



SYRACUSE CITY

Syracuse City Council Special Work Session Notice **AMENDED******

July 31, 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 Special Work Session on Tuesday, July 31, 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. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.
- b. Discussion regarding proposed Ordinance No. 12-18, amending the Syracuse City General Plan adopted in 1976, as amended.
- c. 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 27<sup>th</sup> day of July, 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 July 27, 2012.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

July 31, 2012

## Agenda Item “b”

**Discussion regarding Proposed Ordinance 12-18, amending the Syracuse City General Plan adopted in 1976, as amended.**

### *Factual Summation*

- Any questions regarding this item may be directed at Community and Economic Development Director Mike Eggett and City Planner Noah Steele.
- See design renderings for land located between 200 South and 700 South adjacent to Syracuse High School and west of the power corridor
- See General Plan District One Memorandum and supporting information dated July 3, 2012

### *Background*

The City Council met on July 3, 2012 to discuss the General Plan recommendations that were submitted to the City Council by the Planning Commission (please reference previous General Plan District One memorandum and information dated July 3, 2012). This matter was discussed for a period of time and during the discussion comments were raised regarding whether or not to hold a public hearing on this matter and whether or not to continue the matter for additional discussion and review. A motion was made to modify the Planning Commission proposal and adopt the recommendation of changes to the General Plan for District One. This motion was not passed. Another motion was made to table this matter for further discussion to allow time for the City Council to consider the changes and to become more educated regarding the suggested changes for District One of the General Plan. As part of this motion it was suggested to discuss this matter again during a work session on the 31<sup>st</sup> of July, 2012. The motion was approved and continued for discussion and review purposes during a July 31, 2012 Work Session. It is for this purpose that it is on the current agenda.

For use and review by City Council, the CED Department has been asked to create map renderings of how the area between the high school and the power corridor might look if developed using the Industrial Development (ID) zone buffered by the Planned Residential Development (PRD) zone along 700 South. These renderings have been included for City Council use as requested and also include what landscape screening/buffering requirements might look like if applied between the ID and PRD zones.



**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 item may be directed at CED Director Mike Eggett and representative Planning Commissioners
- See attached map showing the recommended Planning Commission General Plan District One update
- See attached supplementary language reflecting proposed Planning Commission recommended changes to the General Plan for District One
- See attached letter from R. Steven Romney with Property Reserve Inc (PRI)
- See attached letter of dissent from Planning Commissioner TJ Jensen
- See attached proposed Ordinance No. 12-18

## **MEMORANDUM**

**To: Mayor and City Council**

**From: Community and Economic Development Department**

**Date: July 3, 2012**

**Subject: Proposed Ordinance 12-18 General Plan Changes for District One**

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### **Background**

District one of the General Plan has been open for quite some time at the Planning Commission level for the purposes of debate and discussion. Many meetings have been held by the Planning Commission to discuss this matter. Further, there have been three public hearings regarding General Plan District One wherein the public has been invited to participate and share their comments regarding the General Plan opening.

### **Consideration of the General Plan Update**

The Syracuse City Planning Commission has held three public hearings on this matter on the following dates: June 7, 2011; December 6, 2011; and December 20, 2011. Comments from the public were received by the Planning Commission at that time as it relates to this General Plan district. On June 19, 2012, the Planning Commission held a work session to discuss in specificity district one of the General Plan. The majority of items discussed in the work session

are reflected on the attached proposed General Plan update map. However, during the regular session of the Planning Commission a motion was forwarded and additional discussion was made regarding updates discussed during the work session, as well as a new discussion regarding the PRI properties located between 1000 West and 2000 West and 200 South and 700 South. After a period of debate amongst the Planning Commissioners, a motion was approved to recommend a proposed General Plan District One update to the City Council for approval. This proposed General Plan District One map update and supplementary language are included for your use and discussion.

### **Recommendation**

The Syracuse City Planning Commission hereby recommends that the Mayor and City Council review the information provided with this memorandum and discuss the contents of the documentation. Further, the Syracuse City Planning Commission recommends that the City Council approve proposed Ordinance 12-18 General Plan Changes for District One.



**DISTRICT ONE GENERAL PLAN UPDATE – PROPOSED LANGUAGE**  
**AMENDMENTS**

**PLANNING DISTRICTS**

In order to permit a more detailed description of the plans for various geographic areas of Syracuse, the City has been divided into ten (10) planning districts. The following section includes a description of each district, which, together with the accompanying Syracuse General Plan Land Use Map, provides a comprehensive set of recommendations for future land use within the City. These plans and recommendations provide the specific details of the plan as identified in the broader goals and objectives stated in this document.

**District 1**

This district is located in the far northeast corner of the City. The northern boundary of this district is 200 South and on the south by 1700 South. To the east, the district boundary is the same as the municipal boundary between Clearfield and Syracuse. The western boundary of the district is 2000 West. As shown on the accompanying map, this district has deliberately included a portion of Clearfield City. As Syracuse was evaluating the available land for its existing cemetery located at 1030 W 1290 South it was determined that based on the projected population growth, the City would eventually require additional land for its cemetery. The City has purchased the additional land adjacent to the existing cemetery for a planned future expansion, but the land that was purchased is part of Clearfield City. While the City is not in immediate need of the land for expansion of the cemetery at this time, Syracuse should continue to pursue negotiations with Clearfield City for the eventual annexation of this land into Syracuse City.

There are several general planning areas that are part of this district and each is described briefly below.

**Residential Areas**

More than two-thirds of the land in District 1 is currently identified for residential development, primarily R-2 and R-3 single-family residential uses and most of the residential land identified in this area has been developed in accordance with this plan. There is also a section of land identified within District 1 for R-1 single family residential uses; this area is encouraged to be developed in a clustered fashion as this land develops. The City should continue to follow the current development patterns as outlined in this document and according to the General Plan Land Use map.

**2000 West & 700 South Commercial Area**

The location of Syracuse High School on the northeast corner of the intersection of 2000 West and 700 South has created specialized commercial opportunities such as restaurants and other retail and commercial activities. The City has anticipated these opportunities and has identified the majority of the land on all four corners of this intersection as either General Commercial or C-2 (Mixed-Use) Commercial. There is also a section of land located south of this intersection along 2000 West that is anticipated to be utilized as a Neighborhood Services zone as homes along 2000 West are redeveloped for other uses.

### 200 South Corridor Commercial Area

The area of land between 200 South and 700 South and from 2000 West east to 1000 West has been identified as a future ~~C-2 (Mixed Use)~~ GC General Commercial zone, BP Business Park zone, and R-1 Residential zone area. There are more than 200 acres of land currently in use as agricultural property but it is anticipated that as the 200 South corridor is widened by UDOT (see 'Land Use – Commercial') this area has been identified for future ~~mixed-use~~ development which might include housing, retail, commercial and professional office uses. Additionally, developers of this area of land are encouraged to work with the City in developing an aquatic center recreation facility in adjacency to Syracuse High School. Planning tools such as commercial or mixed-use design guidelines should be developed and the area should be treated as a district similar to that created for the City's Town Center. Such a small area plan would allow the City to guide and implement distinctive and enhanced development options for commercial development in the northeast corner of the City.

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### 1700 South Commercial Corridor

Part of another large commercial zone has been identified in this district; it is located along 1700 South. The land along the north side of 1700 South from 1000 West to the corner of 1700 South and 2000 West is planned for future General Commercial and ~~Professional Office~~ Neighborhood Services development. This particular corridor represents the gateway to Syracuse City and ultimately leads to the Syracuse Town Center.

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The northwest corner of 1700 South and 1000 West represents part of what can be considered the "gateway" to Syracuse City. Three of the corners at this intersection are located within the City boundaries. Two of these corners have been developed with General Commercial businesses in accordance with this plan. In order to put the best commercial image forward to the public, the development of this corner should replicate the type and quality of development that has occurred on the southwest and southeast corners of this intersection. Professional office zoning has also been identified as a future land use along 1700 south from approximately 1100 West to Marilyn Drive.

UDOT is moving forward with improvements and widening of this particular stretch of 1700 South. As 1700 South is a high traffic arterial class road, commercial enterprises that serve both local and region wide needs should be encouraged to develop here. This type of development will provide the necessary services and commodities for the City while enhancing the sales tax base.

Founders Park, a City owned and operated park, is located in this district immediately east of the Syracuse Elementary school. The plan identifies all of the land in the park to remain as 'Open Space/Recreational' but an eastern portion of the park may also be considered in future for retail and commercial development. Any proceeds from the sale of this land for such commercial development would be used for the purchase and development of other park lands elsewhere in the City. Also located just south of this park is a small general commercial area that has been identified as part of the Town Center. The northeast corner of 1700 South and 2000 West should be considered as part of the Town Center and the standards established in the Town Center Master Plan should apply in this area.

The widening of 1700 South along this corridor will provide much needed relief to traffic congestion that has existed for many years. Care should continue to in order to prevent unnecessary traffic conflicts as this commercial district area develops further. In addition,

sidewalks should be required and provided along 1700 South as shown on the Master Transportation Plan.



June 29, 2012

Syracuse City Council  
Syracuse City  
1979 West 1900 South  
Syracuse, Utah 84075

Re: Land Owned by Property Reserve, Inc. in Syracuse City

Ladies and Gentlemen:

As you are aware, Property Reserve, Inc. ("PRI") is under contract (the "Contract") to sell a portion of its land holdings in Syracuse City (the "Property") to Ninigret Construction Company, L.C. ("Ninigret"). Prior to entering into the Contract, PRI spent significant time and money, using national consultants, investigating the possible uses that could be made of the Property. This was done not only to understand the highest and best use so as to maximize PRI's investment returns, but also so that PRI could understand its potential buyers, since developers only buy land when they know how they can develop it. PRI's management, which is well versed in land use issues, and its outside consultants, have all identified that most of the Property is only reasonably suited for industrial uses. Some of the Property is already zoned for such use, but portions of it are zoned agricultural.

We understand that some citizens in Syracuse City would like to see the Property, or some portion of it, rezoned to a business park zone. We also understand that Syracuse City is contemplating adopting a new business park zone, and that this is being done for the specific purpose of attempting to rezone a portion of the Property to such use. Please understand that PRI would be ecstatic if some or all of the Property could commercially sustain such use, because it would mean a higher sales price for the Property. But PRI, its outside consultants, and all potential buyers, have all made it very clear that there is no discernible market demand for business park use on this Property. In the end, the market place determines what uses are sustainable, and this use is not sustainable on this Property. PRI believes that efforts by the neighbors to force a business park use for this Property are nothing more than a veiled scheme to prevent any development of the Property, with the ultimate aim of forcing PRI to hold the land for agricultural use indefinitely. We do not feel this is fair to PRI.

Thus, we oppose the adoption of the proposed business park zone in its current form, and more importantly, we strongly oppose any effort to apply this zone to any of the Property.

Please understand that we intend to extend the Contract or otherwise work with Ninigret so as to allow Ninigret to obtain the approvals and zoning it requires for the fair and reasonable use of the Property. We would hope that you as a city council would do what is best for the entire City and all of its citizens.

4827-2507-6240.2

Property Reserve, Inc. • 51 South Main Street, Suite 301 • Salt Lake City, UT 84111

Syracuse City Planning Commission  
April 10, 2012  
Page 2

In conclusion, we would like to point out that as council members; we believe you have a fiduciary duty to the entire citizenship of Syracuse City to ensure the financial well being of the City. The proposed development of this land will generate substantial tax revenue for the City and create a new source of local employment where none currently exists today. Furthermore, we caution you not to discount the unique opportunity of having a quality developer willing to make such significant investment in your community, especially in these uncertain economic times, with a development which is located at the edge of the City limits and will have minimum impact on the infrastructure and services of the City. Of course, this loss to the City would be in addition to the loss you would be imposing on us, the current owner, if Ninigret's use is not ultimately approved.

Please feel free to contact the undersigned at any time on this matter.

Sincerely,

A handwritten signature in cursive script that reads "R. Steven Romney". The signature is written in black ink and is positioned below the word "Sincerely,".

R. Steven Romney  
Vice President  
PROPERTY RESERVE, INC.

4827-2507-6240.2

To: The Syracuse City Council  
From: TJ Jensen  
Syracuse City Planning Commission

A Dissenting Opinion Regarding the Planning Commission decision on changes to District 1

Greetings Mayor and Council,

On Tuesday, June 19th, 2012, the Syracuse City Planning Commission voted to recommend changes to District 1 of the Syracuse City Master Plan. These changes included some changes that incorporated Neighborhood Services along 1700 South and 2000 West, and also to the parcel of land which lies to the North and East of Syracuse City High School.

This was a 4-2 Decision, with Tyler Bordrero and Myself voting against, and Braxton Shenck, Kenneth Hellewell, Gary Pratt, and Greg Day voting in the affirmative. Among other things, the majority of the commission wanted closure on the review of this district, as this has been debated by our body for about a year now.

While I cannot speak for the minds of the other commissioners, I feel that it is important to explain my dissenting vote.

While I am in agreement with the changes to the rest of this district (along 2000 West south of the High School, and along 1700 South), I dissent with my body over the parcel of land west of the power lines currently owned by PRI, of which Ninigret has an option to buy a portion. East of the Power Lines, our body recommended changing the master plan to Business Park, which will not affect the existing Industrial Zoning on that parcel, but does give Ninigret the option for Business Park zoning on that piece of land should they wish it (I doubt it, as Industrial is a more flexible zone for their purposes).

If you look at the existing Master Plan, you will see that West of the power lines and to the North/Northeast of the High School our master plan calls for C-2 Commercial. Several commissioners (including myself) are uncomfortable with the existing C-2 zoning language (it is a little too loose for our tastes, and has some language which can be interpreted in different ways that should be clarified), and we intend to address this at some point in the near future. In the meantime, the Commission voted to change the section of this parcel North of the High School to General Commercial. I do not have a problem with this, as this allows most of the activities that C-2 allows, hence it maintains the potential value of the property.

To the Northeast of the High School, the Commission proposed to change the zoning to Business Park. I am mostly in concurrence with this, as this zoning is of similar value to the C-2 Zone currently on the master plan. However, I feel that it is premature to recommend this at this juncture, as I feel our body should have waited for the ad hoc committee formed by the Council to submit it's opinions and any recommendations that may have resulted. Also, while I am not necessarily opposed to some

of the uses proposed by Ninigret for this area, I think that the current Industrial Zone language (i.e. proposing any additional Industrial west of the power lines) would be too impactful to the residents along 700 South. While some 'heavier' activities might be acceptable with mitigations in place, our current Industrial zone allows most 'heavy' activities, and is hence not desirable. The 200 South Committee also noted that the residents in this area were opposed to heavy industrial in this area.

My biggest issue, however, lies with the section of this parcel which lies directly to the east of the High School. The current master plan shows C2 Commercial to the northern half or so of this area, and Professional Office along 700 South. The Planning Commission recommendation that was adopted proposes to change this to R1 Residential, with the possibility of Clustering.

R1 Residential is the lowest class of Residential that our Ordinance allows, and is generally used to buffer Agricultural (A1) from heavier residential uses. It was never intended to be a buffer for industrial or commercial uses, although several areas of the city (Southwest of Bluff Road) do border Commercial. The Industrial you may have seen south of Gentile Street on our master plan is not currently in play, as Nature Conservancy/United States owns that land in perpetuity, and hence will never be used for said use, per their charter.

Redesignating this land to the east of the High School as R1 lowers the highest and best use of this land as it was previously designated on the Master Plan (C2 and PO), and significantly lowers the value of this property. Syracuse City should not be in the business of lowering people's property values, whether they are a private owner or a corporation. This is just bad practice. Also, at the time Professional Office was adopted by a previous Planning Commission and City Council, the area along 700 South made sense for this use, to encourage additional medical and to a lesser extent professional uses to complement IHC and other operations in this area.

While I feel that PRD along 700 South (Planned Residential Development zone, with a 300 foot depth from the north curb of 700 South) might be an appropriate change, as it is regularly used as a buffer between less dense residential and Commercial within our city (note the PRD next to Smiths and Ace Hardware), it is arguably worth a bit less in property values than Professional Office. However, if used as a buffer between 700 South and a Business park or slightly heavier use, I think this increases the potential value for the PRD, as it provides an effective screen for lighter residential. R-1, on the other hand, is worth quite a bit less than Professional Office or C2, hence this will lower our potential tax base considerably, and potentially open the city up to uncomfortable questions from PRI.

The city should not be in the business of lowering people's potential property values. While the residents along 700 South have put this same argument forth in regards to Industrial uses around the high school affecting their property values, with PRD acting as a buffer I do not see

their property values being negatively impacted, at least not any more than the Industrial east of the power lines and Freeport Center has already done. If anything, I see their property values increasing slightly, as the PRD will increase the value of their neighborhood. I would argue that close proximity to schools and relatively close proximity to our city center parks and businesses has a great positive effect on said property values, and that Business Park uses are not significantly different than P0 or C2 uses, said uses already have been taken into account for these properties (appraisers take the master plan into account when doing appraisals).

Leaving the current designation Professional Office on the master plan in place is another option, of course.

Note that the Planning Commission regularly insists on home ownership clauses in PRD zones, as this city does not like to see a lot of rentals, so I see the PRD as more of a Condo style development, and Condos generally retain their values well relative to other residential uses (due to the amenities they offer). There are a lot of controls put in place in the Syracuse PRD zone that encourage higher quality developments.

As for the impact on the high school and the greater community as a whole, I see businesses in this area as a benefit to the city, for several reasons:

1) Higher tax base. Keep in mind that businesses pay property, personal property, and franchise taxes, a portion of each which go to city coffers. Citizens recently spoke out against higher taxes, and our infrastructure continues to crumble.

Any increases to the revenue the city can generate for infrastructure repairs are highly useful at this point, because I don't see us catching up with our maintenance schedule anytime soon, and water lines continue to break and roads continue to fall apart. Not to mention there are several parks that remain unbuilt due to lack of funds.

2) More jobs to the city. While some residents like to think that everyone in Syracuse works at upscale office buildings, the fact is that we have employees from all walks of life, from the \$8.75/hr public works employees that work for our city to said high end jobs. Many of these employees currently commute out of our city for work, and I'm sure they'd love the opportunity to work within their own community, given the chance. And by working locally, they better support our local economy, and help their own pocketbooks in the process (less gas money for commuting). While very few if any of the larger businesses currently in Syracuse are exclusively employed by Syracuse Residents, a percentage of their workforces are nonetheless local citizens.

Any jobs we can provide locally are a good thing, and will have a positive impact on our local economy, as some of said workforce will shop our local businesses and get gas at our local gas stations.

3) Intern opportunities for the High School. Students that can put internships on their resumes for college admissions are generally benefitted significantly by such internships. They learn valuable job skills through said internships, and colleges love go getters. While Commercial businesses do provide limited opportunities for internships, Business and Industrial uses provide many more. Said intern opportunities may also apply to any college students we have living within our city, btw.

4) Potential for new partners for city events and such. Syracuse City has been fortunate to have our local businesses supporting the city when they can. RC Willey and WalMart in particular regularly donate money to Heritage Days and other events. Increasing the city Business base increases said opportunities, and large employers are particularly well suited to provide such opportunities. The city has a large network of volunteers; it's raising cash that is generally the challenge.

So, in short, as one dissentin member of the Syracuse City Planning Commission that does not speak for our body as a whole (although I may think from P.C. discussions with him that Tyler may agree with the points made in this letter, I can't speak for him), I would recommend that the City Council hold off on adopting the Planning Commission recommendation for the parcel to the north and east of the high school, at least until such time as the Ad Hoc Committee is able to submit it's opinions and any resulting recommendations. You should have all of the facts in evidence before making radical changes to our Master Plan.

Thank you for your attention,  
TJ Jensen

**ORDINANCE NO. 12-18**

**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, 2011, and 2012 to incorporate appropriate and necessary changes to the General Plan as approved at that time; 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 District 1 that provide development objectives with respect to the most desirable use of land within the City for residential, recreational, agricultural, commercial, industrial, and other purposes, and which residential areas shall have the most desirable population density in the planning districts of the City to benefit the physical, social, economic, and governmental development of the City and 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 District 1.** That the Syracuse City General Plan District 1, July 2012 revision, attached and reflected hereto as Exhibits A and B, 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 10<sup>th</sup> DAY OF JULY, 2012.**

**SYRACUSE CITY**

ATTEST:

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Cassie Z. Brown, City Recorder

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Jamie Nagle, Mayor



## **EXHIBIT B**

### **PLANNING DISTRICTS**

In order to permit a more detailed description of the plans for various geographic areas of Syracuse, the City has been divided into ten (10) planning districts. The following section includes a description of each district, which, together with the accompanying Syracuse General Plan Land Use Map, provides a comprehensive set of recommendations for future land use within the City. These plans and recommendations provide the specific details of the plan as identified in the broader goals and objectives stated in this document.

#### **District 1**

This district is located in the far northeast corner of the City. The northern boundary of this district is 200 South and on the south by 1700 South. To the east, the district boundary is the same as the municipal boundary between Clearfield and Syracuse. The western boundary of the district is 2000 West. As shown on the accompanying map, this district has deliberately included a portion of Clearfield City. As Syracuse was evaluating the available land for its existing cemetery located at 1030 W 1290 South it was determined that based on the projected population growth, the City would eventually require additional land for its cemetery. The City has purchased the additional land adjacent to the existing cemetery for a planned future expansion, but the land that was purchased is part of Clearfield City. While the City is not in immediate need of the land for expansion of the cemetery at this time, Syracuse should continue to pursue negotiations with Clearfield City for the eventual annexation of this land into Syracuse City.

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#### **Residential Areas**

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#### **2000 West & 700 South Commercial Area**

The location of Syracuse High School on the northeast corner of the intersection of 2000 West and 700 South has created specialized commercial opportunities such as restaurants and other retail and commercial activities. The City has anticipated these opportunities and has identified the majority of the land on all four corners of this intersection as either General Commercial or C-2 (Mixed-Use) Commercial. There is also a section of land located south of this intersection along 2000 West that is anticipated to be utilized as a Neighborhood Services zone as homes along 2000 West are redeveloped for other uses.

## **200 South Corridor Commercial Area**

The area of land between 200 South and 700 South and from 2000 West east to 1000 West has been identified as a future GC General Commercial zone, BP Business Park zone, and R-1 Residential zone area. There are more than 200 acres of land currently in use as agricultural property but it is anticipated that as the 200 South corridor is widened by UDOT (see 'Land Use – Commercial') this area has been identified for future development which might include housing, retail, commercial and professional office uses. Additionally, developers of this area of land are encouraged to work with the City in developing an aquatic center recreation facility in adjacency to Syracuse High School. Planning tools such as commercial or mixed-use design guidelines should be developed and the area should be treated as a district similar to that created for the City's Town Center. Such a small area plan would allow the City to guide and implement distinctive and enhanced development options for commercial development in the northeast corner of the City.

## **1700 South Commercial Corridor**

Part of another large commercial zone has been identified in this district; it is located along 1700 South. The land along the north side of 1700 South from 1000 West to the corner of 1700 South and 2000 West is planned for future General Commercial and Neighborhood Services development. This particular corridor represents the gateway to Syracuse City and ultimately leads to the Syracuse Town Center.

The northwest corner of 1700 South and 1000 West represents part of what can be considered the "gateway" to Syracuse City. Three of the corners at this intersection are located within the City boundaries. Two of these corners have been developed with General Commercial businesses in accordance with this plan. In order to put the best commercial image forward to the public, the development of this corner should replicate the type and quality of development that has occurred on the southwest and southeast corners of this intersection. Professional office zoning has also been identified as a future land use along 1700 south from approximately 1100 West to Marilyn Drive.

