforcement officers of knowing every city animal ordinance. Syracuse City is under no obligation to make this change and Davis County has reflected that they will continue to enforce our ordinance as written. On January 3, 2012, Davis County Commissioners approved the attached amendment to the County

Animal Control Ordinance, which went into effect on January 24, 2012. Primary changes includes: addition of cat registering and licensing requirements, allowance of maximum of three cats and dogs in any combination, if a third dog is owned the dog must be acquired from a legitimate animal shelter, etc. If the Syracuse City Ordinance does not address a specific issue, then the County Ordinance then the State Ordinance is applicable.

Consideration of an Amendment to the Cluster Subdivision Ordinance

On February 7, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the Animal ordinance, in which comments were received. At that time, the Syracuse City Planning Commission chose to table the approval of the animal ordinance so that additional changes could be included. On February 22, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to Title Ten, Chapter 6, General Land Use Regulations within the Syracuse City Code.

This amendment includes the following: addition of a point allocation to lots that are a quarter of an acre or larger, examples of use of the point system and square footage conversion, reclassification of large animals, addition of a small fowl group in the points table, maintain that no more than two of the same species for household pets shall be kept, a limit on the maximum number of dogs a kennel permit allows, an additional exception to the point system, language regarding the harvesting of farm animals, the exemption of service animals from number of animals allowed through the use of a minor conditional use permit, a few definition changes, and other minor changes (see attached changes). Two dissenting opinions from Syracuse City Planning Commissioners have also been provided and are subsequently attached.

At the February 28, 2012 City Council Work Session, additional comments were received. Therefore, these additional changes are highlighted in yellow in the attached proposed changes.

Recommendation

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, Chapter Six General Land Use Regulations - Animals within the Syracuse City Code to reflect attached Ordinance No. 12-03.

TITLE X

CHAPTER 6

GENERAL LAND USE REGULATIONS

10-6-010: Effect of Chapter

10-6-020: Regulations for Buildings and Structures

10-6-030: Regulations for the Use of Land

10-6-040: **Farm Animals Keeping**

10-6-050: Lot and Yard Regulations

10-6-060: Miscellaneous Requirements and Provisions

10-6-070: Shade Trees

10-6-080: Buffer Yards

10-6-090: Agriculture Protection Areas

10-6-100: Conditional Uses

10-6-040: **ANIMALS.**

- (A) Animal Clinics. Such facilities shall require sound-proof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than one hundred (100) feet from any residential dwelling unless it also incorporates sound-proof walls. (Ord. 11-02)
- (B) Animal Hospitals. Such facilities shall receive site plan approval and locate no closer than two hundred (200) feet from any residential dwelling. (Ord. 11-02)
 - 1. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility. (Ord. 11-02)
 - 2. Hospitals shall be no closer than two hundred (200) feet to any adjacent primary structure, constructed with sound-proof walls, and comply with Table D for Buffer Yards. (Ord. 11-02)
 - 3. The lot-size requirement for such facilities shall be no less than one (1) acre. (Ord. 11-02)
 - 4. The property shall provide one-half (1/2) a parking space for each animal housed at the facility. (Ord. 11-02)
 - 5. Site plan shall include means for controlling dust, odor, and insects for the outdoor exercise runs, location of all existing and proposed structures, utilities, and landscaping. (Ord. 11-02)
- (C) Farm Animal Keeping.

1. Definitions:

Comment [KA1]: Alphabetize

LIVESTOCK. Any normally-domesticated animal that is not a cat or dog, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc. (Ord. 06-17)

ADEQUATE FENCING. At a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal-fence panels. (Ord. 06-17)

FARM INDUSTRY. Generally all phases of farm operation including, but not necessarily limited to, the keeping and raising of farm animals and/or fowl for domestic or commercial use, e.g. such as fur farms, livestock feed yards, pig farms, dairy farms, stables, ranches, and similar uses as well as any and accessory uses thereof, except commercial slaughter. (Ord. 06-17)

Comment [KA2]: Changes reflect Chapter 2 definition. Only allowed in A-1 on a minimum of 5 acres

FARM ANIMAL KEEPING. The keeping of animals or fowl, such as commonly used for food or fiber production or as a beast of burden, ~~for commercial purposes or~~ for recreational pleasure. (Ord. 06-17)

Comment [KA3]: Permitted in A-1 and R-1

2. In residential and agricultural zones where permitted, farm animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot, and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50) feet from a public street. All farm animals and fowl shall be kept within the subject property unless under direct supervision and control of the property owner or designee. In residential zones where animal keeping is a permitted ~~or conditional~~ use, there shall be a minimum lot size of ~~twenty-one thousand seven hundred eighty (21,780)~~ ten thousand eight hundred ninety (10,890) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:

(a) To determine the square footage of a lot, use the following conversion:
Square footage = 43,560 x (lot size in acreage)
Example: 1/4 (0.25) acre lot
43,560 x (0.25) = 10,890 square feet

(ab) In residential zones where farm animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of ~~ten (10)~~ one (1) points for each ~~ten thousand eight hundred ninety (10,890)~~ one thousand eighty nine (1,089) square feet thereafter. (Ord. 06-17) (Ord. 08-07) (Ord. 11-02)
[Example, using schedule below: A lot size of twenty-one thousand seven hundred eighty (21,780) square feet, would have an allocation of forty (40) points which would allow one (1) horse for twenty (20) points and two (2) goats for ten (10) points each or two (2) horses for twenty (20) points each.]

(bc) In residential zones where farm animal keeping is a conditional permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) a minimum of ten thousand eight hundred ninety (10,890) square feet shall have an allocation of twelve (12) points with an additional accrual of ten (10) points for each ten thousand eight hundred ninety (10,890) one thousand three hundred sixty one (1,361) square feet thereafter. Such square footage calculations shall not include the square footage of structures located on the premises nor the square footage of the front yard. (Ord. 08-07)
[Example, using schedule below: A lot size of ten thousand eight hundred ninety (10,890) square feet, would have an allocation of twelve (12) points which would allow one (1) goat for ten (10) points and one (1) rabbit for two (2) points or two (2) turkeys for five (5) points each and a pigeon for two (2) points.]

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(c) Farm A animals shall have points assigned to them based on the following groups:

| | | |
|------|---|-------------------------------|
| i. | Large animals such as horses, <u>llamas, emus, ostriches</u> or cows (Ord. 06-17) | Twenty (20) points each |
| ii. | Medium animals such as sheep, <u>or goats, llamas, emus or ostriches</u> (Ord. 08-07) | Ten (10) points each |
| iii. | Large fowl such as turkey or geese (Ord. 08-07) | Five (5) points each |
| iv. | <u>Small fowl such as pheasant, pigeons, ducks or hens</u> | <u>Two (2) points each</u> |
| v. | Small animals <u>and fowl</u> such as rabbits or <u>pygmy goats, chickens</u> | Two (2) points each |
| vi. | Pigs (provided their pens are at least two hundred (200) feet from neighboring dwellings) | One Hundred (100) points each |

Exception 1: This provision shall not apply to certified breeds of potbellied pigs with the North American Potbellied Pig Association. (1998) (Ord. 06-17)

Exception 2: In zones where farm animal keeping is a permitted use, the point total shall not include the counting of the first six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6).

(d) Animal owners shall contain animal waste runoff water from paddocks or stables so as not to contaminate residential water resources, public rights of way, or adjacent properties. (Ord. 06-17)

(e) In residential zones, harvesting of farm animals is a permitted use and shall be conducted within the rear yard of the lot in an area not visible from the street or neighboring properties. See State Code for additional laws regulating harvesting.

Comment [KA4]: Will be removed, as animal cruelty laws is applicable in Title VI.

(D) Dog Kennel Regulations. Parcels or lots with three (3) or more dogs four (4) months old or older are considered Kkennels and shall require a conditional use permits. The Land Use Authority shall review each request separately on its own merits. The Land Use Administrator and may revoke a kennel conditional use permit as set forth in 10-3-080. In no case shall a residential kennel permit be for more than four (4) dogs. (Ord. 08-07) (Ord. 11-02)

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1. Owners of kennels shall obtain licensing for each dog from Davis County Animal Control and comply with all adopted animal-control regulations not addressed in this Title. (Ord. 11-02)
2. All pens, runs, shelters, or similar structures housing dogs in Agriculture and Residential Zones for residential kennels shall be no less than one hundred (100) feet from neighboring or abutting dwellings. (Ord. 11-02)
3. In order to qualify for a residential kennel, to have a third dogs, four (4) months old or older, on a residential lot the dogs' owner(s) shall acquire approval for a minor conditional use permit. (Ord. 08-07) (Ord. 11-02)
4. Kennels for commercial purposes shall keep a All pens, runs, shelters, or similar structures housing the dogs for commercial kennels shall be no less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings, and the owner of the parcel or lot shall acquire approval for a major conditional use permit. (Ord. 11-02)
5. Commercial kennels shall be located on a minimum of five (5) acres and must receive a minor conditional use permitsite plan approval. (Ord. 11-02)

Comment [KA5]: Currently only allowed in A-1, R-1, & R-2

(E) Household Pets. Property owners may keep dogs, cats, small animals and fowl as household pets in residential zones subject to the following conditions: (Ord. 06-17)

1. Dogs, cats, small A animals ander fowl shall be kept in pens, or otherwise secured, unless housed within the dwelling unit.
2. No more than two (2) of the same species shall be kept, excluding dependent young.
3. In no case shall there be more than four (4) dogs, cats, small animals or fowl kept as household pets.
4. To be eligible for more than two (2) cats, up to a maximum of four (4), the cats' owner(s) shall acquire approval for a minor conditional use permit. However, in no case shall a cats' owner(s) be allowed a residential kennel permit [three (3) to four (4) dogs] and a minor conditional use permit for more than two (2) cats.
45. All pens, coops, and structures shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)

Comment [KA6]: See Section 6.12.060 of the County ordinance below. Allows three cats or dogs of any combination, but if you want a third dog it must have been acquired from a legitimate "animal shelter"

Comment [KA7]: County is recommending three (3)
[Section 6.12.060 of the Davis County Code reads "No person or persons at any one (1) residence within the jurisdiction of this title shall at any one (1) time own, harbor, license, or maintain more than three (3) cats and dogs in any combination. A person may only own, harbor license, or maintain three (3) dogs if one of the dogs has been acquired from a legitimate animal shelter, as the term "animal shelter" is defined in the Utah Animal Welfare Act."]

Comment [KA8]: This is proposed as non-zone specific. Therefore any zone is eligible for this conditional use, unlike a dog kennel, which is only eligible in A-1, R-1, and R-2 zones.

~~56.~~ Dogs, cats, small Ag animals ~~and~~ fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)

~~7.~~ Dogs require registering and licensing with Davis County according to County ordinance.

~~8.~~ Service animals (any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability) are considered exempt from the number of animals allowed by this ordinance. To be eligible for this exemption, an owner must apply for a minor conditional use permit and provide proof of National Service Animal Registry for each qualifying animal.

Comment [KA9]: Removed cat licensing as suggested at 2/28/2012 CC meeting.

(F) Stables, Public. (Ord. 11-02)

1. Stables shall require a minimum of four (4) acres.
2. The number of animals shall be no more than four (4) per each acres of property in the stable use.
3. The property shall provide one-half (1/2) of a parking space for each animal housed at the facility.
4. Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.
5. The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.
6. The applicant shall submit a site plans showing the location of all existing and proposed structures and utilities and landscaping.
7. All utilities servicing the stable shall be underground.
8. No stable shall be located within two hundred (200) feet of any residential dwelling unit.
9. Public access to the facility shall be from dawn to dusk.
10. Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water delivery systems or chemically treated exercise surface areas.

