



SYRACUSE CITY

Syracuse City Council Work Session Notice

October 13, 2015 – 6:00 p.m.
Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, October 13, 2015, 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. Review agenda for Council business meeting to begin at 7:00 p.m. [2 min.]
- b. Discuss agenda item 6, Justice Court Recertification. [5 min.]
- c. Justice Court Annual Report provided by Judge Hoskins. [10 min.]
- d. Discuss potential amendments to Title Six of the Syracuse Code pertaining to code enforcement procedures and appeal hearings. [7 min.]
- e. Review items forwarded by the Planning Commission [10 min.]
 - i. Review agenda item 10, Proposed Ordinance 2015-19 amending various sections of Title VIII of the Syracuse City Municipal Code pertaining to performance securities.
 - ii. Review agenda item 7, proposed rezone from R-1 Residential to Neighborhood Services the parcel of property located at approximately 1317 S. 2000 W.
 - iii. Review agenda item 8, Final Subdivision Plan Approval, Keller Crossing Phase 1, located at approximately 1475 W. 2000 S.
- f. Discuss agenda item 11, proposed amendments to Syracuse City parking regulations. [7 min.]
- g. Review and discuss City Council public comment policy. [7 min.]
- h. Update regarding State Road 108 [2000 West] project. [5 min.]
- i. Council business. [2 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 8th day of October, 2015 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examine on October 8, 2015.

CASSIE □ BROWN, CMC
SYRACUSE CITY RECORDER



COUNCIL AGENDA

October 13, 2015

Agenda Item “b”

Discuss business meeting agenda item #6,
Proposed Recertification of Syracuse City
Justice Court.

Factual Summation

- Any question regarding this agenda item may be directed at City Attorney Roberts. Please see attached Memorandum and Supporting documentation provided by Mr. Roberts.

RESOLUTION R15-34

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL REQUESTING
RECERTIFICATION OF THE SYRACUSE CITY JUSTICE COURT.**

WHEREAS, the provisions of Utah Code Ann. § 78A-7-103 require that justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the Syracuse City Justice Court shall expire in February 2016; and

WHEREAS, the Syracuse City Council has received an opinion letter from the Syracuse City Attorney, setting forth the requirements for the operation of the justice court and feasibility of continuing to maintain the court; and

WHEREAS, the Council has determined that it is in the best interests of Syracuse City to continue to provide for its justice court,

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

Section 1. Request for Recertification. The Council hereby requests recertification of the Syracuse City Justice Court by the Justice Court Standards Committee and the Utah Judicial Council.

Section 2. Commitment to Meet Requirements. The Council affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Syracuse City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

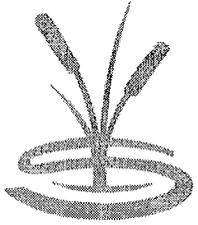
**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,
STATE OF UTAH, this 13th day of October, 2015.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, CMC
City Recorder

By: _____
Terry Palmer
Mayor



Office of the City Attorney
Syracuse City
1979 West 1900 South
Syracuse, UT 84075

SYRACUSE
EST. CITY 1935

MEMORANDUM
2015-03

TO: Mayor Palmer, City Council
CC: Brody Bovero, Hon. Catherine Hoskins, Jody Howell
FROM: Paul H. Roberts, City Attorney
DATE: September 29, 2015

RE: JUSTICE COURT RECERTIFICATION FEASIBILITY

Every four years, a municipality which operates a justice court is required to demonstrate that its court meets minimum requirements established by the legislature and the Utah Supreme Court.¹ Failure to do so may result in the Judicial Council's declination or revocation of a justice court's certification.² The Justice Court Standards Committee has promulgated minimum standards³ by which justice courts are measured. Rather than recite these requirements, I have attached them as an addendum.

The Committee has required an attorney opinion letter both informing the City Council of the requirements for operating a justice court, and expressing an opinion on the feasibility of maintaining our Justice Court. As I have attached a copy of the standards by which our court is measured, I will make myself available for consultation regarding any of the requirements about which you may have questions or concerns. The remainder of this memorandum will address justice court feasibility.

If it wishes to recertify the justice court, the Council will be required to pass a resolution making this request and submit it to the Administrative Office of Courts by October 30, 2015. A copy of such a resolution is attached as an addendum to this Memorandum.

Benefits of Operating a Municipal Justice Court

The natural point to begin a discussion of feasibility is to discuss the court's desirability and its ability to provide service to our community.

The primary benefit to establishing a justice court is to provide easy access to our citizens in order to address routine traffic and criminal violations, as well as a venue to file small claims actions. By locating a justice court within our municipality, our City has avoided

¹ Utah Code Ann. § 78A-7-103(1)(b)(i). Minimum standards have been established by the Justice Court Standards Committee. Utah R. Jud. Admin. 3-112.

² Utah Code Ann. § 78A-7-103(b)(ii).

³ Utah R. Jud. Admin. Appx. B.

the need for all of these actions to be heard in Second District Court, most likely the Farmington Division. In the absence of a municipal justice court, all class B misdemeanors, class C misdemeanors, and Infraction level offenses would be heard in district court on a criminal calendar. The same would be true of small claims. It is far more onerous to travel to district court in order to resolve a traffic ticket. Additionally, city police officers and prosecutors would be required to travel to Farmington in order to address those criminal cases, resulting in increased time and cost for each case.

Another benefit to justice court is the light docket which can be maintained here. After reviewing the number of the Syracuse City Justice Court's total filings, it has maintained its Class III status under the state's operational standards.⁴ As a result of this smaller number of filings, docket management is enhanced. Cases are consolidated into a once-weekly combined calendar, during which arraignments, pre-trial conferences, review hearings, suppression hearings, bench trials, and small claims cases may all be heard.⁵ Additionally, individuals are given specific appointments to reduce their total amount of time spent in court, and to keep the volume of cases smoothly flowing. This leads to a more satisfactory experience for the litigant and a less stressful environment for the prosecution. Having come from a Class I court and experiencing the alternative - a full calendar every day with dozens of defendants all summoned to court at the same time, resulting in several hours of waiting for the prosecutor to become available - I can say that the experience in this Justice Court is more conducive to meaningful discussions.

Locally-run courts are also more responsive to the community's needs and priorities. In district courts, which are located outside of our jurisdiction and which staff judges who handle cases of varying type and severity, individual jurisdictions are not given individualized attention. In a municipal justice court, on the other hand, the court can respond to trends in crime patterns and establish a standard of justice in its community. Some defendants become familiar with the court, and the judge is able to tailor consequences for certain behavior to fit the defendant before her. Defendants who leave court know that if they commit crimes in Syracuse again, they will have to face the same judge and explain their behavior.

Appeals

Appeals from the justice court are saddled with one unfortunate component; defendants who are convicted - even if by a jury - are entitled to *de novo* proceedings in the district court. A *de novo* review restarts the entire criminal justice process; pre-trial conferences, suppression hearings, and even a second jury trial. This is not problematic for many cases; it is easy to call an officer in to testify a second time in a case involving a traffic accident. In cases of domestic abuse, on the other hand, testifying in trial is often a harrowing experience for the crime victim. Testifying in a second trial and facing the possibility that the abuser may escape conviction -

⁴ Operational standards classify a justice court as Class III if 61-200 citations are filed each month (on average). According to numbers from 2014, approximately 163 cases were filed in our justice court each month (1,956 total cases in 2014).

⁵ Jury trials are scheduled on different days, due to the length of time they require (usually between 6-10 hours for class B misdemeanor cases).

despite having been once convicted by a jury – is an extremely stressful situation. However, it represents one impact of establishing a justice court.

On the other hand, once an appeal has been heard in the district court, this represents the breadth of a defendant’s appeal rights. With few exceptions, there is no appeal to the Court of Appeals. Municipalities which have not established justice courts are required to defend all appeals in the Court of Appeals, which is a much more expensive and time-consuming endeavor than a *de novo* appeal. And while the appellant is much less likely to succeed on such an appeal, the additional costs are nevertheless incurred by the municipality.

Overall, appeals are relatively rare in our justice court. As such, the type of appeal has little weight in our analysis of the court’s feasibility.

Financial Viability

Justice courts are not established to generate revenue for the municipality they serve. But attention should be paid to ensure that the costs associated with the benefits of justice courts are not too much to bear, just like any other service provided to our community. The following financial information was provided to my office, which includes actual budget expenditures during FY 2015, as well as amounts budgeted for FY 2016:⁶

Syracuse Justice Court	Actual FY2015	Budget FY2016
<u>Revenue:</u>	\$ 220,507.95	\$ 220,000.00
<u>Expenses:</u>		
Salaries, Wages, & Benefits	\$ 163,622.66	\$ 149,228.00
City Atty (20% of time)	\$ 11,060.50	\$ 20,526.60
Bailiff (1 of 5 shifts)	\$ 4,477.20	\$ 4,477.20
Books, Sub., Memberships	\$ 75.00	\$ 100.00
Travel & Training	\$ 1,564.83	\$ 3,000.00
Office Supplies	\$ 2,876.16	\$ 3,500.00
Prof. & Technical	\$ 20,497.97	\$ 11,000.00
Juror & Witness Costs	\$ -	\$ 4,000.00
Total Expenses	\$ 204,174.32	\$ 195,831.80
Total	\$ 16,333.63	\$ 24,168.20

Excluding its portion of overhead costs, such as administrative support (like payroll, human resources, & receipting), IT resources, and the use of the City’s facility, the Justice Court is

⁶ The numbers of both FY 2015 & FY 2016 are unique due to the absence of a full-time City Attorney. Specifically, prosecution costs were included in both the City Atty and Prof. & Technical categories in 2015, as well as some of 2016. In future years, the Prof. & Technical account will largely be limited to providing funding for public defender costs.

operating at a net gain. The City is able to absorb these overhead costs without significant difficulty, due to its economy of scale. As such, the court is financially viable.

Prosecution

Prosecution of class B and C misdemeanors and infractions which are committed within our municipal boundaries are a statutory responsibility of the City Attorney.⁷ Thus, even if the justice court was not in operation, a prosecutor would need to attend district court proceedings on the City's behalf for these filings. Housing the court within City Hall makes prosecution much more convenient; information may be more easily retrieved, and I am able to conduct city business during lulls in court proceedings or during small claims proceedings. Simply put, maintaining a justice court makes prosecution in our city much more efficient.

Facilities & Staffing

The City has adequate facilities, technology and staffing levels in order to accommodate the justice court. Currently, court is held in the Council chamber, which is equipped with required sound recording systems, and which has ample space to grow. Payments are conveniently taken in the same location as those for utility bills or other city fees. Staffing is provided so that we provide court coverage for the public during regular business hours. Dedicated office space is provided for court staff and the judge. Even as our justice court docket expands with our population, I do not anticipate that these facilities will ever be inadequate to house the justice court.

Opinion of Feasibility

Taking all of the circumstances into consideration, the continued operation of a justice court is feasible.

⁷ Utah Code Ann. § 10-3-928.

ADDENDUM A
JUSTICE COURT STANDARDS FOR RECERTIFICATION
AUGUST 2015

JUSTICE COURT STANDARDS
FOR RECERTIFICATION

AUGUST 2015

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 21 of this packet.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

- 1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.
- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses,

separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).

- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).
- 10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are stated above. (These requirements are also attached as Class IV minimum requirements).

These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chamber and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any Justice Court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement imposed by rule of the Council rather than by statute. Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions.

In order to adequately function it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; and in such circumstances waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held and that the operational standards for the court have been met during the prior year.

Upon submission of an application, Judicial Council Staff will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If staff intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the staff will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Committee's recommendations.

If you have any questions concerning this application, please contact Richard Schwermer, staff to the Judicial Council, at P. O. Box 140241, Salt Lake City, Utah 84114-0241, ricks@utcourts.gov or telephone: (801)578-3816.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Justice Court Standards Committee as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year. The classification of a court is determined at creation and is subject to review and possible reclassification whenever the court is being recertified. While the standards for some areas of court operation are uniform for all levels of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads of different levels.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full Time

Judge: Full Time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks.

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- HOURS:

Court Open

201-300 filings	At least 4 hours per day
301-400 filings	At least 5 hours per day
401-500 filings	At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- FACILITY:

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- CLERICAL RESOURCES:

201-275 filings	At least one full time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks..

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

61-200 citations or cases per month

- HOURS:

Court Open

61-150 filings

At least 2 hours a day

151-200 filings

At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours each year for the judge, and 10 hours for clerks.

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

0-60 citations and/or cases per month

- HOURS:

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)
Judge's/clerk office (can be a shared resource but court has priority when needed.)
(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours each year for the judge, and 10 hours for clerks.

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

ADDENDUM B

RESOLUTION REQUESTING RE-CERTIFICATION

RESOLUTION R15-_____

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL REQUESTING
RECERTIFICATION OF THE SYRACUSE CITY JUSTICE COURT.**

WHEREAS, the provisions of Utah Code Ann. § 78A-7-103 require that justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the Syracuse City Justice Court shall expire in February 2016; and

WHEREAS, the Syracuse City Council has received an opinion letter from the Syracuse City Attorney, setting forth the requirements for the operation of the justice court and feasibility of continuing to maintain the court; and

WHEREAS, the Council has determined that it is in the best interests of Syracuse City to continue to provide for its justice court,

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

Section 1. Request for Recertification. The Council hereby requests recertification of the Syracuse City Justice Court by the Justice Court Standards Committee and the Utah Judicial Council.

Section 2. Commitment to Meet Requirements. The Council affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Syracuse City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,
STATE OF UTAH, this _____ day of _____, 2015.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, CMC
City Recorder

By: _____
Terry Palmer
Mayor



COUNCIL AGENDA

October 13, 2015

Agenda Item “c”

Justice Court Annual Report provided by Judge Hoskins

Factual Summation

- Syracuse City Justice Court Judge Hoskins and members of the Justice Court staff will be present to provide the Justice Court Annual Report. Any question regarding this agenda item may be directed at Judge Hoskins.

SYRACUSE CITY
□ JUSTICE COURT

- **Article VIII** **Section 1. Judicial powers - Courts.**
- The judicial power of the state shall be vested in a supreme court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish. The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. Courts not of record shall also be established by statute.

- **Article VII Sec. 11. Judges of courts not of record.**
- Judges of courts not of record shall be selected in a manner, for a term, and with qualifications provided by statute. However, no qualification may be imposed which requires judges of courts not of record to be admitted to practice law. The number of judges of courts not of record shall be provided by statute.

- **§8A-1-101. Creation of Justice court - Not of record.**
- Under Article VIII, Section 1, Utah Constitution, there is created a court not of record known as the Justice court. The Judges of this court are Justice court Judges.

- Syracuse City's justice court has been in existence for more than forty years
 - probably longer □ formerly known as
 - Justice of the Peace □
- Judge Hoskins has served as Justice court judge since 2014.
- Syracuse City Justice Court is a Class III Justice court. Utah Code Ann. §78A-7-102(2).