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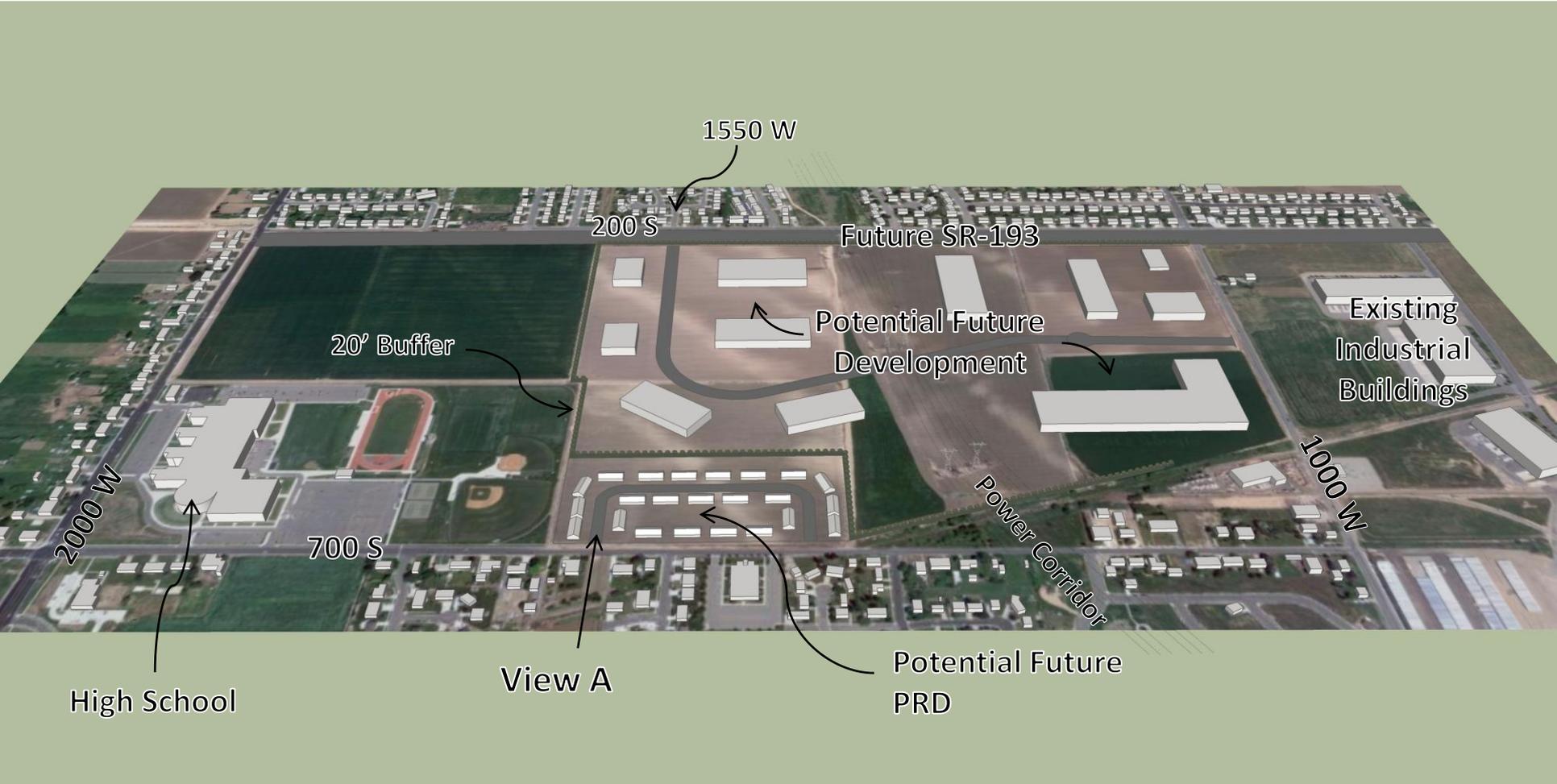
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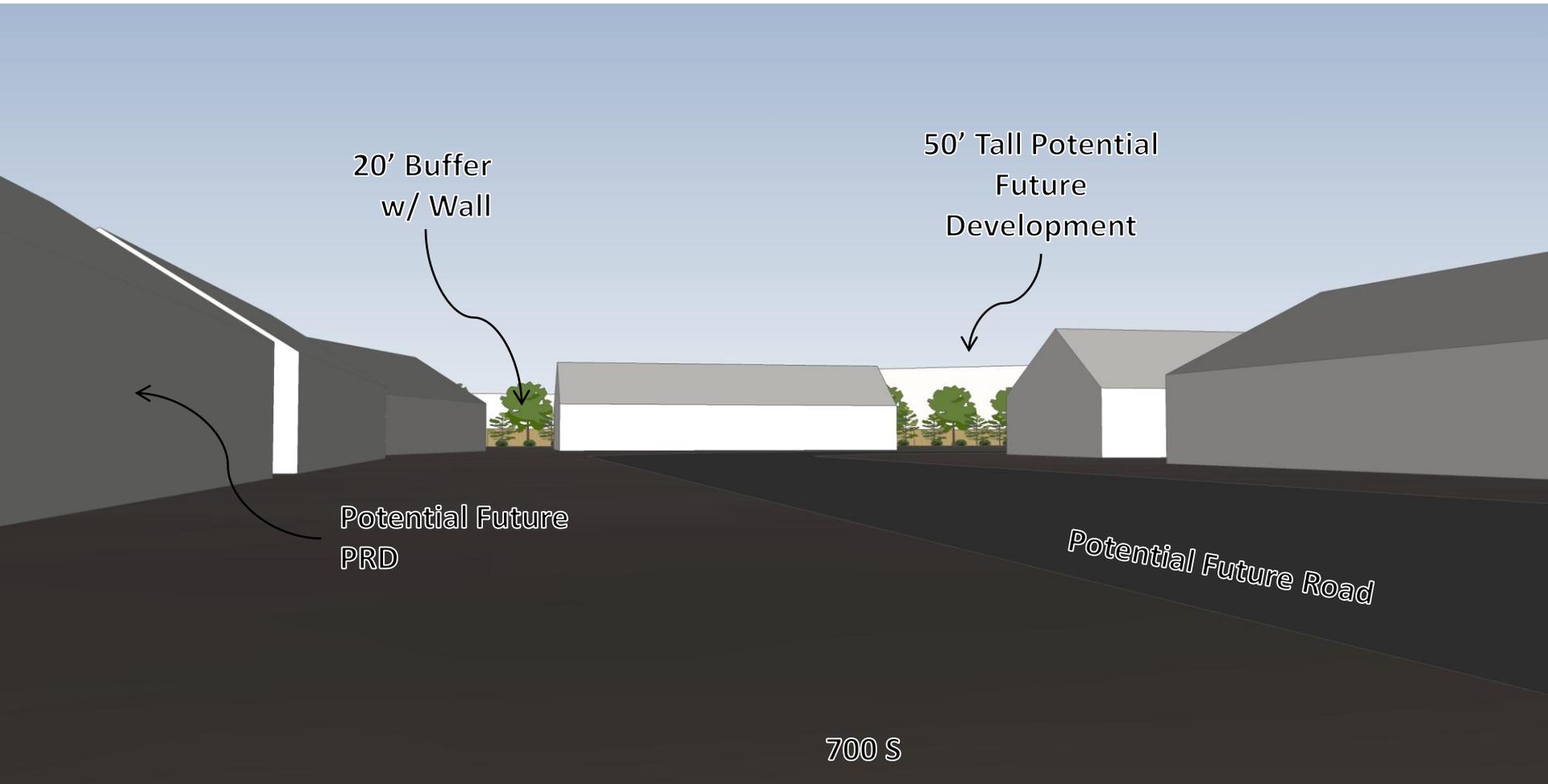
# Site Rendering for 700 South to 200 South



# Site Rendering for 700 South to 200 South



Site Rendering for 700 South to 200 South  
View A



20' Buffer  
w/ Wall

50' Tall Potential  
Future  
Development

Potential Future  
PRD

Potential Future Road

700 S

# Site Rendering for 700 South to 200 South





# SYRACUSE CITY

## Syracuse City Council Special Business Meeting Agenda

**\*\*AMENDED\*\***

**July 31, 2012 – Immediately following the Special Work Session,  
which begins at 6:00 p.m.**

Large Conference Room

Municipal Building, 1979 W. 1900 S.

1. Meeting called to order  
Adopt agenda
2. Approval of Minutes:
  - a. Regular Meeting of March 27, 2012
  - b. Regular Meeting of May 8, 2012
3. Proposed Ord. No. 12-18, amending the Syracuse City General Plan adopted in 1976, as amended.
4. 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 27th day of July, 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 July 27, 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.**

Minutes of the Syracuse City Council Regular Meeting, March 27, 2012.

Minutes of the Regular Meeting of the Syracuse City Council held on March 27, 2012, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Craig A. Johnson
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: Val Cook Scott Holt Jerry Guffey
Lavell Sackett Robert Redford Ron Thurgood
James Merrill Joe Gallegos Lurlen Knight
Gerald Jacobs Jordyn Cook Carl Cook
Zach Rowley Ray Zaugg Pat Zaugg
Josh Hughes Robert Kelly Cody Adams
Andrew Nelson

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. Councilmember Johnson 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.

COUNCILMEMBER LISONBEE MADE A MOTION TO RECONSIDER THE ADOPTION OF THE AGENDA. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Lisonbee stated that she wanted to add an item to the end of the agenda to allow the Council to discuss an item that was on the work session agenda. She stated that she wanted the Council to discuss the potential scheduling of a Special Council Meeting or open house.

1 COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND THE AGENDA BY ADDING AN ITEM
2 BEFORE COUNCILMEMBER REPORTS TO ALLOW FOR THE DISCUSSION OF SCHEDULING A SPECIAL CITY
3 COUNCIL/PLANNING COMMISSION JOING MEETING.

4 Mayor Nagle suggested that the item be added after public comments so that Planning Commission Chair Greg Day
5 can participate in the discussion.

6 COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND THE AGENDA BY ADDING AN ITEM
7 AFTER PUBLIC COMMENTS TO ALLOW FOR THE DISCUSSION OF SCHEDULING A SPECIAL CITY
8 COUNCIL/PLANNING COMMISSION JOING MEETING. COUNCILMEMBER JOHNSON SECONDED THE
9 MOTION; ALL VOTED IN FAVOR.

10

11 2. Public Comments

12 Lurlen Knight, 400 S. 2000 W., stated that he wanted to offer an idea for the Council to consider. He stated that the
13 idea is related to the parcel of property where a developer is considering constructing an industrial park. He stated that for
14 years the City has looked for an area to construct a swimming pool. He stated that years ago when he was on the City
15 Council they visited with surrounding cities and all of them were interesting in forming a special district to construct a
16 swimming pool near Syracuse High School, but at that time there was no property for sale in that area. He stated that his
17 proposal is that Syracuse City revisit that idea and approach Clinton, Sunset, and, West Point to see if they are still interested
18 in participating. He stated that he has spoken to Councilmembers from Sunset and they have indicated they would be
19 interesting in considering the idea. He stated that they could create a special district that would have representation from
20 each City and they could move forward with constructing a recreation center. He stated the center would not be a copy of the
21 center in Clearfield City and he would propose that Clearfield be approached and asked to participate contingent upon the
22 center not being a duplicate of their center. He stated that there are some people that live in the City that are experts on
23 swimming pools and how to make them profitable. He stated that he envisioned the facility having an outdoor pool similar to
24 the pool located in Roy City, as well as an indoor competitive pool and an indoor heated pool. He stated that users living
25 within the district could be issued passes allowing them to use the facilities in both Syracuse and Clearfield. He stated that
26 would eliminate any competition. He stated there are many possibilities. He stated that seniors like their pool water to be
27 very warm and they could utilize the facility for therapy purposes. He stated that competitive swimmers like their water to be
28 colder. He stated that having both types of pools would eliminate that contention. He stated that he knows the potential

1 developer of the property is looking at options that would appease the residents that live in the area so they could be
2 approached and asked if this idea would be acceptable to them. He stated he asked the City to consider proposing the idea.
3 He stated that he also believed the School District would participate since they have participated in other similar projects on
4 in the southern area of Davis County. He then stated that he noticed that there was an item on the work session agenda for
5 this evening to allow the Council to discuss the City's appointment to the North Davis Sewer District (NDSD). He stated that
6 he finds this topic very strange since there is already someone appointed to the position. He stated that he served on the
7 NDSD Board for some time while he was a Councilmember, but some of the things that have happened since that time have
8 caused the City to suffer somewhat. He stated that he is still friends with some of the members of the Board and he believes
9 that the City needs to be very careful in maintaining a positive relationship. He stated that he believed there will be a change
10 in the NDSD leadership very soon and the City will not be allowed to participate in that transition if the relationship remains
11 damaged. He stated that it is not wise to continue to make changes to the City's appointment. He stated that the position
12 requires more than simply being able to attend evening meetings; the appointee is required to attend functions held during the
13 day as well as conferences and conventions that are sometimes held out of the state. He stated he would ask the City to be
14 very cautious.

15 Josh Hughes, 2853 W. 2330 S., stated that he has lived in Syracuse for 10 years and he is a small business owner
16 from the City. He stated that he wanted to start his comments tonight by relating an experience he had a few years ago while
17 on a business trip in Miami with his business partner, Aaron Vazquez, who is also a Syracuse resident. He stated they were
18 able to sit down with some of Aaron's uncles and talk about their father who had immigrated to the United States from Cuba
19 where he had been a great entrepreneur. He stated that he had started an ice business when refrigerators were literally ice
20 boxes. He stated that his business delivered all around the island and eventually ended up dominating the ice business there.
21 He stated that after Fidel Castro gained power of Cuba, the government and military took the ice maker's business and made
22 it part of the government. He stated that the ice maker was left with nothing. Mr. Hughes stated that he, as an entrepreneur
23 as well, felt horrible for the ice maker, but he also felt grateful that he is an American and his business cannot be taken away
24 from him. He stated, however, that he is now worried about the same thing happening to him and his business here in
25 Syracuse City. He stated that the City has published a request for proposals (RFP) for garbage and recycling services. He
26 stated that he is the owner of Mountainwest Curbside Recycling and his business provides recycling services on an optional
27 basis to Syracuse citizens. He stated that his business has served many residents since 2006; they are not a 'huge' business
28 and they only have a few hundred customers, but to lose those customers to the City would be devastating to his business.

1 He stated that he personally believes that there is a place for government, but it is not to take over sectors that are being
2 fulfilled by private companies. He stated that he would ask that the Council reviews the response to the RFP that they
3 consider private entities owned by local Syracuse residents that are currently fulfilling the need to recycle. He stated that he
4 believes in an opt-in program because it results in happier recyclers who are recycling because they want to. He stated the
5 quality of the recyclable materials is much better because the contamination rate is much lower because people care about
6 what they put in their bin. He stated that if the City chooses to adopt a mandatory or opt-out recycling program, he hoped
7 that they will consider using a local business. He stated that supporting local businesses has been a hot topic in the local
8 newspapers and the City's newsletter. He reiterated that he has been providing the service to Syracuse residents for several
9 years and he hoped to be able to continue to do that.

10 TJ Jensen, 3242 S. 1000 W., stated that he wanted to discuss the agenda item regarding changes to the animal
11 control regulations in the City's land use ordinance. He stated that he has been talking to City Planner Andersen about the
12 changes that he has presented to the Council for their consideration tonight. He stated he wanted to make sure that the
13 Council understands that, if adopted, the changes will allow a resident to have up to four cats on their property, or four dogs
14 if they have a kennel license. He stated that when he approached the Council a couple of weeks ago to express his dissent
15 about the recommendation he did state that he thought that the regulation regarding keeping two animals of any species
16 should be eliminated from the proposal. He stated that his intent was to support the keeping of animals no matter what
17 species they are, but he feels that allowing up to eight animals may be a "stretch". He stated he is not sure how the rest of the
18 Planning Commissioners feel about the recommendation, but he wanted to state his comments for the record. He then stated
19 that secondly, he wanted to state again that he thinks that Councilmember Peterson is doing a great job as the City's
20 appointee to the NDSB Board. He stated, however, that he likes the idea of publishing a notice in the newspaper to simply
21 confirm the appointment in two weeks. He stated that Councilmember Shingleton raised an issue with him about the two
22 positions that have pay associated with them and the suggestion was that the money paid for those positions be deposited into
23 a fund that can be used for Chloe's Sunshine Park. He stated that suggestion may be worth some discussion.

24 Val Cook, 2241 S. 1000 W. stated he is a lifetime citizen of this community and he has spent a lot of his time
25 working on the irrigation system. He stated that he is here to make a plea to the City Council and City administration to
26 invite them to meet with the West Branch Irrigation Company before voting on the measure of metering secondary water. He
27 stated there are a number of reasons he makes this request. He stated that one reason is that he has heard a lot of people say
28 that the overflow of water is going to the lake, but he wanted everyone to realize that the overflow comes from the secondary

1 ponds and not from citizens overwatering their lawn. He stated there are various reasons for that. He stated that he also
2 knows that the City is considering the study that was recently completed by the Weber Basin Water Conservancy District, but
3 he wanted the City to compare apples to apples; he stated that Weber Basin has a huge area that it serves and it also has
4 pressurized water systems for large tracts of land, such as farms that use large quantities of water. He stated there are many
5 differences between the Weber Basin system and the system that the City uses and the comparison is not a fair one. He stated
6 that the other issue he cannot understand is how the City thinks that enough water can be saved in reducing the amount of
7 water used for lawns in the City to cover the cost that will be inherent with installing and maintaining meters. He stated that
8 it becomes apparent to him that this is not an issue of saving water for the City; rather it is an issue of generating revenue. He
9 stated that lastly there have been many agreements made between the City and local farmers wherein the City agreed to
10 maintain a flat rate for secondary water service. He stated those agreements need to be found and honored by the City. He
11 stated that those are agreements that were made to move forward in the development of this good City.

12 Scott Holt, 1123 W. 3050 S., stated that he his present this evening to point out to the Council that there are some
13 citizens that are concerned with the way things are in the City as well as the direction in which the City is going. He stated
14 that last year there was an effort to recodify and change the powers held by the Mayor and the City Council. He stated that
15 through that process the City enacted Title Two in the City's Code, however, it has come to his attention that the ordinance
16 was never properly enacted. He stated that Utah Code required a different vote to take place for that ordinance. He stated the
17 law requires that in order to expand, change, or enlarge any duties of the Mayor, a certain type of vote is required. He stated
18 that changes can be made through a unanimous vote of the Council, which would be all five members, or by a majority vote
19 including an affirmative vote from the Mayor. He stated that in reviewing the minutes he found that Title Two allegedly
20 passed with a vote of three to two, but the Mayor failed to vote and by that failure the ordinance never passed. He stated the
21 City needs to look at everything that has been done since the ordinance was enacted. He stated the Council either needs to
22 pass the ordinance according to State statute or acknowledge the ordinance failed to pass and the City should be acting under
23 the old ordinance. He stated there will be legal challenge from anything done according to the new ordinance because it was
24 never properly passed. He stated he simply wanted to bring this issue to the Council's attention and encourage the City
25 Attorney to look into the issue as well.

26 Burke Larsen, no address given, stated that he is the local elected official to the Davis School District Board. He
27 stated that recently the District boundaries changed and he has picked up the west side of 2000 West in Syracuse. He stated
28 he is present this evening to speak in favor of the proposed industrial development. He stated that one of the tough things the

1 School Board does is evaluate claims for authority to grant tax breaks and the issue is whether the development can happen
2 without a tax break, and if it will, the Board does not want to give a tax break. He stated the Board is typically in favor of
3 increasing the tax break because Davis County is 34th of the 41 Districts in the State in terms of evaluation per student. He
4 stated consequently the County is 12th highest in terms of the tax rates. He stated that he may need a police escort to leave
5 the building tonight, but he wanted to state that he has learned that there is a theory that the more diverse the student bodies
6 can be, the more benefit there will be for all classes attending the school. He stated that he is very active in the predominant
7 religion and he has been very involved in the moral behavior of teenagers and he does not believe that a business close to a
8 high school does not make a significant impact on a child. He stated that everyone wants to protect the youth and everyone
9 has their own set of values, but he does not believe that the business being located next to the high school will affect the
10 students attending there. He then provided the Council with a copy of the current ranking of districts in the State with respect
11 to evaluation per student.

12 Pat Zaugg, 1593 W. 700 S., stated that she wanted to address Mr. Larsen. She stated that she is offended and
13 appalled that the School Board does not care what type of business located in this area as long as the District gets money
14 from it. She stated that she heard those comments in recent panel meetings as well. She stated she thinks that “we” should
15 care what kind of business “we” get our money from and she is going to continue to encourage the District to rethink their
16 position of supporting the industrial development. She stated that “we” care about what type of business is put there and she
17 does not think that money should be the only thing the District thinks about. She stated they need to think about the quality
18 of business that is located there and if the business drives away the residents that live near the high school the quality of
19 students will also go down. She then stated that she is also puzzled about the issue of metering secondary water. She stated
20 that when residents were introduced to the program they were guaranteed a flat rate with no metering of water. She stated
21 that she would encourage the City to research that issue. She stated that maybe the agreement only applies to residents that
22 lived in the City at the time that the program was introduced and the City may be able to meter the water used by newer
23 residents, but she does not think it makes sense to meter some parts of the City and not others. She stated she is very
24 concerned about the issue and she reiterated that the residents were told that their water would not be metered. She then
25 stated that she wanted to thank the Council for all the time they spend on behalf of the City. She stated she knows the things
26 they are doing are difficult. She stated that she hoped that the Council can start working better together and the some of the
27 comments that have been made can be forgotten. She stated she hoped they can become a cohesive Council and move past

1 their differences. She stated that she understands that differences arise because of different personalities, but she encouraged
2 them all to find the best “way” for Syracuse.

3
4 3. Discussion regarding scheduling of potential Special City Council and
5 Planning Commission joint meeting.

6 Councilmember Lisonbee stated that she and Councilmember Johnson met with the Randy Abood, developer of the
7 property near the High School, last Tuesday and in that meeting, which was also attended by several other people, it was put
8 forward that it would be a good idea to hold a meeting with the Council and the Planning Commission as well as the
9 developer so that citizens can attend to ask questions and make comments regarding the development. She stated that there
10 has been a lot of feedback as she has had conversations with the Mayor and the staff. She stated that Councilmember
11 Johnson raised a concern about the format. Councilmember Johnson stated that he envisioned a format where the citizens
12 could get information directly from the developer; citizens would have the opportunity to ask the developer the questions and
13 there could be discussion about any concerns or misinformation that is present. He stated that the Council and Planning
14 Commission could attend to observe and gain insight from the perspective of the citizens and the developer. He stated that it
15 would be good for everyone to be involved, though it is not necessary for the Council and Planning Commission to be part of
16 the panel. He stated the citizens and the developer could have a very open discussion about the proposed project. He stated
17 his main goal is for citizens as well as the Council to get information from the source. He stated he does not know if it is
18 necessary to notice the meeting as a joint session if the Council and Planning Commission are not going to participate in the
19 discussion. Councilmember Lisonbee stated that City Attorney Carlson already gave his opinion on that issue. Mr. Carlson
20 stated that his opinion is that if the Council and Planning Commission would be attending for the purpose of receiving or
21 hearing comments from the residents, it would be necessary to notice the meeting as a meeting of the public bodies according
22 to the Open and Public Meetings Act. He stated the Planning Commission and Council have advisory and jurisdictional
23 authority over this matter and he would like to err on the side of caution by giving notice of the meeting. Councilmember
24 Johnson stated that he feels it would be appropriate to provide public notice of the meeting to encourage as many citizens as
25 possible to attend. Councilmember Lisonbee stated that a decision needs to be made regarding what date the meeting should
26 be held. She stated that she asked Mr. Abood to let the City know what the best date would be for him. She stated that he
27 recommended April 12. She stated that in talking with the Mayor she found out that Councilmember Peterson cannot attend
28 because he will be attending the Utah League of Cities and Towns (ULCT) Meeting. She stated that she also talked to

1 Planning Commission Chari Day about what date would be the best for the Planning Commission as well. Chair Day
2 approached the Council and stated that he has some reservations about this meeting because the matter is currently being
3 considered by the Planning Commission. He stated that the land owner has had many opportunities to meet with the
4 Planning Commission. He stated he does not want the Commissioners to be in the position where they are answering
5 questions for the developer; that is the developer's responsibility. He stated that he is concerned about compelling Planning
6 Commissioners to attend. He stated he is comfortable with them attending by their own will. He stated that eventually the
7 Council will be provided with a recommendation from the Planning Commission. He stated that the Planning Commission
8 wants to support the City Council and they will do what they are directed to do by the Council. Councilmember Lisonbee
9 asked if Chair Day would view a notice of the meeting as a tool to compel the Planning Commissioners to attend. Chair Day
10 stated that the Planning Commission bylaws do require the members to attend all meetings. He stated that if the meeting is
11 noticed the Commissioners may be compelled to attend. He stated that he feels it is beneficial to gain as much information as
12 possible about any given project, but he does not want it to appear that the Planning Commission is giving undue bias to any
13 applicant or developer.

14 Councilmember Lisonbee then stated that after speaking to the Mayor she sent an email to Mr. Abood asking him to
15 provide additional dates that he may be able to attend a meeting. She stated that Mr. Abood did not provide any other dates
16 and he said that April 12 is the best date for him. She asked Councilmember Peterson for his feelings about the scheduling of
17 a meeting when his unavailable to attend. Councilmember Johnson asked if the meeting will be recorded and broadcast for
18 people to watch. Mr. Carlson stated that all public meetings are recorded. He added that he and City Manager Rice will both
19 also be attending conferences on April 12 and they are unable to attend. Councilmember Peterson stated that he would be
20 disappointed if the meeting were held on April 12. He stated that the entire Council knew that the ULCT meeting would be
21 held on April 12 and all newly elected Councilmembers had an opportunity to attend. He stated none of them took that
22 opportunity so he did because he felt it is important for someone from the City Council to attend to gather information. He
23 stated that he finds it hard to believe that there are no other dates that would be suitable to the Ninigret Group.

24 Councilmember Lisonbee stated that she would be happy to provide Councilmember Peterson with copies of the email
25 correspondence; she asked Mr. Abood to provide her with other dates that would be suitable and he did not do that. She
26 stated that she did know that the ULCT meeting was scheduled for the week of April 12, but she assumed that no members of
27 the Council would be attending because they planned to attend the ULCT meeting scheduled in September. She stated she
28 did not mean to exclude anyone from the conversation. Councilmember Peterson stated that he was excluded; he did not

1 receive any emails about scheduling the meeting. Councilmember Lisonbee stated that she did not contact any
2 Councilmembers; she called the Mayor and the City Recorder and one of them responded to her telling her that
3 Councilmember Peterson would not be available to attend.