(G) Vietnamese Potbellied Pigs. Vietnamese Potbellied Pigs shall be considered household pets for the purposes of this Title and shall be allowed in any residential or agricultural zone subject to the following conditions:

- (a) No more than two (2) pigs may be kept per household, together with dependent young up to four (4) months in age.
- (b) The animals shall be purebred miniature Vietnamese potbellied pigs certified by the North American Potbellied Pig Association. The Land Use Authority may require proof of certification records as a condition of approval. (Ord. 06-17) (Ord. 08-07)

- (c) The animals may not exceed one hundred (100) pounds in weight. (1994) (Ord. 06-17)
- (H) Rabbits and Hens. Residents may keep rabbits and hens outside the dwelling subject to the following conditions: (Ord. 08-07)
 - (a) The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young. (Ord. 08-07)
 - (b) The animals shall be kept in pens, coops, or contained in a fenced area. (Ord. 08-07)
 - (c) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
 - (d) Roosters are not permitted in any residential zones. (Ord. 08-07)

TITLE X

CHAPTER 6

GENERAL LAND USE REGULATIONS

10-6-100: CONDITIONAL USES. The following conditional use shall comply with the applicable standards established herein and may be subject to additional regulations specific to the applicable zone. The zone specific provisions shall apply if a conflict exists between general and specific conditional use provisions. Each applicable zone establishes if the use is conditional or permitted. (Ord. 08-07) (Ord. 10-02) (Ord. 11-02) (Ord. 11-10)

(B) Major. The following conditional uses are major and require approval as established in Section 10-4-080: (Ord. 11-10)

8. ~~Farm Animal Keeping (See Section 10-6-040) (Ord. 08-07)~~

TITLE X

CHAPTER 2

DEFINITIONS

10-2-040: DEFINITIONS. As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Building Code shall be construed as defined therein. (Ord. 08-07)

FARM ANIMAL KEEPING: The keeping of animals and fowl, ~~for family use, such as commonly used for food or fiber production or as a beast of burden, for recreational pleasure.~~

Comment [KA10]: Matching Chapter 6 definition

DAVIS COUNTY

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF THE ANIMAL CONTROL ORDINANCE AS SET FORTH IN TITLE 6, DAVIS COUNTY CODE, TO UPDATE THE CODE WITH REGARD TO THE LICENSING, CARE, AND PROTECTION OF ANIMALS

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that Sections 6.04.010, 6.12.010, 6.12.060, 6.20.040, 6.28.010, 6.32.010 of the Davis County Code are inadequate and should be amended to reflect the changes in state law and better meet the purposes of the Davis County Animal Care & Control Office and the County, that Section 6.16.140 should be enacted to better meet the purposes of the Davis County Animal Care & Control Office and the County, that Section 6.12.070 should be repealed to better meet the purposes of the Davis County Animal Care & Control Office and the County, and that it is in the best interest of the County that this ordinance be adopted.

The Board of County Commissioners of Davis County, Utah, ordains as follows:

BE IT ORDAINED THAT

Section 1. Section 6.04.010 of the *Davis County Code* is amended as follows:

Section 6.04.010 - Definitions.

As used in this title:

1. "Animal" means any and all types of livestock, dogs and cats, **fowls**, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.
2. "Animal boarding establishment" means any establishment that takes in animals and boards them for profit.
3. "Animal Control Director" and "Director" each mean the Director of the Animal Care and Control Department.
4. "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
5. "Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
6. "Animal at large" means any animal, whether licensed or not, when
 - a. The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.
 - b. The animal is on the property of the owner or custodian and is not:

- (1) Securely confined in a building, fenced area, cage or kennel;
 - (2) Under the immediate physical restraint by the owner or custodian; or
 - (3) Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.
- c. A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.
7. "Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
8. "Cat" means any age feline of the domesticated types.
9. "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.
10. "Center" means the Davis County Animal Control Center.
11. "Custodian" means a person having formal or informal custody, control, or possession.
12. "Dangerous animal" means any animal that:
 - a. Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property;
 - b. Has been previously found to be a potentially dangerous animal, whose owner has received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
 - c. Is found to be in violation of any of the restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.
13. "Department" means the Davis County Department of Animal Care and Control.
14. "Dog" means any canis familiaris.
15. "Domestic animals" means animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.
16. "Estray" means any livestock found at large.
17. "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.
18. "Kennel" means land or buildings used in the keeping of three (3) or more dogs, four (4) months or older.
19. "Livestock" means any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.
20. "Owner" means any person having an ownership or proprietary interest in an animal or having formal or informal custody of an animal.
21. "Pet" means a domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
22. "Pet shop" means any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

23. "Potentially dangerous animal" means any animal:
- a. That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;
 - b. Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or
 - c. That, because of witnessed and documented conduct is reasonably believed to be capable or causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.
24. "Quarantine" means the isolation of an animal as required by this title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
25. "Restraint device" means any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.
26. "Riding school or stable" means an establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.
27. "Vicious animal" means any animal which has:
- a. Inflicted severe injury on a human being with or without provocation on public or private property;
 - b. Has killed a domestic animal with or without provocation while off the owner's property; or
 - c. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to Sections 6.16.050 and 6.16.060 of this title.
28. "Wild animal" means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:
- a. Alligators, crocodiles, Caiman;
 - b. Bears (Ursidae). All bears including grizzly bears, brown bears and black bears;
 - c. Cat Family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
 - d. Dog Family (Canidae). All, except domesticated dogs, and including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;
 - e. Porcupine;
 - f. Primates (all subhuman primates);
 - g. Raccoon (all varieties);
 - h. Skunks;
 - i. Venomous snakes or lizards;
 - j. Weasels. (All weasels, martens, wolverines, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised

commercially for their pelts, in or upon a properly constructed legally operated ranch.

Section 2. Section 6.12.010 of the *Davis County Code* is amended as follows:

6.12.010 Licensing and registration of dogs and cats.

It is unlawful for any person to own, keep, harbor or maintain a dog or cat over the age of four months of age, without registering and obtaining a license for such dogs and cats from the Animal Control Department or authorized vendor. All dogs and cats brought into Davis County shall require registering and licensing within thirty (30) days after they enter Davis County, or within thirty (30) days after having reached the age of four (4) months. The annual fee for all dog and cat licenses shall be from time to time set by resolution by the Board of County Commissioners. For any dog or cat not registered within thirty (30) days after having been brought into Davis County, or within thirty (30) days of being four months old, the owner thereof will be required to pay an additional license late fee which shall be set from time to time by resolution of the Board of County Commissioners. No dog or cat shall be licensed as spayed or neutered without proof that the surgery has been performed.

Dog and cat licenses shall be renewed each year, with each license being valid from the date of purchase for twelve (12) consecutive months with the license expiration date one year from the date of purchase. Three year cat licenses shall be valid from the date of purchase for thirty-six (36) consecutive months with the license expiration date three years from the date of purchase. Licenses not renewed within thirty (30) days of expiration shall be subject to the applicable late fee.

Section 3. Section 6.12.060 of the *Davis County Code* is amended to read:

Section 6.12.060 Number of dogs and cats per residence.

No person or persons at any one (1) residence within the jurisdiction of this title shall at any one (1) time own, harbor, license, or maintain more than three (3) cats and dogs in any combination. A person may only own, harbor, license, or maintain three (3) dogs if one of the dogs has been acquired from a legitimate animal shelter, as the term "animal shelter" is defined in the Utah Animal Welfare Act. ~~as otherwise provided in this chapter.~~

Section 4. Section 6.20.040 of the *Davis County Code* is amended to read:

Section 6.20.40 – Impoundment and disposal.

- A. Animals shall be impounded for a minimum of ~~three~~ five (5) business days before further disposition. Reasonable effort shall be made to notify the owner, caretaker or sponsor, of any animal wearing a license or other form of identification, including but not limited to a microchip, during that time. Notice shall be deemed given when sent to the last known address of the listed owner, caretaker or sponsor. Any animal voluntarily relinquished to the animal control facility by the

owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided. In compliance with the Community Cat Act, any cat received by a shelter under the provisions of Section 11-46-103, Utah Code Annotated, may be released prior to the five (5) day holding period to a sponsor that operates a community cat program.

- B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the Director of Animal Control shall direct. Any healthy dog or cat may be sold in compliance with the Davis County animal control adoption policy after payment of all applicable fees. Other small animals, not included as livestock may also be sold as determined by the director.
- C. Any animal impounded and having or suspected of having a serious physical injury or contagious disease requiring medical attention may, at the discretion of the Animal Control Director, be released to the care of a veterinarian with or without the consent of the owner, caretaker or sponsor.
- D. When, in the judgment of the Director of Animal Control, it is determined that an animal should be destroyed without delay for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this title, except as provided in Chapter 6.24, and without court order.
- E. The Animal Control Director or any of his or her agents may destroy an animal upon request of the owner without transporting the animal to County facilities. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass done by the Department of Animal Control.
- F. In the event that an impounded animal is to be sold at an administrative auction, notice of the sale shall be given in a newspaper of general publication once at least 10 calendar days prior to the sale.

Section 35. Section 6.28.010 of the Davis County Code is amended to read:

Section 6.28.010 Cruelty to animals.

A person commits cruelty to animals when he or she:

- A. Causes one animal or fowl to fight with another;
- B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his own property or that of

another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals;

- C. By act or omission causes pain, suffering, terror or torment, or if he or she injures, mutilates, or causes disease or death to any animal or fowl;
- D. Administers or applies or procures or permits the administration of application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to domestic animals or livestock, with the intent to harm or take the animal whether the animal be his or her own property or that of another. All set live capture traps shall be checked and emptied daily. All traps must have owner identification permanently affixed to them;
- E. In the case of an animal owner, custodian, or sponsor, ~~N~~ neglects or fails to supply such animal with necessary and adequate exercise, care, rest, food, drink, air, light, space, shelter, protection from the elements, and/or medical care;
- F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur;
- G. Is present as a spectator at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals; or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or her or under his or her control for any of these purposes;
- H. Abandons an animal;
- I. Performs or causes to be performed any of the following operations:
 - 1. Inhumanely removes any portion of the beak of any bird, domestic or wild,
 - 2. Alters the gait or posture of any animal, by surgical, chemical, mechanical, or any other means, including soring,
 - 3. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian,
 - 4. Inhumanely docks the tail of an animal or removes an animal's dewclaws;
- J. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely, or lie down during transportation, or while awaiting slaughter, must be provided;
- K. ~~Leaves any animal confined in a vehicle unattended in excessively hot or cold weather~~ **Carries, transports, or confines any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal**

without adequate ventilation, food or water for an unusual length of time. In this section the determination of whether treatment of an animal is “cruel or inhumane” shall be made by the Director of Animal Care and Control, his designated officer, or local law enforcement officer, after considering the individual circumstances;

- L. Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically;
- M. Takes or kills any bird(s) or robs or destroys any nest, eggs or young or any bird in violation of the laws of the State of Utah;
- N. Inhumanely hobbles livestock or other animals;
- O. Leaves any livestock species used for draught, driving or riding purposes, on the street without protection from the weather and without food and water;
- P. Recklessly rides or drives any horse or other livestock species on any street, highway, or avenue within this jurisdiction;
- Q. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause physical injury or unnecessary suffering;

| **Section 46. Section 6.16.140 of the *Davis County Code* is hereby enacted to read as follows:**

Section 6.16.140 *Animals Attacking Persons and Animals.*

A. **Attacking Animals:** It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or threaten any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. “Threaten,” as used in this section means any menacing behavior, including but not limited to, lunging, growling, biting, or bearing of teeth.

B. **Owner Liability:** The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

C. **Defenses:** The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

- 1. That the animal was properly confined on the premises;
- 2. When the animal is on its owner’s property;

3. That the animal was deliberately or maliciously provoked.

D. Any person may take reasonably necessary actions, including killing, to defend him or herself, other persons, and property while the animal is committing any of the acts specified in subsection A of this section.