- Court is certified by Judicial Council every four years. Utah Code Ann. §78A-7-103(1)
- Must meet certain minimum requirements for certification.
- Requirements depend on what “Class” the court is.
- Current certification is due by October 30th, 2015.

- Judges elected in unopposed retention elections. Utah Code Ann. §78A-7-202(7) Now 78A-7-203(2) 2012.
- Judge Hoskins will be up for election January 2018 Utah Code Ann. §78A-7-203(1).
- Weighted caseload: .27 of full-time judge.

Statistics 2014

- Number of traffic cases: 1783
- Number of criminal cases: 173
- Average cases per month: 163
- Total revenue collected: \$333,541.88
- Revenue to Syracuse City: \$212,334.52
- Revenue to State of Utah: \$121,207.00

Advantages of Local Court

- Local Justice.
 - Community problem solved within the community.
 - Remains a problem solving court, not a revenue generating entity.
- Sense of Community:
 - Fruit Heights problem.
 - No police.
 - No fire department.
 - No Court.
- Community sense of security.

Improvements/Changes 2015

Tried to improve the process for the staff and the citizens who come to court.

Implemented a variety of new procedures and protocols.

No changes were made until after reviewing the current system and then looking at other systems after a number of weeks.

All changes have benefited the over-all process.

Prosecutor Changes

- Prosecutor Case Management
 - Prosecutor stays in the court room and handles simple pre-trials on the same day as arraignment.
 - Simple traffic tickets set for trial quickly.
 - Streamlining of cases with more serious offenses in other jurisdictions

Court Changes

- More efficient with time allocation
 - Cases are now set by appointment, previously up to three hours waiting to be seen.
 - Feedback has been positive that the court is respectful of others time.
- Violations of Plea and Abeyances handled with letter, specifically traffic tickets.

□ PEC

- Judge is reviewed by JPEC, “Judicial Performance Evaluation Committee”
 - Review happens twice every four years in preparation of elections.
 - Independent staff came on two separate occasions and talked to defendants, and their friends and family in the court room, attorneys and professional providers.

Comments from □PEC

- “Judge Hoskins has been on the bench since September, 2014 and during that time has made a positive impact on the Syracuse court. Overall themes from the interviews were consistently positive and reflected her fair treatment of all participants, strong communication skills, and caring and compassionate behavior towards defendants.”
- Service providers feel that the current environment has led to less order to show causes as defendants want to succeed with □udge Hoskins.



COUNCIL AGENDA

October 13, 2015

Agenda Item “d” Code Enforcement and Administrative Appeals

Factual Summation

- Any question regarding this agenda item may be directed at Brody Bovero, City Manager or Paul Roberts, City Attorney.
- Please see attached Memorandum and Supporting documentation provided by Brody Bovero.
- The City has several administrative functions whereby an appeals process is outlined if an applicant or resident disagrees with an administrative decision made by the City.
- Under State law, the City can choose between different methods whereby the appeal processes can take place. Each option has its own benefits and drawbacks. It has been several years since the City has evaluated these processes and we feel it is worth exploring and discussing with the City Council.
- The initial research on this issue focused on Code Enforcement appeals. Attached to this memo is a memorandum from City Attorney Paul Roberts that outlines his analysis of administrative hearings procedures for Code Enforcement. As we conducted the research, however, staff felt it was worth expanding the scope to include other appeals processes so the Council can examine it in a comprehensive manner.
- Below is a table that briefly outlines the current administrative appeals processes, and how the City currently handles each issue. The alternative concept for the Council to consider involves an Administrative Hearing Officer.

- This item is on the October 13th agenda for the Council to consider the merits of modifying the processes for the City's administrative appeals.



Office of the City Attorney
Syracuse City
1979 West 1900 South
Syracuse, UT 84075
(801) 825-1477

MEMORANDUM

15-01

TO: BRODY BOVERO
FROM: PAUL ROBERTS
DATE: 8/11/2015
RE: CODE ENFORCEMENT & ADMINISTRATIVE PROCEEDINGS

INTRODUCTION

You have asked me to provide information and recommendations regarding the prosecution of civil violations of our City Code. I am informed that most violations which are not corrected voluntarily by residents or businesses are referred to the Justice Court for prosecution.

EXECUTIVE SUMMARY

While prosecuting in the Justice Court has some benefits - namely: established procedures and rules, built-in costs, and predictable results - it also carries with it more process, more time, and less flexibility to adjust to particular circumstances. An administrative proceeding can be quickly scheduled and resolved, without the need for such proceedings as arraignments, pre-trial conferences, discovery and trials with the full panoply of procedural protections designed for criminal proceedings. An administrative hearing process may also handle multiple items of City business. Unless it is anticipated that no code enforcement activity will likely result in the need for abatement orders, it is recommended that the City brief and solicit input from the Council, identify and produce amendments to the code necessary to move the process forward, select a Hearing Officer, and prepare the forms and SOP's necessary for the administrative process.

BACKGROUND

City code provides that violations of its code may be prosecuted criminally¹ or administratively.² Code violations cover a multitude of issues, including excessive weeds, doing business without a license, zoning violations, and uniquely adopted traffic violations. Enforcement officials are currently limited in their options for enforcement, however. Violations of city code are generally referred to the Justice Court for prosecution. In many cases, justice court is the appropriate venue - as in cases where jail time will be

sought for non-compliant individuals. But in most cases, it may prove to be an inefficient use of resources and an ineffective means of obtaining compliance.

ANALYSIS

Before engaging in an in-depth analysis of the two options which we are weighing, it is important to note the driving constitutional consideration which applies in this setting: the Due Process Clause of the United States Constitution. After this foundation is laid, then we can analyze the positive and negative attributes of both venues.

I. Due Process

All citizens are guaranteed that they shall not be “deprived of life, liberty or property without due process of law.”³ Due process is “flexible and calls for such procedural protections as the particular situation demands.”⁴ As a result of this flexibility, when considering the amount of process due in a particular situation, the Constitution requires an “analysis of the governmental and private interests that are affected.”⁵ The more permanent the proposed government deprivation, the more rigorous the procedural protections required by the Constitution. This explains the need for extensive procedural protections when the government seeks the life of a citizen, while there is significantly less protection afforded in cases of property interests.

Due process requires, at a minimum, timely and adequate notice, and an opportunity to be heard in a meaningful way *prior* to the proposed, permanent deprivation, except in extreme cases.⁶ The opportunity to be heard must be conducted before an impartial decision-maker, allow the cross-examination of witnesses, permit a person to be represented by counsel, and provide the opportunity for the affected party to produce evidence in their favor.⁷

In the context of violations of Municipal Code, there will be different process due to an individual who faces incarceration for a misdemeanor violation of the code. These cases will need to be diverted to the Justice Court, where an individual who is facing jail time has access to numerous procedural protections: arraignment, compulsory discovery, right to appointment of counsel if indigent, application of the Rules of Evidence and Criminal Procedure, the right to confrontation, jury trial, and a presumption of innocence which must be overcome by proof beyond a reasonable doubt. These protections are in place due to the serious harm which can be done to an individual who is improperly deprived of liberty – even if only temporarily. In the context of an administrative hearing, on the other hand, only certain property interests are at stake. Either through the imposition of fines or the abatement and filing of liens on private property, the risk of erroneous deprivation is significantly reduced. As such, the rigorous procedures which are in place for criminal defendants are unnecessary for those facing administrative citations.⁸

II. Prosecuting in Justice Court.

No matter the City's decision on whether to form an administrative court, it should retain the ability to prosecute recalcitrant individuals or repeat offenders in the criminal system. For most code enforcement cases, however, the consequences of prosecuting in justice court outweigh its benefits.

First, justice courts carry with them built in procedural protections which are not necessary for the civil fines and abatement orders which code enforcement seeks. Criminal defendants are entitled to a jury trial in all cases but infractions, may be appointed attorneys, are entitled to court-provided interpreters, and have the constitutional right to confront all accusers against them. Rules of evidence prevent the introduction of even reliable hearsay. Conviction may only be obtained after the government has established guilt beyond a reasonable doubt. And appeals from the justice court are heard in district court *de novo*, meaning that the defendant is entitled to undergo the entire process again in a new venue.

Second, justice courts can take a long time to resolve a case. If a defendant exercises the right to all of the above procedures and if given an opportunity to correct the violation while on probation, it will be several weeks – but more often months – after the violation was discovered. If the violation requires prompt attention, such as excessive weed growth which is at risk of drying out and becoming a fire hazard, then the justice court system will simply take too long.

Finally, the justice court may not issue an order of abatement authorizing the City to correct the violation. It may condition successful probation on the defendant's remedying the violation, and enforce that probation order through threatened jail time. But as a court of limited jurisdiction, it does not appear to have the authority to permit the work to be completed by the City and approve a lien against the property.

The benefits of the justice court over an administrative hearing, assuming that jail time will never be sought in most cases, are limited. As an existing establishment in the City, it is already up and running, and the addition of a few cases will not financially impact the court or require too much additional time.

III. Prosecuting in Administrative Court.

In nearly all code enforcement cases, the City will not be seeking jail time; rather, the goal is to obtain compliance, or to obtain an order of abatement and bring the property into compliance. In achieving these goals, administrative court is a viable and effective option.

First, administrative courts may be quickly convened and address the case without the need for formal entries of pleas or pre-trial motion practice. For instance, so long as sufficient notice is given – perhaps 5 business days – the administrative court may convene and hear the case without further delay. In cases of sincere disagreement over whether conduct or conditions constitute a violation, an impartial decision can be quickly rendered. And in cases where property owners are non-responsive, such as may occur in the case of absentee landlords, the City may quickly obtain an order of abatement.

Second, administrative courts are not subject to the formal rules which govern criminal proceedings. For instance, hearsay may be introduced without objection, so long as the case does not solely rely upon hearsay. There is no indication in court decisions that even illegally obtained evidence would be suppressed from administrative proceedings; that remedy is limited to criminal courts. And the process can be conducted in a more informal manner, a setting in which citizens are often more comfortable.⁹ There is no right to a jury. Objections are not entertained; the court sifts through the totality of the evidence produced and renders a decision. The administrative court applies the principle of fundamental fairness, meaning that both sides have the opportunity to present their arguments and evidence.

Third, the standard of proof in administrative hearings may be set by the jurisdiction. In administrative cases, the burden is a preponderance of the evidence (more likely than not).¹⁰ Violations are sustained if the weight of the evidence in favor of finding a violation outweighs the evidence presented against a finding of violation.

Fourth, the jurisdiction establishes the standard of review and type of review. In cases of administrative hearings, an appeal to the district court may be limited to a review to ensure that due process was afforded to the respondent.¹¹

Finally, an administrative court may be authorized to issue orders of abatement, consistent with state law, or serve as an appeal authority for an order of abatement issued by the code enforcement official.¹² The City Council may, through ordinance, designate the amount of process provided to the citizens in the community, and determine in whom the authority to issue abatement orders will vest.

IV. Additional responsibilities possible.

In addition to considering code enforcement issues, administrative hearing officers may also be empowered to hear multiple other issues of City business, such as employee discipline or termination, land use decisions (eliminating need for board of adjustment), ethics complaints, business license decisions, GRAMA denials, and building code disputes. In such cases, it is recommended that the Hearing Officer be law-trained, in order to receive argument and briefing on legal analysis for these issues. The Hearing Officer can be nimble enough to consider all of these cases, issue written rulings, and draw legal conclusions.

V. Existing ordinances.

The City code currently contains provisions which would allow an administrative court to be established.¹³ For instance, it allows for the appointment of a hearing officer by the Mayor,¹⁴ who hears appeals from notices of violation, civil citations, and orders of abatement.

Very little amendment will be necessary to move forward with establishing the administrative court. One such amendment could be made to the section addressing appeals to the district court; the ordinance could give the district court some guidance to what to do while reviewing the case. It could also address the process by which one files that appeal. A more thorough review of the applicable

ordinances will likely reveal additional needed changes, if there is interest in establishing the Hearing Officer.

VI. Briefing council.

In light of the Council's role in amending these sections, as well as giving advice and consent for the appointed Hearing Officer, it is recommended that before moving forward on this issue, we brief the Council and solicit their input. In some communities, the Council wishes to provide additional procedural protection to their citizens. This can be easily accomplished upon receiving policy direction from the Councilmembers. It is recommended that this be scheduled for a work meeting, to facilitate open dialogue.

CONCLUSION

If code enforcement will rarely require a hearing or abatement order, and if other administrative appeals are handled elsewhere, then an administrative hearing process may not be economical. However, if we anticipate a steady stream of code enforcement activity, or wish to expand the role of the Hearing Officer to include other matters, then the benefits would almost certainly outweigh the liabilities.

¹ Syracuse Municipal Code [hereinafter SMC] § 1.20.020.

² SMC § 6.05.040.

³ U.S. Const. amend V. The Fourteenth Amendment applies this protection as to the States, of which the City is a political subdivision.

⁴ *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972).

⁵ *Mathews v. Eldridge*, 424 U.S. 319, 334 (1975).

⁶ See e.g., *Goldberg v. Kelly*, 397 U.S. 254 (1970).

⁷ *Id.* at 268-71.

⁸ In a decision from the Tenth Circuit Court, it held that an abatement which was conducted after giving an individual the right to challenge the abatement order was sufficient. "[A]s long as the City's requirements are reasonable and give the aggrieved party adequate notice and an opportunity to meaningfully participate, they are not unconstitutional." *Santana v. City of Tusla*, 359 F.3d 1241, 1244 (10th Cir. 2004).

⁹ Anecdotally, citizens who appear for the hearing do not feel like they are being treated like criminals.

¹⁰ SMC § 6.20.020(D).

¹¹ Utah Code Ann. § 10-3-703.7.

¹² See e.g. *id.* § 10-11-1.

¹³ SMC § 6.20.010 et seq.

¹⁴ *Id.* § 6.05.120.



COUNCIL AGENDA

October 13, 2015

Agenda Item e.i

Code Amendment to Title VIII pertaining to Final Approval Performance Security

Factual Summation

City staff has done due diligence as a result of various guarantee requests from developers. We have found the proposed options to be low risk for performance security of required development improvements. The city would like to accept these low risk options for guaranteeing development improvements to prevent the need for future special approval on certain developments. In addition, as the economy improves, financial institutions have begun to ease up on restrictions and limitations for irrevocable letters of credit which acts as a bond for entities viewed as low risk borrowers in the eyes of credible lending institutions. As the city expands and creates more RDA's to encourage development, the RDA component will help facilitate different options to utilize tax increment to facilitate development.

Attachments

- Proposed code amendment

Recommendation:

The Planning Commission moved to recommend approval to the City Council of the code amendments to Title 8.30.30 (E) pertaining to Performance Securities on September 1, 2015 with a unanimous vote.