4 Mayor Nagle stated that she is supportive of the meeting and she has committed to residents that she would work to
5 schedule two meetings regarding the project. She stated she believes the meeting is good and serves a purpose, but she
6 wanted to go on record and express that, as the Mayor, she was not consulted about the scheduling of the meeting until staff
7 was being directed to advertise the meeting and they asked Councilmember Lisonbee if she had contacted the Mayor
8 regarding the meeting. She stated that before she was informed of the meeting there was already a commitment between four
9 Councilmembers to move forward with the meeting. Councilmember Lisonbee stated there was no commitment between
10 four Councilmembers. Mayor Nagle stated that the process of scheduling the meeting is not conducive of being a high
11 functioning body; it was done with exclusion and the Council has turned into a group of “us versus them” people. She stated
12 there are a few members of the Council that are continuously working outside of the scope of the Council and there are others
13 that are always being caught up on things by the City staff. She stated that she wanted to reiterated that she supports the
14 meeting and she plans to attend, but she is the Mayor and some may not like that she is the Mayor, but if they want to be in
15 that position they should seek election to that office in two years. She stated that while she is the Mayor she would ask for
16 courtesy to be extended to her. She stated she is tired of having her legs cut out from under her. She stated that great things
17 have been done in the City since she has been Mayor; the City has received the two highest accountability awards that are
18 given for accounting practices. She stated that the City received the sunshine award for having the highest degree of
19 transparency in Davis County. She stated that people can say that they do not trust her, but she would ask them to come
20 forward with factual information to explain what she is doing wrong. She stated that until that happens the Council needs to
21 unite and work together. She stated that people were definitely excluded from the process in this situation. She stated that
22 she does not want to have a big discussion about this. Councilmember Lisonbee stated that she wanted to respond because
23 she feels the Mayor’s comments border on personal attacks. She stated that she would like to see the Council quit arguing in
24 front of the citizens. She stated that she contacted the Mayor after Ms. Brown recommended that she do so. She stated that
25 she contacted the Mayor before she contacted the Council and she has yet to contact the Council. She stated that she does not
26 see that the Council is not a high functioning body and that there is an “us versus them” environment. She stated that she did
27 have multiple conversations with Ms. Brown and Mr. Andersen about scheduling the meeting because she was trying to do
28 some ground work. She stated that she had every intention of contacting the Mayor and the Council and arranging the

1 meeting as soon as she had a date that would work for Mr. Abood. She stated that she appreciates the Mayor's assistance in
2 scheduling the meeting and she would welcome any other comments about the scheduling of the meeting. She stated that she
3 also thinks the meeting is a great idea. She stated that she did contact the local newspaper to see if they would be willing to
4 provide notification of the meeting by printing an article so that the City could forego paying to publish a notice of the
5 meeting. She stated that she got some very good feedback about that. She stated she excited to do the work to schedule the
6 meeting. She stated that she respects the Mayor's position and she has no desire to serve in that position and she appreciates
7 all the Mayor has done for the City.

8 Mayor Nagle asked if the Council is in agreement that the meeting should be scheduled for April 12.

9 Councilmember Johnson stated that he is supportive of that date. Councilmember Peterson stated he is not in agreement; he
10 is disappointed that the Council would select that date. He stated that he feels it is very important that City Manager Rice be
11 in attendance and he is not able to attend on April 12.

12 Mr. Day stated that it is great that it is possible to broadcast the meeting and that may appease some of the Planning
13 Commissioners that are not willing or able to attend the meeting.

14 Councilmember Duncan stated that he wonders about the format of the meeting. He stated that there has been
15 discussion about having a question and answer session at the meeting and he does not feel it would be appropriate for him to
16 answer any questions. Councilmember Lisonbee stated that the Council will not be answering questions. Councilmember
17 Johnson agreed and stated the developer will be answering any questions asked by those in attendance. Councilmember
18 Lisonbee stated the Councilmembers will be part of the audience. Councilmember Johnson stated this meeting will be an
19 opportunity for the citizens to address the developer. He stated that the developer asked the Council to spearhead this
20 meeting and that is what has taken place. He stated that Councilmember Lisonbee has done a great job in organizing the
21 meeting. He stated that he feels the meeting should be held and he is sorry that some people may not be able to attend. He
22 stated that it is more important to accommodate the members of the panel. He stated that the purpose of the meeting is for
23 the citizens to be able to get the information they are seeking from Mr. Abood and his team. Councilmember Peterson stated
24 that the meeting is being scheduled in conflict with a previously scheduled City event. Councilmember Lisonbee asked what
25 City event Councilmember Peterson was referring to. Councilmember Peterson stated he was referring to the ULCT
26 conference. Councilmember Lisonbee stated she did not know that was a City event. Councilmember Peterson stated the
27 other thing that frustrates him is that this is an issue the Council talked about two weeks ago; the Council agreed to schedule
28 such a meeting and this is not a new idea. Councilmember Lisonbee asked when the Council talked about the meeting.

1 Councilmember Peterson stated the entire Council talked about scheduling this type of meeting during the last work session
2 meeting of the City Council. He stated that they all agreed that it would be advantageous. Councilmember Lisonbee stated
3 that she would be happy to email Mr. Abood and see if there are any other dates that would work for him. Councilmember
4 Peterson requested that Councilmember Lisonbee tell Mr. Abood that the City Manager and a City Councilmember will be
5 out of town on April 12. Councilmember Lisonbee stated that she will contact Mr. Abood. She then stated that if there are
6 not other possible dates she would like to move forward with holding the meeting on April 12. She stated that the meeting
7 can be recorded and those that are unable to attend can watch the meeting at a later date.

8 Mayor Nagle stated that currently there is a consensus of four Councilmembers to schedule the meeting for April 12.
9 She stated that the rules of the Governing Body state that two members of the Council can call a meeting and that is what has
10 happened. She reiterated that she is supportive of the purpose of the meeting; it is a good idea, but she wants to go on record
11 and state that she is disappointed in the execution of scheduling the meeting. She stated that the ultimate result will benefit
12 the City. She stated she hoped the Council could learn a lesson from this situation and that they can start being more
13 inclusive rather than operating in silos.

14
15 3. Authorize Mayor to execute agreement with Siemens for Streetlight Conversion Project.

16 A staff memo from Finance Director Marshall included a PowerPoint presentation that highlight the energy cost
17 savings the City could potentially realize after the execution of this streetlight conversion agreement. The agreement will
18 authorize City Administration to move forward with the proposed street lighting project. Within the street lighting fund, the
19 biggest expenses are for energy costs and installation and maintenance. Current estimates by Rocky Mountain power suggest
20 that utility costs will continue to rise at 7.5% per year. Installation and maintenance costs will continue to rise at 2.5% per
21 year. A PowerPoint slide illustrated what the City's projected costs will be over the next 10 fiscal years. If trends continue
22 the City will be paying in excess of \$200,000 per year compared to \$108,100 in our budget this fiscal year. With the
23 agreement to move forward with the street lighting project the City would agree to an eight year capital lease with Zion's
24 Bank to fund the costs of the project. By purchasing the light fixtures and switching to induction lighting the City will cut its
25 energy costs and installation costs by more than the cost to fund the capital lease. Mr. Marshall's memo concluded by stating
26 that his recommendation is to move forward with the project to help save tax payer dollars and to help the City become more
27 energy efficient.

1 Mr. Marshall approached the Council and summarized his memo. He added that Mark Cram, representing Siemen's
2 Industry, Inc., is also present this evening to answer any questions the Council may have.

3 Mr. Cram then reviewed the PowerPoint presentation that was provided in the Council packets. He stated the City is
4 currently spending money with Rocky Mountain Power and those funds will be shifted from one line item to another in the
5 City's budget to fund the project in a cash flow positive way. He stated that as a result of the project the City will own 100
6 percent of the street lighting infrastructure. He added that there will be an extended warranty on the project. He stated
7 Siemen's has predicted an eight-year payback period for the project, but the supplier has agreed to provide a ten-year material
8 warranty. He then reviewed the energy escalation rate. He stated that Rocky Mountain Power (RMP) has indicated there is
9 the potential for a 10 percent per year energy increase for the next eight to ten years. He stated, however, that he, RMP, and
10 City staff agreed that a conservative projection of 7.5 percent would be more appropriate. He then stated the request for
11 proposal (RFP) for this project was published by Siemen's with oversight from City staff. He stated the contract has been
12 reviewed by legal departments representing both entities. He then provided photos of the street lights located in the City. He
13 stated the appearance of the street lights will not change, but the visual color and nature of the lights will change. He then
14 reviewed induction lighting costs; first installation costs, replacement costs, and energy costs. He stated the induction
15 lighting option that the City has selected is the lowest cost/highest value solution. He then reviewed the history of the project
16 to this point and stated the next step is to approve the agreement before the Council tonight.

17 Mr. Marshall then stated that he wanted to review the budgetary information related to the project. He stated that
18 the current FY 2012 budget for street lights mainly covers energy costs and the rest is for maintenance and installation. He
19 stated that there is a total of \$108,000 budget for street lighting this year. He stated that if the increase projections from RMP
20 are correct, the City could potentially pay over \$200,000 by the year 2022. He stated that staff has found that half the street
21 lights in the City are owned by RMP and the other the half are owned by the City. He stated that the City currently pays \$.32
22 per kilowatt/hour (KWH) for the street lights owned by RMP versus \$.06 per KWH for the street lights owned by the City.
23 He stated that the City will pay \$.06 per KWH for all street lights once they are all owned by the City. He stated that will
24 reduce the budget of \$82,000 to approximately \$30,000. He stated that switching to induction light bulbs will reduce energy
25 costs by one third, or down to \$12,500 per year. He reiterated that there will be a 10-year warranty for all street lights,
26 though they do have a useful life of 18 to 20 years. He then reviewed financing of the project and explained that even with
27 debt service calculated into the total budget amount, the City will be paying less for street lighting than is currently being
28 paid to RMP for energy and maintenance. He stated that at the end of year eight the City will be paying just over \$20,000 for

1 street lighting. He reiterated that his recommendation is to move forward with this project; not only will the City save costs
2 over time, but the City will become more energy efficient.

3 Councilmember Duncan asked if other cities have done this type of project and, if so, what have their results been.
4 Mr. Marshall stated that there have been other cities that have done this type of project. He stated that Siemens in a
5 nationwide company and they have served several cities throughout the United States. He stated that Syracuse will be one of
6 the first cities in Utah to do this type of project. Mr. Rice added that this is an energy savings performance contract (ESPC)
7 that is basically a contract with a company that is paid the same amount that is currently being spent within the City's budget
8 in return for a guaranteed energy efficient project that will take a certain amount of time to payback – in Syracuse City's case
9 that time period is eight years. He stated that in the State of Utah the Legislature authorized ESPC's in 2010, though they
10 have been in force in the federal government since 2005 or 2006. He stated that this is a relatively new concept at the local
11 level, but it is proven and there is a guaranteed payback. He stated that if the City's power bill goes above the defined
12 amount in the contract, Siemens will pay the difference. He stated that the City is being provided guaranteed rates and costs
13 by Siemens. Councilmember Duncan reiterated his question and asked if this type of project has been proven in other cities.
14 Mr. Cram stated that Siemens guarantees the savings included in the contract.

15 Councilmember Johnson asked if the energy savings realized by the City are used for debt service. Mr. Cram
16 answered yes. Councilmember Johnson asked if that is why the project is referred to as budget neutral, to which Mr. Cram
17 answered yes. He stated that the City would have been spending the money on energy costs rather than the project.

18 Councilmember Lisonbee asked if the performance guarantee is good for ten years. Mr. Cram stated that the
19 performance guarantee is valid for the life of the project, but it will actually extend well past the eight year term.

20 Councilmember Duncan stated that it seems to him that energy costs are skyrocketing because of the price of oil and
21 he asked how these numbers would change if oil prices were lowered and energy costs reduce in turn. Mr. Rice stated that
22 staff discussed that with Siemens and RMP. He stated that the escalation rate provided by RMP are related to the capital
23 infrastructure program and RMP will ask for those rates no matter what and those rates are based on growth in the area. He
24 stated that the capital costs for building a power plant or electrical distribution plant are very expensive and that is why rate
25 increases may be necessary over the next eight to ten years. He stated there is great potential for growth along the Wasatch
26 Front and all of those new residents will need electricity and energy. He stated that is what drives rate increases, rather than
27 increased fuel costs. He added that most of the power plants in this area are powered by coal, which is still very inexpensive.

1 Councilmember Lisonbee stated that most cities that she is familiar with are converting to LED lighting and she
2 asked if Siemens has only done induction conversions. Mr. Cram stated that Siemens has done nearly as many LED
3 conversions as induction; the challenge is the low cost of utilities. He stated that there are some areas of the country that are
4 paying up to four times the amount that those living in Utah pay for energy and in those cases the payback for LED
5 conversions are better. He stated there are some challenges with LED lights with regard to heat management. He stated that
6 in discussions with the City his recommendation, which is based on his experience, was that induction would be the best
7 technology for the types of fixtures that the City has as well as for the environment in this area. Mr. Rice added that the first
8 time that he talked with Mr. Cram about this project they talked about LED conversion and both thought that would be the
9 way to go with this project because it is a newer technology. He stated that the process took this project in another direction;
10 it changed his mind about using LED.

11 Councilmember Duncan inquired as to the downside of this project. He stated there is a risk in everything and he
12 asked what it is in this project. Mr. Marshall stated the biggest risk is that projections will not be correct and the result could
13 be that the City will not realize the savings that are anticipated. He stated, however, that Siemens guarantees the projections
14 and they would not guarantee something that they do not think will be viable. Councilmember Duncan stated that he
15 understands that the guarantee is related to the amount of energy used rather than the costs. Mr. Rice stated that the energy
16 savings convert to cost savings.

17 Councilmember Lisonbee asked if the induction bulbs are longer lasting than the other bulbs included in the
18 comparison chart. Mr. Cram answered yes and stated that induction lights have the potential of lasting up to 100,000 hours.
19 He stated that street lights are typically operated for 4,000 hours per year so the lights will have only been used
20 approximately 40,000 hours after 10 years. He then stated there are actually very few things that can go wrong throughout
21 the project.

22 Councilmember Duncan asked Mr. Cram how many cities this project has been performed in. Mr. Cram stated that
23 this project has happened in literally hundreds of cities across the country, but Syracuse will be on the leading edge in the
24 State of Utah. Councilmember Duncan stated that he does not mind being on the leading edge in Utah. Mr. Cram then
25 provided the Council with a sampling of projects that Siemens has been involved in.

26 Councilmember Peterson asked how many street lights there are in Syracuse City. Mr. Marshall stated there are
27 approximately 750; Syracuse owns approximately 350 of those. Councilmember Duncan asked if all the street lights will be
28 replaced, or just those being purchased from RMP. Mr. Marshall stated that the City will purchase all the fixtures currently

1 owned by RMP and then retrofit all 750 lights. Mr. Rice stated that the City will not do any of the installation labor, which
2 will only take four to six weeks for Siemens to complete. He stated that some of the employees from the Public Works
3 Department will observe the work being done so that they know how to do it in the future if necessary. Councilmember
4 Shingleton asked if there could be some maintenance expenses for the City to incur in the future. Mr. Marshall answered yes,
5 but noted that it will be labor funds that are currently included in the City's budget.

6 Councilmember Lisonbee stated that the bulbs will run 4,000 per year up to 20 years. She asked if there are any
7 problems with breakage. Mr. Cram stated that induction bulbs have been around for over 80 years and it is essentially
8 fluorescent technology, but instead of having an arc from one end of the tube to another the phosphors are inducted in the
9 bulb through voltage in the lamp. He explained that is why the life is so much longer. He then stated that he is convinced
10 that in the future LED will be a great option for the City or other cities, but currently there are no LED's in service that have
11 been in service for 20 years so it has not been proven that they have a life of 100,000 hours. He stated that the life has been
12 proven for induction bulbs, which is why they were considered and ultimately chosen. Councilmember Lisonbee stated that
13 she is just concerned about the cost the City will incur every 18 to 20 years to change bulbs. She stated that the cost per bulb
14 is \$650 per bulb. Mr. Cram stated that because of the life cycle of the bulbs the City will actually be spending half of what is
15 being spent now on utility bills. He stated the City is currently replacing bulbs every five years, if not sooner, as opposed to
16 every 18 to 20 years. Councilmember Lisonbee stated the cost for the bulbs that the City is currently using is \$185 per bulb.
17 Mr. Marshall stated that is correct. Councilmember Duncan stated the City will need to plan for a large expense in 18 to 20
18 years. Councilmember Shingleton stated that his hope is that this project will allow the City to lower or eliminate the street
19 lighting fee.

20 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE AN
21 AGREEMENT WITH SIEMENS FOR STREETLIGHT CONVERSION PROJECT. COUNCILMEMBER SHINGLETON
22 SECONDED THE MOTION; ALL VOTED IN FAVOR.

23
24 4. Accept or Deny Petition 2012-01 requesting the annexation into Syracuse City 20.56 acres of property located
25 at approximately 3700 South 1500 West, and forward to City Recorder for certification

26 A staff memo from City Recorder Brown explained that on March 12, 2012 Michael J. Thayne (Irben Development)
27 filed a petition to annex into Syracuse City 20.56 acres of property located at approximately 3700 South 1500 West. The
28 City Engineer has reviewed the annexation petition and his comments have been addressed by the petitioner. If the Council

1 votes to accept the annexation petition the City Recorder will begin the certification process pursuant to the provisions of
2 Title 10-2-403 of the Utah Code Annotated.

3 COUNCILMEMBER SHINGLETON MADE A MOTION TO ACCEPT ANNEXATION PETITION 2012-01
4 REQUESTING THE ANNEXATION INTO SYRACUSE CITY 20.56 ACRES OF PROPERTY LOCATED AT
5 APPROXIMATELY 3700 SOUTH 1500 WEST AND FORWARD THE PETITION TO THE CITY RECORDER FOR
6 CERTIFICATION. AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH SIEMENS FOR
7 STREETLIGHT CONVERSION PROJECT. COUNCILMEMBER PETERSON SECONDED THE MOTION.

8 Councilmember Johnson inquired as to some of the pros and cons of accepting this petition. Ms. Brown stated that
9 in order for the property owner to develop into the City, the property must be annexed into the City. She stated that currently
10 the property owner owns these 20 acres that are located in Davis County and they are seeking to purchase the adjoining 60
11 acres, which is owned by the City and is located within City limits. She stated that in order for the property owner to
12 develop, the entire parcel must be located within City limits. Councilmember Shingleton added that the City will realize an
13 increase in property tax revenue for the property.

14 Councilmember Lisonbee asked if the main sewer line runs through this property. Ms. Brown stated that there are
15 questions about the sewer line throughout that entire area. She stated there is some work the property owner will need to do
16 to mitigate any sewer line issues in the area. Councilmember Duncan asked if the property owner will pay the costs for that
17 mitigation, to which Ms. Brown answered yes.

18 Mayor Nagle stated there has been a motion and a second regarding the annexation petition and she called for a vote.
19 ALL VOTED IN FAVOR.

20
21 5. Authorize Administration to execute agreement for the 1275 South
22 road improvement project.

23 A staff memo from City Engineer Brian Bloemen explained that the City conducted a request for proposal (RFP)
24 process for the 1275 South road improvement project and the low bidder was Staker Parson Companies with a bid amount of
25 \$160,136.85. Staff recommends awarding the contract to Staker Parson as soon as possible.

26 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE
27 AN AGREEMENT FOR THE 1275 SOUTH ROAD IMPROVEMENT PROJECT. COUNCILMEMBER JOHNSON
28 SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6. Authorize Administration to execute agreement for the 1700 South waterline project phase two.

A staff memo from Public Works Director Robert Whiteley explained that the City conducted a request for proposal (RFP) process for the 1700 South Waterline Project Phase Two. The low bidder was Leon Poulsen Construction Company with a bid amount of \$218,216.50. Staff recommends awarding the contract to Leon Poulsen as soon as possible. The scope of this project includes:

- Installation of approximately 880' of 12" C-900 Water pipe with associated fittings.
- Installation of approximately 100' of 8" C-900 Water pipe with associated fittings.
- Installation/reconnection of approximately 29 services.
- Installation of 5 Fire Hydrants.
- Connections to the existing water system.
- Abandoning undersized and deteriorated water main.

Construction on the first phase of this project was completed last year. Completion of this phase of the project will improve the integrity of the existing culinary water system in that area of the city. It will also provide an increase in capacity to accommodate growth that the city has experienced. The project area runs along 1700 South between the Syracuse 6 Theater (2350 West) and Bluff Road. There is also a section along 2500 West between 1200 South and 1700 South where we will reconnect existing service laterals to a larger existing water main in order to provide improved water service and improve efficiencies in our existing culinary water system.

COUNCILMEMBER JOHNSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AN AGREEMENT FOR THE 1700 SOUTH WATERLINE PROJECT PHASE TWO. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

Councilmember Peterson stated he is not as familiar with this project as he is with the 1275 South project and he asked for a brief explanation. Mr. Whiteley approached the Council and stated that the City completed the first phase of this project last summer. He stated the project area is on 1700 South in front of the Syracuse Theater west to Bluff Road. He stated that an old eight-inch culinary water main line will be replaced with a 12-inch culinary water main in order to increase capacity in the western area of the City. He stated the project will also go along 2500 West where there are existing six-inch

1 and 10-inch water mains; the services will be disconnected from the six-inch main and reconnected to the 10-inch main. He
2 stated the six-inch main will be abandoned. Councilmember Peterson asked if the project is being funded with impact fees or
3 user fees. Mr. Whiteley stated it is funded with culinary water impact fees because the project will increase line size.

4 Mayor Nagle stated there has been a motion and a second regarding the execution of the contract and she called for
5 a vote. ALL VOTED IN FAVOR.

6
7 7. Authorize Mayor to execute agreement for Trailside Park.

8 A staff memo from Community Development Director Mike Eggett explained that in 2006, the City approved
9 development of the Trailside Park cluster subdivision by developers HT Development. Part of the approval was a
10 requirement that the developers improve the adjacent park property in a way that fulfills the landscaping document submitted
11 with this development. The Trailside Park subdivision was later amended in 2007. At some point thereafter, based upon the
12 evidence Community and Economic Development staff has collected, the developer felt that the City had more responsibility
13 to install landscaping improvements along the trail component of the park adjacent to Trailside Park. The City has disputed
14 this up to current day and still believes that the previous developer, HT Development was responsible to improve this
15 location of the park and the Trailside Park development. At current time a new developer, Ovation Homes (represented by
16 Brad Frost), has picked up the remaining lots in phase 2 of this development (14 un-built lots) and since has proceeded
17 through a subdivision amendment process for phase 2 with the Planning Commission. Mr. Frost has received all subdivision
18 amendment approvals, with the understanding by the Planning Commission that outstanding landscaping matters be resolved
19 by Ovation Homes in working with CED staff. In light of the present circumstances within the Trailside Park subdivision,
20 and as discussed above, Ovation Homes has presented a useful strategy to the CED Department, the City Attorney, and the
21 City Engineer to resolve outstanding concerns associated with Trailside Park's adjacent park area. The proposed agreement
22 requires HT Development to provide \$10,000 toward the completion of landscaping improvements along the trail corridor
23 within the adjacent park area. Additionally, Ovation Homes has agreed to complete the improvement and installation of
24 landscaping features within this trail corridor. In exchange for these actions by Ovation Homes and in order to support
25 Ovation Homes' efforts to resolve this matter, Ovation Homes has requested that the City waive the requirement to pay Park
26 Development impact fees that would otherwise be deposited into the Park Development Impact Fee fund. This waiver is
27 expected to only cover the remaining costs associated with the development of this trail corridor park area. This request has
28 been reviewed by the CED Department, the City Attorney, the City Engineer, and the City Manager; further the City

1 Attorney drafted the agreement to fulfill the goals discussed herein. As a quick reference regarding this request, the
2 estimated cost of improvement for this landscaping enhancement is \$21,230.22 (see attached document entitled “Trailside
3 Park Phase II Bond” for more). The anticipated Park Development fee for each building permit would be \$1,653.00. The
4 agreement would allow the City to waive impact fees up to \$25,000 for improvements within the City park facility adjacent
5 to Trailside Park; however, based on the information presented on the attached bond document the expectation is to only need
6 to waive impact fees up to \$11,230.22. This waiver would reflect an agreement for the installation of park enhancements in
7 lieu of cost assessment. The City would commence assessing Park Development impact fees on home building permits within
8 the Trailside Park Subdivision once Ovation Homes meets the required landscaping improvement amounts as identified in the
9 attached bond document. Please note that Ovation Homes would like to continue building a similar residential product
10 within the Trailside Park community and would be anticipating moving forward with a Trailside Park Phase 3 Subdivision in
11 the coming months (which could bring an additional 30 residential units to this area). Park Development Impact Fees on
12 building permits submitted in this future phase would still be assessed at full rate. The memo concluded by explaining that
13 the Community and Economic Development Department and City Administration recommend that the City Council review
14 this memorandum and the attached information. Further, the CED Department and City Administration request that the City
15 Council authorize the Mayor to execute this agreement on behalf of Syracuse City.

16 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE THE MAYOR TO EXECUTE AN
17 AGREEMENT FOR TRAILSIDE PARK. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

18 Mayor Nagle stated that Trailside Park is the development located near the City owned Jensen Nature Park. She
19 stated that one of the things that the City is seeing recently is a spike in building in the City and there seems to be a
20 competition to develop as quickly as possible the areas that could potentially be home to different routes of the West Davis
21 Corridor (WDC). She stated that would increase the number of impacts in those corridors and would make the other corridor
22 options more attractive to the Utah Department of Transportation (UDOT). She stated that she worries that developers and
23 home buyers will be investing a lot of money to develop these areas and there is probably nothing the City can do to prevent
24 that. She stated she is happy that someone wants to develop in the City. Mr. Eggett stated that the developer of this property
25 will benefit no matter which WDC corridor is chosen. Mayor Nagle stated she does not believe that all home buyers would
26 see the close proximity of the WDC as a benefit. She stated that people will be upset about buying a home before the WDC
27 is built. Mr. Eggett stated that the developer is using the WDC as part of his marketing strategy, so no one should buy a
28 home from him without knowing about the potential construction of the WDC.

1 Councilmember Duncan stated that it seems that the risk is born by the developer in that they know that UDOT has
2 advertised that they may build the WDC in that area. Mr. Eggett stated that the property is far enough away from the
3 potential corridors that it will not be physically impacted.

4 Mayor Nagle stated there has been a motion and a second regarding the execution of the agreement and she called
5 for a vote. ALL VOTED IN FAVOR.