Section 57. Section 6.32.010 of the *Davis County Code* is amended to read:

Section 6.32.010 Fees & Charges

| Fee Description | Amount |
|---|------------------|
| Relinquishment (at the Animal Shelter) | 15.00 |
| Relinquishment (in the field with pickup by Animal Control officer) | 30.00 |
| Relinquishment (litter and mother) | 15.00 |
| Impound of domestic animal | 50.00 |
| Impound of livestock (during day operation hours) | 75.00 |
| Impound of livestock (after day operation hours) | 95.00 |
| Daily board charges for domestic animal | 10.00 |
| Daily board charges for livestock | 25.00 |
| Euthanasia and disposal | 40.00 |
| Quarantine (for 10 day period) | 100.00 |
| Adoption/Purchase (unaltered dog or cat) | 15.00 |
| Adoption/Purchase Off Site (unaltered dog or cat) | 40.00 |
| Adoption/Purchase (altered dog or cat) | 45.00 |
| Adoption/Purchase Off Site (altered dog or cat) | 70.00 |
| Adoption/Purchase (small animal excluding dogs and cats) | 5.00 |
| <u>Fees for adoption/purchase of dogs, cats, and small animals such as turtles, snakes, gerbils, etc., are on a sliding scale as set by Animal Control based on such factors as size, breed, and age of the animal, and time spent in the shelter. In no event, shall the fee for adopting/purchasing a dog, cat or small animal be more than \$295.00.</u> | |
| Spay/Neuter Feline | 45.00 |
| Spay/Neuter Canine (under 30 lbs) | 55.00 |
| Spay/Neuter Canine (30-59 lbs) | 65.00 |
| Spay/Neuter Canine (60-89 lbs) | 75.00 |
| Spay/Neuter Canine (over 90 lbs) | 85.00 |
| Spay female in heat additional | 25.00 |
| Neuter with Retained Testicle additional | 25.00 |
| License for dog or cat (unsterilized/no microchip) for one year | 40.00 |
| License for dog or cat (sterilized / no microchip) for one year | 15.00 |

| | |
|--|------------------|
| License for dog (unsterilized / microchip) | 30.00 |
| License for dog (sterilized / microchip) | 10.00 |
| Three year for dog (unsterilized / no microchip) | 120.00 |
| Three year for dog (unsterilized / with microchip) | 90.00 |
| Three year for dog (sterilized / no microchip) | 45.00 |
| Three year for dog (sterilized / microchip) | 20.00 |
| <u>License for cat (unsterilized/no microchip) for one year (includes microchip)</u> | 15.00 |
| <u>License for cat (sterilized/no microchip) for one year (includes microchip)</u> | 5.00 |
| <u>License for cat (unsterilized/microchip) for one year (no microchip)</u> | 10.00 |
| <u>License for cat (sterilized/microchip) for one year</u> | 5.00 |
| <u>Three year license for cat (unsterilized with or without microchip)</u> | 45.00 |
| <u>Three year license for cat (sterilized/no microchip) – includes microchip</u> | 24.00 |
| <u>Three year license for cat (sterilized/microchip)</u> | 10.00 |
| License for dog or cat (unaltered unsterilized) for one year-Senior Citizen owner | 10.00 |
| License for dog or cat (altered sterilized) for lifetime - Senior Citizen owner | 20.00 |
| <u>License for cat (sterilized/microchip) for lifetime – Senior Citizen owner</u> | 10.00 |
| <u>Transfer fee for cat or dog</u> | 5.00 |
| Late <u>license</u> fee for license <u>dog or cat</u> | 20.00 |
| Rabies Vaccination (1 year w/adoption) | 10.00 |
| Rabies Vaccination (3 years w/adoption) | 12.00 |
| Five (5) Way Vaccination (w/adoption) | 15.00 |
| Vaccines Open to General Public | 20.00 |
| Combo Kits (any 2 vaccines) Open to General Public | 30.00 |
| Combo Kits (any 3 vaccines) Open to General Public | 50.00 |
| Micro Chip (Mandatory for Impounded Dogs) | 25.00 |
| Micro Chip (For dogs of General Public) | 25.00 |
| Micro chip (w/Adoption) | 20.00 |
| Kennel Fee (annual) | 75.00 |
| Replacement/Duplicate tag <u>for dog or cat</u> | 6.00 |
| Regulatory permit (business)– | 50.00 |
| Euthanization of trapped raccoon (includes removal of carcass) and trapped skunk (does not include removal of carcass) | 20.00 |
| Trap rental security deposit | 50.00 |
| Trap rental fee per week | 10.00 |

NON-CONTRACTED CITIES FEES:

| Fee Description | Amount |
|--|---------------|
| Impound | 75.00 |
| Boarding per day/per animal | 20.00 |
| Impound of Livestock (regular working hours) | 125.00 |
| Impound of Livestock (after working hours) | 175.00 |

| | |
|--|----------------|
| Daily Boarding Charges for Livestock | 50.00 |
| Euthanasia and Disposal | 50.00 |
| Quarantine (10 days) | 200.00 |
| Stock Truck, Trailer and ACO from Animal Control site & return | 200.00 |
| | +2.00 per mile |

Section 86. Section 6.12.070 of the *Davis County Code* is hereby repealed.

~~Section 6.12.070~~ — ~~Regulatory permits.~~

~~It is unlawful for any person to operate a boarding kennel, cattery, pet shop, groomery, riding stable, or any similar establishment, unless such person first obtains a regulatory permit from the Animal Control Department, which permit shall be in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted together with the required permit fee on a printed form provided by the Animal Control Department. Before the permit is issued, approval shall be granted by the Davis County Health Department, and appropriate zoning authority and the Animal Control Department. Establishments in existence prior to the ratification of this title shall obtain such regulatory permit within ninety (90) days of written notification of the regulatory inspector that such a permit is necessary.~~

Section 9. Effective Date.

This ordinance shall become effective 15 days after its adoption and upon publication as required by law.

This ordinance was duly approved and adopted by the Board of County Commissioners of Davis County, Utah on the _____ day of _____, 2011, with Commissioners, Louenda H. Downs, P. Bret Millburn and John Petroff Jr., all voting as noted above regarding passage of this ordinance.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: _____
Louenda H. Downs, Chairperson

ATTEST:

Steve S. Rawlings
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:

Deputy Davis County Attorney

To: Syracuse City Council

From: TJ Jensen

Syracuse City Planning Commissioner

A Dissenting Opinion In Regard to Changes To The Animal Ordinance

Council members,

I am writing you in regards to the suggested changes forwarded by the Planning Commission yesterday. While I concur with most of the changes proposed, there is one point that I feel still needs to be addressed.

Under our current ordinance, pet owners in Syracuse are allowed a total of four pets (dogs, cats, birds, ferrets, and such), with a limitation of no more than two of any one species. Dog owners are granted an exception to this if they apply for a Kennel conditional use, which will allow them a total of three (3) dogs under the current ordinance, or four (4) dogs with the changes we have suggested.

My issue is that I strongly believe that the two of any one species provision is too restrictive, and is unfair to owners of pets that are not dogs. I would argue that most complaints that are fielded by staff involve dogs, and not other types of pets.

Under the recently adopted county ordinance, pet owners are allowed a total of three (3) pets, with dogs being additionally restricted. If the county does not have a problem with people owning three (3) cats, parakeets, or whatever, I would argue that at the very least we should allow the same, especially given the more rural nature of much of our community.

If a pet owner is deemed unable to care for his pets under health or humane standards, there are already other ordinances on the books to address such violations. Otherwise responsible pet owners should not be penalized for the bad behavior of a few bad pet owners.

I know we have quite a good number of households in our community that are in violation of the 'two of any one species' rule, from conversations with various residents. I'd prefer such residents to be able to keep their pets, rather than having to give them to the animal shelter, which may result in the termination of said pet if it is not adopted by a new owner.

And, as my neighbor pointed out to me, for those pet owners with larger lots, having an extra cat or two on hand to keep the mice population under control is a good idea. Especially with things like the hantha virus and such being carried by said vermin.

In short, I would ask that you consider relaxing the 'two of any one species' rule, either changing it to 'three of any one species' to more closely mirror the County ordinance or dropping the

species provision completely, which will still restrict the total number of pets to four (4) under our current ordinance.

Thank you for your consideration,

TJ Jensen

Syracuse City Planning Commissioner

City Council

Dissenting Opinion: Animal Ordinance

Gary Pratt, Vice Chair Planning Commission

After careful review, I feel that under section (C)2.c (Exception 2), which was added at the last minute, is unnecessary for a couple of reasons.

- First it mathematically adds a handicap impacting the ordinance points system that increases the numbers of animals artificially on properties which was not the intent of the ordinance points system.
- It is not part of the examples provided in the ordinance which were added for clarity or the point's grid in the same section. It just adds additional confusion in calculating the number of animals a property could have.

While the Planning Commission did add and make clarifications to the ordinance based on public comment, we did not hear any to illicit such an addition. This section is unnecessary and does not provide the clarity to the ordinance that was desired. I do support the other changes and additions to the ordinance.

I ask for your consideration in removing the language and exception base on these concerns.

Gratefully,

Gary Pratt

ORDINANCE NO. 12-03

**AN ORDINANCE OF THE SYRACUSE CITY COUNCIL AMENDING
VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE,
RELATING TO ANIMALS.**

WHEREAS, the Syracuse City Council has previously adopted the City Subdivision Ordinance and the City Land Use Ordinance for the purpose of regulating the use of land within the City; and

WHEREAS, the City Council hereby finds and determines that the use of subdivision and land use regulations is necessary to promote the public welfare by regulating the use of land in a manner that promotes sustainable development and preserves property values of both developing property and existing development; and

WHEREAS, the City Council hereby further finds that the City Subdivision Ordinance and the City Land Use Ordinance requires amendment to provide further clarification and to expand property rights as it relates to animals;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 10-6-040 of the Syracuse City Code is hereby amended to read in its entirety as follows:

CHAPTER 6

GENERAL LAND USE REGULATIONS

- 10-6-010: Effect of Chapter**
- 10-6-020: Regulations for Buildings and Structures**
- 10-6-030: Regulations for the Use of Land**
- 10-6-040: Animals**
- 10-6-050: Lot and Yard Regulations**
- 10-6-060: Miscellaneous Requirements and Provisions**
- 10-6-070: Shade Trees**
- 10-6-080: Buffer Yards**
- 10-6-090: Agriculture Protection Areas**

10-6-100: Conditional Uses

10-6-040: ANIMALS.

- (A) Animal Clinics. Such facilities shall require sound-proof walls, if a part of a larger commercial building, and receive site plan approval. Clinics utilizing single-tenant buildings shall locate no closer than one hundred (100) feet from any residential dwelling unless it also incorporates sound-proof walls. (Ord. 11-02)
- (B) Animal Hospitals. Such facilities shall receive site plan approval and locate no closer than two hundred (200) feet from any residential dwelling. (Ord. 11-02)
1. Animals taken outside the building to the exercise runs shall have continuous supervision by an employee of the facility. (Ord. 11-02)
 2. Hospitals shall be no closer than two hundred (200) feet to any adjacent primary structure, constructed with sound-proof walls, and comply with Table D for Buffer Yards. (Ord. 11-02)
 3. The lot-size requirement for such facilities shall be no less than one (1) acre. (Ord. 11-02)
 4. The property shall provide one-half (1/2) a parking space for each animal housed at the facility. (Ord. 11-02)
 5. Site plan shall include means for controlling dust, odor, and insects for the outdoor exercise runs, location of all existing and proposed structures, utilities, and landscaping. (Ord. 11-02)
- (C) Farm Animal Keeping.
1. Definitions:

ADEQUATE FENCING. At a minimum, mesh, barbed wire, chain link, rail, or post fencing or metal-fence panels. (Ord. 06-17)

FARM ANIMAL KEEPING. The keeping of animals or fowl, such as commonly used for food or fiber production or as a beast of burden, for recreational pleasure. (Ord. 06-17)

FARM INDUSTRY. Generally all phases of farm operation including, but not necessarily limited to, the keeping and raising of farm animals and/or fowl for domestic or commercial use, e.g. fur farms, livestock feed yards, pig farms, dairy farms, and similar uses as well as any accessory uses thereto, except commercial slaughter. (Ord. 06-17)

LIVESTOCK. Any normally-domesticated animal that is not a cat or dog, such as cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc. (Ord. 06-17)
 2. In residential and agricultural zones where permitted, farm animals and fowl may be kept for family use outside the dwelling provided that all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than fifty (50) feet from dwellings on adjacent lots, not less than twenty (20) feet from a dwelling on the same lot,

and not less than one hundred fifty (150) feet from a public street, except on corner lots where such structures shall be not less than fifty (50) feet from a public street. All farm animals and fowl shall be kept within the subject property unless under direct supervision and control of the property owner or designee. In residential zones where animal keeping is a permitted use, there shall be a minimum lot size of ten thousand eight hundred ninety (10,890) square feet, and all animal keeping guidelines shall be in accordance with the provisions as outlined in this Section of the Title. The number of animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to these numbers:

- (a) To determine the square footage of a lot, use the following conversion:
 Square footage = 43,560 x (lot size in acreage)
 Example: 1/4 (0.25) acre lot
 $43,560 \times (0.25) = 10,890$ square feet

- (b) In residential zones where farm animal keeping is a permitted use, each lot containing twenty-one thousand seven hundred eighty (21,780) square feet shall have an allocation of forty (40) points with an additional accrual of one (1) point for each one thousand eighty nine (1,089) square feet thereafter. (Ord. 06-17) (Ord. 08-07) (Ord. 11-02)
 [Example, using schedule below: A lot size of twenty-one thousand seven hundred eighty (21,780) square feet, would have an allocation of forty (40) points which would allow one (1) horse for twenty (20) points and two (2) goats for ten (10) points each or two (2) horses for twenty (20) points each.]