ORDINANCE NO. 15-19

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE VIII OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO PERFORMANCE SECURITIES

WHEREAS, due to the pace of growth in the City there are from time to time small proposed changes to various City ordinances that are warranted; and

WHEREAS, these small proposed changes come to the attention of the Planning Commission through varied means including but not limited to questions, concerns or complaints from the general public and or from developers that are seeking clarification on the language in the City code; and

WHEREAS, the Planning Commission takes each question or concern under consideration and addresses it on case-by-case basis in a fair and judicious manner paying specific attention to the reasonableness and legality of the request as well as the reasonableness and legality of the City's own ordinances; and

WHEREAS, after such consideration Planning Commission will either support and sustain current ordinances as adopted or in other cases have staff research and address each proposed change and put forth amendments to existing ordinances; and

WHEREAS, the Planning Commission now hereby wishes to amend various sections of Title X to address such proposed changes.

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

Section 1. Amendment. The following sections of Syracuse City Municipal Code are hereby amended as follows:

Exhibit A

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

Section 3. Effective Date. This Ordinance shall become effective immediately after publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8th DAY OF SEPTEMBER, 2015.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Mayor Terry Palmer

Voting by the City Council:

“AYE” “NAY”

Councilmember Peterson	___	___
Councilmember Lisonbee	___	___
Councilmember Duncan	___	___
Councilmember Johnson	___	___
Councilmember Gailey	___	___

this title. Standard 22-inch by 34-inch and reduced to 11-inch by 17-inch (one-half scale) of the plan and profile will be required for review by the City. General information required:

(A) Plan for Culinary Water Improvements. Show proposed water main sizes, valves, fire hydrants, and service connections to all lots within the proposed subdivision and connections to existing water mains.

(B) Plan for Secondary Water Improvements. Show proposed secondary water main sizes, valves, and service connections to all lots within the proposed subdivision and connections to existing secondary water lines.

(C) Plan for Sanitary Sewer. Show proposed sewer mains and manholes, together with proposed slopes and depths within the proposed subdivision. Also show location of service laterals to each lot within the subdivision.

(D) Land Drain. Show method of dealing with land drains and subsurface water drains within the proposed development. If applicable, indicate location of any service connections and service manholes within the subdivision.

(E) Storm Water. Show location and size of storm water drains, together with any manholes or drop boxes within the subdivision. Show slope and grade of all storm drain lines. Storm water calculations need to accompany drawings for engineer review.

(F) Streets. Typical cross section of road improvements, together with flow line of proposed curb and gutter improvements as compared with existing ground slopes and center line offsets of all proposed utilities.

(G) Stationing. Stationing callouts should conform with acceptable engineering practices.

(H) Agreements. When necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission. [Ord. 13-02 § 1 (Exhibit); amended 1997; Code 1971 § 8-6-2.]

8.30.30 Final approval.

(A) Submittal. Submit four standard 22-inch by 34-inch copies of plat and plan and profile sheets, one copy of each reduced to 11-inch by 17-inch (one-half scale), plus one PDF copy to the City, together with a cost estimate of off-site improvements and storm drain calculations.

(B) Engineer Review. City Engineer will review submitted documents and transmit his conclusions and recommendations to the Planning Commission, including cost estimate for off-site improvements required by City ordinance.

(C) Approval. Upon receipt of the approved plans from the City Engineer the Planning Commission shall forward to the City Council their recommendation to either approve or reject the final plat or shall table action for the next regular meeting or until the specified deficiency has been corrected.

If the Planning Commission does not approve the final plat, disapproval shall be indicated by written notice stating the reasons for disapproval, in which case the decision can be appealed to the City Council, whose decision will be final.

Approval of final plats by the City Council will extend for a period of 12 months. If work or subsequent action by the subdivider to proceed with off-site construction does not occur within the 12-month period following initial approval, the plat and construction drawings must be resubmitted and become subject to reapproval under the latest City ordinances and specifications.

(D) Construction of Off-Site Improvements. No construction of off-site improvements shall commence until the subdivider has completed a preconstruction meeting with the City Planning, Engineering, and Public Works Departments, at which time a review of construction project and expectations of the City will be discussed. Such conference shall be scheduled with the City and all affected utility companies will be invited to attend.

(E) Approval to Record Subdivision. Before any subdivision plat may be recorded, the subdivider shall furnish a corporate surety bond, cash escrow, irrevocable letters of credit from a credible lending institution, or a tax increment incentive as part of a signed reimbursement agreement from the Re-Development Agency which has been approved by the City Manager, in an amount as finally determined by the City Engineer to secure the performance of the public improvements in a workmanlike manner and according to specifications established by the Syracuse City subdivision standards (See SCC 8.10.020). Some of the public improvements are as follows:

- (1) Paving of streets.
- (2) Curb, gutter and sidewalks.
- (3) Sewer and water lines, including irrigation lines.

(4) Storm and subsurface drainage.



COUNCIL AGENDA

October 13, 2015

Agenda Item e.ii

Proposed Ordinance 2015-20, proposed property rezone, R-1 Residential to Neighborhood Services, located at approximately 1317 S. 2000 W.

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, City Planner.

Location:	1317 S 2000 W
Current Zoning:	R-1 Residential
Requested Zoning:	Neighborhood Services
General Plan:	Neighborhood Services
Total Area:	0.98 Acres

Summary

The applicant intends to move his financial planning office from the current location in the old Mia Design to a new location at 1317 S 2000 W. The zoning for the new location is R-1 which does not allow offices. The General Plan is Neighborhood Services which does allow the office use. The applicant would like to rezone the current zoning to Neighborhood Services. The applicant plans on converting the house into an office. Possibly in the future, he will build a new office building.

Attachments:

- Aerial
- Zoning Map
- GP Map
- Neighborhood Services Zone Description
- R-1 Zone Description

Suggested Motions:

Grant

I move to recommend approval to rezone property located at 1317 S 2000 W from R-1 to Neighborhood Services, subject to all applicable requirements of the City's municipal codes (and to the condition(s) that...)

Deny

I move to recommend denial to rezone property located at 1317 S 2000 W from R-1 to Neighborhood Services, based on...

Table

I move to table discussions pertaining to the rezone request for property located at 1317 S 2000 W from R- 1 to Neighborhood Services, until

ORDINANCE NO. 2015-20

AN ORDINANCE AMENDING THE EXISTING ZONING MAP OF TITLE X, "SYRACUSE CITY ZONING ORDINANCE", REVISED ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM RESIDENTIAL (R-1) ZONE TO NEIGHBORHOOD SERVICES (NS) ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED.

WHEREAS, the City has adopted a Zoning Ordinance to regulate land use and development within the corporate boundaries of the City; and

WHEREAS, Chapter Four of the Ordinance authorizes the City Council to amend the number, shape, boundaries, or any area of any zone; and

WHEREAS, a request for rezone has been made; the same has been recommended for approval by the Planning Commission; and a public hearing has been held with the proper notice having been given 10-days prior to the hearing date;

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

SECTION 1: That the following described real parcels of property in Residential (R-1) Zone as shown on a zoning map are hereby amended to Neighborhood Services (NS) Zone accordingly:

Deed Description

Legal Description:

BEG 8.5 CHAINS S FR THE NW COR OF THE SW 1/4 OF SEC 10-T4N-R2W, SLM; & RUN TH S 85 FT; TH E 272.25 FT; TH N 85 FT; TH W 272.25 FT TO THE POB. LESS & EXCEPT THEREFROM ANY PORTION LYING WITHIN THE ROAD. ALSO, BEG AT A PT 11.0 CHAINS S FR THE NW COR OF THE SW 1/4 OF SEC 10-T4N-R2W, SLM; & RUN TH N 80 FT; TH E 272.25 FT; TH S 80 FT; TH W 272.25 FT TO THE POB. LESS & EXCEPT THEREFROM ANY PORTION LYING WITHIN THE ROAD. CONT. 0.91 ACRES

Said property is located at approximately 1317 South 2000 West, Syracuse.
Parcel(s) #120520167

SECTION 2: Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 13th DAY OF OCTOBER, 2015.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

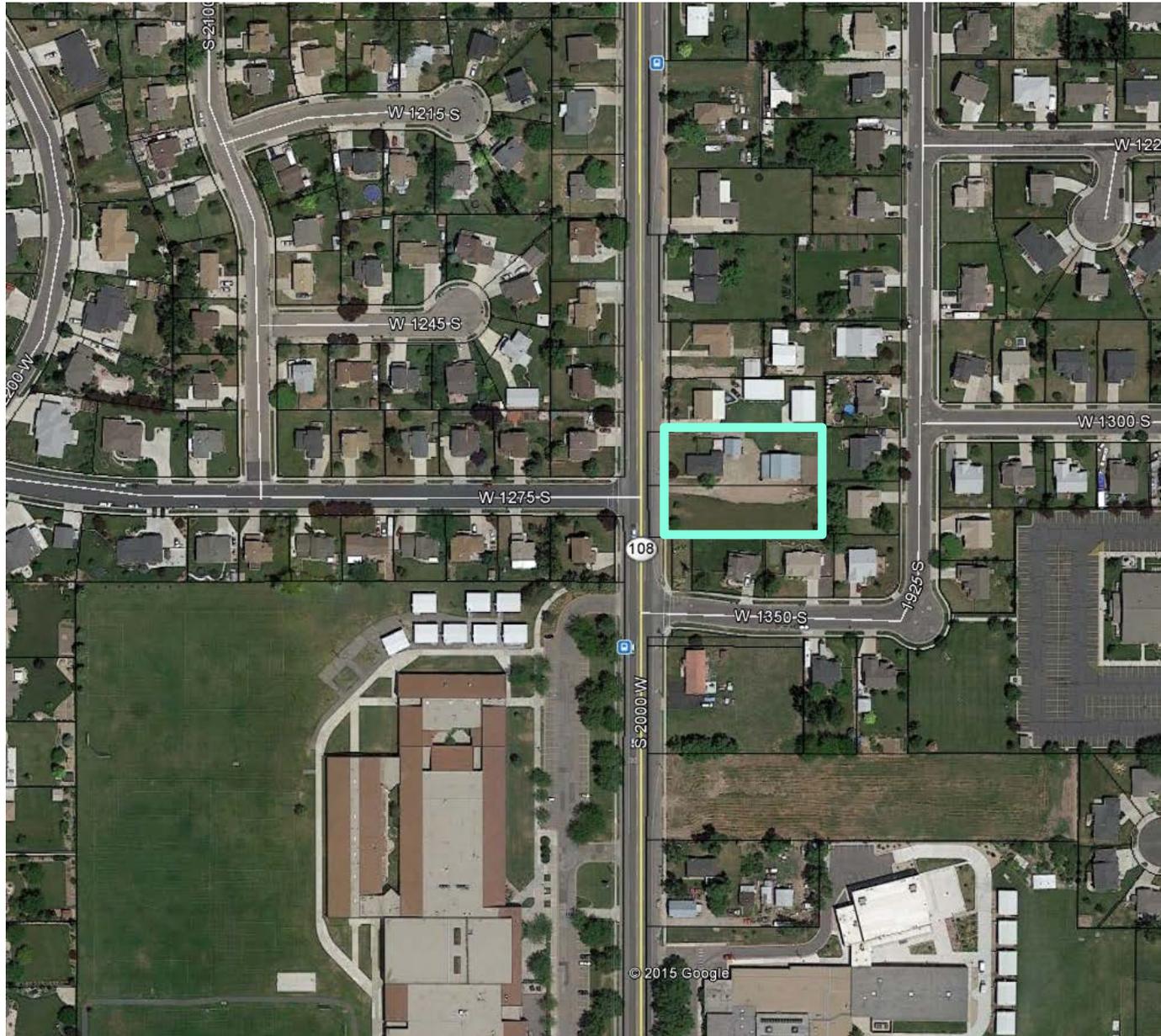
Mayor Terry Palmer

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Peterson	_____	_____
Councilmember Lisonbee	_____	_____
Councilmember Duncan	_____	_____
Councilmember Johnson	_____	_____
Councilmember Gailey	_____	_____