6
7 8. Proposed Ordinance No. 12-03 amending various provisions of
8 Title 10, the Land Use Ordinance, relating to animals.

9 A staff memo from City Planner Kent Andersen explained that on September 27, 2011, staff presented a
10 recommendation to the City Council for approval from the Planning Commission for an amendment to the Animal Ordinance
11 to include pigeons in the point table as well as a small language change. At the September 27 meeting, City Council
12 discussion moved beyond the changes presented and requested that staff and Planning Commission include additional
13 changes such as a point allocation for quarter-acre lots, an example of the use of the point system, etc. During the period in
14 which staff and Planning Commission was formulating additional recommendations to the Animal Ordinance, Davis County
15 informed staff that the County was considering making changes to the County Animal Ordinance. Davis County requested
16 City staff to hold onto any changes to the Syracuse Animal Ordinance until Davis County was able to make their changes.
17 Davis County also requested that Syracuse amend the Animal Ordinance to mirror the County Ordinance to ease the burden
18 on County animal enforcement officers of knowing every city animal ordinance. Syracuse City is under no obligation to
19 make this change and Davis County has reflected that they will continue to enforce our ordinance as written. On January 3,
20 2012, Davis County Commissioners approved the attached amendment to the County Animal Control Ordinance, which went
21 into effect on January 24, 2012. Primary changes includes: addition of cat registering and licensing requirements, allowance
22 of maximum of three cats and dogs in any combination, if a third dog is owned the dog must be acquired from a legitimate
23 animal shelter, etc. If the Syracuse City Ordinance does not address a specific issue, then the County Ordinance then the State
24 Ordinance is applicable.

25 On February 7, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed
26 amendments to the Animal ordinance, in which comments were received. At that time, the Syracuse City Planning
27 Commission chose to table the approval of the animal ordinance so that additional changes could be included. On February
28 22, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached

1 amendments to Title Ten, Chapter 6, General Land Use Regulations within the Syracuse City Code. This amendment
2 includes the following: addition of a point allocation to lots that are a quarter of an acre or larger, examples of use of the
3 point system and square footage conversion, reclassification of large animals, addition of a small fowl group in the points
4 table, maintain that no more than two of the same species for household pets shall be kept, a limit on the maximum number
5 of dogs a kennel permit allows, an additional exception to the point system, language regarding the harvesting of farm
6 animals, the exemption of service animals from number of animals allowed through the use of a minor conditional use
7 permit, a few definition changes, and other minor changes (see attached changes). Two dissenting opinions from Syracuse
8 City Planning Commissioners have also been provided and are subsequently attached. At the February 28, 2012 City Council
9 Work Session, additional comments were received. At the March 13, 2012 City Council Work and Regular Session,
10 additional comments were received. Therefore, these additional changes are highlighted in yellow in the attached proposed
11 changes. The memo concluded by explaining that the Community and Economic Development Department recommends,
12 following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten,
13 Chapter Six General Land Use Regulations - Animals within the Syracuse City Code to reflect Ordinance 12-03.

14 COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT ORDINANCE 12-03 AMENDING
15 VARIOUS PROVISIONS OF TITLE TEN, THE LAND USE ORDINANCE, RELATING TO ANIMALS.
16 COUNCILMEMBER JOHNSON SECONDED THE MOTION.

17 Councilmember Lisonbee stated that she has some questions regarding Planning Commissioner Jensen's comments
18 in the previous meeting. She noted there were also letters from two Planning Commissioners regarding this issue included in
19 the Council packets. She added that Councilmember Johnson made a motion to amend the proposed ordinance at the last
20 Council meeting and she asked if those amendments had been included in the current version of the document.
21 Councilmember Johnson asked Mr. Andersen what his intent was in writing the ordinance the way it is written regarding the
22 total number of dogs and cats that can be kept by a resident. Mr. Andersen stated that the current language allows a resident
23 to keep a total of four animals without requiring a conditional use permit for the keeping of up to four cats. He added,
24 however, that a property owner can have two dogs without a conditional use permit and an additional two for a total of four
25 with a conditional use permit. He clarified that no more than four total animals – cats or dogs – can be allowed in one
26 household. Councilmember Johnson stated that was his understanding of the language.

27 Councilmember Duncan stated that Section 10-6-040(E)(1) of the ordinance reads "Household Pets. Property
28 owners may keep dogs, cats, small animals and fowl as household pets in residential zones subject to the following

1 conditions: 1. Dogs, cats, small animals and or fowl shall be kept in pens, or otherwise secured, unless housed within the
2 dwelling unit.” He asked if that means that cats must be penned and secured. Mr. Andersen stated that is what the section
3 means. Councilmember Duncan stated that cats cannot be kept in pens and people will not do that so that means outdoor cats
4 are prohibited in Syracuse City. He stated that cats should be excluded from that restriction. Mayor Nagle stated that this
5 language provides a neighbor or the City to address any circumstance where a cat becomes a nuisance. Councilmember
6 Duncan stated that as soon as a cat gets out of its owner’s yard, that owner has violated City ordinance. Mayor Nagle stated
7 that her son stated with her some time ago and he owned an outdoor cat that he brought with him. She explained that all of
8 her neighbors are bird watchers and they have bird feeders and the cat jumped the fences and killed the birds in her
9 neighbors’ yards. She stated that it was her responsibility to control her cat and other cat owners should feel that same
10 responsibility. She stated that if she had not been a responsible neighbor her neighbors would not have had any recourse
11 against what her animal is doing in their yard. Councilmember Duncan stated that if his cat is creating a problem by killing a
12 neighbor’s chicken he would hope his neighbor would come to him and tell him and at that point he would have a decision to
13 make about what to do with his cat. He stated that cats naturally wander out of yards and adding this language to the City
14 Code essentially prohibits those kinds of cats in the City. Councilmember Johnson asked Councilmember Duncan to
15 recommend amended language. Councilmember Peterson agreed that the wording may be bad, but he also agrees that there
16 should be some recourse for residents when animals become a nuisance. Councilmember Shingleton asked if the City’s
17 nuisance ordinance would address nuisance animals. Police Chief Wallace stated that animal control officers receive
18 frequent requests for cat traps; the cats ultimately end up at the pound and if they are licensed or chipped they may be
19 returned to their owner for a fee. He stated that the City receives about 10 times more calls about nuisance dogs than cats.

20 Councilmember Lisonbee stated that a lot of people trap cats and then dump them by her house. She stated that she
21 and many of her neighbors have cats and they roam the acres between the lots in that area and they catch mice. She stated
22 that according to the wording in the Section referenced by Councilmember Duncan, that would not be allowed because they
23 should be penned. She stated that she thinks that if staff can craft some language to address this issue she would appreciate
24 that. She stated that she and all of her neighbors would be violating this ordinance if it is adopted as written.

25 Councilmember Shingleton stated that the nuisance section of the City Code should sufficiently address the issue.

26 Councilmember Duncan agreed. He suggested that cats be excluded from Section 10-6-040(E)(1).

27 COUNCILMEMBER DUNCAN MADE A MOTION TO AMEND PROPOSED ORDINANCE 12-03 BY
28 AMENDING SECTION 10-6-040(E)(1) TO READ AS FOLLOWS:

1 HOUSEHOLD PETS. PROPERTY OWNERS MAY KEEP DOGS, CATS, SMALL ANIMALS AND FOWL AS
2 HOUSEHOLD PETS IN RESIDENTIAL ZONES SUBJECT TO THE FOLLOWING CONDITIONS: 1. DOGS,
3 SMALL ANIMALS AND OR FOWL, EXCLUDING CATS, SHALL BE KEPT IN PENS, OR OTHERWISE
4 SECURED, UNLESS HOUSED WITHIN THE DWELLING UNIT.

5 COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6 Mayor Nagle then stated there was a motion and a second to adopt Ordinance 12-03 and she called for a vote. ALL
7 VOTED IN FAVOR.

8

9 9. Councilmember Reports.

10 Councilmember Johnson reported that he recently participated in a local Boy Scout food drive and there was very
11 good participation. He stated there was a lot of food, approximately 13,000 to 14,000 pounds, that was delivered to a local
12 pantry and he thought that was very neat.

13 Councilmember Peterson stated that he will be attending the ULCT conference next month. He stated that he
14 attended the conference the first year he was a Councilmember and he has been two or three times to the annual ULCT
15 meeting, which is held in September. He stated that he thinks the meetings are very valuable and important, which is why he
16 made arrangements to go. He stated that he will come back and report on the things that he learned. He stated there are a lot
17 of educational and networking opportunities at the conference and most cities send a majority of their Governing Body. He
18 stated that he looks forward to the meeting and being able to share some good information with the rest of the Council.

19 Councilmember Duncan stated that the last month has been a lot of work and he appreciates everyone's efforts. He
20 stated that he appreciates the citizens who have contacted him and he also appreciates the Councilmembers that have taken
21 the time to contact him to work through issues. He stated that this is an interesting assignment for him and it has been very
22 difficult, but he appreciates those that have participated. He stated that he wants to meet with the City staff and get to know
23 them better and hear their ideas, but he spends about eight hours after work reading through his Council packet. He stated
24 that by the time he gets through the packet he does not have time to meet with the staff. He stated that he appreciates what
25 they do and he puts a lot of trust in their recommendations.

26 Councilmember Shingleton stated that there is a lot of work that goes into running the City; he thinks that some
27 good things are getting done and projects taking place that will save the City money in the long run. He appreciates staff and
28 the leadership of the City. He stated that he looks forward to some events coming up in the City. He mentioned Heritage

1 Days that will be held in June. He stated that he is willing to participate in the pancake breakfast during Heritage Days. He
2 encouraged other members of the citizenry to get involved in volunteering and helping out in any way they can.

3 Councilmember Peterson pointed out that the next City event is the Easter Egg Hunt.

4 Councilmember Peterson stated that the work that she has done with the staff over the last couple of weeks has been
5 great and she feels that the City has one of the most professional group of staff that she has ever spoken with and she is very
6 impressed with everything they do for the City and she appreciates that. She stated that she also appreciates the good
7 Planning Commission that works so hard to make recommendations to the City Council; as a body they work very hard and
8 put in a lot of time. She stated that most of all she appreciates the citizens who are coming together in Syracuse and do a lot
9 of volunteering. She stated that she is excited to start working on the assignments she has been given so that she can report
10 on those to the Council. She stated that she would also like to help with the pancake breakfast during Heritage Days.

11

12 10. Mayor Report.

13 Mayor Nagle stated that she wanted to formally recognize Haven Barlow for his generous donation of \$5,000 to the
14 Chloe's Sunshine Park. She stated that he is so committed to the project and helping the City tap into other big donors for the
15 park. She stated that Mr. Barlow has a legacy of philanthropy in the community and she wants him to know that she is very
16 appreciative of him. She then stated that the City has been trying to formally recognize the Syracuse High School girls
17 basketball team for their recent achievements and staff has been unable to schedule them for a City Council meeting.

18

19 11. City Manager Report.

20 Mr. Rice stated that last month the staff put together a presentation for the Davis County Gala Committee, which
21 meets in February and March to determine which charity they will support at their annual gala. He stated that the City has
22 been notified that the Chloe's Sunshine Park has been selected. She then stated that the City was recently recognized for
23 finance practices for the second consecutive year. He stated there are some good things going on. He noted that staff is
24 looking forward to the budget retreat scheduled for this Saturday; the City's finances are looking very good.

25

26 12. Consideration of adjourning into Closed Executive Session

27 pursuant to the provisions of Section 52-4-205 of the Open

28 and Public Meetings Law for the purpose of discussing the character.

1 professional competence, or physical or mental health of an individual;
2 pending or reasonably imminent litigation; or the purchase, exchange,
3 or lease of real property

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

10 The meeting adjourned into Closed Executive Session at 8:41 p.m.

11 The meeting reconvened at 9:55 p.m.

12
13 At 9:56 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER
14 JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

17 _____
18 Jamie Nagle
19 Mayor

Cassie Z. Brown, CMC
City Recorder

20
21 Date approved: _____

Minutes of the Syracuse City Council Regular Meeting, May 8, 2012.

Minutes of the Regular Meeting of the Syracuse City Council held on May 8, 2012, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

City Employees Present:

Police Chief Brian Wallace
Fire Chief Eric Froerer
Community Development Director Michael Eggett
City Attorney Will Carlson
Information Technologies Director TJ Peace
City Planner Kent Andersen

Visitors Present:	Dave Barney	Kristi Whitman	Alan Whitman
	Terry Palmer	Ken Pierce	Brandyn Bodily
	Brian Allen	Gerald Jacobs	Steve Robinson
	Ann Anderton	Becky Shaw	David Griffin
	Lynsey Porter	Gary Pratt	Sherri Rhoades
	Kay Volk	Annette Penrod	Heidi Brophy
	Con Christensen	Jeff Nielson	Linda Christensen
	Lisa Chandler	Ryan Chandler	Brittany Taylor
	Jerry Smith	Mike Thayne	Carl Hellewell
	Kenneth Hellewell	Joe Cheney	Layne Sanders
	Julie Griffin	Ray Zaugg	Pat Zaugg
	Jamie Riccobono	Chip Hewlett	Ken Pierce
	Bob VanVelkinburgh	Jeanne VanVelkinburgh	Ben Gerlock
	Becky Merrill	Jerry Guffey	

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 Johnson provided an invocation. Councilmember Lisonbee then led all present in the Pledge of Allegiance.

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

2. Presentation of the Syracuse City and Wendy's "Award for Excellence"
to Cameron Bezzant and Valerie Harker

1 The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community
2 service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic
3 Development, in conjunction with Jeff Gibson, present the recipients for the “Syracuse City & Wendy’s Award for
4 Excellence”. This monthly award recognizes the outstanding performance of a male and female who excel in athletics,
5 academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at
6 a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City
7 Newsletter, City’s Facebook and Twitter Feed, and City’s website; be featured on the Wendy’s product television; and
8 receive a \$10 gift certificate to Wendy’s.

9 Mayor Nagle stated that this month the nominees are Valerie Harker and Cameron Bezzant. She stated that both
10 individuals were selected from Syracuse Elementary School and she wanted to read the statements that were submitted to
11 justify their selection for the award. She first read the statement regarding Ms. Harker as follows:

12 “Valerie is not afraid of a challenge and is willing to tackle any problem she faces. She is very responsible and
13 helpful to her classmates and teachers. When she is around our Special Needs students, she is very helpful and kind.
14 Valerie is successful in and out of the classroom excelling in soccer and academics.”

15 Mayor Nagle stated that she thinks it is tremendous when kids can reach outside of their comfort zone and find other
16 kids that may be having a hard time regardless of their ability; not only does Ms. Harker do a great job in sports and
17 academics, but she goes out of the box to make everyone feel welcome. She stated she cannot think of anybody that deserves
18 an award more than Ms. Harker. She then presented Ms. Harker with her award and Ms. Harker received a round of applause
19 from the audience.

20 Mayor Nagle then stated the second award recipient is Cameron Bezzant; she read what was written about Mr.
21 Bezzant as follows:

22 “Cameron demonstrates high motivation, initiative, integrity, intellectual depth, leadership qualities and exceptional
23 judgment. He is always cheerful and is willing to help his classmates and teachers. Whenever he is presented with a
24 problem, he works through it and helps his classmates to work through it too. Cameron is very compassionate and
25 understanding with his peers.”

26 Mayor Nagle stated she wants to thank Mr. Bezzant for everything he does; the adults have a lot of lessons to learn
27 from the kids that are doing a great job in everything they do. She presented Mr. Bezzant with his award and he received a
28 round of applause from the audience.

1 Mayor Nagle stated that she loves having the youth in the community and she commended them for setting a good
2 example for their families and peers. She encouraged them to keep up the good work and commented that the qualities that
3 earned them these awards will take them far in life. She commended them for their hard work and dedication.

4
5 3. Public comment.

6 Ben Gerlock, 881 S. 1875 W, stated it is somewhat daunting to be the first person to speak. He stated that the
7 purpose of his comments this evening it to address the agenda items from the work session and business meeting agenda
8 dealing with the creation of a Flex Development Zone. He strongly urged the Council to postpone, defer, or provide a no
9 vote relative to the zone creation as it was included in the Council packet that was available on the City's website. He stated
10 he has three reasons for this recommendation; one was that he attended the April 26 meeting that included panel members
11 from Ninigret and he learned four things from that meeting concerning Ninigret's desire for the City to create the flex zone.
12 He stated that, one, Ninigret does not know what they will build on the site until they have secured clients; they do not have
13 specific plans right now. He added that, two, Ninigret does not own the property and, three, Randy Abood representing
14 Ninigret commented that the General Plan, which was developed with citizen input, is wrong. He stated the fourth and final
15 thing he learned at the April 26 meeting was that tax increment financing (TIF) will be used for the project. He stated that
16 the Davis County Economic Development representatives mentioned some numbers relative to TIF financing, but the City
17 does not know the amount of revenue the project will produce because of the different terms that will be offered to Ninigret.
18 He then explained that he compared the flex zone draft created by the Planning Commission with Ordinance 12-9 that is
19 being considered by the Council this evening. He stated that the Planning Commission draft provided several restrictions
20 while the Ordinance is much more open with a small number of restrictions.

21 Gary Pratt, no address given, stated that he appreciates all that the Council is doing and the amount of time and
22 effort they have put into this project. He stated that his issues stem from his work on the Planning Commission as the Co-
23 Chair. He stated that since last fall, the Commission has noticed some changes in procedure they are not used to that are
24 concerning to himself and Chair Greg Day and he would speak for himself and Mr. Day. He stated that the City's General
25 Plan was opened last April, so it has been open for one year, though the plan was to close it in the fall of 2011. He
26 commented City staff asked the Commission to delay closing the plan until the end of 2011 and then until the first of 2012
27 until information about properties in Section One may be available. He stated the Commission agreed to keep the plan open
28 because they are a recommending body and are willing to learn and listen to City staff and the people that live here. He

1 explained that during the year when the General Plan was open a committee was assigned to look at the General Plan for the
2 area in question; there was also a company that was paid \$40,000 to complete a study about the area. He noted the
3 Commission held public hearings and invited the developer twice to open meetings and work sessions; there was a lot of
4 effort on the part of the Commission. He stated that one of the things he has found is that there is a lot of misinformation that
5 has been circulating and as a recommending body the Commission ferreted through the rumors and has been smart enough to
6 figure out the misinformation. He stated, however, that the Commission has been confronted by coercion, manipulation, and
7 intimidation throughout the process and that is what they are concerned about. He stated that one must get closer than 30,000
8 feet to actually look at the City and they will see a big white roof that belongs to Wal-Mart and three to five buildings that are
9 the same size as Wal-Mart would fit on the property that Ninigret is desirous of developing.

10 Jeff Nielsen, 1778 W. 1975 S., stated he is here to talk about an issue that has nothing to do with zoning; rather he
11 wanted to talk about an issue that is near and dear to his heart and that is his 10-year old that is trying to play softball in the
12 city. He stated that he had a problem with his daughters coach and so he and his wife decided they wanted to change
13 coaches. He explained they called the City and were told the City does not allow that so he contacted other City officials,
14 including the City Council, about his issue. He stated all he is asking is for the ability to switch coaches and the recreation
15 staff refused, but told him that they would refund his money if he wished. He stated that he hoped the City Council had read
16 the email he sent about this issue because it goes into further detail about the situation. He stated he hoped that something
17 can be worked out within the next few days, but if that is not possible he is going to encourage his daughter to continue to
18 play for the coach she has. He stated he wanted to apologize for raising this issue at this meeting, but he has tried to contact
19 several different City officials and has received no response.

20 Kenneth Hellewell, 1430 S. 2600 W., stated that he is a member of the Planning Commission and he sent the entire
21 City Council an email containing his concerns about the flex zone as well as some explanations for why the Planning
22 Commission voted against approval. He stated that he has served as a Planning Commissioner for eight years and this is the
23 first time he has ever seen a zone brought to the City Council that was not recommended by the Planning Commission. He
24 stated the Commission considered the zone for several months and they have seen several different drafts as well as a
25 companion zone that was considered at the same time as the business park zone. He stated the business park zone was
26 approved by the Commission and recommended to the Council for passage, but it is not on the agenda this evening. He
27 stated that the Commission considered the flex zone and determined that many of the facets of the flex zone are already
28 available in other zone types in the City, but there were also uses in the flex zone that the Commission felt were not

1 appropriate for Syracuse City. He added there is also a new zone the Commission is working on that includes many of the
2 things that are part of the flex zone, but on a smaller scale. He stated that he would encourage the Council to review the zone
3 and make sure it is something they want to allow in Syracuse. He stated that it is the Commissions job to draft zone
4 language. He noted that he was told by staff that the business park zone was not included on this agenda because there is not
5 a need for it yet in the City, but the Commission feels there is a need to include it in the General Plan. He concluded by
6 stating there are other zones, such as research park zone, that the City Council has approved that are included in the City's
7 Master Plan.

8 Linda Christensen, 2849 W. 700 S., stated "you can quiet it down and change its name and give it more power, but
9 DTEC is still DTEC. Does no one at City Hall understand - no, no, no is her vote for the flex zone".

10 Con Christensen, 2849 W. 700 S., stated he wants to talk about the same issue and he is sure that all members of the
11 Council are very familiar with the DTEC project. He stated that City officials have said that this is not DTEC, but his
12 response is "a cesspool by any other name still stinks". He stated that it has been said that other cities in the area do things
13 that work out, but Syracuse residents are not interested in a status quo city; rather, they want a peculiar city. He stated that
14 anyone that has traveled to California has seen that the land from ocean to its border is solid city development; one comes
15 across a lot of businesses, but they also come across areas that include no business. He stated that Syracuse does not want
16 businesses here. He then stated that he wanted to compliment Councilmember Lisonbee; she and Councilmember Johnson
17 are trying to find out the pulse of the public and then deal with it where this project is concerned. He stated he knows the
18 Council is trying to increase tax revenue to the City, but he does not want them to go down the traditional path and, instead,
19 come up with something better. He stated that voters do not vote for people that have agendas; they vote for people who they
20 want to follow their opinions. He is encouraging the Council to follow the citizens' opinions. He stated that the Council
21 should understand, after the DTEC project, what the attitude of the City is and as far as he is concerned an industrial complex
22 is nonsense. He asked how anyone expected an industrial business to come to the City and succeed under the current
23 economy. He stated he is comfortable with business buildings that are nice and quiet, like the Intermountain Health Care
24 (IHC) clinic. He suggested "we" need to get together and decide what "we" want developed in the area.

25 Terry Palmer, 2486 W. 1500 S., thanked the Council for the opportunity to speak. He stated that over the last
26 several weeks he has talked to a lot of Syracuse citizens and only one was in favor of the flex zone while hundreds were
27 opposed to it. He stated that the Councilmembers are elected to represent the people and he asked why they would want to
28 move forward with approving the flex zone. He stated that if the main concern is increasing revenues for the City, patience

1 may be the best quality; as Highway 193 is constructed further to the west bordering Syracuse and West Point cities, “we”
2 will find greater opportunities down the road that will bring in greater revenues through sales tax and property tax. He stated
3 that as the traffic grows along the highway, interest will increase in purchasing the property, which will give the City a
4 greater benefit. He noted “we” are in tough times and the tendency is to jump at the first opportunity, but history tells “us” to
5 wait and see what happens. He stated that he has been rewarded in his life when he has patiently waited for correct
6 opportunities; that opportunity will come to the City and he encouraged the Council to wait on the flex zone. He then stated
7 that the flex zone appears to be the lazy person’s way out; once the zone is in place the City will allow the developers to have
8 more control over what is constructed in the area. He stated the citizens have elected the Councilmembers to be totally
9 involved in the process and they have elected them with the impression that they have the guts to say no when that is what is
10 best for the City. He stated that 10 years ago “we” said no to DTEC and he suggested “we” say no to flex.

11 Brittany Taylor, 897 S. 2500 W., stated that she also wants to address the flex zone; she and her family would like to
12 express that they are tired of empty promises that the next development is the answer. She stated they were told that lie when
13 the town center retail development took place. She stated she understands that tabling the flex options would mean that the
14 City would have a few more potholes and lesser services, but they are willing to take that option if it means less traffic,
15 cleaner air, and a quieter Syracuse. She stated that picking one of the three options is “chicken” when the Planning
16 Commission passed on all three options. She stated that she hopes the Lord’s spirit will lead the Council to know the desires
17 of their community. She stated she wants to protect her children and give to them a solid community based on values of hard
18 work, honesty, integrity, and trustworthiness. She stated that going around the Planning Commission, which was assembled
19 by the City Council, is not upholding the values she mentioned. She stated that voting to approve the Ninigret project is also
20 not upholding why the citizens voted the Councilmembers into office. She stated prior to being elected Mayor Nagle and her
21 family came to her door and she asked them point blank if they were against DTEC and the Mayor’s husband told her that
22 Mayor Nagle was against DTEC. She stated that she can’t change the mistake she made of telling all her friends to vote for
23 Mayor Nagle. She stated that flex is a worse option than DTEC. She stated she can’t fix that mistake until the next election.
24 She stated that if the Council chooses one of the flex options tonight, that will be a mistake they cannot mend. She stated she
25 is very concerned that the Council is strict on the three-minute public comment rule rather than listening to the community
26 members that are so concerned; yet, the Council went around the Planning Commission and that is why the citizens are here
27 this evening. She stated the Council’s actions are somewhat hypocritical. She then stated, regarding item five on the
28 agenda, there seem to be some “shady” things happening. She stated that she votes that the Council disregard the misprint in

1 the City's garbage hauling contract and honor the values she referenced earlier that the citizens expect the Council to uphold.
2 She asked that they not worry about the settlement agreement and instead honor the contract as it was intended. She stated
3 the City should not punish the hauling company for a typographical error of inserting a decimal place in the wrong spot.