- (c) In residential zones where farm animal keeping is a permitted use, each lot containing a minimum of ten thousand eight hundred ninety (10,890) square feet shall have an allocation of twelve (12) points with an additional accrual of one (1) point for each one thousand three hundred sixty one (1,361) square feet thereafter. (Ord. 08-07)
 [Example, using schedule below: A lot size of ten thousand eight hundred ninety (10,890) square feet, would have an allocation of twelve (12) points which would allow one (1) goat for ten (10) points and one (1) rabbit for two (2) points or two (2) turkeys for five (5) points each and a pigeon for two (2) points.]

- (c) Farm animals shall have points assigned to-them based on the following groups:

| | | |
|------|--|-------------------------|
| i. | Large animals such as horses, llamas, emus, ostriches or cows (Ord. 06-17) | Twenty (20) points each |
| ii. | Medium animals such as sheep or goats (Ord. 08-07) | Ten (10) points each |
| iii. | Large fowl such as turkey or geese (Ord. 08-07) | Five (5) points each |

| | | |
|-----|---|-------------------------------|
| iv. | Small fowl such as pheasant, pigeons, ducks or hens | Two (2) points each |
| v. | Small animals such as rabbits or pygmy goats | Two (2) points each |
| vi. | Pigs (provided their pens are at least two hundred (200) feet from neighboring dwellings) | One Hundred (100) points each |

Exception 1: This provision shall not apply to certified breeds of potbellied pigs with the North American Potbellied Pig Association. (1998) (Ord. 06-17)

Exception 2: In zones where farm animal keeping is a permitted use, the point total shall not include the counting of the first six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6).

- (d) Animal owners shall contain animal waste runoff water from paddocks or stables so as not to contaminate residential water resources, public rights of way, or adjacent properties. (Ord. 06-17)
- (e) In residential zones, harvesting of farm animals is a permitted use and shall be conducted within the rear yard of the lot in an area not visible from the street or neighboring properties.

(D) Dog Kennel Regulations. Parcels or lots with three (3) or more dogs four (4) months old or older are considered kennels and shall require a conditional use permit. The Land Use Authority shall review each request separately on its own merits and may revoke a conditional use permit as set forth in 10-3-080. In no case shall a residential kennel permit be for more than four (4) dogs. (Ord. 08-07) (Ord. 11-02)

1. Owners of kennels shall obtain licensing for each dog from Davis County Animal Control and comply with all adopted animal-control regulations not addressed in this Title. (Ord. 11-02)
2. All pens, runs, shelters, or similar structures housing dogs for residential kennels shall be no less than one hundred (100) feet from neighboring or abutting dwellings. (Ord. 11-02)
3. In order to qualify for a residential kennel, the dogs' owner(s) shall acquire approval for a minor conditional use permit. (Ord. 08-07) (Ord. 11-02)
4. All pens, runs, shelters, or similar structures housing dogs for commercial kennels shall be no less than two hundred (200) feet from a public street and at least two hundred (200) feet from all neighboring or abutting dwellings, and the owner of the parcel or lot shall acquire approval for a major conditional use permit. (Ord. 11-02)
5. Commercial kennels shall be located on a minimum of five (5) acres and must receive a minor conditional use permit. (Ord. 11-02)

- (E) Household Pets. Property owners may keep dogs, cats, small animals and fowl as household pets in residential zones subject to the following conditions: (Ord. 06-17)
1. Dogs, cats, small animals and fowl shall be kept in pens, or otherwise secured, unless housed within the dwelling unit.
 2. No more than two (2) of the same species shall be kept, excluding dependent young.
 3. In no case shall there be more than four (4) dogs, cats, small animals or fowl kept as household pets.
 4. To be eligible for more than two (2) cats, up to a maximum of four (4), the cats' owner(s) shall acquire approval for a minor conditional use permit. However, in no case shall a cats' owner(s) be allowed a residential kennel permit [three (3) to four (4) dogs] and a minor conditional use permit for more than two (2) cats.
 5. All pens, coops, and structures shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
 6. Dogs, cats, small animals and fowl allowed shall be those species normally stocked and available at a State licensed pet store. (1999)
 7. Dogs require registering and licensing with Davis County according to County ordinance.
 8. Service animals (any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability) are considered exempt from the number of animals allowed by this ordinance. To be eligible for this exemption, an owner must apply for a minor conditional use permit and provide proof of National Service Animal Registry for each qualifying animal.
- (F) Stables, Public. (Ord. 11-02)
1. Stables shall require a minimum of four (4) acres.
 2. The number of animals shall be no more than four (4) per each acres of property in the stable use.
 3. The property shall provide one-half (1/2) of a parking space for each animal housed at the facility.
 4. Property owners shall provide toilet facilities and shall maintain such facilities in a sanitary condition.
 5. The applicant shall submit a plan to the Land Use authority for control of dust, odor, and insects.
 6. The applicant shall submit a site plans showing the location of all existing and proposed structures and utilities and landscaping.
 7. All utilities servicing the stable shall be underground.

8. No stable shall be located within two hundred (200) feet of any residential dwelling unit.
 9. Public access to the facility shall be from dawn to dusk.
 10. Horse exercise areas such as working yards, walker equipment areas, or paddocks shall use dust control by means of constructed water delivery systems or chemically treated exercise surface areas.
- (G) Vietnamese Potbellied Pigs. Vietnamese Potbellied Pigs shall be considered household pets for the purposes of this Title and shall be allowed in any residential or agricultural zone subject to the following conditions:
- (a) No more than two (2) pigs may be kept per household, together with dependent young up to four (4) months in age.
 - (b) The animals shall be purebred miniature Vietnamese potbellied pigs certified by the North American Potbellied Pig Association. The Land Use Authority may require proof of certification records as a condition of approval. (Ord. 06-17) (Ord. 08-07)
 - (c) The animals may not exceed one hundred (100) pounds in weight. (1994) (Ord. 06-17)
- (H) Rabbits and Hens. Residents may keep rabbits and hens outside the dwelling subject to the following conditions: (Ord. 08-07)
- (a) The residents shall have no more than six (6) hens or six (6) rabbits, or a combination of both not exceeding six (6), excluding dependent young. (Ord. 08-07)
 - (b) The animals shall be kept in pens, coops, or contained in a fenced area. (Ord. 08-07)
 - (c) All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. (Ord. 08-07)
 - (d) Roosters are not permitted in any residential zones. (Ord. 08-07)

Section 2. Amendment. Section 10-6-100 of the Syracuse City Code is hereby amended to read in its entirety as follows:

10-6-100: CONDITIONAL USES. The following conditional use shall comply with the applicable standards established herein and may be subject to additional regulations specific to the applicable zone. The zone specific provisions shall apply if a conflict exists between general and specific conditional use provisions. Each applicable zone establishes if the use is conditional or permitted. (Ord. 08-07) (Ord. 10-02) (Ord. 11-02) (Ord. 11-10)

- (B) Major. The following conditional uses are major and require approval as established in Section 10-4-080: (Ord. 11-10)
1. Animal Hospitals. (Ord. 11-10)
 2. Churches or Religious Service Buildings. (Ord. 11-10)

3. Cluster Subdivisions {See Chapter 15 of this Title} (Ord. 08-07)
4. Day Care Centers. (Ord. 11-10)
5. Dwellings, Single-Family. (Ord. 11-10)
6. Dwellings, Two- (2) Family The owner of such a residential dwelling shall: (Ord. 10-02) (Ord. 11-10)
 - (a) Meet the International Building Code standards. (Ord. 11-02)
 - (b) Provide a minimum of two (2) off-street parking spaces per dwelling unit. (Ord. 06-17) (Ord. 11-02)
 - (c) Be responsible for payment of all utilities. (Ord. 06-27) (Ord. 11-02)
 - (d) Install utility services for each dwelling unit as provided in State law. (Ord. 08-07) (Ord. 11-02)
 - (e) Comply with all requirements of the International Residential Code as adopted by the State of Utah for two- (2) family dwellings. (Ord. 10-02)
7. Dwelling Groups {See Section 10-6-030(A)} (Ord. 08-07)
8. Home Occupations, Major {See Section 10-7-040} (Ord. 10-02)
9. Medical and Other Health Facilities. (Ord. 11-10)
10. Preschool Centers. (Ord. 11-10)
11. Professional Non-Retail Services, up to a maximum twenty-five (25) percent of the commercial subdivision. (Ord. 11-10)
12. Public and Quasi-Public Buildings. (Ord. 11-10)
13. Public Parks. (Ord. 11-10)
14. Sexually-Oriented Businesses {See Chapter 25 of this Title} (Ord. 08-07)
15. Sewage Treatment Plants. (Ord. 11-10)
16. Signs {See Chapter 9 of this Title}
17. Wireless Communication Towers. {See Chapter 24 of this Title} (Ord. 08-07) (Ord. 11-10)

Section 3. Amendment. Section 10-2-040 of the Syracuse City Code is hereby amended to read in its entirety as follows:

10-2-040: DEFINITIONS. As used in this Title, the words and phrases defined in this Section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the Building Code shall be construed as defined therein. (Ord. 08-07)

FARM ANIMAL KEEPING: The keeping of animals and fowl, such as commonly used for food or fiber production or as a beast of burden, for recreational pleasure.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,
STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Jamie Nagle, Mayor



COUNCIL AGENDA

March 14, 2012

Agenda Item “7”

Proposed Resolution R12-11 appointing City Councilmembers to various committee positions and assignments.

Factual Summation

- Any questions regarding this item may be directed at City Recorder Cassie Brown
- Please see below for the memo regarding Council appointments and assignments
- Please see attached Resolution R12-11

Memorandum

With the recent resignation of past Councilmember Kimmel, it is necessary to review the assignments that he held and consider appointing someone to fill those vacancies. Attached is Proposed Resolution R12-11, which allows the council to do so.

RESOLUTION R12-11

A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS.

WHEREAS Syracuse City Councilmembers are desirous of being appointed to and serving on various community committees and boards; and

WHEREAS there are also internal City positions, such as Mayor Pro-Tem that Councilmembers are desirous of being appointed to; and

WHEREAS the Syracuse City Council discussed the vacant committee appointments and assignments during their Work Session Meeting of March 14, 2012 and determined appropriate appointments and assignments for each Councilmember and members of the Administration.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS FOLLOWS:

Section 1. Appointment.

- a.** is hereby appointed to serve on the Wasatch Integrated Waste Management District Board.
- b.** Mayor Nagle is hereby appointed to serve as a non-voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- c.** Mayor Nagle is hereby appointed to serve as the liaison to the Youth Council.
- d.** Mayor Nagle is hereby appointed to serve as the City's representative on the Clearfield High School Community Council.
- e.** Councilmember Johnson is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- f.** Councilmember Johnson is hereby appointed to serve as the City's representative on the Syracuse Junior High School Community Council.
- g.** Councilmember Johnson is hereby appointed to serve as an Employee Appeals Board alternate member.
- h.** is hereby appointed to serve as the Second Mayor Pro-Tem.
- i.** is hereby appointed to serve as the City's representative on the Syracuse High School Community Council.
- j.** is hereby appointed to serve as an Employee Appeals Board alternate member.
- k.** Councilmember Lisonbee is hereby appointed to serve as the Third Mayor Pro-Tem.
- l.** Councilmember Lisonbee is hereby appointed to serve as an Employee Appeals Board member.
- m.** Councilmember Lisonbee is hereby appointed to serve as the City's representative on the Buffalo Point Community Council.