Rezone Request 1317 S 2000 W



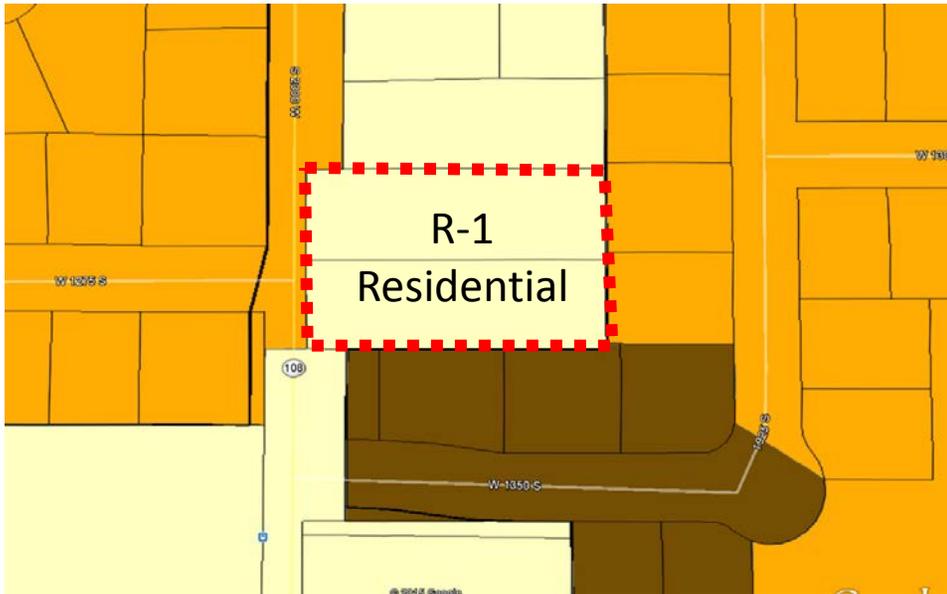


Rezone R-1 to Neighborhood Services 1317 S 2000 W



Existing Zoning Map

Proposed Zoning Request

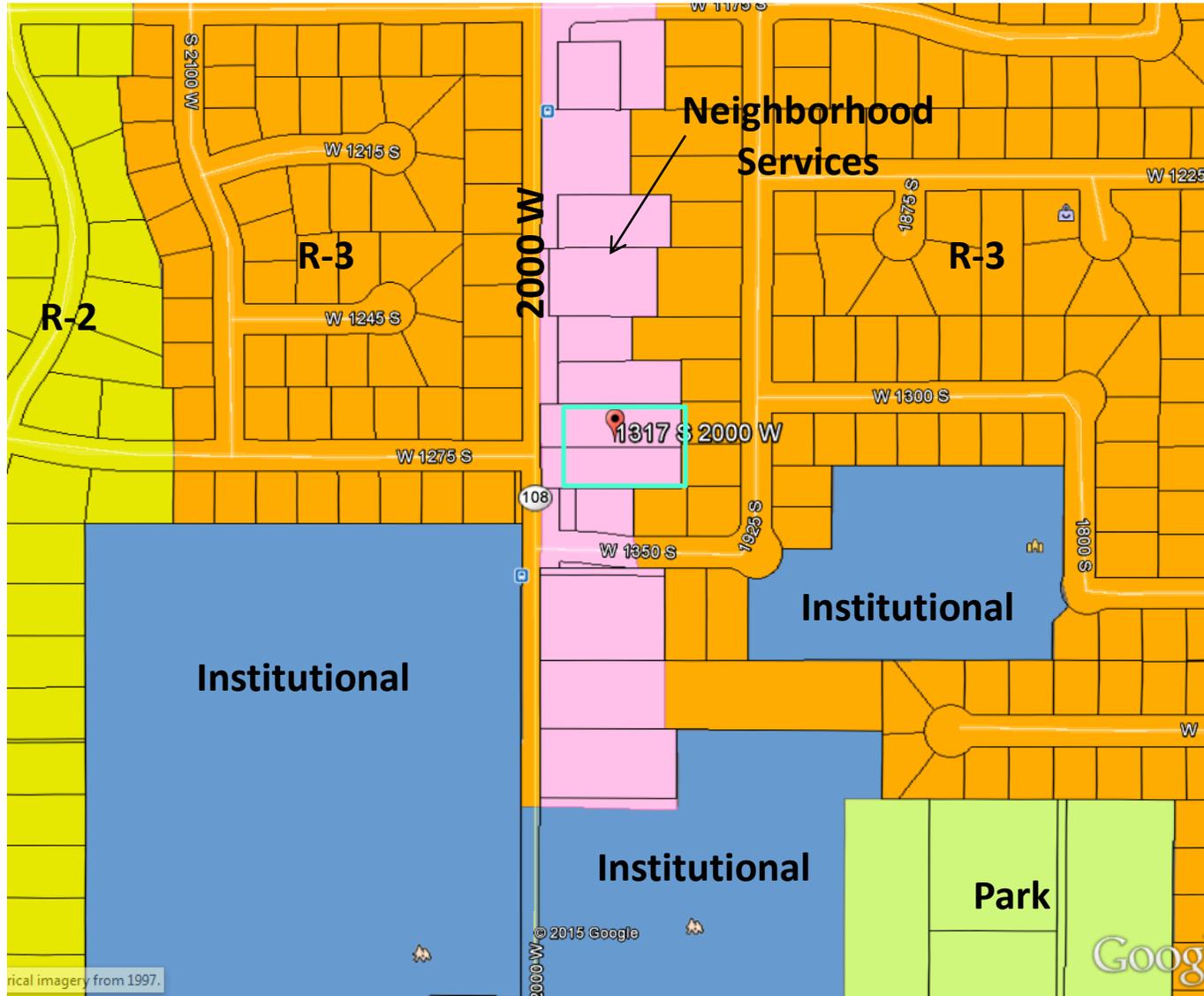


- | | |
|--|--|
|  Agriculture A-1 |  Neighborhood Services |
|  R-1 (2.90 dwellings per net acre) |  General Commercial Zone |
|  R-2 (3.79 dwellings per net acre) |  Industrial Zone |
|  R-3 (5.44 dwellings per net acre) |  Town Center Overlay Zone |
|  PRD (8.0 dwellings per net acre) |  Sensitive Overlay Zone |
|  R-4 (14.52 dwellings per net acre) |  RDA & EDA Boundary |
|  Professional Office | |



General Plan Map

1317 S 2000 W



(16 hits)

Chapter 10.105 NS – NEIGHBORHOOD SERVICES ZONE

Sections:

- 10.105.010 Purpose.
- 10.105.020 Permitted uses.
- 10.105.030 Conditional uses.
- 10.105.040 Minimum lot standards.
- 10.105.050 Off-street parking and loading.
- 10.105.060 Signs.
- 10.105.070 Special provisions.

10.105.010 Purpose.

The purpose of this zone is to provide for a range of opportunities specifically identified as providing local neighborhood services. Uses in this zone are not meant to have a large footprint, or be overly invasive to neighboring uses. [Ord. 12-12 § 1; Code 1971 § 10-21-010.]

10.105.020 Permitted uses.

The following uses, and no others, are appropriate to this zone, compatible with each other, and a permitted right provided that the parcel and buildings meet all other provisions of this title, or any other applicable ordinances of Syracuse City, and receive site plan approval as provided in SCC 10.20.090:

- (A) Accessory uses and buildings (under 200 square feet).
- (B) Amusement and recreational activities (includes athletic or tennis club).
- (C) Animal clinics.
- (D) Business services and professional offices.
- (E) Car washes, self-service coin-operated style and full-service tunnel style.
- (F) Churches, synagogues, and temples.
- (G) Commercial outdoor recreational activities (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).
- (H) Financial institutions.
- (I) Financial planning, investment planning, real estate, and general business offices.
- (J) Fruit and vegetable stands.
- (K) Greenhouses.

- (L) Marriage and family counseling services.
- (M) Optical shops.
- (N) Preschool centers.
- (O) Private parks and recreational activities.
- (P) Professional non-retail services.
- (Q) Public and quasi-public buildings.
- (R) Public parks.
- (S) Retail building materials, hardware, and farm equipment.
- (T) Uses considered similar and compatible by the land use administrator. [Ord. 12-12 § 1; Code 1971 § 10-21-020.]

10.105.030 Conditional uses.

The following, and not others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

- (A) Accessory uses and buildings (200 square feet or greater) (minor).
- (B) Animal hospitals (major).
- (C) Automotive and engine repair services (excluding body repair) (major).
- (D) Automobile and truck sales and rental (major).
- (E) Automotive retail and routine maintenance services (major).
- (F) Cabinetmaking/woodworking (major).
- (G) Community or civic services (major).
- (H) Contract construction services (major).
- (I) Convenience store (major).
- (J) Day care centers (major).
- (K) Equipment rental, sales, service and repair (major).
- (L) Hotels and motels (major).
- (M) Light industrial uses (fabrication, assembly, treatment, or packaging operations conducted in a totally enclosed building using previously prepared materials) (major).
- (N) Medical and other health facilities (major).
- (O) Packaging operations/delivery facility (major).

- (P) Precision equipment repair (major).
- (Q) Printing and publishing industries (major).
- (R) Public utility substations, generating plants, pumping stations, and buildings (major).
- (S) Restaurants and fast food services (major).
- (T) Retail trade, including equipment sales, service and repair (major).
- (U) Schools, professional and vocational (major).
- (V) Storage facilities (major).
- (W) Temporary commercial uses (see SCC 10.35.050) (minor).
- (X) Temporary use of buildings (minor).
- (Y) Theaters and amusement facilities (major).
- (Z) Wireless communication towers (See Chapter 10.130 SCC) (major). [Ord. 12-12 § 1; Code 1971 § 10-21-030.]

10.105.040 Minimum lot standards.

All lots developed and all structures and uses placed on lots shall be in accordance with the following lot standards:

- (A) Lot area: maximum of five acres.
- (B) Lot width: as required by site plan review.
- (C) Front yard: 20 feet.
- (D) Side yards: as required by site plan review.
- (E) Rear yard: as required by site plan review.
- (F) Building size: no greater than 20,000 square feet.
- (G) Building Height. Building height shall generally be no greater than 35 feet. However, building heights in excess of 35 feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings within this zone may be no closer than 15 feet from the zone boundary.
- (H) Buffer Yards. All lots shall be subject to the general landscape requirements as prescribed in Table 2, Buffer Classification Requirements, found in SCC 10.30.080.
- (I) Minimum Lot Standards When Adjacent to Residential or Institutional Zones.
 - (1) Vehicles. Any new building that is constructed immediately adjacent to a residential zone shall be designed so that the loading and unloading of trucks is screened from that portion of the

zone by the building. Dock orientation is prohibited on the side of the building facing the immediately adjacent residential zone.

(2) Lighting. Any outdoor lighting is shielded so that the source is not directly visible from the residential zone and the lighting is directed down and away from the residential zone. [Ord. 12-12 § 1; Code 1971 § 10-21-040.]

10.105.050 Off-street parking and loading.

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC unless the Planning Commission requirements exceed those of Chapter 10.40 SCC. [Ord. 12-12 § 1; Code 1971 § 10-21-050.]

10.105.060 Signs.

Signs permitted in this zone shall be those allowed in industrial zones by Chapter 10.45 SCC. [Ord. 12-12 § 1; Code 1971 § 10-21-060.]

10.105.070 Special provisions.

(A) Landscaping. All lots, parcels, or sites shall have a minimum 15 percent of the total area landscaped, including all required front yards, and permanently maintained in good condition.

(B) Industrial Performance Standards. The following performance standards are intended to ensure that all industries will provide reasonable modern control methods to protect the City from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

(1) General.

(a) No land or building devoted to uses authorized by this chapter shall be used or occupied in any manner that violates subsection (B)(2) of this section.

(b) Traditional practices are allowed to support each specific type of business. This includes, but is not limited to, transportation, hours of operation, maintenance, etc.

(c) In addition to meeting other application requirements for site plan approval or a conditional use permit, parties seeking approval for a neighborhood services zone use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may violate subsection (B)(2) of this section, the Planning Commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in subsection (B) of this section. Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.

(d) Within 20 days after the Commission receives the aforesaid application or report, if a report was required, or within such period as agreed to by the applicant, the Commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the Commission may approve or refuse to approve the use or may require a modification of the proposed plans, construction specifications, device or operation, and shall so inform the Building Official.

(e) Any approval so issued shall evidence only that reasonable measures are being taken. It shall not relieve the applicant of the responsibility of meeting such standards when the business is actually in operation; and, in case of a failure to perform in accordance with standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards shall be the sole responsibility of the applicant.

(f) The Land Use Administrator shall investigate any purported violation of performance standards as set forth in subsection (B)(2) of this section; and, if necessary for such investigation, may request that the Planning Commission employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation has existed or does exist, it shall order the Land Use Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the business will be shut down. Should a violation of performance standards occur, the Planning Commission may order the offending plant to cease operation until proper steps are taken to correct the conditions causing the violation. The service of any qualified experts, employed by the Planning Commission to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the City.

(2) Performance Standards. The determination of the existence of any of the following elements shall be measured at the lot line of the establishment or use.

(a) Noise. No use shall emit or cause the emission of sound from a stationary source or ground transportation creating a ninetieth percentile sound pressure level (L90) for any measured period (not less than 60 minutes) that exceeds 70 dB(a) from 7:00 a.m. to 10:00 p.m. or 55 dB(a) from 10:00 p.m. to 7:00 a.m.

(b) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments specified in subsection (B) (2) of this section.

(c) Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in subsection (B)(2) of this section or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

(d) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in subsection (B)(2) of this section. This

restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this chapter.

(e) Fire and Explosion Hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices as required by the Uniform Fire Code, Uniform Fire Code Standards, and Life Safety Code.

(f) Air Pollution. No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah Environmental Quality Code, its amendments, or resulting regulations.

(g) Liquid or Solid Wastes. No discharge at any point into a public sewer, public waste disposal system, private sewage system, or stream, or into the ground shall be allowed contrary to the Utah Environmental Quality Code, its amendments, or resulting regulations. [Ord. 12-12 § 1; Code 1971 § 10-21-070.]

The Syracuse City Code is current through Ordinance 15-15, passed July 14, 2015.

Disclaimer: The City Recorder's Office has the official version of the Syracuse City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

(22 hits)

Chapter 10.60 R-1 – RESIDENTIAL ZONE (2.9 LOTS PER NET ACRE)

Sections:

- 10.60.010 Purpose.
- 10.60.020 Permitted uses.
- 10.60.030 Conditional uses.
- 10.60.040 Minimum lot standards.
- 10.60.050 Off-street parking and loading.
- 10.60.060 Signs.
- 10.60.070 Special provisions.

10.60.010 Purpose.

The purpose of this zone is to promote and preserve, where conditions are favorable, areas for large lot development for families to engage in food production and, where adequate lot area exists, keep a limited number of farm animals and fowl. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-010.]

10.60.020 Permitted uses.

The following, and no others, are uses permitted by right provided the parcel and/or building meet all other provisions of this title and any other applicable ordinances of Syracuse City.

- (A) Accessory uses and buildings (under 200 square feet).
- (B) Agriculture.
- (C) Aviaries.
- (D) Churches, synagogues, and temples.
- (E) Dwellings, single-family.
- (F) Educational services.
- (G) Farm animal keeping (see SCC 10.30.040).
- (H) Fruit and vegetable stands (for sale of products produced on owner's premises).
- (I) Household pets.
- (J) Minor home occupations.
- (K) Public and quasi-public buildings.
- (L) Public parks.
- (M) Rabbits and hens.

(N) Residential facilities for persons with disabilities.

(O) Vietnamese potbellied pigs. [Ord. 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 04-12; Ord. 03-18; amended 1991; Code 1971 § 10-12-020.]

10.60.030 Conditional uses.

The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

(A) Accessory uses and buildings (200 square feet or greater) (minor).

(B) Apiaries (minor).

(C) Cluster subdivisions (major).

(D) Day care centers (major).

(E) Dog kennels (minor).

(F) Dwellings, accessory (major/minor, see SCC 10.30.020).

(G) Dwelling groups (major).

(H) Greenhouses (minor).

(I) Home occupations (major).

(J) Private parks and recreational activities (minor).

(K) Temporary commercial uses (see SCC 10.35.050) (minor).

(L) Temporary use of buildings (see SCC 10.30.100(A)(9)) (minor). [Ord. 14-01 § 1; Ord. 11-13 § 3; Ord. 11-10 § 6; Ord. 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 03-18; amended 1991; Code 1971 § 10-12-030.]

10.60.040 Minimum lot standards.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

(A) Density. Minimum lot size 10,000 square feet, but in no case shall the density exceed 2.9 lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of 4.75 lots per net acre.

(B) Lot width: 100 feet.

(C) Front yard: 25 feet.

(D) Side yards: 10 feet (both sides).

(E) Rear yard: 30 feet.

(F) Building height: as allowed by current building code.

(G) Variation of lot: the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:

- (1) The strict application of the lot width requirement would result in substantial hardship;
- (2) Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the zone would result in severe hardship;
- (3) The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the zone;
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the zone as identified in the City's general plan. [Ord. 11-13 § 3; Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 03-08; Ord. 02-16; Code 1971 § 10-12-040.]

10.60.050 Off-street parking and loading.

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-050.]

10.60.060 Signs.

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-060.]

10.60.070 Special provisions.

All pens, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than 150 feet from a public street and no less than 100 feet from all dwellings on adjacent lots. (This provision shall not apply to pastures.) [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-070.]

The Syracuse City Code is current through Ordinance 15-15, passed July 14, 2015.

Disclaimer: The City Recorder's Office has the official version of the Syracuse City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited.