4 Heidi Brophy, 917 S. 1760 W., stated that going around the Planning Commission instead of taking into account
5 what they recommended is very disappointing to her as a citizen. She stated that she spent the time to get involved in the
6 process and she is grateful for that, but she would like to relay a comment she made to the Planning Commission as well.
7 She stated that another zone being considered by the Planning Commission was a business park zone and the opening
8 paragraph of the zone language actually states that it is better suited for residential areas. She then stated the Council needs
9 to be careful with their decision; if they create zoning for one business that action will set a precedent and she wondered how
10 the Council would respond to future business owners requesting the same thing. She stated that she appreciates the time and
11 effort the Council has put into this issue and she would continue to ask them to listen to the citizens and the Planning
12 Commission.

13 Ryan Chandler, 1555 W. 700 S., stated he also wanted to take a minute to talk to the Council about the flex zone.
14 He stated that in the past he has been in leadership positions and he has been humbled by those opportunities. He stated the
15 Council has a great weight on their shoulders; they are leading the City and the citizens have faith in what they are doing for
16 them. He stated that one thing he was taught early on was to listen to those who are there to advise and counsel him; those
17 that are successful leaders are made successful by putting good people around them. He stated the City Council has
18 surrounded itself with some very good people, including the Planning Commissioners who has spent tireless hours in their
19 meetings where they have discussed many points and issues. He stated their decision regarding the flex zone was not made
20 out of spite or made foolishly; rather, it was made after careful thought and consideration and he believes they have the right
21 interests at heart for the City. He stated the Council has heard the citizens talk to them and plead that the flex zone not be
22 approved. He stated there are many reasons that citizens are opposed to the zoning and everyone has heard those reasons and
23 it is now time to make a decision. He stated the Planning Commission has advised the Council that the zoning is not suitable
24 for the City and if the Council chooses to go around that recommendation they will be ignoring the advice of the residents
25 and ignoring those that they put in place to advise them. He asked that they not make that mistake.

26 Kaye Volk, 2783 S. 1000 W., stated that she lives far away from where the Ninigret development would be built, but
27 he is here in support of the people and the Planning Commission and she added that she does not know how the Council can
28 ignore them. She stated that she was a City Councilmember for six years and during that time there were only two instances

1 where the Council moved forward with a decision after heavy opposition from the citizens; one instance was related to
2 permitting beer sale at the Smith's grocery store in the City and the other was to construct sidewalks in certain areas
3 throughout the City. She stated that the project the Council is considering is so mammoth and they should not dare to do it
4 without considering it so carefully. She stated that the citizens are the Council's backup – not just because they voted to elect
5 the Council, but because their heart, souls, and minds are in the right place. She stated the Council can not completely
6 disregard what the Planning Commission has spent hours and hours working on; the Planning Commission has said the
7 project does not fit in the City. She stated this is not a time to launch into something. . .the economic atmosphere in the
8 Country is to too tentative. She stated the Council needs to take more time. She stated that she is speaking for nearly
9 everyone she has spoken to about this issue and they have lost a little bit of faith in their elected officials because they feel
10 their feelings and thoughts are falling on deaf ears. She asked that the Council consider the project very carefully and reject it
11 at this time.

12 Pat Zaugg, 1593 W. 700 S., stated that she hoped the Council had read the email she sent; she very thoughtfully
13 wrote it and it took her quite a bit of time. She stated she hopes the Council will consider the thoughts that she included. She
14 then stated she wanted to thank the Planning Commission for all the time they have spent working through every zone in the
15 City; she has attended the meetings where that work has been done. She stated she and her husband attend Planning
16 Commission and City Council meetings each week and they have listened and watched carefully as the Planning Commission
17 has gone through every detail of every zone they have considered. She stated the Commission worked very hard on the
18 business park zone and the Council needs to pay attention to what they are doing. She stated that the City Council packet
19 included some letters regarding the proposed development that were sent from SBOSS to other businesses in the City. She
20 stated SBOSS was asked by staff to write those letters and she feels that is flawed. She stated staff works for the citizens of
21 Syracuse and they should not be asking someone to write a letter voicing opposition to something the citizens are asking for.
22 She stated that SBOSS is supposed to represent all businesses in the City but she has been told that only a handful of
23 businesses got together and wrote the letters and she feels that they should not be allowed to represent SBOSS as a whole and
24 their opinions should not be considered by the Council. She stated staff has worked hard on this project as well, but she
25 wanted to remind them that they work for the citizens and not a developer. She stated the flex zone is a blank check and if
26 the Council approves they will open the City to anything and everything. She encouraged the Council to vote against the flex
27 zone.

1 Joe Cheney, 1646 W. 900 S., stated that he thinks the citizens have spoken loud and clear. He stated he is not in
2 favor of the flex zone, but he wanted to offer a different perspective for his opposition. He stated that he used to work for a
3 development company and he drove trucks for them; they build 120,000 square foot cement structures similar to what is
4 being proposed in the Ninigret development. He stated that the development company no longer exists, but the new owner is
5 still struggling to fill the vacancies in those buildings. He stated the development was built amongst neighborhoods and
6 faced some of the same struggles that this project is facing. He stated that being the guy that drives those trucks, he does not
7 want those trucks in the City; that is why he lives here. He stated that it is sad to see the City considering these types of
8 developments when there are already so many other vacancies in the surrounding community. He stated there are already
9 buildings in Clearfield in the Freeport Center with better access and the Council needs to look very deep and put themselves
10 in the position of living next to this type of development; many families moved to the area to specifically avoid these types of
11 developments. He stated it is sad and it has changed his perspective regarding Syracuse and he has had conversations with
12 his wife about moving out of the City if this project happens and it causes the changes and creates the challenges that he is
13 predicting. He stated there are already vacant commercial areas in the City. He stated his desire to live in Syracuse is
14 changing and he feels many other residents feel the same way; they are not in favor of the flex zone. He stated, however, that
15 they understand the challenges the City is facing; they are concerned about generating tax revenue, but he feels there are
16 other options and he asked the Council to think of other ideas. He stated he is willing to pay higher taxes if that is necessary.
17 He stated tax increases may have been voted against in the past, but that was before all the options were on the table.

18
19 4. Public Hearing – Proposed Ordinance 12-06 declaring the annexation
20 of 20.66 acres of property located at approximately 3700 S. 1500 W. into
21 the City of Syracuse, Davis County, Utah, and establishing zoning for the
22 property.

23 A staff memo provided by City Recorder Cassie Brown explained that on March 12, 2012 Michael J. Thayne (Irben
24 Development) filed a petition to annex into Syracuse City 20.66 acres of property located at approximately 3700 South 1500
25 West. The City Engineer reviewed the annexation petition and his comments have been addressed by the petitioner. On
26 March 27, 2012 the Council voted to accept the annexation petition and the City Recorder immediately began the
27 certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated. On March 28, 2012 the
28 Council was sent the Council a memo declaring the certification of petition 2012-01; the memo explained that a notice of

1 certification would be published in the Standard-Examiner for three consecutive weeks; the notice was meant to outline the
2 annexation protest process. The same notice was also sent to all affected entities. The protest period expired April 30, 2012
3 and no valid protests were filed. It is now appropriate to move to the next step in the process, which is to hold a public
4 hearing to consider adopting an ordinance approving the annexation petition. A draft ordinance was prepared for Council
5 consideration and all relevant materials have been provided.

6 Mayor Nagle convened the public hearing. Seeing no residents appearing to make public comments, Mayor Nagle
7 closed the public hearing.

8 COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-06
9 DECLARING THE ANNEXATION OF 20.66 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3700 SOUTH
10 1500 WEST INTO THE CITY OF SYRACUSE, DAVIS COUNTY, UTAH, AND ESTABLISHING ZONING FOR THE
11 PROPERTY. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

12
13 5. Authorize Administration to execute settlement agreement with Robinson

14 Waste pertaining to fuel surcharges.

15 A staff memo from City Attorney Will Carlson explained that Robinson Waste Management has been collecting
16 garbage for Syracuse City for over a decade. Most recently, the City and Robinson entered into a Garbage Collection
17 Contract (“Contract”) dated April 1, 2009. In the contract, the City agreed to pay Robinson a fuel allowance per household
18 per month of .33% of the price of the price of diesel over \$3.00 per gallon (“Fuel Surcharge”). Since April 1, 2009, Robinson
19 has charged the City 33% of the price of diesel over \$3.00 per gallon rather than .33% of the price of diesel over \$3.00 per
20 gallon. This has resulted in a \$33,072.36 overcharge to the City. In early March the City discovered the discrepancy between
21 the contract and the bill. On March 7, 2012 the City notified Robinson Waste of a breach of contract and made a demand on
22 Robinson for repayment of the overpaid Fuel Surcharges. Robinson denies that it over charged the City and disputes any
23 liability for the alleged overpayment. Robinson alleges the City agreed to pay Robinson a fuel allowance of 33% and that the
24 Contract contains a typographical error. Nevertheless, Robinson has agreed to the attached settlement agreement in an effort
25 to resolve the dispute. The settlement agreement is that in exchange for payment of \$33,072.36, all claims regarding the Fuel
26 Surcharge will be waived by both parties up through the date of the agreement. Should Robinson continue to charge 33% in
27 the future before new terms are agreed upon, each bill could raise another claim of breach for the City.

1 Mr. Carlson summarized his memo and stated that he recommends approval of the Settlement Agreement, but noted
2 that the agreement currently does not include a date for which the payment should be made.

3 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE A
4 SETTLEMENT AGREEMENT WITH ROBINSON WASTE PERTAINING TO FUEL SURCHARGES.
5 COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

6 Mayor Nagle asked Mr. Carlson if he is suggesting the Council add a payment due date to the agreement. Mr.
7 Carlson stated that adding a date would add clarity and he would recommend doing that. Mayor Nagle asked what date staff
8 is recommending. Mr. Carlson recommended the due date be June 7, 2012.

9 COUNCILMEMBER PETERSON MADE A MOTION TO AMEND THE SETTLEMENT AGREEMENT BY
10 ADDING A PAYMENT DUE DATE OF JUNE 7, 2012.

11 Councilmember Shingleton stated that he had a question before seconding the motion. He stated he does not want to
12 put undue stress on Robinson Waste by adding a due date. He stated one option would be to make payments in installments
13 over a period of time rather than a one time, lump sum payment. He stated he wants to be fair to Robinson Waste. Steve
14 Robinson, representing Robinson Waste, stated that allowing installment payments would be helpful, but he wants to move
15 forward with the settlement agreement. He stated the fuel surcharge that he has been charging the City was the correct
16 charge, but according to the contract he was only allowed to charge .33 percent rather than 33 percent of the price of fuel over
17 a defined amount. He stated those two percentages are drastically different and that is why he and the City have worked out
18 this settlement agreement. He stated that he and staff are also working on an addendum that would clarify the fuel surcharge
19 issue in the future.

20 Councilmember Peterson stated the City is reviewing the contract with Robinson Waste and he asked when that
21 review will be completed. Mr. Carlson stated that in the original draft of the updated agreement, the settlement agreement
22 was included in the addendum, but Robinson Waste's counsel recommended removing the settlement agreement from the
23 hauling agreement and instead execute two separate agreements. He stated the City responded by agreeing to separate the
24 two issues, but required that the settlement agreement be completed first. He stated that the City and Robinson Waste has
25 been discussing the new price terms. Councilmember Peterson stated he feels it would be prudent to have the settlement
26 resolved before signing a new agreement for hauling services. Mr. Carlson stated the reason the City is recommending June
27 7 as the payment due date is because on March 7 the City notified Mr. Robinson of the breach and according to the contract
28 the party that commits the breach has 90 days to remedy it. He stated June 7 would be the end of that 90 day term.

1 Councilmember Duncan stated that he is frustrated that the City Council is, in front of a bunch of people, discussing
2 the settlement of a lawsuit and he does not know why these decisions were made, but if there was time to advertise this item
3 on a business meeting agenda he does not know why an executive session was not called to discuss the issue. He stated that
4 would allow the Council to have a more candid discussion about why the settlement is before the Council. He stated that he
5 is being asked to vote on a settlement and he does not understand all the ramifications or why the settlement was arrived
6 upon. Mayor Nagle stated the Council did meet to discuss the settlement in a meeting. Mr. Carlson stated that when it
7 appeared that there was a reasonable likelihood that this issue could potentially end in litigation, the issue was discussed in a
8 closed session, but at this point the parties have negotiated a settlement agreement and such an agreement is contrary to
9 reasonably imminent litigation, which is why it is being discussed in an open meeting. Councilmember Shingleton stated the
10 Council did discuss this issue in a closed session. Councilmember Duncan stated that the specific settlement was not
11 discussed in a closed session. Mayor Nagle stated the Council is not permitted to discuss the settlement agreement in a
12 closed session. Councilmember Duncan then asked how this agreement was arrived at and he asked how the modification of
13 the agreement was decided upon. Mayor Nagle stated this issue was discussed quite extensively among the Council. She
14 explained that staff recently started reviewing all contracts the City is a party to in order to ensure the City is getting the best
15 value for the tax dollars being spent, they found that this contract has been in place since the late 1990's and there was no
16 way for the City to renegotiate the terms. She stated the only option the City had was to renew the contract with terms that
17 were favorable to the hauler. She stated the City essentially did not even have the ability to publish a request for propels
18 (RFP) to seek other interested vendors. She stated staff approached Robinson Waste, who has done a very good job for the
19 City, to let him know that they wanted to conduct an RFP process to make sure the City was getting a fair price and that
20 conversation did not end favorably. She stated staff ended up publishing an RFP and received several bids that were lower
21 than the price the City was paying to Robinson Waste. She stated, however, the City was unable to terminate the contract
22 unless Robinson Waste agreed upon the termination. She stated the City had no authority to ask for better terms or to
23 renegotiate the contract. She stated the citizens expect the City to get the best value for their money. She stated there have
24 been many conversations between staff and Mr. Robinson to try to work through the issues with the contract and ultimately
25 Mr. Carlson reviewed the contract and found the breach in the contract and the City asked Mr. Robinson to rectify the breach
26 and he has until June 7, 2012 to do so. She stated if the breach is not corrected the City can conduct another RFP process and
27 Mr. Robinson would be free to respond in that competitive process. She stated this is not an attack on Robinson Waste
28 because they have done a good job for the City, but the City has an obligation to the residents to make sure to get the best

1 value for tax dollars spent on services. She stated that unfortunately the Council is only allowed to discuss certain things
2 during a closed session; there are other issues that can be uncomfortable to discuss in an open meeting, but do not qualify to
3 be discussed in a closed session. She stated this issue is one of those issues and it requires open and public discussion. She
4 agreed it would be better for all parties if the Council could go behind closed doors and iron the issue out, but in fairness to
5 the citizens the Council is unable to do that. Councilmember Duncan stated he is looking at this issue from a legal
6 perspective and with his background practicing contract law. He stated this is a contract that is very unfavorable to the City
7 and it contains a lot of unilateral clauses that force the City's hand and he thinks it is a very bad contract for the City. He
8 stated his question is why the Council is being asked to make a concession that will make the contract even worse. Mr.
9 Carlson stated that the settlement agreement is not related to the new terms of the contract so it cannot make the contract even
10 worse. He stated the settlement agreement only deals with the breach and whether the City will accept the agreement as a
11 remedy to the breach. Councilmember Duncan asked if this contract will cause the fuel charge to be changed in the hauling
12 services agreement, to which Mr. Carlson answered no and reiterated that staff will present a new contract to the Council
13 when new terms can be negotiated between both parties. He stated at that point the Council will have the opportunity to
14 accept or reject the new agreement. Councilmember Duncan stated he may have misunderstood because he thought there
15 was some sort of reformation included in staff's proposal. He stated that he would like to have further discussions about
16 amending the hauling services agreement.

17 Councilmember Johnson asked if the fuel surcharge will be charged according to an amended contract. Mr. Carlson
18 stated the City will renegotiate the fuel surcharge, but until that renegotiation occurs, Robinson Waste is only allowed to
19 charge a fuel surcharge according to the terms included in the current agreement. Councilmember Robinson asked if a fuel
20 surcharge applies to any RFP. Mr. Carlson stated that most of the respondents included a fuel surcharge in their proposal.
21 Mr. Rice added that those types of things can be negotiated between a vendor and the City.

22 COUNCILMEMBER SHINGLETON SECONDED COUNCILMEMBER PETERSON'S MOTION TO PROVIDE
23 A DUE DATE FOR THE PAYMENT DUE ACCORDING TO THE SETTLEMENT AGREEMENT. ALL VOTED IN
24 FAVOR.

25 Mayor Nagle then called for a vote on the original motion to authorize the administration to execute the settlement
26 agreement. ALL VOTED IN FAVOR.

27

28 6. Adopt Tentative Fiscal Year 2012-2013 Budget and set public

1 hearing for June 12, 2012 to consider adoption of Final Budget.

2 A staff memo from Finance Director Steve Marshall explained that according to Utah Code Annotated Title 10,
3 Chapter Six, the City Budget Officer is required to prepare and file with the Governing Body a tentative budget for
4 consideration. Each tentative budget shall be reviewed and tentatively adopted during any regular City Council meeting on or
5 before the last meeting in May. Each tentative budget adopted by the Governing Body and all supporting schedules and data
6 shall be a public record in the office of the City Auditor or the City Recorder, available for public inspection for a period of at
7 least 10 days prior to the adoption of a final budget. The governing body shall establish the time and place of a public
8 hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the
9 public hearing. The City Council could set a public hearing for June 12, 2012 to consider adoption of the final budget.

10 Mr. Rice stated that the tentative budget is a balanced budget and there is \$3.9 million budgeted for capital projects
11 over the next couple of years. He stated that staff sensed from the Council that there was not an appetite for metering
12 secondary water, so the money that had been set aside for that project has been redirected to secondary water projects to
13 finish and improve the system.

14 COUNCILMEMBER PETERSON MOVED TO ADOPT THE TENTATIVE FISCAL YEAR 2012-2013 BUDGET
15 AND SET A PUBLIC HEARING FOR JUNE 12, 2012 TO CONSIDER ADOPTION OF THE FINAL BUDGET.
16 COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

17 Councilmember Johnson stated that he has a question about the street lighting fund. He stated that during the budget
18 retreat there was a discussion about making a double payment at the beginning of the year, but he sees that has been reduced
19 to just one payment. Mr. Marshall stated that is correct and it is because originally staff believed that the street lighting
20 project would not commence until the beginning of the new fiscal year, but at the last Council meeting the Council
21 authorized an agreement that would cause the project to start in the current fiscal year. He stated that the extra payment will
22 be made in the current fiscal year. Councilmember Duncan stated that it appears that the street lighting fee is being
23 increased; he noticed the revenue generated by that fee is scheduled to increase by a couple thousand dollars. Mr. Marshall
24 stated the fees are not being increased; rather, there are more residents living in the City and the increase is simply the capture
25 of the fees paid by those new residents. He stated that is the case across the board for a lot of accounts that are funded by fee
26 revenue. Mayor Nagle added that in order to increase fees charged in the City, the Council would need to approve an
27 amendment to the fee schedule. She stated that fees cannot be increased through the adoption of a budget.

1 Councilmember Johnson stated that he wanted to point out that there will be a \$1.00 per resident per month increase
2 in the sewer bill. He stated that increase was passed on by the North Davis Sewer District (NDSD) and the City collects the
3 fee for the NDSD. Mr. Marshall stated that is correct.

4 Councilmember Duncan stated that he sees different areas in the budget where employment benefits are “all over the
5 place” and they do not match up with increases or decreases in wages. Mr. Marshall asked him to point out a specific
6 example. Mayor Nagle stated that the benefits for Fire and Police Department employees are funded at a different percentage
7 than non-public safety employees. Mr. Marshall stated that depends on the benefit that is being referred to. Mayor Nagle
8 added that there is a different percentage contributed to the Utah Retirement System based on whether an employee is a tier
9 one or tier two employee. Mr. Rice added that some single employees have gotten married over the past year and so their
10 benefit costs have increased since the adoption of the current budget. Councilmember Duncan stated that he is asking if the
11 changes reflect actual changes in departments. He stated he wanted to be sure that the City is not incurring additional
12 benefits. Mr. Marshall stated that the City is not incurring additional benefits; the budget does not include any new full time
13 employment positions for the upcoming fiscal year. He stated that he calculates benefits by each employee. Councilmember
14 Duncan stated he wanted to ensure that the benefits package offered to employees is not being changed. Mr. Marshall stated
15 there are no changes over what has already been approved by the Council. He stated the Council approved a 6.8 percent
16 increase for medical benefits, a URS mandated increase, a reduction of one percent for dental benefits, and unemployment
17 benefits increased somewhat. Mayor Nagle noted that the City has transitioned to an 18-month flex spending account
18 structure as well.

19 Councilmember Duncan then noted that quite a few sundry accounts have increased over the amount that was
20 budgeted last year. Mr. Marshall asked Councilmember Duncan to be more specific. Councilmember Duncan stated the City
21 Council’s sundry account has increased from \$1,000 budgeted last year to \$3,000 budgeted for the upcoming year. Mayor
22 Nagle stated this issue was discussed at the retreat and she reminded the Council that the Chloe’s Sunshine Playground has
23 been selected as the recipient for all funds raised at the Davis County Gala. She stated that the City will purchase a table for
24 the event and the cost for that is \$2,500.

25 Councilmember Johnson stated the budget includes an increase to hire an intern. Mr. Marshall stated that Public
26 Works Director Whiteley has requested an intern to assist with the overwhelming amount of work related to road projects and
27 inventorying infrastructure in his department. He stated that the City Engineer is overwhelmed as well and needs some
28 assistance. He stated the intern would be a part-time employee. Mr. Rice stated that Mr. Whiteley envisions hiring a student

1 to work through the summer mapping the infrastructure of the City. Councilmember Johnson stated he noticed the budget for
2 the position was \$8,000 per year. Mr. Marshall stated that adding \$3.9 million in infrastructure projects will occupy Mr.
3 Whiteley and the City Engineer. Councilmember Johnson stated that he is concerned about adding the position to this budget
4 because it might remain in future year budgets. He stated his thought is for that to be a one-time expenditure for the
5 employee and he would like to remove it from the budget next year. Mr. Marshall stated that is a valid concern and each year
6 the City goes through the same budget preparation process to allow the Council to review the budget and any changes being
7 made. He stated staff and the Council can reassess the position next year. He added that he would not propose adding
8 something to the budget that he does not feel is necessary; he feels that the position would help the Public Works Department
9 tremendously. He noted that including salary and benefits, the budget for the position is just over \$10,000 per year. He
10 stated the employee will not receive health benefits, but the City is required to pay certain benefits for all employees.

11 Councilmember Lisonbee stated that page eight of the budget includes a chart for the utility enterprise funds and
12 under culinary water it identifies a federal grant in the amount of \$312,168 and she asked what that grant is for. Mr. Marshall
13 stated the grant is from the Environmental Protection Agency (EPA) from 2008 and it was to upgrade and expand different
14 water lines in the City to provide better service to the residents. He stated the grant was set to expire at the end of last year,
15 but the City decided to continue the grant because only \$162,000 of the grant had been utilized. He stated that the total grant
16 amount was \$477,000 including a 50 percent match from the City. He stated there is a long list of culinary water project left
17 to be completed in the City and staff prioritized those projects and found that they meet the criteria to continue the federal
18 grant. He stated the grant will now expire at the end of 2012 and \$312,000 is only 50 percent of the total cost for all water
19 projects being proposed. He referred to page six of the budget and noted there are six different projects included and he
20 highlighted the projects that meet the criteria for the grant causing 50 percent of the project cost to be covered by the grant.
21 Councilmember Duncan asked if the grant proceeds must be spent this year. Mr. Marshall answered yes. He stated that the
22 City could ask for another extension of the grant, but he does not think it is likely that will be granted. He stated the City
23 almost lost the grant for not spending it within the original time line, but the EPA was kind enough to grant the initial
24 extension. Councilmember Johnson stated he appreciates the number of capital improvement projects that have been
25 included in the budget; they will help to improve a lot of infrastructure in the City and that is what he wanted to see in the
26 budget.

1 Councilmember Lisonbee refereed to the section of the budget for the City Council and stated there are benefits
2 listed there totaling \$3,247. She asked if those are the basic benefits that the City is required to pay for all employees, to
3 which Mr. Marshall answered yes.

4 Councilmember Duncan stated that since the budget retreat there are a few things that have changed. He stated that
5 the budget includes a wage increase for the Planning Commissioners and he has actually heard from some Commissioners
6 who have told him they think that is a bad idea and they do not want a wage increase. Councilmember Johnson stated he
7 planned to make a motion to amend the budget by eliminating that wage increase. Councilmember Peterson asked why they
8 do not want a wage increase. Mr. Marshall asked if the Council is asking to eliminate the wage increase and he reminded the
9 Council that was a recommendation made by them during the budget retreat. Councilmember Duncan stated he remembered
10 that discussion, but he has heard reports from some Commissioners who say they do not want the increase. He then stated
11 the other question he has is relative to the \$10,000 in merit increases for Police Officers. He stated that he wondered why the
12 budget did not increase merit increases for all other employees and he then asked what kind of raises the Police Officers will
13 get if the \$10,000 increase is approved. Mr. Marshall stated that this issue was also discussed at the retreat and he explained
14 that Police Chief Wallace is planning to retire at the end of December and one proposal that has been made is to take part of
15 his salary and use it to give pay increases to some employees in the Police Department. He stated that the amount of the
16 increases can be determined at a later date when the budget for the Police Chief position is clearer. Councilmember Johnson
17 stated that if the wage increase would occur now or after Chief Wallace retires. Mr. Marshall stated that is one thing that
18 staff is still trying to decide. He stated that including the \$10,000 in the budget simply gives Mr. Rice more leeway in
19 granting wage increases up to the five percent annual cap.