- n. Councilmember Lisonbee is hereby appointed to serve as the liaison to the Arts Council.
- o. Councilmember Peterson is hereby appointed to serve as an Employee Appeals Board member.
- p. Councilmember Peterson is hereby appointed to serve as the City's representative on the Syracuse Elementary Community Council.
- q. Councilmember Peterson is hereby appointed to serve as the City's representative on the Cook Elementary Community Council.
- r. Councilmember Peterson is hereby appointed to serve as the City's representative on the Legacy Junior High Community Council.
- s. Councilmember Shingleton is hereby appointed to serve as the Youth Court Liaison.
- t. Councilmember Shingleton is hereby appointed to serve as the Mayor Pro-Tem.
- u. Councilmember Shingleton is hereby appointed to serve as the City's representative on the Bluff Ridge Elementary Community Council.
- v. Councilmember Shingleton is hereby appointed to serve as the Museum Board Advisor.
- w. City Manager Rice is hereby appointed to serve as a voting member on the Utah League of Cities and Towns (ULCT) Legislative Policy Committee.
- x. Public Works Director Robert Whiteley shall seek election to the Davis and Weber Canal Board.
- y. Public Works Director Robert Whiteley is hereby appointed to serve as the City's representative on the Layton Canal Board.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor



COUNCIL AGENDA

March 14, 2012

Agenda Item “8”

Proposed Resolution R12-12 appointing Councilmember Shingleton to the Wasatch Integrated Waste Management District (WIWMD) Administrative Control Board.

Factual Summation

- Any questions regarding this item may be directed at Mayor Nagle.
- Please see attached Proposed Resolution 12-12 provided by Cassie Brown.

Recommendation

Adopt Proposed Resolution R12-12 appointing Councilmember Shingleton to the Wasatch Integrated Waste Management District (WIWMD) Administrative Control Board.

RESOLUTION NO. R12-12

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING
COUNCILMEMBER LARRY SHINGLETON TO THE ADMINISTRATIVE
CONTROL BOARD OF THE WASATCH INTEGRATED WASTE
MANAGEMENT DISTRICT.**

WHEREAS, Syracuse City, Utah (the City) is within the boundaries of Wasatch Integrated Waste Management District (the District) and desires to appoint a member of its Governing Body to the Administrative Control Board (the Board) of the District; and

WHEREAS, the Governing Body of the City is the appointing authority for such members of the Board under Section 17A-1-101(1), Utah Code Annotated 1952, as amended; and

WHEREAS, all actions required by law in connection with the appointment made by this Resolution have been taken, including all actions required under Title 17A, Chapter 1, Part 3, Utah Code Annotated 1953, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Appointment. Councilmember Larry Shingleton is hereby appointed by the Governing Body of the City as a member of the Board of the District. Such appointment shall be for a term equal to Councilmember Shingleton's term on the Council, which shall end January 4, 2014.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor



COUNCIL AGENDA

March 14, 2012

Agenda Item “9”

Proposed Resolution R12-09 appointing a representative(s) to serve as Syracuse City’s appointee(s) on the Taxing Entity Committee (TEC) for the Redevelopment Agency of Syracuse City.

Factual Summation

- Any questions regarding this item may be directed at City Manager Bob Rice.
- Please see below for the memo regarding the TEC appointment and membership list provided by Community and Economic Development Director Mike Eggett.
- Please see attached Proposed Resolution 12-09 provided by Mike Eggett.

Memorandum

Attached with this email is a quick list of the likely Taxing Entity Committee membership for Syracuse City as it relates to the EDA and CDA areas. Interesting to note is that the model, as represented by Davis County School District and Davis County, seems to reflect a membership of one non-elected member and one elected member to participate on this board for each respective organization. Another interesting thing to note is that there are only, at current time (minus Matt Kimmel), three elected officials that would participate on this board as is reflected on the attached document. Please let me know if you have any additional requests regarding this item.

Syracuse City Taxing Entity Committee (TEC) Membership

Davis County

Kent Sulser – Economic Development Director

Steve Rawlings – Elected Representative, County Auditor

All Other Taxing Entities Representative

Tage Flint – Weber Basin Water Conservancy District Manager

Davis County School District

Craig Carter – County Business Administrator

Elected Representative from the County School Board

Utah State Office of Education

Larry Newton – Director of Finance

(Alternate) Cathy Dudley – MSP Budget and Property Tax Specialist

Syracuse City

Mayor Jamie Nagle – Elected Representative

Vacant Seat – previously held by Matthew Kimmel

RESOLUTION NO. R12-09

RESOLUTION OF THE SYRACUSE CITY COUNCIL APPOINTING REPRESENTATIVE(S) TO SERVE AS SYRACUSE CITY'S APPOINTEE(S) ON THE TAXING ENTITY COMMITTEE (TEC) FOR THE REDEVELOPMENT AGENCY OF SYRACUSE CITY

WHEREAS, the Redevelopment Agency of Syracuse City was created to transact the business and exercise the powers provided for in the Community Development and Renewal Agencies Act; and

WHEREAS, the Community Development and Renewal Agencies Act, Section 17C-1-402, Utah Code Annotated, 1952, as amended, requires that a Taxing Entity Committee be created which shall (i) represent all taxing entities in an urban renewal or economic development area and cast votes that will be binding on the governing boards of all taxing entities in a project area; (ii) negotiate with the agency concerning a draft project area plan; (iii) approve or disapprove a project area budget as provided in Section 17C-2-204 for an urban renewal project area budget and Section 17C-3-203 for an economic development project area budget; (iv) approve exceptions to the limits of the value and size of a project area imposed by Section 17C-1-407, (v) approve exceptions to the percentage of tax increment and the period of time that tax increment is paid to the Agency; (vi) approve the use of tax increment for publicly owned infrastructure and improvements outside of an urban renewal or economic development project area that the agency and community legislative body determine to be of benefit to the urban renewal or economic development project area; (vii) waive the restrictions imposed by Subsection 17C-2-202(1); and give other taxing entity committee approval or consent required or allowed under the Community Development and Renewal Agencies Act; and

WHEREAS, Syracuse City is a taxing entity that must be represented on the Taxing Entity Committee for any urban renewal or economic development project area that may henceforth be adopted by the Redevelopment Agency of Syracuse City and the Syracuse City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, SYRACUSE CITY DOES HEREBY APPOINT TO THE TAXING ENTITY COMMITTEE FOR THE REDEVELOPMENT AGENCY OF SYRACUSE CITY FOR EACH AND EVERY PROJECT AREA THAT MAY HENCEFORTH BE ADOPTED BY THE REDEVELOPMENT AGENCY OF SYRACUSE CITY AND THE SYRACUSE CITY COUNCIL:

1. Commencing as of the date of this resolution, City Manager Robert Rice as its official representative to the Taxing Entity Committee until otherwise notified by resolution of the Syracuse City Council or automatic replacement pursuant to Paragraph 2 herein; and
2. The City Council hereby authorizes that in the future City Manager Rice shall be automatically appointed as one of Syracuse City's official representatives to the Taxing Entity Committee until otherwise notified by resolution of the Syracuse City Council, commencing with the date of said individuals' appointment to the above named positions.

Such automatic appointment procedure shall continue until the City Council takes affirmative action to change the procedure for appointment; and

BE IT FURTHER RESOLVED, that the Syracuse City Council authorizes those herein appointed to attend meetings of the Taxing Entity Committee, to vote on behalf of Syracuse City and its Council on all matters coming before the Taxing Entity Committee, and to approve or disapprove a Project Area Budget for each and every Project Area and any amendments thereto on behalf of Syracuse City and its Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor



COUNCIL AGENDA

March 14, 2012

Agenda Item # 10

Proposed Resolution R12-10 amending the Syracuse City Wage Scale by reclassifying the position of Deputy Fire Chief to a full-time position, and by making other minor title amendments throughout.

Factual Summation

- Any questions regarding this item may be directed at Finance Director Steve Marshall and Fire Chief Eric Froerer.
- Please see the memo below provided by Steve Marshall
- Please see attached Proposed Resolution R12-10 and supporting documentation.

Memorandum

- Please see the attached resolution. The changes to the wage scale are reflected in the “recommended change” column and are highlighted in yellow. It is important to note that NO changes were made to the actual wages or ranges for any position with the exception of the proposed full-time deputy fire chief (discussed below in detail). Most of the changes are minor. For example:
 - City Administrator was changed to City Manager.
 - Recreation Director was changed to Parks & Recreation Director.
 - Utility Billing Clerk was changed to Utilities Billing Clerk.
 - Administrative Secretary was changed to Administrative Professional.
 - Secretary I & II were changed to Administrative Assistant I & II.
 - Several positions are recommended to be deleted from the wage scale since they are now obsolete.
 - The baliff position was changed from a full-time position to a part-time position on the wage scale. It was input as a full-time position in error when it was originally approved.
- The one major change to the wage scale is a recommendation to change the part-time fire chief to a full-time deputy fire chief. There are several reasons for this recommendation. The fire department has operated with a part-time fire chief for the past several years. However, with the retirement of our assistant fire chief our new fire chief has taken on the task of evaluating the fire department structure as a whole to see what will be the best model to move forward with in the future.

In benchmarking against other cities of comparable size and also fire districts, it was important to note that all of them had a full-time fire chief and a full-time or equivalent deputy fire chief. Most of the entities of our size also had a full-time fire marshal.

With this proposal to move to a full-time deputy fire chief it is our recommendation that this position would take on the additional duties of a fire marshal for the city.

What will it cost the city to make this change? I have performed a benchmark study to other cities of comparable size and/or location for a full-time deputy fire chief and determined that the pay range would best fit in our wage scale at grade 321 with a range from \$27.90 per hour to \$40.46.

We can minimize the increase in cost to the city by promoting employees from within. My estimate shows that if we promote from within, the net increase to the salaries & benefits for the fire department is approximately \$35,000. This increase in cost is primarily from adding benefits to a full-time position.

My recommendation is to move forward with changing the deputy fire chief position to a full-time position.

RESOLUTION NO. R12-10

A RESOLUTION OF THE SYRACUSE CITY COUNCIL AMENDING THE SYRACUSE CITY WAGE SCALE BY RECLASSIFYING THE POSITION OF DEPUTY FIRE CHIEF TO A FULL-TIME POSITION, AND BY MAKING OTHER MINOR TITLE AMENDMENTS THROUGHOUT.

WHEREAS, the position of Assistant Fire Chief was previously established within the Syracuse City personnel classification plan and included as part of the fiscal year (FY) 2012-2013 wage scale; and

WHEREAS, the recommendation is being made to amend the position by classifying it as a full-time position and adding additional duties and responsibilities; and

WHEREAS, upon the approval of the reclassification of the position it is also necessary to amend the wage scale accordingly; and

WHEREAS, the City Manager and Finance Director have reviewed the FY 2012-2013 wage scale and have recommended other minor amendments, such as deletion or renaming of various positions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Establishment. The position of Assistant Fire Chief is hereby reclassified as a full time position and renamed Deputy Fire Chief as part of the City's personnel classification plan and added to the fiscal year FY 2012-2013 wage scale as more particularly set forth in Exhibit "A".

Section 2. Amendment. The City's FY 2012-2013 wage scale is further amended by deleting or renaming various employment positions as more particularly set forth in Exhibit "A," attached hereto and incorporated herein by this reference.