COUNCIL AGENDA

October 13, 2015

Agenda Item e.iii

Final Subdivision Plan Keller Crossing Phase 1

Factual Summation

Address:	1475 W 2000 S
Zone:	R-2 Residential
Applicant:	Nilson Homes
Total Acreage	6.774 acres
Net Developable Acres:	5.419 acres
Allowed Lots (5.44 units/acre):	29
Proposed Lots	17

Public Meeting Outline

General Plan and Rezone Approval

Planning Commission May 5, 2015

City Council May 12, 2015

Concept Plan Staff Review April 29, 2015

Preliminary Plan Review

Planning Commission June 2, 2015

City Council June 9, 2015

Final Plan Review

Planning Commissioner September 1, 2015

Attachments

- Proposed code amendment

Background:

This request is for phase one of two phases for the Keller Crossing Subdivision. This phase is on the west end of the development and will complete 1475 West. This phase is surrounded by single family residential development. The developer has opted for the low volume local street standard. The developer has been sent the city staff reports and is currently amending the drawings to reflect any outstanding items.

Attachments

- Aerial
- Final Plan
- Staff Reviews

Planning Commission Recommendation

The Planning Commission moved to recommend approval of the final subdivision plan for Keller Crossing Phase I, located at 1475 W 2000 S R-2 zone, subject to all applicable requirements of the City's municipal codes and city staff reviews on September 1, 2015 with a unanimous vote.



TO: Community Development, Attention: Jenny Schow
FROM: Jo Hamblin, Fire Marshal
RE: Keller Crossing phase 1 final

DATE: August 25, 2015

I have reviewed the site plan submitted for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 1/2" connection facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met.
2. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow for this project. The Fire Prevention Division of this department shall witness this test and shall be notified a minimum of 48 hours prior to the test.
3. Dead-end streets, which exceed one hundred and fifty feet depth in length, shall have a temporary turnaround area at the end. The temporary turnaround shall meet the City standards.
 - 2000 South will require a temporary turnaround
4. Cul-de-sacs (a street having only one outlet that terminates at the other end by a vehicle turnaround) shall be no longer than five hundred (500) feet from the centerline of the adjoining street to the center of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter, measured to the back of curb.
 - The cul-de-sac's diameter is only 90 feet which is below the city's standard.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Syracuse City.



SYRACUSE
EST. CITY 1935

Planner Final Subdivision Review

Subdivision: Keller Crossing
Completed By: Jenny Schow, City Planner

Date: August 25, 2015
Updated:

8-6-10 Final Plat

Please review and amend the following items:

1. Include a typical set back diagram or list set backs on the plat.
2. Add street address when submitted by the city planner.

Items required for Preconstruction:

1. Construction Drawing Prints and PDF files
2. Schedule a preconstruction meeting
3. Bond estimate using the City template
4. Final Inspection Fees as calculated in the approved bond estimate
5. Offsite Improvement Agreement
6. BMP Facilities Maintenance Agreement (Parcel A)
7. Streetlight Agreement
8. SWPPP NOI
9. SWPPP City Permit
10. Fugitive Dust Control Plan

Items required for Recording:

1. Escrow Agreement
2. Water Shares
3. Title Report - must be updated within 30 days or recording
4. Recording fees: \$37/page +\$1/lot and any common space as well as \$1/land-owner signatures over two

KELLER CROSSING SUBDIVISION PHASE 1

PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
 SYRACUSE CITY, DAVIS COUNTY, UTAH
 JUNE, 2015



BOUNDARY DESCRIPTION

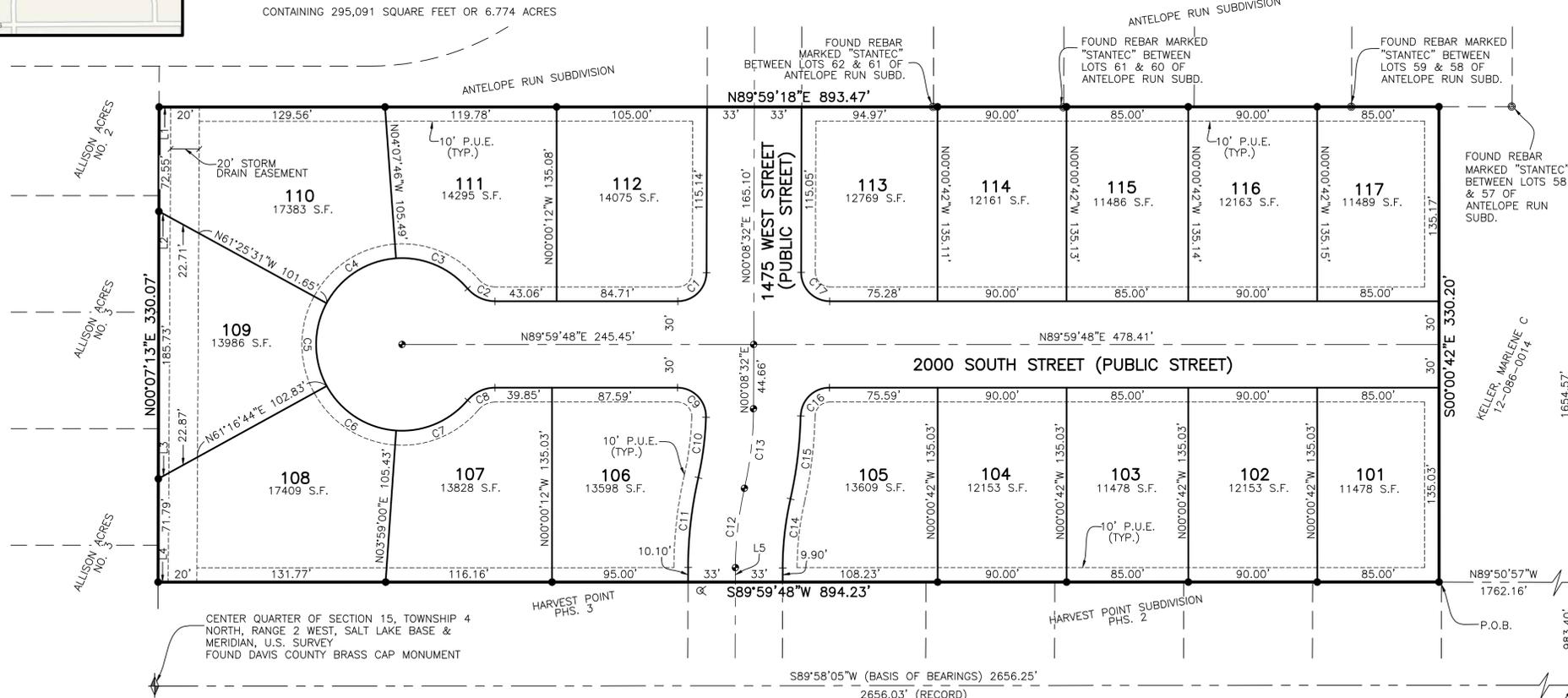
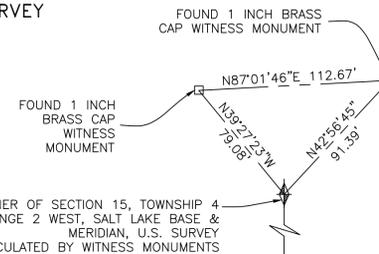
PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING 983.40 FEET N00°09'03"E AND 1762.16 FEET N89°50'57"W FROM THE EAST QUARTER OF SECTION 15; THENCE S89°59'48"W ALONG THE NORTHERLY BOUNDARY OF HARVEST POINT SUBDIVISION PHASES 2 & 3, 894.23 FEET; THENCE N00°07'13"E ALONG THE EASTERLY BOUNDARY OF ALLISON ACRES SUBDIVISION NO. 1 & NO. 3, 330.07 FEET; THENCE N89°59'18"E ALONG THE SOUTHERLY BOUNDARY OF ANTELOPE RUN SUBDIVISION, 893.47 FEET; THENCE S00°00'42"E 330.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 295,091 SQUARE FEET OR 6.774 ACRES

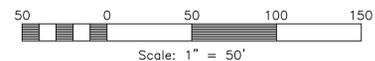
NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS PROPERTY INTO LOTS AND STREETS AS SHOWN. ALL BOUNDARY CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES. THE BOUNDARY ON THE NORTH, SOUTH AND WEST SIDES WAS FIXED BY EXISTING SUBDIVISIONS, WHICH MATCH DEED AND OCCUPATIONAL EVIDENCE.



LEGEND

- = SECTION CORNER
- = WITNESS MONUMENT
- = FOUND REBAR
- = EXISTING FIRE HYDRANT
- = SET STREET MONUMENT
-



CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	20.00'	31.37'	28.25'	19.95'	S45°04'10\"/>	89°51'16\"/>
C2	25.00'	21.68'	21.00'	11.57'	S65°09'48\"/>	49°40'47\"/>
C3	60.00'	56.35'	54.30'	30.44'	N67°13'35\"/>	53°48'21\"/>
C4	60.00'	60.00'	57.53'	32.78'	N57°13'22\"/>	57°17'45\"/>
C5	60.00'	60.00'	57.53'	32.78'	N00°04'23\"/>	57°17'45\"/>
C6	60.00'	60.00'	57.53'	32.78'	N57°22'08\"/>	57°17'45\"/>
C7	60.00'	56.20'	54.17'	30.35'	N67°09'00\"/>	53°39'59\"/>
C8	25.00'	21.68'	21.00'	11.57'	S65°09'24\"/>	49°40'47\"/>
C9	20.00'	32.02'	28.71'	20.62'	N44°08'05\"/>	91°44'15\"/>
C10	217.00'	42.34'	42.28'	21.24'	S07°19'28\"/>	111°10'50\"/>
C11	283.00'	62.93'	62.80'	31.60'	N06°32'38\"/>	12°44'29\"/>
C12	250.00'	55.59'	55.48'	27.91'	N06°32'38\"/>	12°44'29\"/>
C13	250.00'	55.73'	55.62'	27.98'	S06°31'42\"/>	12°46'21\"/>
C14	217.00'	48.26'	48.16'	24.23'	N06°32'38\"/>	12°44'29\"/>
C15	283.00'	58.23'	58.12'	29.22'	S07°01'13\"/>	11°47'18\"/>
C16	20.00'	31.02'	28.00'	19.61'	S45°33'41\"/>	88°52'14\"/>
C17	20.00'	31.47'	28.32'	20.05'	S44°55'50\"/>	90°08'44\"/>

LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°59'18\"/>	8.16'
L2	S61°25'31\"/>	8.99'
L3	N61°16'44\"/>	8.35'
L4	S89°59'48\"/>	7.07'
L5	S00°10'24\"/>	10.00'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE FOUND DAVIS COUNTY BRASS CAP MONUMENTS AT THE CENTER QUARTER AND THE EAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY. SHOWN HEREON AS: S89°56'49"W

CENTURYLINK

APPROVED THIS _____ DAY OF _____, 20____, BY CENTURYLINK.

CENTURYLINK

SYRACUSE CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, 20____, BY THE SYRACUSE CITY ATTORNEY.

SYRACUSE CITY ATTORNEY

SYRACUSE CITY ENGINEER

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

SYRACUSE CITY ENGINEER DATE

SYRACUSE CITY COUNCIL

PRESENTED TO THE SYRACUSE CITY COUNCIL THIS THE _____ DAY OF _____, 20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

SYRACUSE CITY MAYOR ATTEST: CITY RECORDER

ROCKY MOUNTAIN POWER

APPROVED THIS _____ DAY OF _____, 20____, BY ROCKY MOUNTAIN POWER.

ROCKY MOUNTAIN POWER

QUESTAR

APPROVED THIS _____ DAY OF _____, 20____, BY QUESTAR.

QUESTAR

SYRACUSE CITY PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 20____, BY THE SYRACUSE CITY PLANNING COMMISSION.

CHAIRMAN, SYRACUSE CITY PLANNING COMMISSION

SURVEYOR'S CERTIFICATE

I, **TREVOR J. HATCH**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **KELLER CROSSING SUBDIVISION PHASE 1** IN **SYRACUSE CITY, DAVIS COUNTY, UTAH**, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE **DAVIS COUNTY** RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **SYRACUSE CITY, DAVIS COUNTY** CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

9031945
 UTAH LICENSE NUMBER **TREVOR J. HATCH**

OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO PRIVATELY OWNED PROPERTY, COMMON AREA, LIMITED COMMON AREA, AND PUBLIC STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT **KELLER CROSSING SUBDIVISION PHASE 1**, AND DO HEREBY DEDICATE TO PUBLIC USE ALL THESE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT-OF-WAY AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, STORM WATER AND STORM DRAIN EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____.

ACKNOWLEDGMENT

STATE OF UTAH)ss.
 COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH)ss.
 COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

PROJECT INFORMATION

Surveyor: **T. HATCH** Project Name: **KELLER CROSSING**
 Designer: **E. ROCHE** Number: **1301-002**
 Begin Date: **06-17-15** Scale: _____
 Revision: _____ Page: **1 of 1**

DAVIS COUNTY RECORDER

ENTRY NO. _____ FILED FOR RECORD
 AND RECORDED, _____ AT
 _____ IN BOOK _____ OF
 THE OFFICIAL RECORDS, PAGE _____

RECORDED FOR:
 _____ DAVIS COUNTY RECORDER
 _____ DEPUTY,



Keller Crossing Subdivision

1475 West & 2000 South

Engineer Final Plan Review

Completed by Brian Bloemen on August 24, 2015

Below are the engineering comments for the final plan review of the Keller Crossing Subdivision.

Plat:

1. Add a temporary turn around easement adjacent to Lots 117 and 101.
2. Add the recording information for the existing storm drain easement.
3. Add side lot PUE's along Lots 108, 109 & 110.
4. The westerly boundary line should be Allison Acres No. 2 not No.1.