20 Mayor Nagle stated the Council is asking some really good questions, but she reminded them that they are not
21 passing the final budget tonight; rather, they are simply being asked to set a public hearing to consider final adoption in June
22 and she would encourage individual Councilmembers to meet with Mr. Marshall or Mr. Rice to get in depth answers to their
23 questions.

24 COUNCILMEMBER JOHNSON MADE A MOTION TO AMEND THE TENTATIVE BUDGET BY
25 REMOVING THE WAGE INCREASE FOR THE PLANNING COMMISSION.

26 Councilmember Duncan stated that one reason he is asking questions is because he feels that if he has the questions,
27 citizens also have the questions. Mayor Nagle stated the Council is free to answer any question they get from a citizen and
28 she stated she simply wanted to remind the Council that they are not being asked to adopt a budget this evening.

1 Councilmember Peterson stated that he does not want to argue about the Planning Commission wage increase, but
2 he thinks it is strange to remove it. Mayor Nagle stated that she has heard from Planning Commissioners that feel they
3 deserve a wage increase and that is why she suggested adding it to the budget during the retreat. Councilmember Johnson
4 stated he was told by some members that they would be comfortable with no compensation because they feel they are serving
5 in a volunteer position. He stated he cannot speak for all of them, but the couple that he did talk to told him that they do not
6 want to look like they are getting paid as an incentive to serve on the Commission. He stated they are citizens that volunteer
7 and really want to participate. He stated they do not care about the money; rather they want to do what is right for the
8 citizens in the planning of the community. Councilmember Peterson stated he can appreciate that, but a small stipend goes a
9 long way in saying thanks for their time. Councilmember Shingleton stated the Commissioners that do not want the increase
10 could always donate it to a good cause, such as Chloe's Park. Mayor Nagle stated they also have the option of refusing the
11 increase. Councilmember Duncan stated he does not care what decision is made; he is simply trying to respect the wishes of
12 those he heard from.

13 Mayor Nagle stated that the Council will have further opportunities to amend the budget before the public hearing.
14 Councilmember Johnson reiterated his motion to amend the budget. Mayor Nagle called for a second. COUNCILMEMBER
15 DUNCAN SECONDED COUNCILMEMBER JOHNSON'S MOTION TO AMEND THE BUDGET. VOTING "AYE" –
16 COUNCILMEMBERS DUNCAN AND JOHNSON. VOTING "NO" – COUNCILMEMBERS LISONBEE, PETERSON,
17 AND SHINGLETON.

18 Mayor Nagle called for a vote on the original motion to adopt the tentative budget and set a public hearing for
19 consideration of adopting a final budget. ALL VOTED IN FAVOR.

20 Mayor Nagle stated staff has done a great job on the budget this year and dedicating \$3.9 million to infrastructure
21 projects is quite remarkable.

22 Councilmember Johnson stated that he wanted to make a request; he asked that staff review utility accounts and fees
23 and see if there is any way to reduce any fees charged, particularly the secondary water fees. Councilmember Shingleton
24 asked if there are a couple of bonds that will be paid off at the end of the calendar year. Mr. Rice stated there is at least one
25 bond that will be paid off this year. Mayor Nagle stated that the utility fees associated with that bond can be reviewed at that
26 time. Councilmember Lisonbee stated that it seems to her that the City collects quite a bit more than is being paid out for
27 secondary water and she stated perhaps the Council can consider that issue this year to determine if fees should be decreased.
28 Mayor Nagle stated that secondary water revenues can only be used on secondary water projects. Councilmember Lisonbee

1 stated she understands that, but even with depreciation the payout for secondary water is quite a bit less than what is being
2 collected. Mayor Nagle stated that is a conversation the Council can have. Mr. Marshall stated one of the main reasons staff
3 is pushing to inventory the City's infrastructure is to provide an understanding of the condition of all the infrastructure in the
4 City. He stated one of the great things about the budget is that the City is able to dedicate \$3.9 million of cash reserves to
5 infrastructure projects. He stated that depreciation basically means decreasing the value of the infrastructure, which is why
6 the City collects money in excess of the cost to operate the system so that when it is time to repair or replace the
7 infrastructure the City has money on hand to pay those costs rather than bonding to complete projects. He stated that one of
8 his goals for the upcoming fiscal year is to get a complete evaluation of infrastructure in order to estimate what projects are
9 needed over the next 10 to 15 years so that rates can be based on that information. He stated the last thing he would want to
10 do is reduce rates only to come back next year regretting doing that because of the lack of money available to complete
11 projects. He stated it is not unhealthy to bond for projects, but the Council will have the opportunity to determine how much
12 of the cash reserve should be spend on projects and how much should be paid for with bonds. He reiterated the assessment
13 will help them know how to plan for the future and what the fees should be set at in order to fund that planning. Mr. Rice
14 stated the City has the right people on staff to map the infrastructure and project a 10 to 15 year plan of the needs of the City.

15

16 7. Public Hearing – Proposed Ordinance 12-07 adopting Title Four

17 rewrite of the Syracuse City Municipal code pertaining to Public

18 Property and Utilities.

19 A staff memo from City Recorder Cassie Brown explained that a draft rewrite of Title Four of the City Code was
20 presented to the Council early in 2012. Since that time the item has been on two work session agendas for review and
21 discussion. At the conclusion of the last discussion staff was directed to add an item to the next business meeting to allow the
22 Council to consider final adoption of the document for inclusion in the City Code. Any changes made to the document since
23 the last discussion are highlighted in different colored font for easy reference.

24 Mayor Nagle convened the public hearing. Seeing no residents appearing to make public comments, Mayor Nagle
25 closed the public hearing.

26 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 12-07 ADOPTING THE TITLE
27 FOUR REWRITE OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO PUBLIC PROPERTY AND
28 UTILITIES. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

1
2 8. Proposed Ordinance 12-08 affirming Title Two of the Syracuse
3 City Code as currently drafted; or Proposed Ordinance 12-11
4 affirming Title Two with amendment.

5 A staff memo from City Attorney Will Carlson explained that on April 24, 2012 the City Attorney reported to the
6 City Council that the Council's January 2011 majority vote to recodify Title II was in error because four adjustments to
7 mayoral power in the recodification required either a unanimous vote of the Council without the Mayor or a majority vote
8 with the Mayor. In response, the Mayor and City Council directed the City Attorney to draft revisions to Title II that would
9 eliminate these adjustments. The City Attorney recommends that the Mayor and Council vote in favor of Proposed Ordinance
10 No. 12-08, affirming Title II as currently drafted. While this would adjust mayoral powers from the powers granted by the
11 old title, the adjustments are minor and the lost powers are unlikely to be exercised by present and future mayors. This
12 Ordinance requires either a unanimous vote of the City Council, or a majority vote of the City Council with an affirmative
13 vote from the Mayor. Should the Mayor and Council decline to adopt Title II as currently drafted, the City Attorney
14 recommends adopting First Substitute to Ordinance No. 12-11, affirming Title II with the attached revisions. This would
15 keep the statutorily identified mayoral powers the same between the old and new versions of Title II. This vote would
16 originally have required just a majority vote of the City Council, but because the argument could be made that these mayoral
17 powers were removed by the first vote on Title II, the City Attorney recommends that the Mayor vote on this as well as a
18 reinstatement of statutory mayoral powers. *See* Utah Code Ann. §10-3b-303(2). Should the Mayor and Council decide to
19 make further or different revisions to Title II passing that new version of Title II would require either a unanimous vote of the
20 City Council, or a majority vote of the City Council with an affirmative vote from the Mayor. This would be to resolve the
21 discrepancies in mayoral power between the old title and the version of Title II which was voted on in January of 2011.

22 Councilmember Peterson stated that judging from the discussion of the Council during the work session held prior to
23 this meeting he does not think this item is going to be resolved tonight, but he wants to try to move forward. He stated his
24 opinion is that the Council should affirm the version of Title Two that was voted on by the Council in January of 2011, but he
25 wants the Council to address the issues they feel are relevant so that they can move on to other things. He stated he is not
26 going to make a motion regarding this item and he gets the feeling no one else will either.

27 Mayor Nagle stated she hopes this issue does not turn into a bitter fight; the City went down this road four years ago
28 when the City Council made changes to the Administrative Title of the City that restricted the Mayor's duties. She stated the

1 issue was referred to the voters and they voted to restore the Mayor's duties in a six-member Council form of government.
2 She stated she hoped the Council does not choose to follow that same path and cripple the City by creating division again.
3 She asked City Attorney Carlson to provide his opinion of the status of the Administrative Title of the City and what could
4 potentially happen to the City while there is nothing in place. Mr. Carlson stated the City is subject to be challenged if any
5 part of the Title Two that was voted upon on 2011 that is different from the previous Title One is seen as detrimental to the
6 City. He stated there is a possibility that the person making that challenge would prevail because the 2011 vote did not
7 comply with State Code. He added, in contrast, that someone could also challenge the old version of Title One as well. He
8 stated the bottom line is that the City is vulnerable to challenge considering the current state of the Administrative Title.
9 Mayor Nagle added that she wanted to note for the record that the old Title One of the City Code was codified in 1970 and
10 the City had not been successful in recodifying the powers and duties of the Mayor and Council since that time. She stated
11 everything is now in limbo because of the Council's inability to address the issue. She stated she hoped the Council can
12 move forward quickly. Councilmember Duncan stated his recommendation to remove the City from limbo is to revert to the
13 old Title One and then move forward by readopting a new Title Two that complies with State Law. Mayor Nagle stated that
14 is an option, but to make changes to duties of the Mayor it is necessary to have a unanimous vote of the Council or a majority
15 vote of the Council with the Mayor voting favorably as well. She stated this is a power play and it is personal and the
16 residents will get caught in a legal battle as a result. Councilmember Johnson stated that the question that was raised in the
17 work session dealt with the process to adopt the new Title Two in 2011 was not carried out properly and a suggestion is to
18 nullify Title Two, which will cause the City to revert back to the old Title One without any vote being taken. He stated he
19 thinks that is a good first step to moving forward. He stated that the Council can look at the good parts of both Titles and not
20 look at changing any powers and duties. He stated it would be another recodification of the Title, but it is not necessary to
21 consider the powers of the Mayors unless everyone agrees there should be changes. Mayor Nagle stated the Council must
22 consider the powers because that is what the citizens voted on in 2007. Councilmember Shingleton stated that the Council
23 was already acting as a six-member Council form of government and that was included in Title One. Councilmember
24 Lisonbee agreed. Mayor Nagle stated that the City Code did not reflect that. Councilmembers Lisonbee and Shingleton
25 argued that it did. Councilmember Lisonbee added that her concern is that there have been citizens that have expressed that
26 they feel the recodification that was done improperly went against the lawsuit that was filed in 2007 and they are prepared to
27 file another lawsuit as a result. She stated she does not feel like reaffirming Title Two this evening would clear the City of
28 that liability, nor would affirming the other option that has been provided to the Council. She stated she feels it is very

1 important that the Council do things the right way and in looking through the old Title One there are many changes in the
2 balance of power that the Council needs to address. She stated she does not think this is about any one person; she thinks it is
3 about the process and it is important that the Council address that. Councilmember Duncan stated what he is being told is
4 that he is “gumming up the process” and putting the City in a position of liability. He stated that he has before him an
5 ordinance that is contrary to the State Code. He stated he wants to make it abundantly clear that the City Council is in favor
6 of rectifying something that was done incorrectly in 2011 and the Mayor is telling the Council that is not the way to do it.
7 Mayor Nagle stated that she is simply telling the Council that they should follow the advice of the City Attorney, whom was
8 hired to keep the City out of court. She stated that the best way forward is to consider one of the two options presented by
9 Mr. Carlson. Mr. Carlson stated the Council can certainly consider a third option, which is to revert to the old Title One. He
10 reiterated that any one that would benefit from the old version and be hurt by the new version could challenge the City Code.
11 He stated that if the Council chooses to proceed with annulling Title Two and decides not to vote in accordance with State
12 Code, anyone that benefits from the new version or is disadvantaged by the old version could likewise challenge the City. He
13 stated that is why he is recommending that regardless of the decision that there be a majority vote with the Mayor’s
14 affirmative vote or a unanimous vote of the Council. Mayor Nagle stated that the Council will not be making a decision
15 tonight and she suggested that the item be added to the next work session agenda for further discussion. Councilmember
16 Duncan stated that one of the things that Mr. Carlson has stated is that the Mayor has the ability to rely on precedent and he
17 wants some legal research conducted into that issue prior to the next meeting. He stated that his interpretation of Mr.
18 Carlson’s comments are that because the Mayor has relied on Title Two for the last 18 months it has become an acceptable
19 Title. Mr. Carlson stated he has referred to anyone benefitting from either Title; his comments were not specific to the
20 Mayor. Councilmember Duncan stated that regardless he wants research conducted into the idea that even though a law is
21 not properly passed someone can rely on it being valid and has the ability to pursue legal action because of that.

22
23 9. Proposed Ordinance 12-09 amending various provisions of Title
24 10, the Land Use Ordinance, relating to a new Flex Development Zone.

25 A staff memo from the Community Development Department explained that in response to requests from The
26 Ninigret Group and City leadership, City staff has developed a proposed Flex Development Zone document that could meet
27 the needs and intent of Ninigret to develop a portion of northeast Syracuse City, as well as allow the potential use of this zone

1 in other locations within the City where it may be appropriate. City staff believes that this zone may have application
2 elsewhere in the City, and therefore zoning language is included to make it transferable to other parts of Syracuse.

3 The purpose of the Flex Development Zone is to provide for a range of development opportunities to allow a property
4 owner/developer flexibility to tailor a project that meets the changing needs of the market—this could include uses such as:
5 manufacturing, professional office, retail, distribution, warehousing, processing, packaging, storage, shipping and other
6 transportation activities, and a general blend of similar uses contributing to the economic base of the city. The goal of such a
7 zone would be to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and
8 the tax base, and to improve the design quality of similar uses.

9 On February 21, 2012, the Syracuse City Planning Commission received their first draft of the Flex Development
10 Zone. Since that first review, three separate drafts have been developed through Planning Commission discussions (see
11 attached Flex Development Zone Draft A, B, & C). Draft A is language staff initially prepared for this zone that has since
12 been refined. Draft B is a more highly restrictive version, developed through working with the Planning Commission. Draft C
13 reflects the final comments staff received during the Planning Commission Work Session on April 17, 2012, and is the most
14 restrictive of the three drafts. In addition to this and prior to presenting the documentation to City Council, the Syracuse City
15 Attorney has reviewed the language and provided suggested minor amendments to the document. On March 20, 2012, the
16 Syracuse City Planning Commission held a public hearing regarding the proposed Flex Development Zone, in which multiple
17 comments were received (submitted letters and emails pertaining to Flex Development are attached; Planning Commission
18 minutes are also available upon request). On April 17, 2012, the Syracuse City Planning Commission voted to deny the
19 proposed Flex Development Zone (which included all variants of the proposed zoning document) for inclusion into the Land
20 Use Ordinance. The motion to deny was prefaced with the reasoning that industrial uses listed in the proposed Flex
21 Development zoning document do not belong in Syracuse.

22 The Community & Economic Development Department hereby recommends that the Mayor and City Council
23 discuss the inclusion of a new Flex Development Zone in Title Ten within the Syracuse City Code to reflect attached
24 Ordinance No. 12-09 and/or that the Mayor and City Council amend Title Ten, to include a new Flex Development Zone
25 within the Syracuse City Code to reflect attached Ordinance No. 12-09.

26 COUNCILMEMBER JOHNSON MADE A MOTION TO DENY PROPOSED ORDINANCE 12-09 AMENDING
27 VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE, RELATING TO A NEW FLEX
28 DEVELOPMENT ZONE. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

1 Councilmember Peterson asked if someone is proposing an alternative to the Proposed Ordinance. Councilmember
2 Johnson stated that the reason he made the motion is because of the comments the Council heard tonight from the public,
3 namely the comments about the business park zone that the Planning Commission prepared. He stated he would like to see
4 an item regarding that zone on the next City Council work session agenda. He stated he feels there is a myriad of ways the
5 Council can look at development in the City and he does not think this is the correct way. He stated the flex zone as written
6 has way too many permitted uses and it is a blank check in his mind. He stated he believes it can be honed down and other
7 zones could be created with more specificity. He stated he is not saying no to development, but this zone is not right for the
8 City; there is other zoning that is right for the City that can invite and entice development. He stated that this could be the
9 starting point of negotiations; the Council can review the business park zone or possibly modify the industrial park zone that
10 is currently in place. He stated the work the Planning Commission has done has been excellent and he trusts that they denied
11 the flex zone for a reason and he looks forward to reviewing the business park zone they developed. He stated that all parties
12 can be involved in future discussions and negotiations. He suggested citizen involvement, the involvement of Ninigret, or
13 any other developer. He stated this zone as written is not conducive to the City. He stated the Council needs to hear
14 everyone's thoughts about zoning. He stated that in his mind, zoning is developed to help control the City and dictate what
15 uses will be allowed in different areas of the City. He stated that the flex zone language varies from that way of thinking and
16 allows too much openness in one area of the City. He stated that he wants to deny the flex zone and bring forth the business
17 park zone and possibly look at all zones in the City to determine how to accommodate different businesses.

18 Councilmember Peterson stated he disagrees the flex zone is a blank check. He stated he feels it allows for a wide
19 range of uses, but many of the uses require conditional use approval and they must meet minimum laws and standards to be
20 allowed. He stated that the businesses are given some latitude, but the City still has control over what can be developed. HE
21 stated he thinks some work can be done on this issue. He stated he did not attend the Planning Commission meeting where
22 they made a decision on this issue and he has not reviewed the minutes of that meeting, but he got the feeling that they
23 possibly got frustrated with the issue and they decided to vote against it. He stated that he feels this issue is becoming more
24 about Ninigret rather than the actual zoning. Councilmember Johnson stated that it should be about zoning at this point and
25 he does not think this is a zone he would like to see in any part of the City. He stated he is not considering Ninigret at this
26 point; rather he is trying to look at what zones would fit in different areas of the City. He reiterated he does not believe this is
27 a good zone for any part of the City. Councilmember Peterson asked Councilmember Johnson to be specific about what he
28 does not like about the zone. He stated that there is already an industrial zone right next to the subject property.

1 Councilmember Johnson stated that is correct and the industrial zone is good. He noted there is also a good zone for
2 commercial uses, research parks, professional office space, etc. He stated that the point of zoning is to dictate what types of
3 uses will be allowed in certain areas of the City. He stated a flex zone is too broad and encompasses so many uses that
4 someone can get in other different zones in the City. He stated he feels it is basically the combination of three zones in one.
5 Councilmember Peterson stated he feels it is more healthy for that area to not draw firm lines. Councilmember Johnson
6 stated he is not talking about that area; instead he is talking about the whole City. Councilmember Peterson stated that this
7 issue was raised because of that area. Councilmember Duncan stated the City needs to be very specific about creating
8 specific zoning for specific developers. Councilmember Peterson stated that, in his opinion, the flex zone is more healthy
9 that drawing lines that dictate what uses can be allowed in different portions of the parcel. He stated the flex zone gives the
10 opportunity for a company to provide buffering or transitional uses.

11 Councilmember Lisonbee stated that she emailed Mr. Rice and asked for the minutes of the last Planning
12 Commission meeting and they were very enlightening. She stated that at the beginning of the meeting Chairman Day stated
13 that he believed the proposed zone had a lot of value, but he struggled with its compatibility with the General Plan and did
14 not consider it useful in certain areas of the City and would probably vote it down. She stated that later in the meeting after
15 discussion, Commissioner Bodrero commented that he liked the zone and he referred to it is a tool to be included in the
16 City's tool box. She stated that Commissioner Pratt engaged in a back-and-forth discussion about whether it was an
17 appropriate tool for the City. She stated that she thinks there were a lot of really good comments made on both sides of the
18 issue. She stated that she has read through the zoning language and she agrees that it is a combination of three other zones
19 that are currently included in Title Ten. She stated that while she can see that it opens up certain areas of the City to be more
20 flexibly developed, she hesitates to adopt the zone. She stated that she agrees that it does not comply with the General Plan
21 and she is concerned that the Council is not following the proper procedure. She stated if the Council wants to consider
22 adopting the zone, they should probably open and amend the General Plan first. She stated she had questions about why it
23 would be appropriate to create a zone that would basically negate three other zones in the City or opens the door for certain
24 development. She stated that she has concerns similar to Councilmember Johnsons. She added that she has also talked with
25 the Ninigret developer and there is not a lot in the flex zone that would allow him to do what he wants with the property. She
26 stated that she does not feel that the zone is appropriate for the City at this current point in time. She stated that tonight she
27 would hesitate to vote for or against the zoning because she does not know the Council has considered all options; she would

1 have preferred to see what the Planning Commission actually passed on the same agenda. She stated she feels it is odd that
2 the Council is considering a zone the Commission denied and not considering a zone they actually approved.

3 Mayor Nagle stated that she talked to Councilmember Shingleton prior to this meeting and he indicated that he
4 thought it would be a good idea to table this item and have further discussion about it in an extended work session meeting.
5 She stated that would allow the Council to gather everyone's opinion, hear from all City staff involved, and better
6 disseminate information. She stated that maybe a flex zone is not needed in the City and in the end the zoning is supposed to
7 protect the City and not a developer. She stated perhaps it would be appropriate for someone to make a substitute motion to
8 table the item so that it can be discussed in a work session at the end of the month. Councilmember Johnson stated that he
9 thinks the Council can meet in a work session with all parties involved, but he does not think this is the appropriate starting
10 point for that discussion. Councilmember Duncan stated that he does not feel denial of this zone would end the discussion
11 about Ninigret developing in the City. He stated there are some things about Ninigret that are very inviting, but the real
12 question before the Council tonight is whether flex zoning is appropriate for the City, but it is not on the table to night to
13 discuss whether "we" want Ninigret in the community. He stated one reason he is in favor of denying the zone this evening
14 is because he has talked to Ninigret and he feels there are other ways to reach a conclusion. He stated that he wants to make
15 it abundantly clear that he is very disappointed that the business park recommendation was not forwarded to the City Council
16 at the same time that the flex zone was forwarded. He stated he feels that is a slap in the face to the Planning Commission
17 and he does not appreciate that both items were not included on the agenda. He stated that he has reviewed the General Plan
18 and it is very extensive and thorough and it has been developed over decades. He stated that one thing he noticed in his
19 review is that the City has been very careful and methodical in the decisions that have been made. He stated that Ninigret
20 may fit into the community, but it is going to take some radical revisions to the General Plan and the idea behind it. He
21 stated that as a member of the City Council he does not feel he has the right, nor does he have the desire, to overlook several
22 years of serious consideration and participation by the citizens and Planning Commission. He stated the process is designed
23 to provide careful consideration of the City as a whole. He stated that if the Council is going to table this issue, he is not
24 interested in revisiting it again in two weeks. He stated the Planning Commission is currently reviewing the General Plan
25 and he would like to allow them to talk to Ninigret and citizens about the issue. He stated that denying flex zoning is not the
26 same as telling Ninigret to "take a flying leap" because there are other ways of incorporating them in the City. He stated the
27 real discussion needs to be about the General Plan. He stated that if Ninigret wants the property bad enough they can wait for
28 that to be worked through. He stated the bottom line is that he does not feel the issue can be resolved in two weeks. He

1 stated he is very familiar with what Ninigret wants and he is very sympathetic to many of the things they want. He added he
2 is also very excited about some of the things they can offer, but he is very concerned with how starkly their ideas contrast
3 with the City's General Plan. He stated that adopting the flex zone now would go against the General Plan. He stated that
4 there were comments made about what precedent adopting the flex zone would set. He stated that for decades the City has
5 been very careful and methodical and that would be destroyed or demeaned if it is not followed in this instance. He stated he
6 feels the Council needs to slow down and have discussions with Ninigret while considering the General Plan. He stated he
7 does not think a decision needs to be made in the next two weeks and he is not excited about spending meeting after meeting
8 discussing the issue. He stated he feels the time needs to be taken to actually review the General Plan.

9 Councilmember Johnson stated that he feels the Council is talking about two different issues. He stated
10 consideration of a zone is in front of the Council tonight and he does not feel that should be tabled; rather, the discussion
11 should be had with other parties about development and that is not connected to the flex zone. He stated the Council can still
12 look at zoning options for Ninigret. He stated Ninigret needs to be separated from this issue. He stated denying this
13 Proposed Ordinance simply communicates that the Council does not want this particular zone in the City. He stated he is still
14 open to have discussions with Ninigret and he stands by his motion to deny the creation of a flex zone.

15 Mr. Rice stated that he wanted to address the business park zone issue raised by Councilmember Duncan. He stated
16 that staff did not forward the business park zone to the Council because there are currently no users requesting business park
17 zoning. He stated that there are users that are requesting the flex zone, which is why it was forwarded to the Council. He
18 stated there is an additional zone – the neighborhood services zone – that staff intends to forward to the Council before
19 forwarding the business park zoning because there is a user requesting it as well. He stated there is no urgency to consider or
20 adopt a business park zone. Councilmember Lisonbee stated that she just heard from Mr. Rice, and she read in the Council
21 packet, that Ninigret requested the flex zoning, but she has been told by Ninigret that they did not request the flex zoning;
22 rather, they requested certain zoning changes and they were handed the flex zone by staff as an option. Mr. Rice stated staff
23 has been working on the flex zone since December after researching what zoning options exist in other cities.