Section 3. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor

EXHIBIT A

**Amended Classification Plan and
Fiscal Year (FY) 2012-2013 Wage Scale**

FY 2012 - 2013 Wage Scale

| Grade | Status | Position Title | Recommended Change | Min | Max |
|-------|-----------|---|------------------------------|----------|-----------|
| 409 | Salary | City Administrator | City Manager | \$85,476 | \$123,941 |
| 408 | Salary | | | \$81,406 | \$118,039 |
| 407 | Salary | | | \$77,530 | \$112,419 |
| 406 | Salary | Public Works Director | | \$73,838 | \$107,064 |
| | | Police Chief | | | |
| | | Fire Chief | | | |
| 405 | Salary | Finance Director | | \$70,322 | \$101,967 |
| 404 | Salary | Information Systems Director | | \$66,973 | \$97,110 |
| | | Attorney | | | |
| | | Human Resources Director | | | |
| 403 | Salary | | | \$63,784 | \$92,487 |
| 402 | Salary | | | \$60,747 | \$88,083 |
| 401 | Salary | Recreation Director | Parks & Recreation Director | \$57,854 | \$83,888 |
| | | City Recorder | | | |
| | | Finance Manager | | | |
| | | Community and Economic Development Director | | | |
| 321 | Full-time | Police Lieutenant | | \$27.90 | \$40.46 |
| | | | Deputy Fire Chief | | |
| 320 | Full-time | | | \$26.57 | \$38.53 |
| 319 | Full-time | | | \$25.31 | \$36.70 |
| 318 | Full-time | Engineer | | \$24.10 | \$34.95 |
| 317 | Full-time | Police Sergeant | | \$22.96 | \$33.29 |
| | | Planner II/Grant Administrator | | | |
| 316 | Full-time | Building Official | | \$21.86 | \$31.70 |
| 315 | Full-time | Public Works Superintendent | Streets Superintendent | \$20.82 | \$30.19 |
| | | | Water Superintendent | | |
| | | | Parks Superintendent | | |
| | | | Recreation Superintendent | | |
| 314 | Full-time | Human Resources Specialist | | \$19.82 | \$28.75 |
| 313 | Full-time | Building Inspector III | | \$18.88 | \$27.38 |
| | | Police Officer III | | | |
| | | Utility Billing Supervisor | Utilities Billing Supervisor | | |
| | | GIS Specialist III | Delete Position | | |
| | | Improvement Inspector | | | |
| 312 | Full-time | GIS Specialist II | Delete Position | \$17.98 | \$26.07 |
| | | Planner I/Grants Specialist | | | |
| | | Detective | | | |
| | | Police Officer II | | | |
| | | Building Inspector II | | | |
| | | Fire Captain | | | |
| 311 | Full-time | Police Officer I | | \$17.12 | \$24.83 |
| | | Recreation Coordinator | | | |
| | | Court Clerk Supervisor | | | |
| | | Street Maintenance Worker III | | | |

FY 2012 - 2013 Wage Scale

| Grade | Status | Position Title | Recommended Change | Min | Max |
|-------|-----------|--|------------------------------------|---------|---------|
| 310 | Full-time | Water Maintenance Worker III | | \$16.30 | \$23.64 |
| | | Code Enforcement Officer | | | |
| | | Fire Lieutenant | | | |
| | | Building Inspector I | | | |
| 309 | Full-time | GIS Specialist I | Delete Position | \$15.52 | \$22.51 |
| | | Business License Clerk | | | |
| | | Administrative Secretary | Administrative Professional | | |
| | | Parks Maintenance Worker III | | | |
| 308 | Full-time | Water Maintenance Worker II | | \$14.79 | \$21.44 |
| | | Fire Engineer | | | |
| | | Bailiff | Delete and move to 215 - Part-time | | |
| | | Street Maintenance Worker II | | | |
| 307 | Full-time | Building Permit Technician | | \$14.08 | \$20.42 |
| | | Water Maintenance Worker I | | | |
| | | Meter Reader/Facilities Maintenance Technician | Facilities Maintenance Technician | | |
| | | Senior Fire Fighter | | | |
| 306 | Full-time | Utilities Billing Clerk | | \$13.41 | \$19.45 |
| 305 | Full-time | Court Clerk II | | \$12.77 | \$18.52 |
| | | Streets Maintenance Worker I | | | |
| | | Parks Maintenance Worker II | | | |
| | | Secretary II | Administrative Assistant II | | |
| 304 | Full-time | Parks Maintenance Worker I | | \$12.17 | \$17.64 |
| 303 | Full-time | Secretary I | Administrative Assistant I | \$11.58 | \$16.79 |
| | | Fire Fighter II | | | |
| 302 | Full-time | Fire Fighter I | | \$11.04 | \$16.01 |
| 301 | Full-time | Court Clerk I | | \$10.49 | \$15.20 |
| 225 | Part-time | Assistant Fire Chief | Delete Position | \$24.10 | \$31.34 |
| 224 | Part-time | | | \$22.96 | \$29.85 |
| 223 | Part-time | | | \$21.86 | \$28.42 |
| 222 | Part-time | | | \$20.82 | \$27.06 |
| 221 | Part-time | | | \$19.82 | \$25.77 |
| 220 | Part-time | | | \$18.87 | \$24.53 |
| 219 | Part-time | Museum Curator | Delete Position | \$17.98 | \$23.38 |
| 218 | Part-time | Recreation Coordinator | | \$17.12 | \$22.26 |
| 217 | Part-time | Building Inspector I | | \$16.30 | \$21.19 |
| 216 | Part-time | | | \$15.52 | \$20.18 |
| 215 | Part-time | | Bailiff | \$14.79 | \$19.22 |
| 214 | Part-time | Water Maintenance Worker I | | \$14.08 | \$18.30 |
| | | Senior Fire Fighter | | | |
| | | Facilities Maintenance Worker | | | |

FY 2012 - 2013 Wage Scale

| Grade | Status | Position Title | Recommended Change | Min | Max |
|-------|-----------|--|--------------------------------|---------|---------|
| 213 | Part-time | | | \$13.41 | \$17.44 |
| 212 | Part-time | Streets Maintenance Worker I | | \$12.77 | \$16.60 |
| 211 | Part-time | Parks Maintenance Worker I | | \$12.17 | \$16.42 |
| 210 | Part-time | Secretary I | Administrative Assistant I | \$11.58 | \$15.06 |
| | | Intern | | | |
| | | Fire Fighter II | | | |
| 209 | Part-time | Fire Fighter I | | \$11.04 | \$14.35 |
| | | Custodian | | | |
| 208 | Part-time | | | \$10.51 | \$13.66 |
| 207 | Part-time | Mail Clerk | | \$10.00 | \$13.01 |
| 206 | Part-time | | | \$9.53 | \$12.39 |
| 205 | Part-time | | | \$9.07 | \$11.79 |
| 204 | Part-time | Recreation Supervisor | | \$8.64 | \$11.24 |
| 203 | Part-time | Crossing Guard | | \$8.23 | \$10.70 |
| 202 | Part-time | | | \$7.84 | \$10.20 |
| 201 | Part-time | Recreation Assistant | | \$7.46 | \$9.70 |
| 104 | Seasonal | Cemetery Supervisor / Seasonal | Cemetery Maintenance Worker | \$10.25 | \$13.25 |
| | | | Meter Reader | | |
| | | Land Maintenance Supervisor / Seasonal | Delete Position | | |
| | | Gang Mower Operator / Seasonal | Delete Position | | |
| | | Jensen Pond Maintenance Supervisor / Part-time | Delete Position | | |
| 103 | Seasonal | Irrigation Crew / Seasonal | Delete Position | \$9.00 | \$12.25 |
| | | Gardens Crew / Part-time | Delete Position | | |
| | | Pesticide/Herbicide Applicator / Seasonal | Delete Position | | |
| 102 | Seasonal | Seasonal Streets/Water System Crew | Streets Maintenance Worker | \$8.50 | \$11.75 |
| | | | Water Maintenance Worker | | |
| | | Cemetery Crew / Part-time | Delete Position | | |
| | | Jensen Pond Maintenance Crew | Jensen Pond Maintenance Worker | | |
| | | Land Maintenance Crew / Seasonal | Land Maintenance Worker | | |
| | | | Administrative Assistant | | |
| 101 | Seasonal | Sports Field Crew | Sports Fields Worker | \$8.00 | \$10.00 |



**Syracuse City Corporation
Job Description**

Deputy Fire Chief

Position Title: Deputy Fire Chief
Department: Fire
Reports to: Fire Chief

FLSA Status: Non-Exempt
Pay Grade: 321
EEO Code(s): 02

Approval Signatures:

| | Department Head | HR Director | City Administrator |
|-----------|-----------------|-------------|--------------------|
| Signature | | | |
| Date | | | |

Position Summary

Performs general administrative and managerial duties as needed to oversee the day-to-day operations of each of the five major divisions of the fire department. Those major divisions include: Fire Operations Division, EMT/Transport Division, Fire Inspections, Investigation & Education Division, and Training Division & Physical Facilities/Resource Division. The Deputy Chief serves as Fire Marshall, emergency incident command officer, provides administrative assistance to the chief related to planning, organizing, directing, staffing, and coordination fire prevention, fire investigations & inspections, fire suppression, emergency rescue and emergency medical services within the city.

Essential Duties and Responsibilities

Assists to plan, direct and administer each of the five major division including Fire Operations Division, EMT/Transport Division, Fire Inspections, Investigation & Education Division, Training Division & Physical Facilities/Resource Division; recommends policy and revisions and implements city policy as established by the chief, city manager and or city council; recommends changes in ordinances and codes; determines essential resources needed to achieve program objectives and allocates resources to various phases of department operations.

Assists in the preparation and administration of department budget; recommends ordering of equipment and supplies; writes specifications and oversees purchasing processes; evaluates equipment options; collects and review bids and makes recommendation for purchase; assists to monitor expenditures to assure conformity to establish fiscal constraints; prepares and writes reports on department activity.

Develops and coordinates departmental training related to fire prevention, fire investigation, fire education, fire suppression, emergency medical response, equipment maintenance and hazardous materials handling; conducts training in fire fighting tactics and methods.

Exercises supervision over department personnel; implements policies, rules and regulation as deemed necessary for the department ; assigns and evaluates work; disciplines personnel when necessary; conducts periodic performance evaluation.

Assists with interviewing, screening and hiring of new department members; supervises and coordinates the training of new personnel; participates in the planning and implementation of fire drills; may conduct department training meeting; updates and informs personnel of new policy changes or procedures.

Directs departmental emergency response to fire and medical incidents; participates in and/or delegates investigation of fires (24 hours a day); determines the magnitude and needs of the fire to expedite suppression and minimize property loss.

Responds to fires on a rotating duty schedules with the fire chief and performs as incident commander; directs department personnel in the performance of their duties; makes decisions concerning effective fire strategy, water source usage, overhaul, removal of property, and blockading streets or other entrances while a fire is in progress for the protection of life and property.

Oversees station house maintenance and general upkeep programs and schedules through assigned shift commander(s); assures upkeep and functional operation of all equipment and fire fighting apparatus; conducts equipment and personnel evaluations and assessments to assure department readiness to deliver efficient and effective response to fire and emergencies.

Represents the city on various committees and task forces; serves as liaison to local emergency planning organization, Paramedic/EMT programs, EMS local and state committees, etc.

Performs related duties as required.

Required Knowledge, Skills, and Abilities

Thorough knowledge of principals of supervision and management practices and procedures, laws, ordinances, codes, and regulations effecting goals, objectives, and department operation; principals and practices of fire prevention and suppression; maintenance requirements and practices of firefighting equipment and apparatus; departmental rules, policies and regulation; city geography; emergency medical practices and procedures. Considerable knowledge of budget development and preparation; common fire and chemical hazards and related safety precautions; public speaking and interpersonal communication skills; modern practices related to personnel training, management and motivation; fire fighting techniques and equipment; working knowledge of fire/arson investigation procedures.

Skill in the evaluation of tactical and operational requirements of mass casualty or disaster situations.

Ability to plan, organize and direct the implementation of overall fire department programs and objectives; direct and supervise various levels of professional fire fighters; evaluate performance without partiality; communicate effectively, verbally and in writing; make quick and accurate decisions in emergency situations, develop effective working relationships with local elected officials, city merchants, subordinates and the public.

Minimum Qualifications

Education and Experience

Graduation from an accredited University or College with an Associate's Degree in Fire Science or a closely related field and five to seven (5-7) years of experience, including two (2) years of administrative or supervisory experience at the level of a Fire Captain or an equivalent combination of education and experience.

Certifications and/or Licensures

- Officer 1 Certificate
- Fire Inspector 1 and Investigator 1 Certificates
- Valid State of Utah Driver's License Class "D"
- Utah ADO Certificate
- Utah AEMT or Paramedic Certificate
- Hazmat Operations Certificate
- NIMS ICS 100, 200, 300, 700, 800 Completion
- Wildland Firefighter I (Red Card)

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of this position.