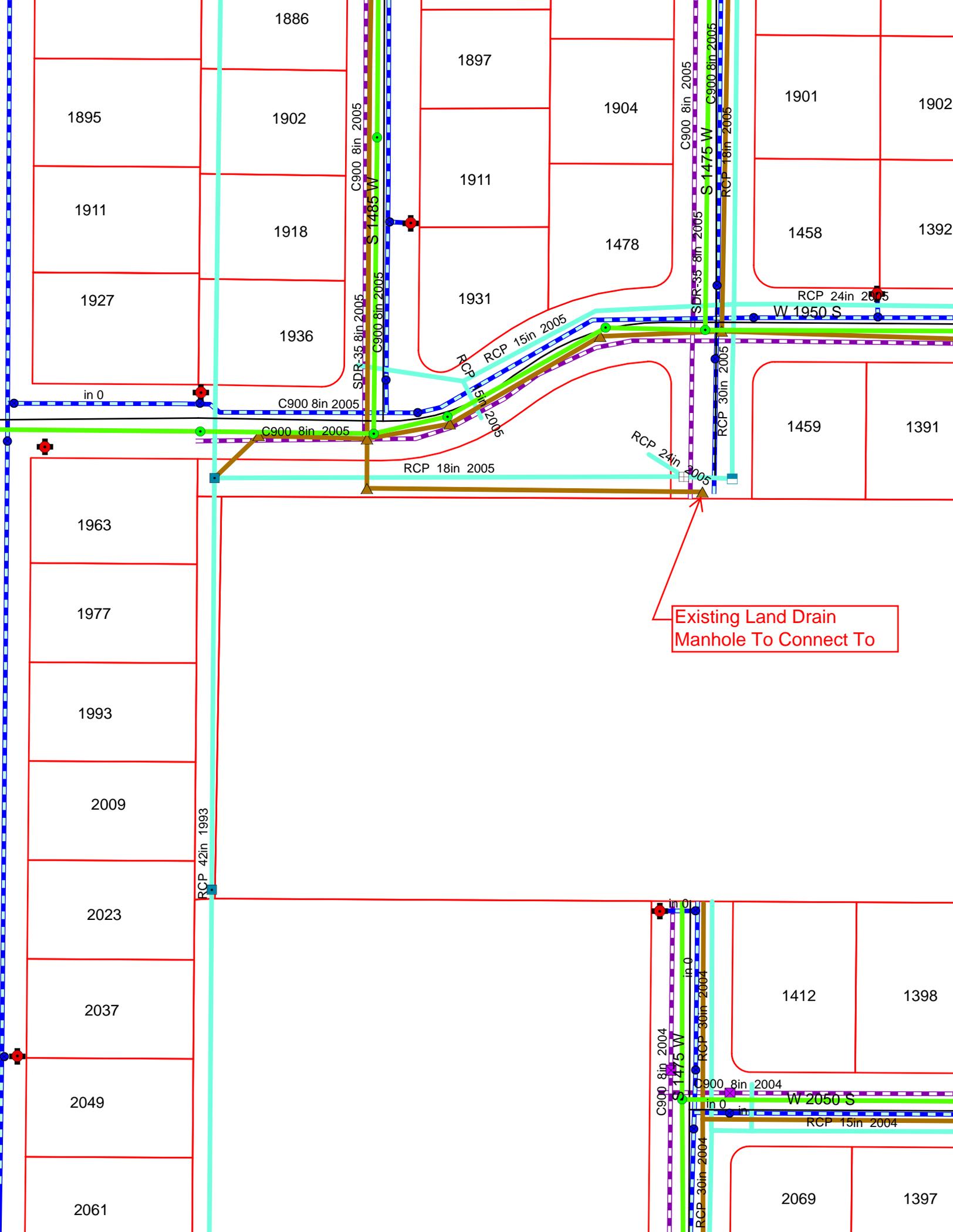
Plans:

1. Run the culinary waterline in 1475 West Street in the existing alignment to avoid using bends.
2. Per the cul-de-sac ordinance the minimum radius from the center of the cul-de-sac to the top back of curb is 50 feet.
3. Unless a tail water ditch is provided into the storm drain, the remaining land to the east can no longer be farmed. The existing head gate needs to be abandoned per West Branch Irrigation standards.
4. See the attached map for the location of the existing land drain on the north side of 1475 West to connect to. Field verify the location.
5. The existing detention basin will need to be bought into or detention for a 100 year event will need to be provided.
6. Match the existing curb and gutter/park strip with on 1475 West Street.
7. Add culinary and secondary valves on the north, east and south sides of 1475 West Street and 2000 South Street. The valves on the west side of the intersection can be eliminated.
8. All sewer and land drain services must tie into the main, not manholes.

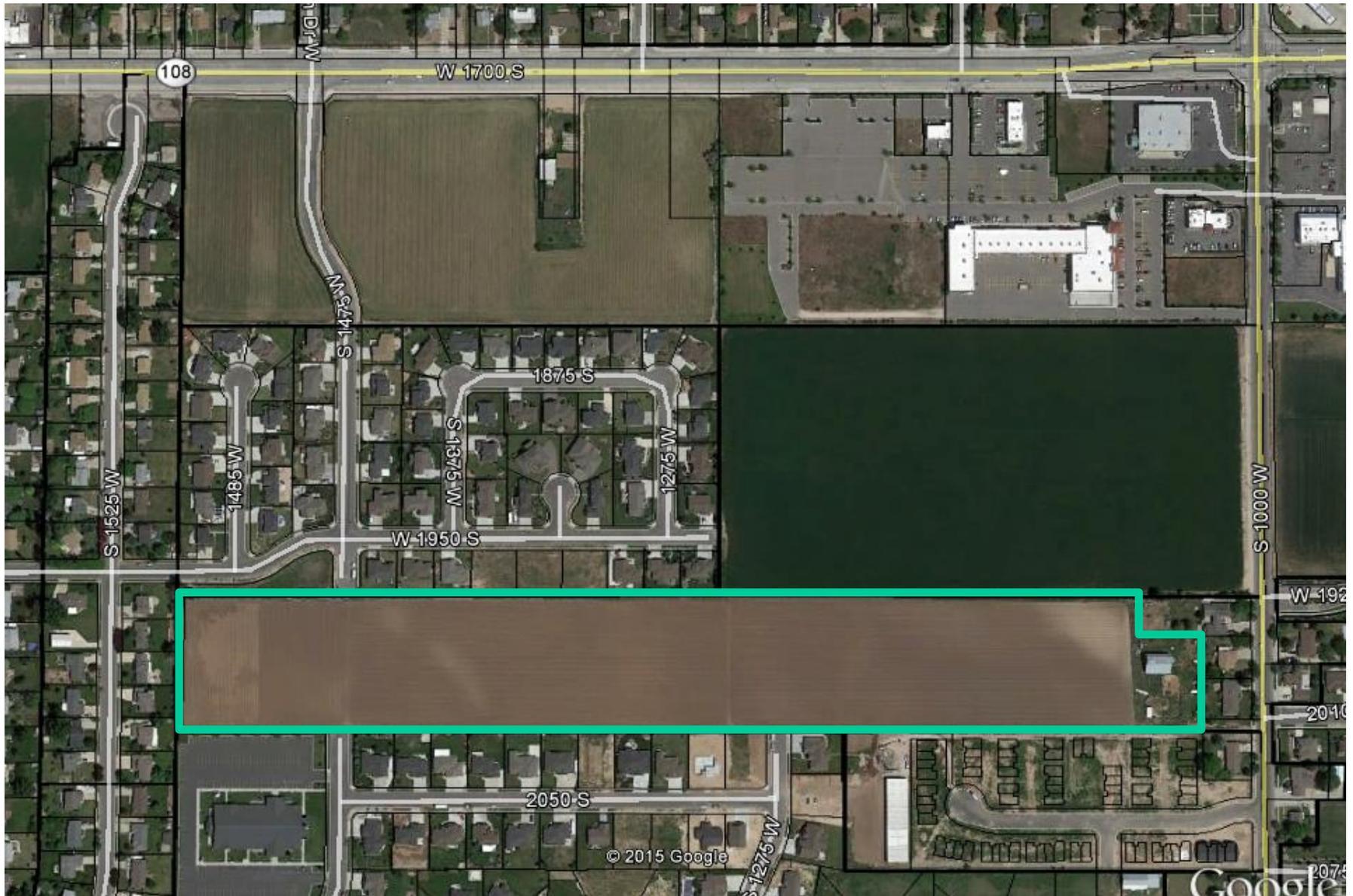
If you have any further comments or questions please feel free to contact me at 801-614-9630.

Sincerely,

Brian Bloemen, P.E.
City Engineer



Keller Crossing 2000 S 1000 W





COUNCIL AGENDA

October 13, 2015

Agenda Item “f”

Discuss Agenda item 11, proposed amendments to parking restrictions in the Syracuse Municipal Code.

Factual Summation

- Any question regarding this agenda item may be directed at Chief Atkin
- Please see attached

Chief Atkin is requesting the adoption of an additional parking ordinance. The purpose of this proposed ordinance is to allow the Department to better address parking concerns of residents and to provide increased safety. This ordinance would be added to Chapter 11 Section 20.

ORDINANCE 2015-21

AN ORDINANCE OF THE SYRACUSE CITY COUNCIL ENACTING SECTION 11.20.040, PARKING RESTRICTIONS.

WHEREAS, the City has authority to enact laws regulating the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds pursuant to Section 10-8-11 of the Utah Code; and

WHEREAS, the City Council of Syracuse City finds that the regulation of parking on roads and alleys within the City is necessary in order to provide for safety and expeditious travel on those roads and alleys; and

WHEREAS, the Council finds that the obstruction of sidewalks, public and private driveways, and mailboxes by vehicles or trailers can unnecessarily burden users of those amenities and lead to safety hazards; and

WHEREAS, the Council finds that governmental entities that must block private or public driveways for an extended period of time should be required notify affected property owners, as well as coordinate with city officials; and

WHEREAS, the Council finds that the attached regulations are designed to improve the safety and welfare of our community,

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

Section 11.20.040 of the Syracuse Municipal Code is enacted, as provided in the attached exhibit (Exhibit A).

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, this _____ day of _____, 2015.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, CMC
City Recorder

By: _____
Terry Palmer
Mayor

EXHIBIT A
Proposed Ordinance

Parking restrictions 11.20.040

It shall be unlawful to stop, stand, or park any vehicle or trailer:

- (1) in such a manner so as to obstruct access upon, or use of, the entire surface of any sidewalk;
- (2) upon any street, public right-of-way, or publicly owned or controlled property, for a period of more than seven days, if the vehicle or trailer is mechanically inoperable or cannot be lawfully operated on public streets. For purposes of this Subsection, "mechanically inoperable" includes, but is not limited to, flat tire, dead battery, any mechanical problem that would prohibit the immediate starting of the engine and proceeding in a normal manner. "Lawfully operated" includes, but is not limited to, having current registration and required equipment, and the absence of any physical condition which would prohibit lawful operation, such as missing or inoperable lighting;
- (3) in any fire lane, or to otherwise block or obstruct any fire lane or hydrant established by the City, except as necessitated by an emergency;
- (4) on any public property, other than in designated parking areas, or as legally permitted on roadways;
- (5) in a manner that obstructs the delivery or retrieval of mail from a mailbox, or which obstructs refuse collection. This subsection is only applicable during times when those services are occurring or are likely to occur, and does not apply if the driver is present and moves the vehicle or trailer to avoid obstruction when such services are actually rendered; or
- (6) in a manner that obstructs all or part of a public or private driveway, without permission from the driveway's owner.
- (7) (a) This section does not apply to any vehicle or trailer which is owned by a governmental entity and which is being used for official government business, or to vehicles which have been authorized by the applicable highway authority to stop, stand or park in a manner otherwise contrary to this section.
(b) Such vehicles may not block access to private or public driveways, except in cases of emergency repairs, when necessary in order to provide police or fire services, or pursuant to a road or lane closure authorized by the applicable highway authority.
(c) When it is anticipated that access to private or public driveways will be blocked for greater than one hour, the entity shall coordinate its plan with the City, and shall communicate its plan to the affected property owner, at least twenty-four (24) hours prior to the time access is blocked.



COUNCIL AGENDA

October 13, 2015

Agenda Item “g” Review and discuss City Council Public
Comment Policy.

Factual Summation

- During the September 22 work session meeting, Councilmember Lisonbee indicated she would like to review the City Council’s public comment policy included in the Council’s Rules of Order and Procedure. The section dealing with public comments reads as follows:

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



COUNCIL AGENDA

October 13, 2015

Agenda Item “h” Update on SR 108 (2000 West) Project

Factual Summation

- Any question regarding this agenda item may be directed at Brody Bovero, City Manager or Mayor Terry Palmer.
- UDOT has officially begun the 2000 West widening project and has contacted residents along 2000 West who will be displaced due to the project.
- UDOT has met with staff to outline the scope and timing of the project.
- Construction is expected to commence in 2017 with completion in 2018.
- The public involvement agents for UDOT on this project are Dave Asay and Dez Ragan and can be contacted at 2000west@utah.gov or (844) 200-0937.
- A brief update and time for questions has been placed on the October 13th agenda.



SYRACUSE CITY
Syracuse City Council Regular Meeting Agenda
October 13, 2015 – 7:00 p.m.
City Council Chambers
Municipal Building, 1979 W. 1900 S.

1. Meeting called to order
Invocation or thought
Pledge of Allegiance
Adopt agenda
2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Alex Stanger and Bianca Porras.
3. Recognition of former Councilmember Brian Duncan.
4. Approval of Minutes:
 - a. Regular Meeting of September 8, 2015
 - b. Special RDA Meeting of September 8, 2015
 - c. Work Session of September 22, 2015
 - d. Special Meeting of September 22, 2015
5. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.
6. Proposed Resolution R15-35 requesting recertification of the Syracuse City Justice Court.
7. Proposed Ordinance 2015-20 amending the existing Zoning Map of Title X, "Syracuse City Zoning Ordinance", revised ordinances of Syracuse, 1971, by changing from Residential R-1 Zone to Neighborhood Services NS Zone the parcel of property located at approximately 1317 S. 2000 W.
8. Final Subdivision Plan Approval, Keller Crossing Phase 1, located at approximately 1475 W. 2000 S.
9. Authorize Administration to execute Land Purchase Agreement, Ninigret Trail Project.
10. Proposed Ordinance 2015-19 amending various sections of Title VIII of the Syracuse City Municipal Code pertaining to performance securities.
11. Proposed Ordinance 2015-21, enacting Section 11.20.040, Parking Restrictions, in the Syracuse City Code.
12. Councilmember Reports.
13. Mayor Report.
14. City Manager Report.
15. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property Roll call vote
16. Adjourn.

□□□□□

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 8th day of October, 2015 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examine on October 8, 2015.

CASSIE □ BROWN, CMC
SYRACUSE CITY RECORDER



COUNCIL AGENDA

October 13, 2015

Agenda Item #2

Presentation of the Syracuse City and Wendy's "Award for Excellence" to Alex Stanger and Bianca Porras for the month of October.

Factual Summation

- Any questions regarding this item can be directed at CED staff. Please see the attached memos regarding the Award recipients for October 2015.

Recommendation

The Community & Economic Development Department hereby recommends that the Mayor and City Council present the "Syracuse City & Wendy's Award for Excellence" to Alex Stander and Bianca Porras for the month of October.



Mayor
Terry Palmer

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

Interim City Manager
Steve Marshall

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: October 13, 2015

Subject: Presentation of the Syracuse City & Wendy's Award for Excellence to Bianca Porras and Alex Stanger

Background

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence."

"Syracuse City & Wendy's Award for Excellence"

This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts and/or community service. The following are the individuals selected for the award and the reasoning for their selection:

Bianca Porras:

Bianca Porras comes from family of outstanding students. She has been an incredible and model student in every way. She maintains a 3.9 grade point average while taking honor level classes. She is currently taking as many honor classes as are offered at West Point Jr. High School. Her contributions to the classroom are second to none. Her teachers have said many great things about her ability to master difficult classes. Bianca has a fantastic future ahead of her.

Alex Stanger:

Alex Stanger is, without question, one of the most outstanding students at West Point Jr. High School. He has consistently demonstrated excellence in his classwork. He has a 4.0 grade point average and also takes honor level classes. His contribution to the school is well noted and his

teachers have praised his abilities to accomplish the most difficult of tasks and keep up his grades. He can certainly accomplish anything he sets his mind to, and will be a great asset to the community in the future.