24 Councilmember Lisonbee asked if Ninigret really requested the flex zone or did they simply request certain aspects that are
25 included in the flex zone. Mr. Rice stated he is not sure of the answer to that question but he knows there is a user interested
26 in the zone. He stated that the landowner would like the zoning language. Councilmember Lisonbee asked if they wanted
27 everything included in the flex zone. Mr. Rice stated that they did not ask for everything that is included in the zone
28 language and he reiterated that staff began working on the flex zone quite a while ago. He stated that there are one or two

1 other locations in the City where the flex zone would be appropriate. Mike Ostermiller, speaking on behalf of Ninigret,
2 stated that their position on this issue has been very consistent throughout the process. He stated that they look at the flex
3 zone as a solution to the problem they are trying to solve, but they do not look at it as the only solution. He stated he
4 appreciates the discussion this evening and he noted it is very similar to many discussions that have already taken place. He
5 stated their position has always been that they are more than willing to slowly talk and work this issue and figure out what
6 makes sense for them, the City, and the citizens. He stated he feels that tabling this issue for further discussion in future work
7 sessions would be very appropriate and they would be more than happy to participate at the Council's discretion.

8 Councilmember Duncan addressed Mr. Ostermiller and asked if there are still options available to Ninigret if the Council
9 decides against the flex zoning. Mr. Ostermiller stated there are still options, though there will be fewer options. He stated
10 his position has always been that the Council should table it for now and then go in a different direction if that is what they
11 choose to do. He stated he would like for it to be kept open as a possibility. Councilmember Duncan stated that he has tried
12 to work with both parties on both sides of this issue, but what he has heard from the Planning Commission and residents and
13 he shares some of their concerns about this zone. He stated that his point is that Ninigret could still develop a profitable
14 project even if the flex zoning is denied. Mr. Ostermiller agreed denial of the flex zone will not "kill" the project. He noted
15 there are certainly other options for Ninigret. He stated the flex zone could be changed and "tweaked" in the future until the
16 Council feels comfortable with it in order to adopt it. He stated other options would be to create another zone and figure out
17 how to craft it so that it protects the City or to "tweak" an existing zone in a way that would allow development while
18 allowing the City the ability to protect its citizens, which he knows the Council is very concerned about. Councilmember
19 Johnson stated that is his position; he feels that other zones can be changed if necessary or a new zone could be created. Mr.
20 Ostermiller stated his only response to that position is that if the Council denies the zone tonight rather than table it, one of
21 the options of reworking the flex zone to a point that the Council is comfortable with, would be killed. Councilmember
22 Johnson stated he wants to deny the flex zoning tonight and start working on a whole new zone. Councilmember Peterson
23 stated there are three documents in the packet tonight that the Council could use a starting point if they decide to table rather
24 than deny the Proposed Ordinance. Councilmember Johnson stated there are an additional five or six documents floating
25 around that the Council could use as a starting point. He stated the flex zone has some good things that they could use in
26 another zone, but as it is written it is not viable for his vision for the City, but the Council can start having a conversation
27 about creating a light industrial or other type of industrial zone. He stated he does not want to stop the discussion about the
28 project, but he does not feel that the flex zone is the appropriate starting point for the discussion. Councilmember Duncan

1 stated that changing the name of the zone does not change what it is and he wants to express that he is concerned about
2 having so much flexibility in a zone and he will not be happy if the zone is renamed, unless the General Plan can be changed
3 in an appropriate manner with citizen input, etc. He stated he is not an expert and he is only one citizen and he would prefer
4 to look at the history of the City and determine whether ideas will fit with the General Plan.

5 Councilmember Peterson stated that he had a few more comments to make. He stated that he sympathizes with the
6 citizens that live near the proposed development. He then addressed the Planning Commissioners present and stated that is
7 uncomfortable with the fact that they had so many problems with the flex zone because he has respected everything the
8 Planning Commission has done since he has been a Councilmember. He stated he also respects the work that previous
9 Planning Commissions and City Councils have done. He then stated that he has also read the entire General Plan and there
10 are two sections that say “the implementation of the General Plan involves changes and additions to ordinances, zoning, and
11 City policy”. He stated that people have recognized along the way that the General Plan is not set in stone and it will be
12 necessary to change it as the needs of the City change. He then stated that he feels that there would still be ways to protect
13 the citizens that live near the project area if the flex zone were adopted. He stated that he thinks there some things within the
14 flex zone language that would protect them and there would also be the opportunity to protect them through architectural
15 review and engineering. He stated that the Council does not want to allow for the construction of an eye-sore or a nuisance,
16 and he thinks that the flex zone accomplishes that. He reiterated that he respects the feelings of those that live there.

17 Councilmember Duncan stated that he lives by the project area and he knows most of the people that live in that area and
18 there are many people present this evening that do not live in the area. He stated this is not just about the people that live in
19 the area, but it is about people that live throughout the City. Councilmember Peterson stated that is correct, but the people
20 that the Council has heard from many times live in that area. Councilmember Johnson stated that he has talked to many
21 residents and there are a lot of people that live throughout the City that are opposed to the project. Councilmember Peterson
22 stated that he has spoken to many people that are in favor of the project.

23 Mayor Nagle stated there has been a motion and a second to table the Proposed Ordinance. She called for a vote.
24 VOTING “AYE” – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, AND SHINGLETON. VOTING “NO” –
25 COUNCILMEMBER PETERSON.

26
27 10. Proposed Ordinance 12-10 amending various provisions of
28 Title 8, the Subdivision Ordinance, relating to cul-de-sacs.

1 A staff memo from Cul-de-sac length deficiencies were first brought forward to Planning staff from the City
2 Engineer, who noticed multiple examples throughout the City where cul-de-sacs were well in excess of the current Title
3 Eight standard of 400 feet. Examples include cul-de-sacs in excess of
4 800 feet (see attached City cul-de-sac examples). To assist in curing some of the existing deficiencies, expand development
5 flexibility, and provide a mechanism that encourages creative design while also meeting City needs, amendments to the cul-
6 de-sac ordinance are proposed as attached. Police, Fire, Public Works, and the City Attorney have all reviewed, commented,
7 and accepted the proposed changes.

8 On May 1, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments
9 to the cul-de-sac language, in which one comment was received. On May 1, 2012, the Syracuse City Planning Commission
10 approved recommendation to the Syracuse City Council the attached amendment to Title Eight, Chapter Three, Public
11 Improvements – Cul-desacs within the Syracuse City Code. Proposed changes include the increase of the standard cul-de-sac
12 length from 400 feet to 500 feet with the ability to apply for an exception up to the length if specific provisions (as listed in
13 the attached ordinance language) are met.

14 The Community & Economic Development Department recommends, following recommendation from the Syracuse
15 City Planning Commission, that the Mayor and City Council amend Title Eight, Chapter Three, Public Improvements – Cul-
16 de-sacs within the Syracuse City Code to reflect Ordinance No. 12-10.

17 COUNCILMEMBER SHINGLETON MADE A MOTION TO REFER PROPOSED ORDINANCE 12-10
18 AMENDING VARIOUS PROVISIONS OF TITLE 8 TO THE PLANNING COMMISSION. COUNCILMEMBER
19 DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

20
21 11. Authorize Administration to execute agreement for the 1350
22 South and 1475 South road improvement project.

23 A staff memo from Public Works Director Robert Whiteley explained this street project is one that was identified in the list
24 presented to City Council as a high priority neighborhood street that receives high traffic volumes. 1350 South is located in front of
25 Cook Elementary. 1475 South is a nearby street that brings traffic into the neighborhood from 1000 West. The project will conform to
26 a geotechnical report that was performed recommending a full reconstruction with three inch asphalt on eight inch base on fabric. In
27 preparation of this construction, a section of sewer main will be replaced in June and sections of curb and gutter that have failed will
28 be replaced this month. Sidewalk ramps on the east end of 1350 South were replaced last month. Additional sidewalk ramps on the

1 west end of 1350 South will be replaced this month. The street reconstruction will begin in July and will be complete before school
2 begins in August. The cost for this project came in approximately \$20,000 less than the estimate. The four lowest bids came in fairly
3 close to one another. The bid amount on this project is \$150,150. Funding for this project will come from our Class C road funds.

4 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE
5 AGREEMENTS FOR THE 1350 SOUTH AND 1475 SOUTH ROAD IMPROVEMENT PROJECT. COUNCILMEMBER
6 LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

7
8 12. Councilmember reports.

9 Councilmember Lisonbee stated that she wanted to comment on the concept of healthy dialogue and she noted that
10 the foundation of the City is its citizens and she appreciates all the citizens that took the time to come and address the Council
11 about an issue that they feel very passionate about. She stated that she respects the sacrifice that often takes after having done
12 the same thing for one and a half years before she was elected as a Councilmember. She stated that she appreciates citizens
13 attending the meeting and she appreciates the healthy dialogue that took place this evening. She stated that discussions result
14 in win-win situations more often than not because the Council is willing to dialogue and be open and honest. She stated she
15 has nothing to report relative to the assignments she holds as a Councilmember and she asked Mr. Rice when the Taxing
16 Entity Committee (TEC) will begin meeting. Mr. Rice stated that the scheduled for the TEC meetings has not yet been set.

17 Councilmember Shingleton stated that he wanted to recommend that the Council review the Planning Commission
18 recommendation about the business park zone; he was disappointed that the Council did not have that recommendation
19 available to them so that it could be included in the discussion this evening. He stated that he would like to commend staff
20 for the things that they have done recently, especially their work on the budget. He stated that this is the best budget the City
21 has seen in a long time and he wanted to congratulate those that have worked so hard to prepare it. He stated he would also
22 like to thank the citizens; this is their government and they are all listened to and he wanted them to know that. He stated he
23 would like to see a work session where the Council could spend an extended amount of time discussing the zoning issue; he
24 feels that the Council was short changed by only having 10 minutes to discuss the issue this evening.

25 Councilmember Duncan stated that he wanted to echo some of Councilmember Shingleton's feelings. He stated that
26 this has been an overwhelming process, but he has been very pleased with some of the things that have happened. He stated
27 that he has been pleased with those citizens that have showed their concern and he wished that more people would attend
28 City Council meetings to express their opinions. He stated that he does appreciate that everyone handled their emotions very

1 well tonight; this is a tough, divisive issue and he appreciates Councilmember Peterson's comments. He stated that moving
2 forward the City Council can only be as good as the people that are backing them and he would really like to see some good
3 work from the citizens and Planning Commission relative to any General Plan amendments. He stated that the changes
4 should acknowledge what "we" want for "our" City so that when this issue is brought up again the Council can be
5 comfortable that good decisions were made by people involved. He then stated he would also like to see an agenda item on
6 the next Council meeting agenda dealing with the Business Park zone language that the Planning Commission recommended
7 for passage by the Council.

8 Councilmember Peterson stated he wanted to provide a report about his participation with on the North Davis Sewer
9 District (NDSD) Board. He stated that they will be increasing their user fees by \$1.00 per household per month and he would
10 like to hear from the NDSD very soon about that issue because they have a detailed presentation regarding the increase. He
11 stated that the NDSD is a wonderful sewer district that has recently received a couple of prestigious awards; they were
12 featured in an international publication about sanitary sewers and the need for them. He stated the article also highlighted
13 some of the problems other countries have related to their sewer systems. He stated there was also a recent annual awards
14 banquet held by the Water Environment Association of Utah and the NDSD swept the majority of the awards, with the most
15 notable being the lab of the year and the safety awards. He stated that so many people take a sanitary sewer system for
16 granted. He then stated the last thing that he wanted to report is related to the non-obvious things that people should not put
17 down their drains that end up at the sewer plant. He stated that hair, egg shells, fruit rinds, stickers from fruit, and wet wipes
18 cause big problems for the NDSD. He closed by stating that there are some great things happening at the sewer plant and he
19 supports the \$1.00 increase.

20 Councilmember Johnson stated he would also like to compliment the staff on the great job they did in preparing the
21 budget; he feels the City is in a good position, especially relative to capital projects. He stated that in the future the City
22 should be able to continue to add projects to the list to be completed or decrease debt and maintain the City in the best way
23 possible. He agreed with Councilmember Shingleton and Duncan about adding an agenda item to the next meeting agenda
24 regarding the business park zone. He stated that he also appreciates the Planning Commission and the work they have done
25 and not wanting to increase their salary has no bearing on the great job they are doing. He stated that he only has fiscal
26 responsibility in mind. He then stated that he attending the Antelope Island Tourism Board meeting and it was a very good
27 meeting; there are a lot of things going on with that group that the Community Development Department is involved in. He
28 stated that the local Chamber of Commerce is very involved as well. He stated the City has a great niche with Antelope

1 Island and he hoped that everyone can get and participate in events taking place there. He stated the Great Salt Lake Bird
2 Festival will be held there in May and he provided the web address, greatsaltlakebirdfest.com, for anyone interested in
3 getting more information about the event. He stated there will also be a moonlight bike ride in July and the Antelope Island
4 Stampede at the end of the summer. He stated that he believed a lot of the activities will be advertised in the City's
5 newsletter and there will be opportunities for community members to volunteer or get involved in other ways.

6
7 13. Mayor report.

8 Mayor Nagle stated she would like to encourage everyone to come to Centennial Park on May 12 at 11:00 a.m. for
9 the Military Appreciation barbeque. She stated that there was a bad accident on Hill Air Force Base over the past weekend
10 and they have rebounded from it very well and they are now looking to cities for assistance in bussing for the air show
11 because of that. She stated that Syracuse will do everything possible to step up and help them.

12
13 14. City Manager report.

14 Mr. Rice stated that he believed the Council had received a copy of the press release regarding the City's new anti-
15 idling policy that has been created. He stated that it was modeled after Salt Lake City's policy and it applies to all employees
16 driving a City vehicle.

17
18 15. Consideration of adjourning into Closed Executive Session
19 pursuant to the provisions of 52-4-205(1)(a) of the Open and
20 Public Meetings Act for the purpose of discussing the character,
21 professional competence, or physical or mental health of an
22 individual; pending or reasonably imminent litigation; or the
23 purchase, exchange, or lease of real property.

24 COUNCILMEMBER SHINGLETON MOVED THE COUNCIL ADJOURN INTO A CLOSED EXECUTIVE
25 SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW
26 FOR THE PURPOSE OF DISCUSSING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR
27 MENTAL HEALTH OF AN INDIVIDUAL; PENDING OR REASONABLY IMMINENT LITIGATION; OR THE
28 PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. COUNCILMEMBER PETERSON SECONDED THE

1 MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING “AYE” – COUNCILMEMBERS JOHNSON,
2 LISONBEE, PETERSON, AND SHINGLETON. VOTING “NO” – NONE.

3 The meeting adjourned into Closed Executive Session at 9:30 p.m.

4 The meeting reconvened at 10:45 p.m.

5

6

7 At 10:46 p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER
8 DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

9

10

11 _____
12 Jamie Nagle
13 Mayor
14
15 Date approved: _____

Cassie Z. Brown, CMC
City Recorder



COUNCIL AGENDA

July 31, 2012

Agenda Item “3”

Proposed Ordinance 12-18, amending the Syracuse City General Plan adopted in 1976, as amended.

Factual Summation

- Any questions regarding this item may be directed at Community and Economic Development Director Mike Eggett and City Planner Noah Steele.
- See design renderings for land located between 200 South and 700 South adjacent to Syracuse High School and west of the power corridor
- See General Plan District One Memorandum and supporting information dated July 3, 2012

Background

The City Council met on July 3, 2012 to discuss the General Plan recommendations that were submitted to the City Council by the Planning Commission (please reference previous General Plan District One memorandum and information dated July 3, 2012). This matter was discussed for a period of time and during the discussion comments were raised regarding whether or not to hold a public hearing on this matter and whether or not to continue the matter for additional discussion and review. A motion was made to modify the Planning Commission proposal and adopt the recommendation of changes to the General Plan for District One. This motion was not passed. Another motion was made to table this matter for further discussion to allow time for the City Council to consider the changes and to become more educated regarding the suggested changes for District One of the General Plan. As part of this motion it was suggested to discuss this matter again during a work session on the 31st of July, 2012. The motion was approved and continued for discussion and review purposes during a July 31, 2012 Work Session. It is for this purpose that it is on the current agenda.

For use and review by City Council, the CED Department has been asked to create map renderings of how the area between the high school and the power corridor might look if developed using the Industrial Development (ID) zone buffered by the Planned Residential Development (PRD) zone along 700 South. These renderings have been included for City Council use as requested and also include what landscape screening/buffering requirements might look like if applied between the ID and PRD zones.



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 item may be directed at CED Director Mike Eggett and representative Planning Commissioners
- See attached map showing the recommended Planning Commission General Plan District One update
- See attached supplementary language reflecting proposed Planning Commission recommended changes to the General Plan for District One
- See attached letter from R. Steven Romney with Property Reserve Inc (PRI)
- See attached letter of dissent from Planning Commissioner TJ Jensen
- See attached proposed Ordinance No. 12-18

MEMORANDUM

To: Mayor and City Council

From: Community and Economic Development Department

Date: July 3, 2012

Subject: Proposed Ordinance 12-18 General Plan Changes for District One

Background

District one of the General Plan has been open for quite some time at the Planning Commission level for the purposes of debate and discussion. Many meetings have been held by the Planning Commission to discuss this matter. Further, there have been three public hearings regarding General Plan District One wherein the public has been invited to participate and share their comments regarding the General Plan opening.

Consideration of the General Plan Update

The Syracuse City Planning Commission has held three public hearings on this matter on the following dates: June 7, 2011; December 6, 2011; and December 20, 2011. Comments from the public were received by the Planning Commission at that time as it relates to this General Plan district. On June 19, 2012, the Planning Commission held a work session to discuss in specificity district one of the General Plan. The majority of items discussed in the work session

are reflected on the attached proposed General Plan update map. However, during the regular session of the Planning Commission a motion was forwarded and additional discussion was made regarding updates discussed during the work session, as well as a new discussion regarding the PRI properties located between 1000 West and 2000 West and 200 South and 700 South. After a period of debate amongst the Planning Commissioners, a motion was approved to recommend a proposed General Plan District One update to the City Council for approval. This proposed General Plan District One map update and supplementary language are included for your use and discussion.

Recommendation

The Syracuse City Planning Commission hereby recommends that the Mayor and City Council review the information provided with this memorandum and discuss the contents of the documentation. Further, the Syracuse City Planning Commission recommends that the City Council approve proposed Ordinance 12-18 General Plan Changes for District One.

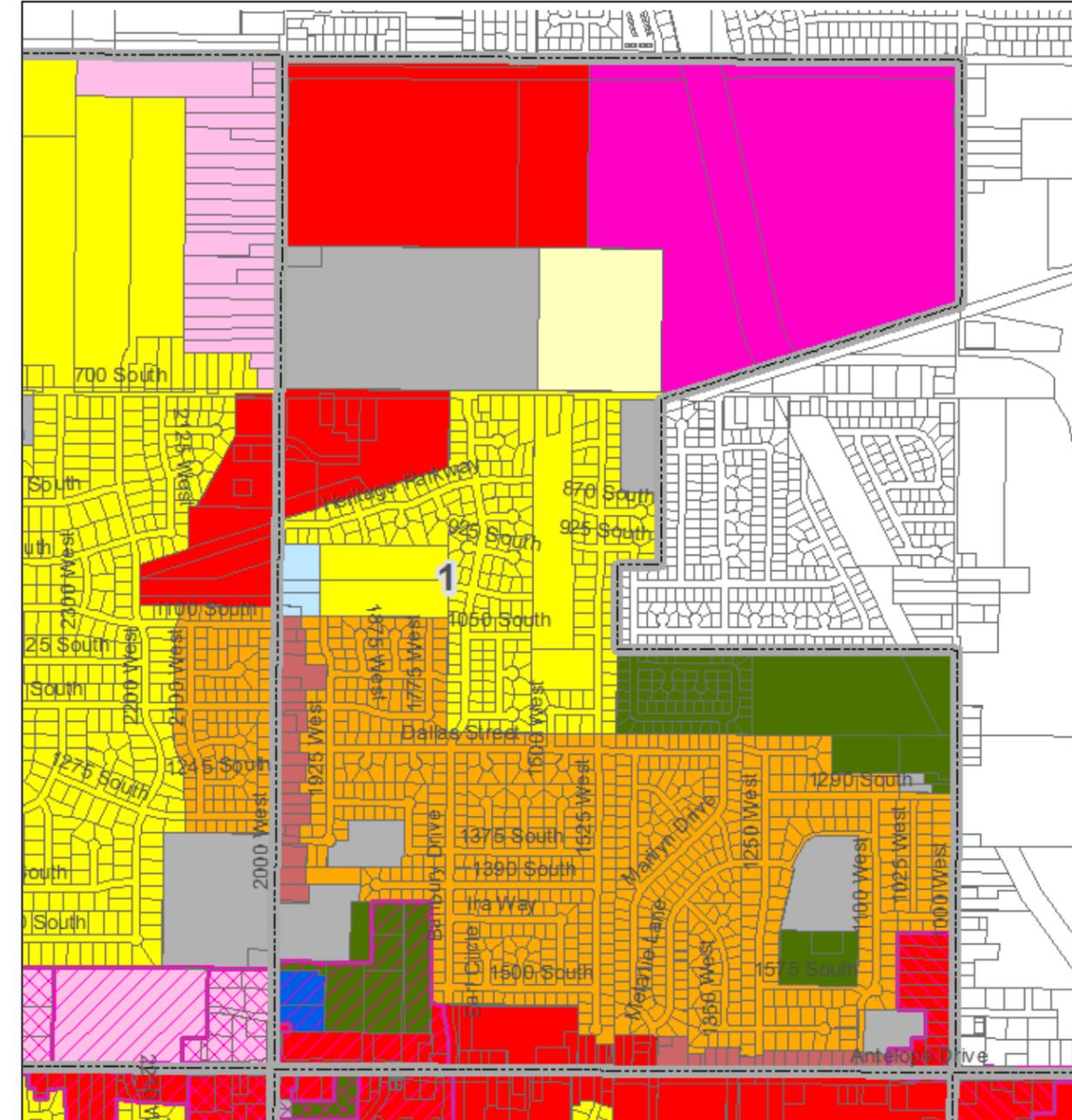
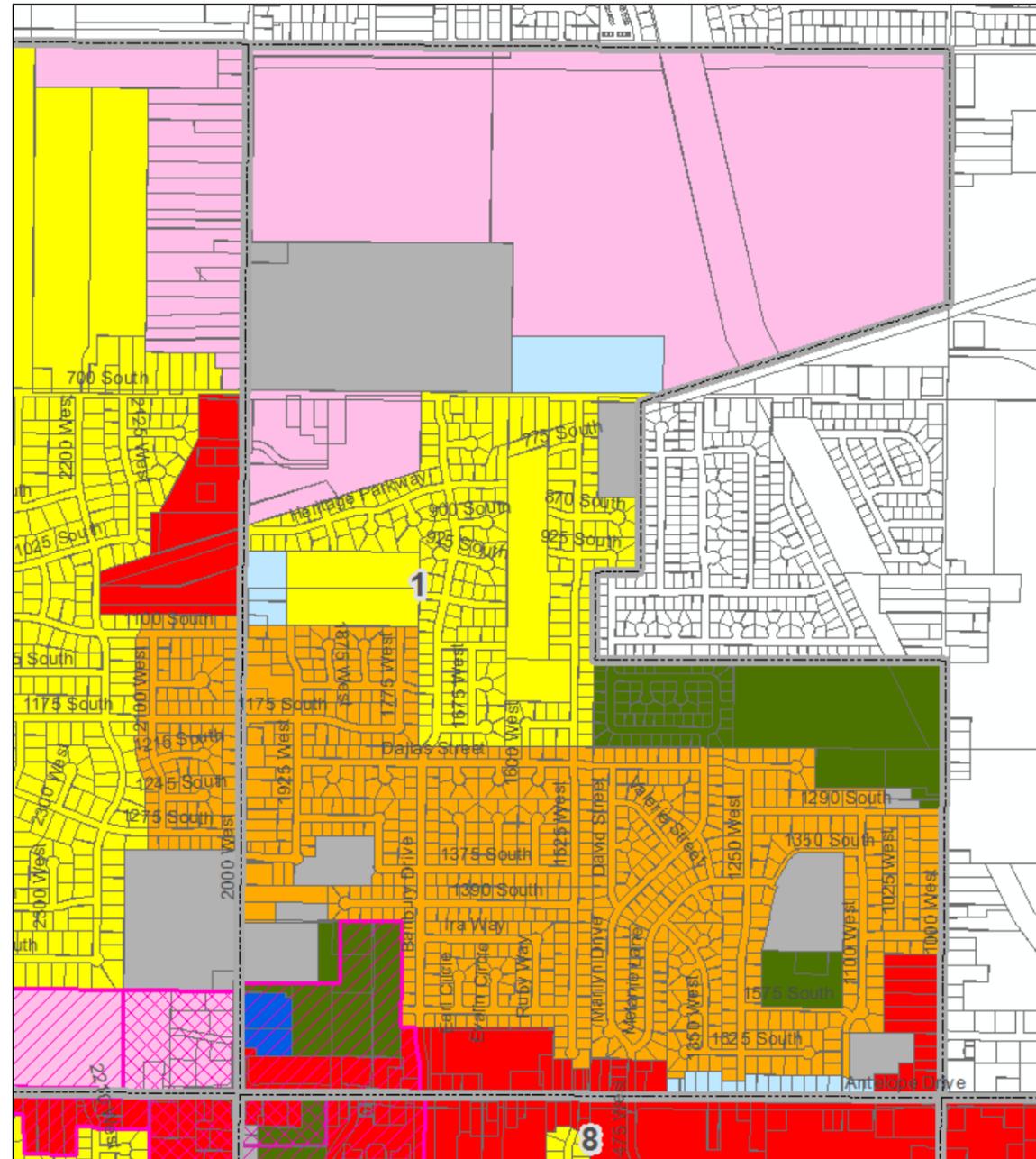
General Plan – Northeast District 1 Proposed Zoning Changes - 7/03/2012

Current General Plan – Land Uses

Proposed General Plan – Land Uses

Legend

- A-1 Agriculture
- Business Park
- Commercial II
- General Commercial
- Industrial
- Institutional
- Neighborhood Services
- Open Space / Recreational
- PRD (8.0 dwellings per net acre)
- Professional Office
- R-1 (2.90 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)
- R-4 (14.52 dwellings per net acre)
- Research Park
- Zoning Districts
- TownCenterOverlayZone
- RDA_Boundary



DISTRICT ONE GENERAL PLAN UPDATE – PROPOSED LANGUAGE
AMENDMENTS

PLANNING DISTRICTS

In order to permit a more detailed description of the plans for various geographic areas of Syracuse, the City has been divided into ten (10) planning districts. The following section includes a description of each district, which, together with the accompanying Syracuse General Plan Land Use Map, provides a comprehensive set of recommendations for future land use within the City. These plans and recommendations provide the specific details of the plan as identified in the broader goals and objectives stated in this document.