While performing the duties of this job the employee is frequently required to sit, talk, hear, and reach with hands and arms. The employee is occasionally required to climb, balance, stoop, kneel, crouch, and smell. Employee will also occasionally be required to perform a variety of physically demanding maneuvers and activities while involved in fire fighting and rescue operations, including running, walking, stooping, bending, rolling, crawling, climbing, jumping, lifting, carrying, dragging, and safely operating assigned equipment and vehicles. The employee must successfully pass medical exam (after job offer) and pass an annual physical fitness assessment.

The employee must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 200 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

Work Environment

Functions of the position are generally performed in a controlled environment, in office, vehicles and outdoor settings. Work is often performed in emergency and stressful situations. Individual is exposed to loud alarms and hazards associated with fighting fires and rendering emergency medical assistance including, but not limited to smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils.

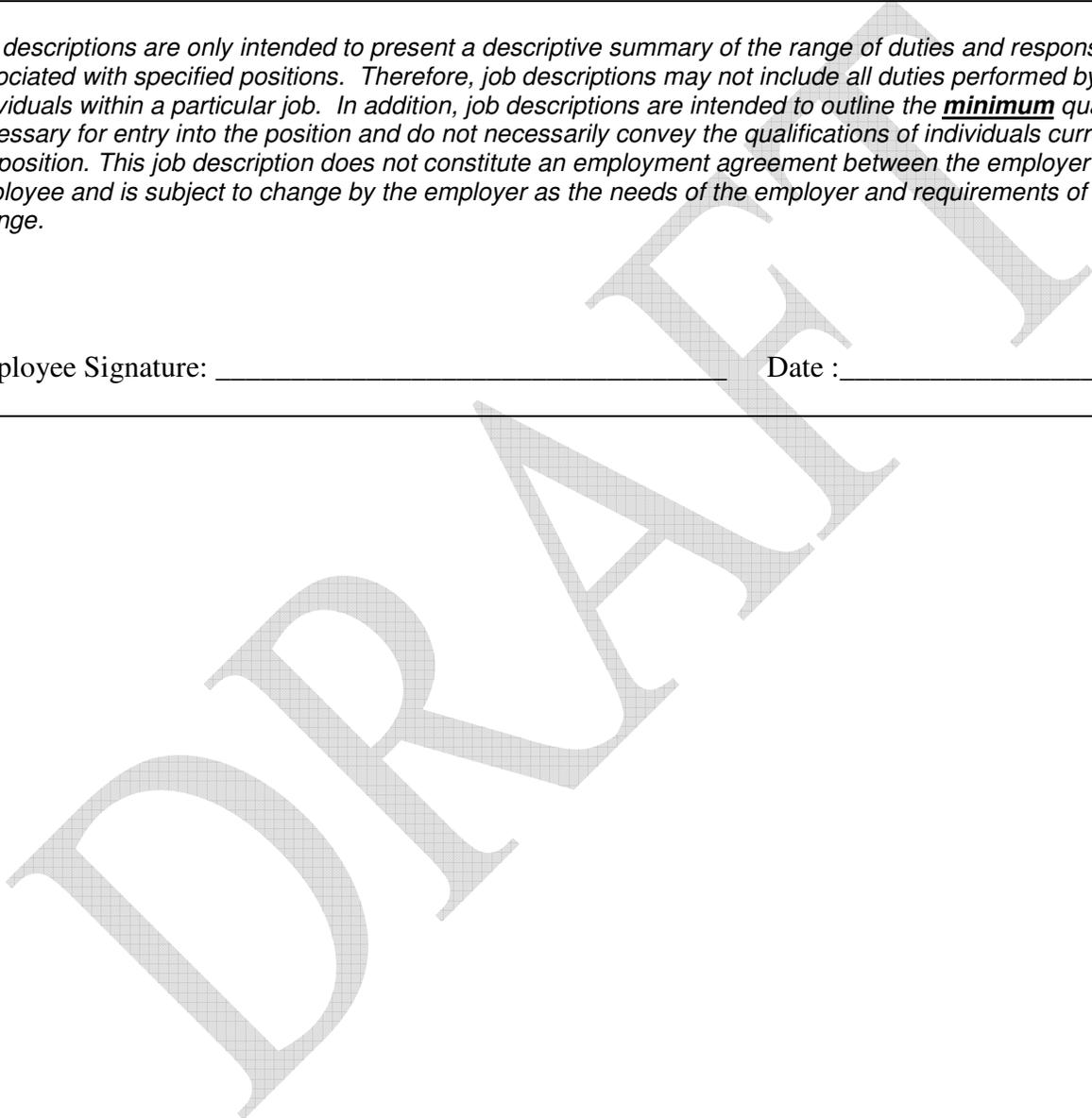
Emergency response travel expected in normal course of performing duties. Many functions of the work pose a high degree of hazard uncertainty. Physical readiness and conditioning may be a condition of job retention. Various levels of mental application required, i.e. memory for details, emotional stability, discriminating thinking, creative problem solving. Continuous use of motor skills.

Required Personal Protective Equipment (PPE)

- Standard Fire Fighting Uniform
 - Structural and Wildland Firefighting PPE
- Hearing and Vision protection as needed

*Job descriptions are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, job descriptions may not include all duties performed by individuals within a particular job. In addition, job descriptions are intended to outline the **minimum** qualifications necessary for entry into the position and do not necessarily convey the qualifications of individuals currently within the position. This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.*

Employee Signature: _____ Date : _____





COUNCIL AGENDA

March 14, 2012

Agenda Item # 11

Proposed Ordinance 12-04 approving General Plan updates specific to the Trail System Master Plan.

Factual Summation

- Please see attached Proposed Ordinance 12-04 and supporting documentation.

Staff Recommendation

Adopt Proposed Ordinance 12-04 approving General Plan updates specific to the Trail System Master Plan.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

City Manager
Robert D. Rice

Factual Summation

- Any questions regarding this items may be directed at Planning Commissioner(s) T.J. Jensen, Curt McCuiston, or City Planner Kent Andersen
- See the attached Ordinance No. 12-04
- See the attached Syracuse City General Plan Trails Language Amendment
- See the attached Syracuse City Trails Master Plan Map
- See the attached Syracuse City Trail System Master Plan

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: March 14, 2012

Subject: Proposed Amendment to the Syracuse City General Plan – Trail System Master Plan

Background

In an ongoing effort to update the Syracuse City General Plan, the Syracuse City Planning Commission created a Transportation Subcommittee to examine and update the transportation section of the General Plan. As a key item of the Transportation Subcommittee review, a selection of Planning Commissioners, a Councilmember, City staff, and members of the public, chose to examine the trails component of the General Plan. The proposed amendment to the trails component is significant, as the existing trails component within the General Plan does not involve much detail and guidance.

Consideration of an Amendment to the Syracuse City General Plan – Trail System Master Plan

On February 7, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the General Plan, specific to the Trail System Master Plan, in which one comment was received regarding implications to the West Davis Corridor. On February 7, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to the Syracuse City General Plan, Trail System Master Plan.

This amendment includes the omission of the Trails portion of the General Plan, revised to reference Appendix 1, which is the new Trail System Master Plan. Also included is a Syracuse City Trails Master Plan map.

Recommendation

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend the Syracuse City General Plan – Trail System Master Plan to reflect attached Ordinance No. 12-04.

ORDINANCE 12-04

**AN ORDINANCE AMENDING THE SYRACUSE CITY GENERAL PLAN
ADOPTED IN 1976, AS AMENDED.**

WHEREAS, in 1967 a Syracuse Preliminary Master Plan was prepared for the Syracuse Planning Commission as a part of the Davis County Master Plan Program, said preliminary plan being prepared by R. Clay Allred and Associates, Planning Consultants; and

WHEREAS, in 1976 a Comprehensive Plan for Syracuse was prepared by the Davis County Planning Commission with assistance of Architects/Planners Alliance Planning Consultants and Wayne T. Van Wagoner and Associates, Traffic and Transportation Consultants which plan was financially aided by a grant from the Department of Housing and Urban Development through the Utah State Department of Community Affairs; and

WHEREAS, the 1976 Comprehensive Plan was amended in 1988 and the title changed to the Syracuse City Master Plan; and

WHEREAS, The Syracuse City General Plan was again amended in 1996, 1999, 2003, 2006, 2009, and 2011 to incorporate appropriate and necessary changes to the General Plan as approved at that time; and

WHEREAS, the Syracuse City Planning Commission has opted to review the Syracuse City General Plan in parts and has established a cycling calendar that allows the Planning Commission to review specific districts within the overall General Plan for the City; and

WHEREAS, the Syracuse City Planning Commission efforts for the Trail System Master Plan have been completed; and

WHEREAS, public hearings have been held by the Planning Commission to receive public input regarding proposed changes; and

WHEREAS, the Planning Commission has proposed amendments to the General Plan – Trail System Master Plan to provide trail development policies and implementation processes for specific locations throughout the City to promote the general welfare and prosperity of its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. General Plan Trail System Master Plan. That the Syracuse City General Plan Trail System Master Plan, March 2012 revision, attached hereto, is hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 14th DAY OF MARCH, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor

SYRACUSE CITY GENERAL PLAN

Trails System Master Plan

~~The City supports the Davis County cross-country bicycle route by designating the portion of the route within its influence as such. This runs along Gentile Street and Bluff Road from Gentile to 2700 South; it then runs west along 2700 South to 4000 West, then north along 4000 West to 1700 South, then west along 1700 South. The path extends to the Great Salt Lake on 1700 South and on to Antelope Island along the causeway. It also continues north on 4500 West from 1700 South into West Point city. Bike lanes should be clearly identified by pavement markings.~~

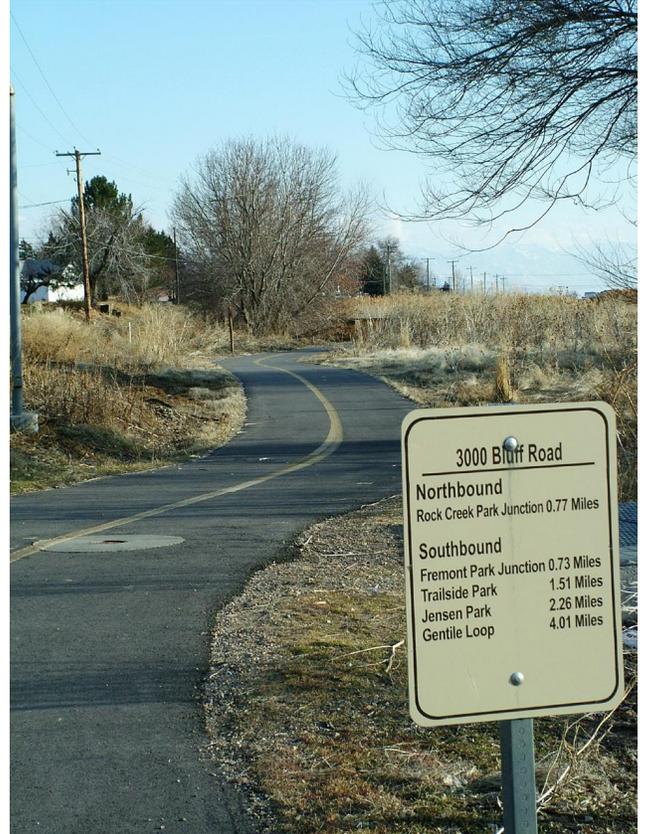
~~The City has developed a trail system parallel to Bluff Road linking several of the City's parks. The City should work to connect nearby commercial and residential neighborhoods to these parks and the trail system. The City Recreation Department and Planning Department should identify and implement innovative funding mechanisms for property acquisition, development and maintenance of trails, facility construction and program development.~~

~~It is recommended that the City employ the services of a professional traffic engineer to further study the existing and projected traffic routes and volumes and make recommendations for refining the Master Transportation Plan as necessary.~~

~~In general, whenever possible the Master Transportation Plan Map portion of the Syracuse General Plan should be adhered to as closely as possible. See Appendix 1.~~



SYRACUSE CITY TRAIL SYSTEM MASTER PLAN



Appendix 1

Adopted by the Syracuse City Council
March 14, 2012
Ordinance 12-04



Vision

To maintain the “*Syracuse City Trail System Master Plan*” which will enhance the quality of life by: developing a sense of place, increase outdoor recreation opportunities, preserve open space, enhance the beauty of our community, promote healthy lifestyles, and foster economic development.