Both students were nominated by West Point Jr. High School Staff

Both students will:

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

Recommendation

The Community & Economic Development Department hereby recommends that the Mayor and City Council present the "Syracuse City & Wendy's Award for Excellence" to Bianca Porras and Alex Stanger.



COUNCIL AGENDA

October 13, 2015

Agenda Item #3

Recognition of former Councilmember Brian Duncan.

Factual Summation

- Former Councilmember Brian Duncan has been invited to attend the City Council meeting in order to be recognized for his service to Syracuse City. His term on the Syracuse City Council spanned from February 28, 2012 to August 14, 2015. Mayor Palmer will present him with a token of the City's appreciation.



COUNCIL AGENDA

October 13, 2015

Agenda Item #4

Approval of Minutes.

Factual Summation

- Please see the draft minutes of the following meeting(s):
 - a. Regular Meeting of September 8, 2015.
 - b. Special RDA Meeting of September 8, 2015.
 - c. Work Session Meeting of September 22, 2015.
 - d. Special Meeting of September 22, 2015.

- Any question regarding this agenda item may be directed at Cassie Brown, City Recorder.

Minutes of the Syracuse City Council Regular Meeting, September 8, 2015.

Minutes of the Regular meeting of the Syracuse City Council held on September 8, 2015, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
City Attorney Paul Roberts
Finance Director Steve Marshall
Community Development Director Brigham Mellor
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson

Visitors Present:	Jordan Savage	Melissa Payne	Logan Payne
	Karson Payne	Randy Bennett	Stanton Carr
	Corinne Bolduc	Coulsen Rich	Doug Rich
	Brian Patterson	Brandon Mauhar	John Lewis
	Clara Gomez	Miles Lebaron	London Lebaron
	Jaxon Mansfield	Gage Mansfield	Nik Cheney
	Clint Jeffs	Gerald Jacobs	Mark Stapley
	Kevin Homer	Jeannie McBride	Mike McBride
	Don McManus	Daxyn Smith	Andrea Anderson
	Gary Pratt	Mila Barton	Kalee Eddy
	Deanne Eddy	Norm Eddy	Payson Payne
	Julie Kendall	June Thurgood	Diane Palmer
	Ray Zaugg	Pat Zaugg	Mindy Johns

7:11:35 PM

1. Meeting Called to Order/Adopt Agenda

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

7:13:10 PM

COUNCILMEMBER PETERSON MOVED TO ADOPT THE AGENDA. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

1 [7:13:37 PM](#)

2 2. Presentation of the Syracuse City and Wendy's "Award for Excellence"
3 to Ryker Eddy and Clara Carr for the month of August and Arianne
4 Jimenez and Karson Payne for the month of September.

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

13 Mayor Palmer noted both teens receiving the award for August 2015 were nominated by the Syracuse City
14 Recreation Department.

15 Ryker Eddy:

16 Ryker Eddy is an exemplary student-scholar with significant leadership skills. Ryker excels in all subject areas and
17 always continues to work hard to show growth. He has above level math and reading skills, yet in class Ryker would
18 continue to improve and gain a deeper understanding of the subject areas. Ryker participates in class and always
19 asks thoughtful and engaging questions, Ryker also excels on the soccer field and shows great sportsmanship. Ryker
20 is a great example and friend to those in the classroom and on the field.

21
22 Clara Carr:

23 Clara Carr is a wonderful student who is always thinking of others. She works hard and gets wonderful grades. Clara
24 is an extremely good author who writes stories that share good things about herself and others. She loves to read and
25 she read over 100 books this past school year. Clara is also kind to everyone she meets. You often see her helping
26 other students with school work and including others in activities and games. Clara is also a wonderful citizen of our
27 school and community. She listens and follows directions. She does everything she can to help things run smoothly

1 each school day. Clara has also set some wonderful goals for herself, and strives every day to accomplish good
2 things. She is one of the most awesome students ever seen.

3 Mayor Palmer noted both teens receiving the award for September 2015 were nominated by West Point Elementary
4 School.

5 Arianna Jimenez:

6 As the school year begins, Arianna Jimenez' teacher is already noticing what an excellent student she is! She excels
7 at being a Peacebuilder. She is often found including others, sharing ideas, and supporting her class team. She is an
8 example of a great student, because she is always on task, follows directions, and finishes her assignments.

9 Arianna's positive attitude about everything she is asked to do is very appreciated in class.

10

11 Karson Payne:

12 Karson Payne is an energetic, fun-loving student who shows enthusiasm at school about the things he is learning.

13 Karson is respectful to his teacher and kind to his classmates. He loves to participate in class and share his ideas. He
14 is bright and creative and enjoys making others smile! He works hard to do the best he can in the classroom and is
15 an awesome student who brings joy to others.

16

17 [7:21:28 PM](#)

18 3. Introduction of new Police Officers Brandon Mauhar and Sam Carter

19 Police Chief Garret Atkin has requested time on the agenda to introduce his newest Police Officers, Brandon
20 Mauhar and Sam Carter.

21 [7:21:38 PM](#)

22 Officer Mauhar addressed the Council and provided a brief overview of his professional background. Chief Atkin
23 then noted that Officer Carter was not able to be present this evening, but noted he also has a great professional background;
24 he has been employed with Syracuse City for nearly four months and the Department is now fully staffed for the first time
25 since he was hired as the Chief of Police. He stated he appreciates the support he receives from the Council and citizenry and
26 indicated he is fortunate to work with great officers. Mayor Palmer stated that he has read several positive comments and

1 compliments regarding the City's Police force on social media recently; the City has a great Police Department and they
2 work hard to keep the City safe.

3

4 [7:23:58 PM](#)

5 4. Approval of Minutes:

6 The following minutes were reviewed by the City Council: Work Session and Special Meeting of August 25, 2015.

7 Councilmember Lisonbee made a correction to the minutes; she noted at one point in the meeting Mayor Palmer is
8 referred to as Mayor Taylor.

9 [7:24:38 PM](#)

10 COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE WORK
11 SESSION AND SPECIAL MEETING OF AUGUST 25, 2015 AND A MOTION TO RECONSIDER PROPOSED
12 RESOLUTION R15-24 AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976,
13 AS AMENDED, BY CHANGING THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT
14 APPROXIMATELY 3600 W. 1700 S. FROM PROFESSIONAL OFFICE TO BUSINESS PARK.. COUNCILMEMBER
15 GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

16

17 [7:25:07 PM](#)

18 5. Public comments

19 June Thurgood stated she has been a resident of Syracuse for 21 years. She thanked the Council for their service, but
20 noted he is unhappy with something that recently occurred. She noted she had no idea that Councilmember Duncan had
21 resigned from the Council until she found out today that the Council would be choosing someone to replace him. She stated
22 she does not have the internet, there was no notice in the newsletter, and the City's notice board does not include information
23 about the vacancy. She then asked the Council to remember something when voting to choose someone to fill the vacancy;
24 the person needs to represent every citizen in the City. The citizens of Syracuse are extremely apathetic, but they all need to
25 be represented. The employees need to be represented as well as the City is their employer. She noted she has a business
26 management degree and she feels employees are a business's greatest asset. She stated she is tired of watching employees
27 leave Syracuse because they are not taken care. She noted her husband works for another municipality and he would not

1 think of leaving; he has not received a pay increase since 2008, but he is taken care of and valued. She stated she does not
2 want the Council to be an ‘old boys’ or ‘old girls’ club; she wants the Council to listen to those that have applied to fill the
3 vacancy, though she believes they have likely had their mind made up regarding who will be selected. She concluded by
4 again thanking the Council for serving.

5 [7:27:45 PM](#)

6 Mike McBride stated he is present to represent the Syracuse Chamber of Commerce; they have a very special event
7 scheduled for this Saturday called the Safe Family Fair. There will be some very distinguished speakers attending the event,
8 including State Attorney General Sean Reyes and Timothy Ballard who has worked to address the Underground Railroad in
9 Central and South America. The speaking portion of the meeting will be held from 4:30 to 6:00 p.m., but prior to that there
10 will be booths and presentations taking place at the Community Center at 2:00 p.m. He thanked Mayor Palmer for supporting
11 the event and inviting Mr. Reyes and Mr. Ballard to attend.

12 [7:29:13 PM](#)

13 Gary Pratt stated several years ago when he was serving on a committee the City Council had some thoughts about
14 planting trees in the City; there was a goal to plant 200 trees in a year. That has not happened, but has he has campaigned
15 throughout the City he has been asked questions about the City’s landscaping requirements. Other cities have nice corridors
16 lined with trees and he suggested that the Council discuss that idea and consider an ordinance that would promote the
17 planting of trees. He stated that the City could develop a relationship with a local nursery to get a discounted price on trees
18 and volunteers could be used to plant them. The citizens are willing to pay a portion or all of the cost of the trees and it would
19 help beautify the City, clean the air, and set Syracuse apart from other cities.

20

21 [7:30:57 PM](#)

22 6. Proposed Resolution R15-28 affirming the sanctity of life and urging
23 lawmakers to enact laws to protect the innocent and helpless.

24 Mayor Palmer worked with the City Attorney to draft a resolution affirming the sanctity of life and he asked that the
25 Council consider adopting the proposed resolution, which he read for the record as follows:

26 **A RESOLUTION OF THE SYRACUSE CITY COUNCIL AFFIRMING THE SANCTITY OF LIFE AND**
27 **URGING LAWMAKERS TO ENACT LAWS TO PROTECT THE INNOCENT AND HELPLESS**

1 **WHEREAS**, the City Council represents the citizens of Syracuse, Utah, and is entrusted with the responsibility to
2 protect the health, safety, morals and welfare of every human life within its borders; and

3 **WHEREAS**, pursuant to the Twelfth Amendment to the United States Constitution, powers not delegated to the
4 United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;
5 and

6 **WHEREAS**, the expansion of federal powers into matters of the preservation of individual communities' health,
7 safety, morals and welfare has been in derogation of the Twelfth Amendment; and

8 **WHEREAS**, the City Council, in its representative capacity, wishes to affirm the sanctity of life; assert its position
9 that life begins at conception; and encourage state and federal lawmakers to pass legislation which will prevent the
10 destruction of helpless human lives, to remove funding for any organization which receives value for fetal organs or tissue,
11 and to ban the sale of or exchange for value of fetal organs or tissue;

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

14 **Section 1.** The City Council finds that every human life is precious, from the moment of conception until that
15 person draws his or her last breath. All children have within them the potential and right to become good citizens and
16 contributors to society, to love and be loved, and to experience the joys and sorrows of human existence. Cutting short that
17 potential is offensive to our community.

18 **Section 2.** The harvest and sale of fetal organs and fetal tissue by organizations funded by tax dollars is
19 incredibly offensive to our community. Allowing any organization to receive compensation for such items encourages the
20 practice of aborting human life. Federal and State lawmakers should declare any transaction in which something of value is
21 exchanged for fetal tissue or organs to be illegal, regardless of whether the transactions are deemed "for profit."

22 **Section 3.** The City Council recognizes that the United States Constitution has been interpreted by our
23 Supreme Court to prohibit governments and communities from protecting human life from the moment of conception. It is
24 regrettable that a handful of individuals have wielded such power over hundreds of millions of Americans and deprived us of
25 the ability to protect innocent life in accordance with the dictates of the community's conscience.

1 **Section 4.** Nevertheless, the City Council urges lawmakers in the Legislature of the State of Utah and the
2 United States Congress to enact legislation designed to protect human life, within the bounds which have been set by that
3 interpretation of the Constitution.

4 **Section 5.** In light of the case law which has created a barrier to protecting human life under the auspices of
5 recognizing a constitutional right to abort pregnancy, the City Council supports a Constitutional amendment which eliminates
6 any such protection for those who choose to cut short human life in any stage of pregnancy.

7 **Section 6.** The City Council affirms the sanctity of life, and calls upon responsible citizens and leaders to
8 take action to protect the helpless.

9 Signed by Syracuse City Mayor Terry Palmer and attested by City Recorder Cassie Z. Brown.

10 [7:36:15 PM](#)

11 Mayor Palmer stated the Declaration of Independence protects life, liberty, and the pursuit of happiness; it is a
12 shame that nearly 55 million lives have been lost to abortion and he asked that the Council accept the resolution and send it to
13 local Representatives and Senators as well as national Senators and the United States Congress.

14 [7:37:18 PM](#)

15 COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-28
16 AFFIRMING THE SANCTITY OF LIFE AND URGING LAWMAKERS TO ENACT LAWS TO PROTECT THE
17 INNOCENT AND HELPLESS. COUNCILMEMBER PETERSON SECONDED THE MOTION.

18 [7:37:35 PM](#)

19 Councilmember Johnson stated he fully supports the resolution; he is disappointed by the things the Planned
20 Parenthood has been doing and the type of material that is used to educate the children of America. He stated it is his opinion
21 that the United States of America is in a period of moral degradation and he attributes much of that to abortion; babies are
22 being murdered and the resolution affirms his believe that life is life and should not be terminated for any reason.

23 [7:38:38 PM](#)

24 COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND THE PROPOSED RESOLUTION BY
25 ADDING THE TERM “MAYOR” AT EVERY POINT IN THE RESOLUTION THAT ALSO REFERENCES THE “CITY
26 COUNCIL”. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

1 [7:39:21 PM](#)

2 Mayor Palmer then called for a vote on the original motion to adopt the resolution; ALL VOTED IN FAVOR.

3

4 [7:39:40 PM](#)

5 7. Davis School District Special Bond Election: Proposed Resolution

6 R15-30 expressing opposition to a special bond election to be held on

7 November 3, 2015 for the issuance of \$298,000,000 General Obligation

8 Bonds by the Davis School District to finance the costs of constructing

9 and furnishing public schools, acquiring land, and other school related

10 projects; OR

11 Proposed Resolution R15-30 expressing support for a special bond

12 election to be held on November 3, 2015 for the issuance of

13 \$298,000,000 General Obligation Bonds by the Davis School District to

14 finance the costs of constructing and furnishing public schools, acquiring

15 land, and other school related projects.

16 An administrative staff memo explained during the August 25, 2015 work session meeting representatives of the
17 Davis School District provided the Governing Body with a presentation regarding the ballot issue that will be submitted to
18 voters during the upcoming General Election regarding a General Obligation (GO) Bond for constructing and furnishing
19 public schools, acquiring land, and other school related projects. The Governing Body ask that staff prepare two resolutions,
20 one expressing opposition and one expressing support for the GO bond, and place both on the next City Council agenda for
21 action.

22 [7:40:49 PM](#)

23 COUNCILMEMBER LISONBEE MADE A MOTION TO REMOVE BOTH ITEMS FROM THE AGENDA AND
24 TAKE NO ACTION ON THE ISSUE.

25 [7:40:59 PM](#)

1 Councilmember Lisonbee indicated this is an issue that has been put to the residents for a vote during the upcoming
2 election. She stated that for the Council to throw their support behind or against the bond election without polling the
3 residents of the City would be inappropriate. She stated the residents should be allowed to vote on the issue without the
4 Council putting forth an opinion on the matter.