District 1

This district is located in the far northeast corner of the City. The northern boundary of this district is 200 South and on the south by 1700 South. To the east, the district boundary is the same as the municipal boundary between Clearfield and Syracuse. The western boundary of the district is 2000 West. As shown on the accompanying map, this district has deliberately included a portion of Clearfield City. As Syracuse was evaluating the available land for its existing cemetery located at 1030 W 1290 South it was determined that based on the projected population growth, the City would eventually require additional land for its cemetery. The City has purchased the additional land adjacent to the existing cemetery for a planned future expansion, but the land that was purchased is part of Clearfield City. While the City is not in immediate need of the land for expansion of the cemetery at this time, Syracuse should continue to pursue negotiations with Clearfield City for the eventual annexation of this land into Syracuse City.

There are several general planning areas that are part of this district and each is described briefly below.

Residential Areas

More than two-thirds of the land in District 1 is currently identified for residential development, primarily R-2 and R-3 single-family residential uses and most of the residential land identified in this area has been developed in accordance with this plan. There is also a section of land identified within District 1 for R-1 single family residential uses; this area is encouraged to be developed in a clustered fashion as this land develops. The City should continue to follow the current development patterns as outlined in this document and according to the General Plan Land Use map.

2000 West & 700 South Commercial Area

The location of Syracuse High School on the northeast corner of the intersection of 2000 West and 700 South has created specialized commercial opportunities such as restaurants and other retail and commercial activities. The City has anticipated these opportunities and has identified the majority of the land on all four corners of this intersection as either General Commercial or C-2 (Mixed-Use) Commercial. There is also a section of land located south of this intersection along 2000 West that is anticipated to be utilized as a Neighborhood Services zone as homes along 2000 West are redeveloped for other uses.

200 South Corridor Commercial Area

The area of land between 200 South and 700 South and from 2000 West east to 1000 West has been identified as a future ~~C-2 (Mixed Use)~~ GC General Commercial zone, BP Business Park zone, and R-1 Residential zone area. There are more than 200 acres of land currently in use as agricultural property but it is anticipated that as the 200 South corridor is widened by UDOT (see 'Land Use – Commercial') this area has been identified for future ~~mixed-use~~ development which might include housing, retail, commercial and professional office uses. Additionally, developers of this area of land are encouraged to work with the City in developing an aquatic center recreation facility in adjacency to Syracuse High School. Planning tools such as commercial or mixed-use design guidelines should be developed and the area should be treated as a district similar to that created for the City's Town Center. Such a small area plan would allow the City to guide and implement distinctive and enhanced development options for commercial development in the northeast corner of the City.

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1700 South Commercial Corridor

Part of another large commercial zone has been identified in this district; it is located along 1700 South. The land along the north side of 1700 South from 1000 West to the corner of 1700 South and 2000 West is planned for future General Commercial and ~~Professional Office~~ Neighborhood Services development. This particular corridor represents the gateway to Syracuse City and ultimately leads to the Syracuse Town Center.

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The northwest corner of 1700 South and 1000 West represents part of what can be considered the "gateway" to Syracuse City. Three of the corners at this intersection are located within the City boundaries. Two of these corners have been developed with General Commercial businesses in accordance with this plan. In order to put the best commercial image forward to the public, the development of this corner should replicate the type and quality of development that has occurred on the southwest and southeast corners of this intersection. Professional office zoning has also been identified as a future land use along 1700 south from approximately 1100 West to Marilyn Drive.

UDOT is moving forward with improvements and widening of this particular stretch of 1700 South. As 1700 South is a high traffic arterial class road, commercial enterprises that serve both local and region wide needs should be encouraged to develop here. This type of development will provide the necessary services and commodities for the City while enhancing the sales tax base.

Founders Park, a City owned and operated park, is located in this district immediately east of the Syracuse Elementary school. The plan identifies all of the land in the park to remain as 'Open Space/Recreational' but an eastern portion of the park may also be considered in future for retail and commercial development. Any proceeds from the sale of this land for such commercial development would be used for the purchase and development of other park lands elsewhere in the City. Also located just south of this park is a small general commercial area that has been identified as part of the Town Center. The northeast corner of 1700 South and 2000 West should be considered as part of the Town Center and the standards established in the Town Center Master Plan should apply in this area.

The widening of 1700 South along this corridor will provide much needed relief to traffic congestion that has existed for many years. Care should continue to in order to prevent unnecessary traffic conflicts as this commercial district area develops further. In addition,

sidewalks should be required and provided along 1700 South as shown on the Master Transportation Plan.



June 29, 2012

Syracuse City Council
Syracuse City
1979 West 1900 South
Syracuse, Utah 84075

Re: Land Owned by Property Reserve, Inc. in Syracuse City

Ladies and Gentlemen:

As you are aware, Property Reserve, Inc. ("PRI") is under contract (the "Contract") to sell a portion of its land holdings in Syracuse City (the "Property") to Ninigret Construction Company, L.C. ("Ninigret"). Prior to entering into the Contract, PRI spent significant time and money, using national consultants, investigating the possible uses that could be made of the Property. This was done not only to understand the highest and best use so as to maximize PRI's investment returns, but also so that PRI could understand its potential buyers, since developers only buy land when they know how they can develop it. PRI's management, which is well versed in land use issues, and its outside consultants, have all identified that most of the Property is only reasonably suited for industrial uses. Some of the Property is already zoned for such use, but portions of it are zoned agricultural.

We understand that some citizens in Syracuse City would like to see the Property, or some portion of it, rezoned to a business park zone. We also understand that Syracuse City is contemplating adopting a new business park zone, and that this is being done for the specific purpose of attempting to rezone a portion of the Property to such use. Please understand that PRI would be ecstatic if some or all of the Property could commercially sustain such use, because it would mean a higher sales price for the Property. But PRI, its outside consultants, and all potential buyers, have all made it very clear that there is no discernible market demand for business park use on this Property. In the end, the market place determines what uses are sustainable, and this use is not sustainable on this Property. PRI believes that efforts by the neighbors to force a business park use for this Property are nothing more than a veiled scheme to prevent any development of the Property, with the ultimate aim of forcing PRI to hold the land for agricultural use indefinitely. We do not feel this is fair to PRI.

Thus, we oppose the adoption of the proposed business park zone in its current form, and more importantly, we strongly oppose any effort to apply this zone to any of the Property.

Please understand that we intend to extend the Contract or otherwise work with Ninigret so as to allow Ninigret to obtain the approvals and zoning it requires for the fair and reasonable use of the Property. We would hope that you as a city council would do what is best for the entire City and all of its citizens.

4827-2507-6240.2

Property Reserve, Inc. • 51 South Main Street, Suite 301 • Salt Lake City, UT 84111

Syracuse City Planning Commission
April 10, 2012
Page 2

In conclusion, we would like to point out that as council members; we believe you have a fiduciary duty to the entire citizenship of Syracuse City to ensure the financial well being of the City. The proposed development of this land will generate substantial tax revenue for the City and create a new source of local employment where none currently exists today. Furthermore, we caution you not to discount the unique opportunity of having a quality developer willing to make such significant investment in your community, especially in these uncertain economic times, with a development which is located at the edge of the City limits and will have minimum impact on the infrastructure and services of the City. Of course, this loss to the City would be in addition to the loss you would be imposing on us, the current owner, if Ninigret's use is not ultimately approved.

Please feel free to contact the undersigned at any time on this matter.

Sincerely,

A handwritten signature in cursive script that reads "R. Steven Romney". The signature is written in black ink and is positioned below the word "Sincerely,".

R. Steven Romney
Vice President
PROPERTY RESERVE, INC.

4827-2507-6240.2

To: The Syracuse City Council
From: TJ Jensen
Syracuse City Planning Commission

A Dissenting Opinion Regarding the Planning Commission decision on changes to District 1

Greetings Mayor and Council,

On Tuesday, June 19th, 2012, the Syracuse City Planning Commission voted to recommend changes to District 1 of the Syracuse City Master Plan. These changes included some changes that incorporated Neighborhood Services along 1700 South and 2000 West, and also to the parcel of land which lies to the North and East of Syracuse City High School.

This was a 4-2 Decision, with Tyler Bordrero and Myself voting against, and Braxton Shenck, Kenneth Hellewell, Gary Pratt, and Greg Day voting in the affirmative. Among other things, the majority of the commission wanted closure on the review of this district, as this has been debated by our body for about a year now.

While I cannot speak for the minds of the other commissioners, I feel that it is important to explain my dissenting vote.

While I am in agreement with the changes to the rest of this district (along 2000 West south of the High School, and along 1700 South), I dissent with my body over the parcel of land west of the power lines currently owned by PRI, of which Ninigret has an option to buy a portion. East of the Power Lines, our body recommended changing the master plan to Business Park, which will not affect the existing Industrial Zoning on that parcel, but does give Ninigret the option for Business Park zoning on that piece of land should they wish it (I doubt it, as Industrial is a more flexible zone for their purposes).

If you look at the existing Master Plan, you will see that West of the power lines and to the North/Northeast of the High School our master plan calls for C-2 Commercial. Several commissioners (including myself) are uncomfortable with the existing C-2 zoning language (it is a little too loose for our tastes, and has some language which can be interpreted in different ways that should be clarified), and we intend to address this at some point in the near future. In the meantime, the Commission voted to change the section of this parcel North of the High School to General Commercial. I do not have a problem with this, as this allows most of the activities that C-2 allows, hence it maintains the potential value of the property.

To the Northeast of the High School, the Commission proposed to change the zoning to Business Park. I am mostly in concurrence with this, as this zoning is of similar value to the C-2 Zone currently on the master plan. However, I feel that it is premature to recommend this at this juncture, as I feel our body should have waited for the ad hoc committee formed by the Council to submit it's opinions and any recommendations that may have resulted. Also, while I am not necessarily opposed to some

of the uses proposed by Ninigret for this area, I think that the current Industrial Zone language (i.e. proposing any additional Industrial west of the power lines) would be too impactful to the residents along 700 South. While some 'heavier' activities might be acceptable with mitigations in place, our current Industrial zone allows most 'heavy' activities, and is hence not desirable. The 200 South Committee also noted that the residents in this area were opposed to heavy industrial in this area.

My biggest issue, however, lies with the section of this parcel which lies directly to the east of the High School. The current master plan shows C2 Commercial to the northern half or so of this area, and Professional Office along 700 South. The Planning Commission recommendation that was adopted proposes to change this to R1 Residential, with the possibility of Clustering.

R1 Residential is the lowest class of Residential that our Ordinance allows, and is generally used to buffer Agricultural (A1) from heavier residential uses. It was never intended to be a buffer for industrial or commercial uses, although several areas of the city (Southwest of Bluff Road) do border Commercial. The Industrial you may have seen south of Gentile Street on our master plan is not currently in play, as Nature Conservancy/United States owns that land in perpetuity, and hence will never be used for said use, per their charter.

Redesignating this land to the east of the High School as R1 lowers the highest and best use of this land as it was previously designated on the Master Plan (C2 and PO), and significantly lowers the value of this property. Syracuse City should not be in the business of lowering people's property values, whether they are a private owner or a corporation. This is just bad practice. Also, at the time Professional Office was adopted by a previous Planning Commission and City Council, the area along 700 South made sense for this use, to encourage additional medical and to a lesser extent professional uses to complement IHC and other operations in this area.

While I feel that PRD along 700 South (Planned Residential Development zone, with a 300 foot depth from the north curb of 700 South) might be an appropriate change, as it is regularly used as a buffer between less dense residential and Commercial within our city (note the PRD next to Smiths and Ace Hardware), it is arguably worth a bit less in property values than Professional Office. However, if used as a buffer between 700 South and a Business park or slightly heavier use, I think this increases the potential value for the PRD, as it provides an effective screen for lighter residential. R-1, on the other hand, is worth quite a bit less than Professional Office or C2, hence this will lower our potential tax base considerably, and potentially open the city up to uncomfortable questions from PRI.

The city should not be in the business of lowering people's potential property values. While the residents along 700 South have put this same argument forth in regards to Industrial uses around the high school affecting their property values, with PRD acting as a buffer I do not see

their property values being negatively impacted, at least not any more than the Industrial east of the power lines and Freeport Center has already done. If anything, I see their property values increasing slightly, as the PRD will increase the value of their neighborhood. I would argue that close proximity to schools and relatively close proximity to our city center parks and businesses has a great positive effect on said property values, and that Business Park uses are not significantly different than P0 or C2 uses, said uses already have been taken into account for these properties (appraisers take the master plan into account when doing appraisals).

Leaving the current designation Professional Office on the master plan in place is another option, of course.

Note that the Planning Commission regularly insists on home ownership clauses in PRD zones, as this city does not like to see a lot of rentals, so I see the PRD as more of a Condo style development, and Condos generally retain their values well relative to other residential uses (due to the amenities they offer). There are a lot of controls put in place in the Syracuse PRD zone that encourage higher quality developments.

As for the impact on the high school and the greater community as a whole, I see businesses in this area as a benefit to the city, for several reasons:

1) Higher tax base. Keep in mind that businesses pay property, personal property, and franchise taxes, a portion of each which go to city coffers. Citizens recently spoke out against higher taxes, and our infrastructure continues to crumble.

Any increases to the revenue the city can generate for infrastructure repairs are highly useful at this point, because I don't see us catching up with our maintenance schedule anytime soon, and water lines continue to break and roads continue to fall apart. Not to mention there are several parks that remain unbuilt due to lack of funds.

2) More jobs to the city. While some residents like to think that everyone in Syracuse works at upscale office buildings, the fact is that we have employees from all walks of life, from the \$8.75/hr public works employees that work for our city to said high end jobs. Many of these employees currently commute out of our city for work, and I'm sure they'd love the opportunity to work within their own community, given the chance. And by working locally, they better support our local economy, and help their own pocketbooks in the process (less gas money for commuting). While very few if any of the larger businesses currently in Syracuse are exclusively employed by Syracuse Residents, a percentage of their workforces are nonetheless local citizens.

Any jobs we can provide locally are a good thing, and will have a positive impact on our local economy, as some of said workforce will shop our local businesses and get gas at our local gas stations.

3) Intern opportunities for the High School. Students that can put internships on their resumes for college admissions are generally benefitted significantly by such internships. They learn valuable job skills through said internships, and colleges love go getters. While Commercial businesses do provide limited opportunities for internships, Business and Industrial uses provide many more. Said intern opportunities may also apply to any college students we have living within our city, btw.

4) Potential for new partners for city events and such. Syracuse City has been fortunate to have our local businesses supporting the city when they can. RC Willey and WalMart in particular regularly donate money to Heritage Days and other events. Increasing the city Business base increases said opportunities, and large employers are particularly well suited to provide such opportunities. The city has a large network of volunteers; it's raising cash that is generally the challenge.

So, in short, as one dissentin member of the Syracuse City Planning Commission that does not speak for our body as a whole (although I may think from P.C. discussions with him that Tyler may agree with the points made in this letter, I can't speak for him), I would recommend that the City Council hold off on adopting the Planning Commission recommendation for the parcel to the north and east of the high school, at least until such time as the Ad Hoc Committee is able to submit it's opinions and any resulting recommendations. You should have all of the facts in evidence before making radical changes to our Master Plan.

Thank you for your attention,
TJ Jensen

ORDINANCE NO. 12-18

**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, 2011, and 2012 to incorporate appropriate and necessary changes to the General Plan as approved at that time; 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 District 1 that provide development objectives with respect to the most desirable use of land within the City for residential, recreational, agricultural, commercial, industrial, and other purposes, and which residential areas shall have the most desirable population density in the planning districts of the City to benefit the physical, social, economic, and governmental development of the City and 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 District 1. That the Syracuse City General Plan District 1, July 2012 revision, attached and reflected hereto as Exhibits A and B, 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 10th DAY OF JULY, 2012.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Jamie Nagle, Mayor

Exhibit A

General Plan – Northeast District 1 Proposed Zoning Changes - 7/10/2012

Legend

-  A-1 Agriculture
-  Business Park
-  Commercial II
-  General Commercial
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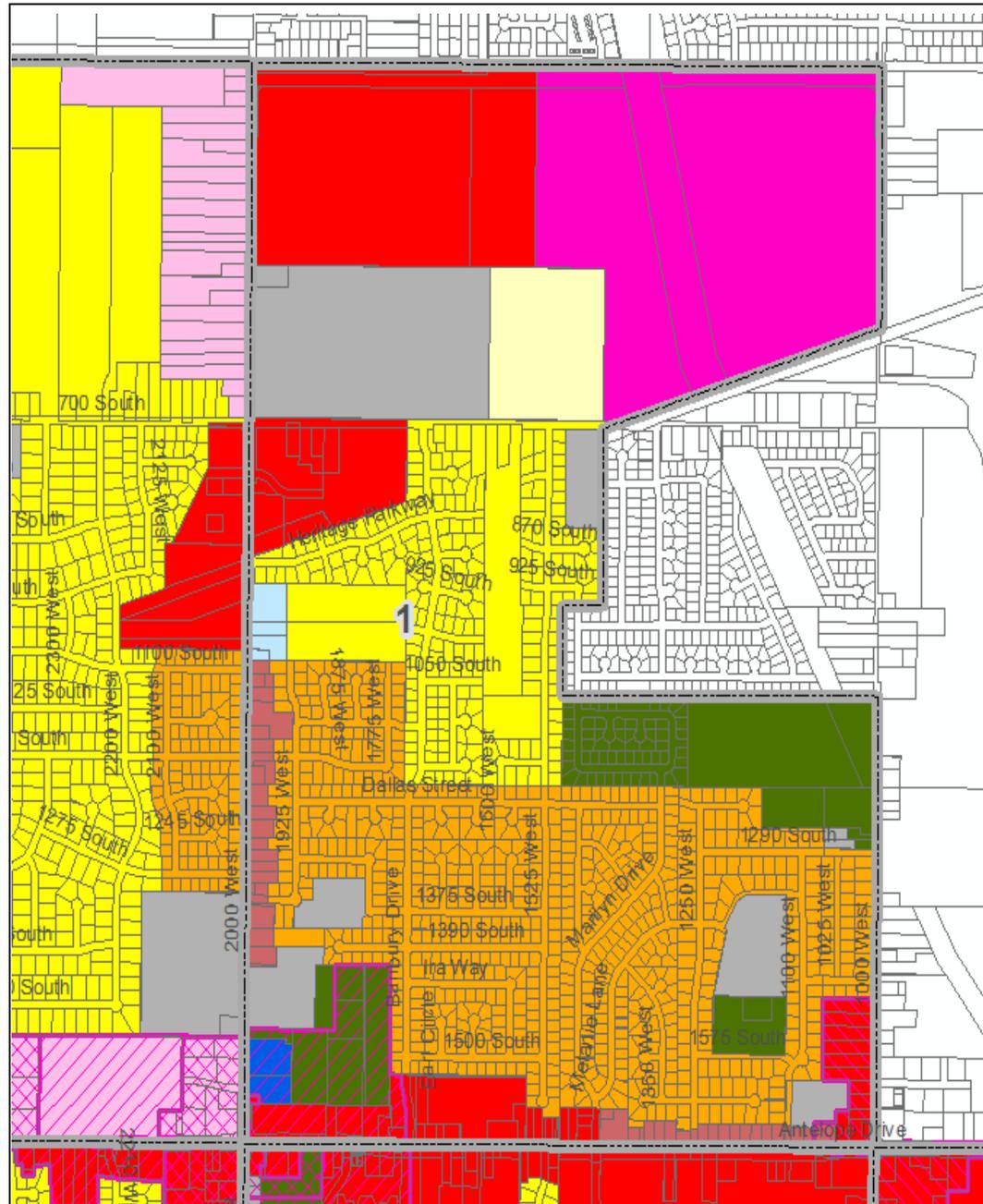


EXHIBIT B

PLANNING DISTRICTS

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This district is located in the far northeast corner of the City. The northern boundary of this district is 200 South and on the south by 1700 South. To the east, the district boundary is the same as the municipal boundary between Clearfield and Syracuse. The western boundary of the district is 2000 West. As shown on the accompanying map, this district has deliberately included a portion of Clearfield City. As Syracuse was evaluating the available land for its existing cemetery located at 1030 W 1290 South it was determined that based on the projected population growth, the City would eventually require additional land for its cemetery. The City has purchased the additional land adjacent to the existing cemetery for a planned future expansion, but the land that was purchased is part of Clearfield City. While the City is not in immediate need of the land for expansion of the cemetery at this time, Syracuse should continue to pursue negotiations with Clearfield City for the eventual annexation of this land into Syracuse City.

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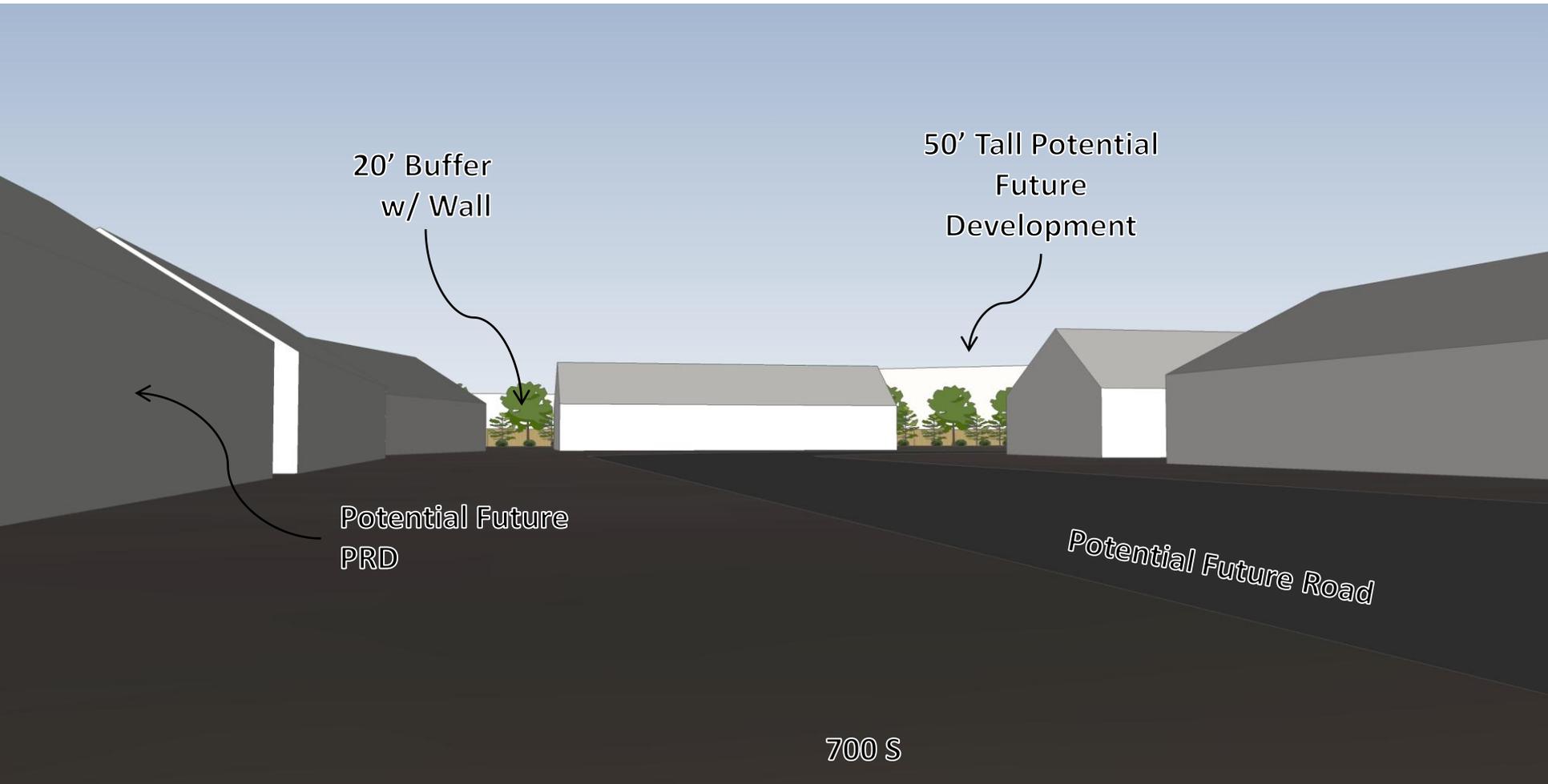
Site Rendering for 700 South to 200 South



Site Rendering for 700 South to 200 South



Site Rendering for 700 South to 200 South
View A



20' Buffer
w/ Wall

50' Tall Potential
Future
Development

Potential Future
PRD

Potential Future Road

700 S

Site Rendering for 700 South to 200 South