Introduction

The Syracuse City Trail System Master Plan stems from the community’s desire to enjoy enhanced outdoor recreation opportunities. Like many communities throughout the U.S., Syracuse City is experiencing a resurgence in bicycling and walking.

The bicycle is a low-cost, quiet, non-polluting, energy efficient, versatile, healthy and fun means of transportation. Bicycles also offer a low-cost mobility option, especially to the young. Walking is the oldest and most basic form of human transportation. It is clean, requires little infrastructure, and is integral to the health of individuals and communities. People who walk know their neighbors and their neighborhood.

The Trail System Master Plan is a long-term guide to future planning, design and implementation of a citywide system of trails to be utilized for commuter travel, health and fitness, and recreational purposes throughout Syracuse. A key element to the plan is interconnecting various neighborhoods within Syracuse as well as regional trail systems being developed by other entities. City parks, neighborhood schools, and future development provide great opportunities for interconnecting pathways.

Community Overview

Syracuse City is a trail-friendly community, due to its natural characteristics. These characteristics include: a moderate climate, relatively flat terrain, low traffic volumes, as well as attracting those who are interested in a healthy lifestyle, a clean environment, and livable and safe neighborhoods. Its beauty and gateway to Antelope Island and the Great Salt Lake Shorelands has long attracted regional bicyclists and worldwide tourists.



Goals

Expand the trail facilities which are conveniently located, safe, and designed to be adaptable to changes in the population, and provide beauty and functional efficiency to complement both the City’s natural environment and the needs of its schools and citizens.

Maintain the continuity of the trail master plan network so that it may remain cohesive with the current and future transportation network.

Identify resources to support the improvement, maintenance and operation of existing trails, and the planning, acquisition and development of future trails.

Definitions

Bike Lane:

A designated lane independently delineated for bicycle travel on a public street.

Development:

Improvement of land in any zone for any purpose by adding, modifying, or enhancing structures and/or supporting infrastructure.

Equestrian Trail:

An independent trail which has a non-paved surface, such as a natural, native, or loose granular material for use of horse riding.

Shared Lane:

A designated travel lane inside a public right-of-way that is open to both bicycle travel and vehicular use. This type of lane is typically utilized on existing streets where street widths are already established and prohibit the use of bike lanes. These lanes are marked with a standard pavement marking designated by Manual of Uniform Traffic Control Devices (MUTCD).

Shared Use Trail:

An improved path located inside a public right-of-way that is physically independent from motorized vehicular traffic by an open space or barrier and is utilized by cyclists, joggers, pedestrians, scooters, skaters, strollers, wheelchairs (motorized and non-motorized), and other devices compatible with pedestrian travel.

Trail Access Point:

A designated point of access to the trail system, which provides adequate off-street vehicular parking at desirable locations, that are spread throughout the trail network.

Trail:

A path defined on the map attached to the master plan which could be a bike lane, equestrian trail, and/or shared use trail.



Policies

1. Work with new development to incorporate trails where recommended on the attached map, utilizing incentives that may be established by ordinance.
2. Work closely with local organizations to facilitate the creation, maintenance, and joint use of trails, access points, amenities and connections.
3. Emphasize safety as an essential component of the trail system utilizing current local, State, and federally accepted design standards, as well as incorporating safety measures such as: adequate lighting, trail signs and markings, ongoing maintenance, citizen patrols and similar other measures to ensure the safety of trail users.
4. Develop a connected trail system that will link city neighborhoods, parks, and trails developed/planned by adjacent entities.
5. Coordinate with adjacent communities, local county, regional agencies, and State agencies as necessary when portions of the Trail System Master Plan is improved, expanded, or modified.
6. Encourage the city to develop an *Adopt-a-Trails* program that governmental, volunteer and private organizations can participate in to facilitate the maintenance of current and future trails.

- 7. Encourage trail system enhancements such as benches, historic/cultural markers, gateways, exercise stations, picnic areas, rest areas, restrooms and/or landscaping as appropriate to make the trails more interesting, functional, and enjoyable.



- 8. Designate trail access points with off-street parking facilities to provide easy access to the trail network for all citizens regardless of physical ability.
- 9. Encourage the city to provide consistent trail system management signage for the benefit and safety of all users.
- 10. Update the trails system plan as necessary to assure that current issues are addressed and to coordinate the plan with the efforts of other governmental agencies.



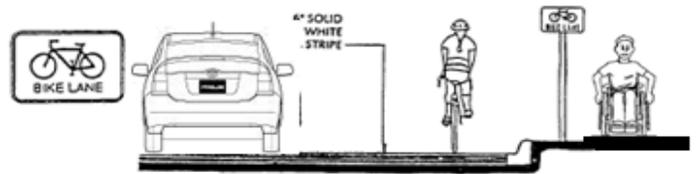
Infrastructure

This plan uses four types of classifications for trails. These are identified as follows:

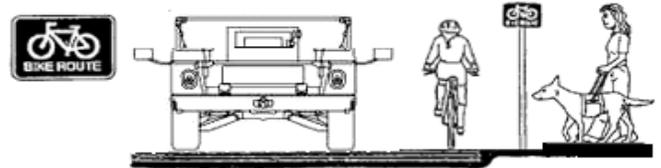
Class I - Shared Use Trail



Class II - Bike Lane



Class III - Shared Lane



Class IV - Equestrian Trail





4. Develop a trail section which considers:
 - Paved section – 10 feet wide
 - Separate unpaved surface on one or both sides of the pathway for runners and walkers, and equestrian users
 - Centerline striping when volumes are high
 - Security lighting where necessary
5. Publicize pathways in order to encourage community use by:
 - Posting the route on the City’s web site
 - Conducting a pathway logo contest
 - Naming pathways for donors that contribute significant land, materials, etc. that add to the development of the pathway system
6. Incorporate bike lanes on existing streets following the intended routes shown on the map (or considering alternate routes, if necessary in order to create continuity in the overall trail system). Bike lane installations should be considered in situations where:
 - Interconnecting existing bike lanes are beneficial
 - Street resurfacing projects are performed
 - Improvements for public safety are beneficial
7. As non- motorized trails are expanded, consideration will be given to interconnect points of interest, such as:
 - Emigrant Trail
 - Scenic vistas
 - Antelope Island
 - Equestrian trails
 - Unique landforms
 - Unique wildlife habitats
 - Town Center
 - Great Salt Lake
 - The Nature Conservancy’s, Great Salt Lake Shorelands Preserve
 - Schools
 - Parks
 - Historic Markers
8. As opportunities to expand the trail system arise, consideration should be given to connecting new trails to existing trails as well as city amenities and the trail system.

Implementation

In order to implement the trails as established in the “Syracuse City Trail System Master Plan,” the city should follow the trails planning process for each trail segment:

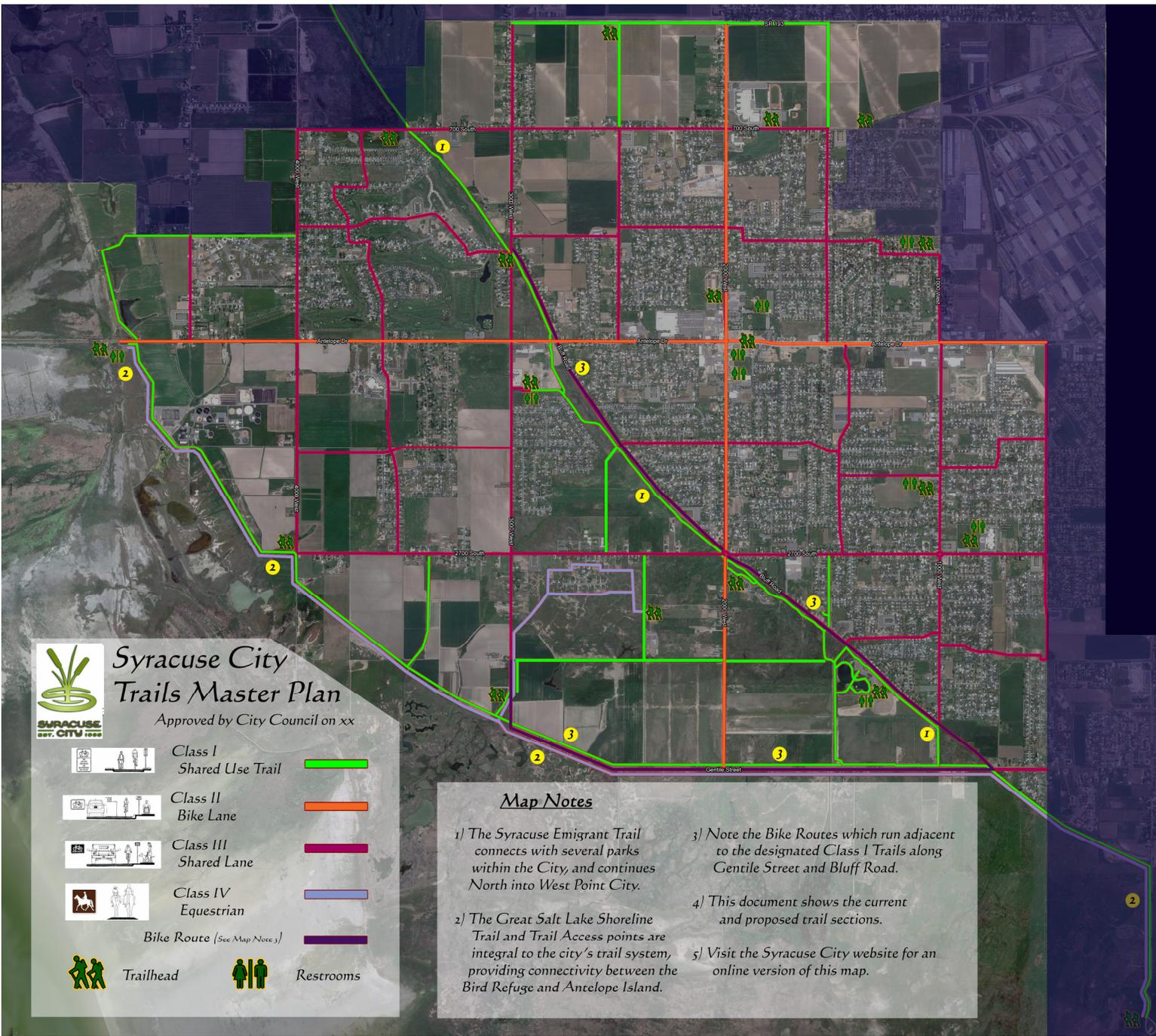
1. Analyze the ownership of the various trail segments identified on the Plan
 - Prioritize the right-of-way acquisition needs based on the potential for development to occur, land costs and potential usage
 - Formulate a set of design guidelines for each trail type
 - Estimate acquisition and construction costs
 - Identify funding sources
2. Develop a trail Signing Program that includes:
 - Trail Logo Sign(s)
 - Bike Route and Bike Lane signs
 - Trail “Links” through subdivisions and where appropriate
3. Provide trail system management signing where necessary advising users about:
 - Overtaking protocol (proper passing)
 - Slower traffic staying to the right
 - Leash requirements and dog etiquette
 - Any applicable enforcement codes



Specific Map Notes

- 1) The Syracuse Emigrant Trail connects with several parks within the City, and continues north into West Point City.
- 2) The Great Salt Lake Shoreline Trail and Trail Access points are integral to the city's trail system, providing connectivity between the Bird Refuge and Antelope Island Causeway.





Syracuse City Trails Master Plan

Approved by City Council on xx



Class I
Shared Use Trail



Class II
Bike Lane



Class III
Shared Lane



Class IV
Equestrian



Bike Route (See Map Note 3)



Trailhead



Restrooms

Map Notes

- 1) The Syracuse Emigrant Trail connects with several parks within the City, and continues North into West Point City.
- 2) The Great Salt Lake Shoreline Trail and Trail Access points are integral to the city's trail system, providing connectivity between the Bird Refuge and Antelope Island.
- 3) Note the Bike Routes which run adjacent to the designated Class I Trails along Gentile Street and Bluff Road.
- 4) This document shows the current and proposed trail sections.
- 5) Visit the Syracuse City website for an online version of this map.