5 [7:41:29 PM](#)

6 COUNCILMEMBER JOHNSON SECONDED THE MOTION.

7 [7:41:44 PM](#)

8 Councilmember Peterson stated he would only support that action if the Council were consistent; the Council just
9 voted on a resolution expressing their opinion regarding abortion. He stated he agrees with that position, but every citizen
10 may not agree with it yet the Council made their voice heard. He stated representatives of the Davis School District were
11 present a few weeks ago to provide the Council with information regarding the bond election and they asked if the City
12 would be willing to adopt a resolution supporting the bond; he is willing to put forth that message. He stated if all similar
13 issues were pulled from City Council agendas he would be comfortable with the motion that has been made, but that is not
14 the case. Councilmember Lisonbee stated that the Council has been consistent as they have never considered a resolution on
15 a matter that would be voted upon by the residents or by another elective body of the people.

16 [7:42:45 PM](#)

17 Mayor Palmer clarified that the resolution offers support or opposition to the scheduling of a special election for the
18 bond; the Council is not asked to offer support of opposition for the actual bond. Councilmember Lisonbee disagreed; she
19 noted that the bond election has already been scheduled and a ballot question will be on the General Election ballot. This
20 resolution would either offer support or opposition to the issuance of bonds. She stated that during the last work session
21 meeting the District asked for the City to throw its support behind the bond because several other government entities have
22 done the same and they believe that sends a message to the residents relative to how they should vote. She stated that last
23 year the City Council chose not to consider a resolution relative to a potential fuel tax increase because the Council felt that
24 issue was under the purview of the State Legislature and the City Council has no bearing on the issue. She stated this is a
25 similar situation and she does not feel it is appropriate to consider a resolution without understanding the feelings of the
26 City's residents regarding the issue. Mayor Palmer argued that the language in the resolution specifically references support
27 or opposition for the actual bond election. Councilmember Lisonbee stated that is correct and it is possible that the resolution

1 was miswritten. Councilmember Johnson added that the resolution would communicate the Council’s feelings of support or
2 opposition to the actual bond.

3 [7:45:28 PM](#)

4 Councilmember Peterson stated he supports the bond question being on the General Election ballot and he supports
5 passage of the bond. Councilmember Gailey stated he would also like to go on record in support of the bond, even if it is
6 voted down this evening. He stated he supports the resolution because he feels one generation needs to build upon another
7 and there is a need for the bond. He stated that even if the item is removed from the agenda he would like for the record to
8 reflect that he supports the issuance of bonds.

9 [7:46:36 PM](#)

10 Mayor Palmer stated there is a motion and second to remove the items from the agenda and he called for a vote;
11 VOTING “AYE” – COUNCLMEMBERS JOHNSON AND LISONBEE. VOTING “NO” - COUNCILMEMBERS GAILEY
12 AND PETERSON, AND MAYOR PALMER. The motion failed.

13 [7:46:55 PM](#)

14 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-30
15 EXPRESSING SUPPORT FOR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 3, 2015 FOR THE
16 ISSUANCE OF \$298,000,000 GENERAL OBLIGATION BONDS BY THE DAVIS SCHOOL DISTRICT TO FINANCE
17 THE COSTS OF CONSTRUCTING AND FURNISHING PUBLIC SCHOOLS, ACQUIRING LAND, AND OTHER
18 SCHOOL RELATED PROJECTS. COUNCILMEMBER GAILEY SECONDED THE MOTION.

19 [7:47:36 PM](#)

20 Councilmember Lisonbee stated that she would like for the record to reflect her abstention; this is not a vote about
21 whether she supports giving the people the opportunity to vote on this issue because she absolutely does; the issue is that the
22 ballot question will already be on the ballot and this is just a resolution saying that the City Council approves of the bond.
23 She is opposed to saying she approves of something that will be put to the people. Mayor Palmer questioned why
24 Councilmember Lisonbee does not vote in opposition if she opposes the resolution. Councilmember Lisonbee stated she is
25 not saying she opposes the ballot question as she is absolutely in favor of it being on the ballot, but she is not supportive of

1 the City Council as a whole voting to throw support behind something that the people have not yet voted upon. She feels this
2 action is inappropriate; she is abstaining from voting and wants that to be reflected in the minutes.

3 [7:48:36 PM](#)

4 Councilmember Johnson stated he is undecided; he knows how he feels about the bond and the ballot question, but
5 questions whether it is appropriate to tell the citizens how he feels. He asked that everyone do their own due diligence before
6 deciding how to vote on the ballot question. He stated he may abstain as well and it would be the first time he has ever done
7 so. He stated the election process is a good one and gives residents the opportunity to voice their support or opposition for
8 the bond; children and schools also need money, but he feels the District needs a good audit that tells them what they are
9 doing wrong and how they are wasting money. If that happened it may not be necessary to hold bond elections. He stated he
10 will be voting in opposition on this matter because he feels the District and the way they manage their funds is outrageous;
11 the money being spent on high level administrators could be passed down to teachers who are more deserving an to give
12 opportunities for children to have access to a better education.

13 [7:50:55 PM](#)

14 Councilmember Peterson stated that the City has been legally advised that they can express their individual opinion
15 regarding the bond; he feels Councilmember Johnson is wrong and that the District operates very wisely. Even if they did
16 not, this bond has nothing to do with administrative costs. The bond deals with building construction costs and the cost to
17 citizens would only be an additional \$1 or \$2 per year. He stated more schools are needed especially in areas of high growth
18 and increased population. He stated that if the bond is not passed it will be necessary to use more portable classrooms and to
19 transition to year-round school in more areas. He indicated he personally supports the bond and supports including a ballot
20 question on the ballot to allow voters to vote on the issue. Mayor Palmer stated that it is his understanding that the fiscal
21 impact for residents would be \$7.94. Councilmember Peterson stated that is spread over a five-year period.

22 [7:52:36 PM](#)

23 Mayor Palmer stated there has been a motion and second to adopt the resolution and he called for a vote; VOTING
24 “AYE” – COUNCILMEMBERS GAILEY AND PETERSON. VOTING “NO” – COUNCILMEMBER JOHNSON.
25 COUNCILMEMBER LISONBEE ABSTAINED FROM VOTING.

26 [7:53:02 PM](#)

1 City Recorder Brown indicated that abstentions are not addressed in the City’s rules of order and procedure, but they
2 are addressed in Robert’s Rules of Order, which communicates that those who choose to abstain agree to go with the majority
3 vote. She stated that she wants to make sure that she is recording the vote on this issue correctly; she feels that the manner in
4 which the vote was taken does not technically constitute a tie unless Councilmember Lisonbee voices an ‘aye’ or ‘nay’
5 opinion. Councilmember Lisonbee noted there are other sections of Robert’s Rules of Order that indicate an abstention is a
6 no vote. Ms. Brown stated that in that case Councilmember Lisonbee’s abstention would be a no vote and there would be a
7 tie and the Mayor should vote to break the tie. Councilmember Lisonbee reiterated she is uncomfortable with the wording of
8 the resolution; she supports the ballot question being on the ballot, but she cannot vote for or against the resolution because
9 either way she is stuck saying something she does not agree with.

10 [7:54:06 PM](#)

11 Mayor Palmer stated he will vote “aye” to break the tie. The motion passed.

12
13 [7:54:20 PM](#)

14 8. Proposed Resolution R15-31 appointing Doug Peterson to North
15 Davis Sewer District □NDS□Board of Trustees.

16 An administrative staff memo explained The City has the opportunity to appoint one of its members to serve on the
17 North Davis Sewer District (NDS) Board of Trustees. Mayor Palmer has recommended that Councilmember Peterson be
18 appointed to fill the position.

19 [7:54:39 PM](#)

20 COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-31
21 APPOINTING DOUG PETERSON TO THE NORTH DAVIS SEWR DISTRICT BOARD OF TRUSTEES.
22 COUNCILMEMBER PETERSON SECONDED THE MOTION.

23 [7:55:05 PM](#)

24 Councilmember Johnson stated he is going back and forth on this item; he would appreciate the motion to indicate
25 that Councilmember Peterson would be serving the end of former Councilmember Duncan’s term on the Board. He stated he
26 has concerns with the timing of this action and the fact that the Council is down one member and that an election will be held

1 in November that could change the makeup of the Council. He stated there is no guarantee that Councilmember Peterson
2 will be reelected; he has also heard concerns from citizens who do not believe Councilmember Peterson should be appointed
3 to the Board.

4 [7:56:24 PM](#)

5 Mayor Palmer stated there has been a motion and second to adopt the proposed resolution and he called for a vote;
6 ALL VOTED IN FAVOR.

7

8 [7:57:04 PM](#)

9 9. Public Hearing: Authorize Administration to dispose of surplus
10 property.

11 An administrative staff memo explained several City Departments have indicated they have surplus property to
12 dispose of as follows:

13 **IT/FACILITIES DEPARTMENT:**

14 99 Chevrolet 1 Ton Utility Truck

15 **PUBLIC WORKS DEPARTMENT**

16 2008 Ford F450 4x4: Blown head gaskets

17 2008 nine-foot wide Fisher snowplow (fit to F450, surplus only if proceeds from sale of F450 truck and
18 plow are reallocated to replace this for a new equivalent snowplow)

19 2006 Salt Spreader Monroe V-spreader ten foot long mild steel

20 18" CimLine Asphalt Saw walk behind: Excess smoke from bad engine

21 2014 John Deere 544k Loader (buyback program)

22 **FIRE DEPARTMENT**

23 Several used pairs of Structural PPE Rubber Boots, various sizes.

24 Several old plastic hard-hats.

25 Several obsolete headlamp components.

26 **POLICE DEPARTMENT**

27 [7:57:20 PM](#)

1 City Manager Bovero reviewed the staff memo.

2 [7:57:52 PM](#)

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

5 [7:58:15 PM](#)

6 Councilmember Gailey indicated this was listed as a public hearing on the agenda.

7 [7:59:04 PM](#)

8 Mayor Palmer opened the public hearing.

9 [7:59:33 PM](#)

10 Dave Maughan stated he would like to comment on this item, but he does not know if there is a point now that the
11 Council has already voted on it; it was noticed as a public hearing and he is not sure how it is possible to have a public
12 hearing after a vote has taken place. Mayor Palmer stated the Council can vote again. Mr. Maughan stated that he would
13 encourage the City to consider ways to maximize the value of the surplus equipment to be disposed of, possibly by donating
14 it to a more needy entity that may consider it good equipment. He noted the City would get a greater tax benefit for a
15 donation than may otherwise be received in the sale of property.

16 [8:00:22 PM](#)

17 There were no additional persons appearing to be heard and Mayor Palmer closed the public hearing.

18 [8:00:23 PM](#)

19 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF
20 SURPLUS PROPERTY AND THAT SUCH DISPOSAL BE DONE IN THE BEST POSSIBLE MANNER.
21 COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

22

23 [8:00:46 PM](#)

24 10. Proposed Ordinance 2015-18 amending the existing zoning map of
25 Title Ten by changing from Residential R-2 to Residential R-1 the parcel
26 of property located at 2121 S. 1000 W.

1 A staff memo from the Community and Economic Development (CED) Department provided the following
2 information regarding the proposed application:

- 3 Location: 2121 S 1000 W
- 4 Current Zoning: R-2 Residential
- 5 General Plan: R-2 Residential
- 6 Requested Zoning: R-1 Residential
- 7 Total Area: 2.27 Acres
- 8 Density Allowed: 2.9

9 This property, measuring 2.27 acres, is currently landlocked with not potential for development at this time. The
10 property has recently been listed for sale and the potential buyer would like to have the ability to restore farm animals to the
11 lot. The two adjacent properties to the south currently have farm animals grandfathered in. City staff has only received
12 comment form two neighbors, both in favor of this request. City staff has no issues with the downzone of this property.

13 The Planning Commission moved to recommend approval to rezone the property located at 2121 S 1000 W from R-
14 2 to R-1 Residential, subject to all applicable requirements of the City's municipal codes on September 1, 2015 with a
15 unanimous vote.

16 [8:01:05 PM](#)

17 CED Director Mellor reviewed the staff memo.

18 [8:01:45 PM](#)

19 COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2015-18
20 AMENDING THE EXISTING ZONING MAP OF TITLE TEN BY CHANGING FROM RESIDENTIAL R-2 TO
21 RESIDENTIAL R-1 THE PARCEL OF PROPRETY LOCATED AT 2121 S. 1000 W. COUNCILMEMBER GAILEY
22 SECONDED THE MOTION; ALL VOTED IN FAVOR.

23

24 [8:02:14 PM](#)

25 11. Final Subdivision Plan Approval, Keller Crossing Phase 1, located at
26 approximately 1475 W. 2000 S.

1 A staff memo from the Community and Economic Development (CED) Department provided the following
2 information regarding the proposed application:

3 Address:	1475 W 2000 S
4 Zone:	R-2 Residential
5 Applicant:	Nilson Homes
6 Total Acreage	6.774 acres
7 Net Developable Acres:	5.419 acres
8 Allowed Lots (5.44 units/acre)	20
9 Proposed Lots	17

10 The memo also reviewed the public meeting outline for the application:

11 General Plan and Rezone Approval	
12 Planning Commission	May 5, 2015
13 City Council	May 12, 2015
14 Concept Plan Staff Review	April 29, 2015
15 Preliminary Plan Review	
16 Planning Commission	June 2, 2015
17 City Council	June 9, 2015
18 Final Plan Review	
19 Planning Commissioner	September 1, 2015

20 This request is for phase one of two phases for the Keller Crossing Subdivision. This phase is on the west end of the
21 development and will complete 1475West. This phase is surrounded by single family residential development. The developer has
22 opted for the low volume local street standard. The developer has been sent the city staff reports and is currently amending the
23 drawings to reflect any outstanding items.

24 The Planning Commission moved to recommend approval of the final subdivision plan for Keller Crossing Phase I,
25 located at 1475 W. 2000 S. R-2 zone, subject to all applicable requirements of the City's municipal codes and city staff
26 reviews on September 1, 2015 with a unanimous vote.

27 [8:02:24 PM](#)

1 CED Director Mellor reviewed the staff memo.

2 [8:03:07 PM](#)

3 COUNCILMEMBER GAILEY MADE A MOTION TO GRANT FINAL PLAN APPROVAL FOR THE KELLER
4 CROSSING PHASE 1 EFFECTIVE SEPTEMBER 22, 2015 AND CONTINGENT UPON THE APPLICANT MEETING
5 THE CONDITIONS COMMUNICATED BY STAFF; IF CONDITIONS ARE NOT MET BY SEPTEMBER 22, 2015 THE
6 ITEM WILL BE BROUGHT BEFORE THE COUNCIL DURING THE OCTOBER 13 MEETING. COUNCILMEMBER
7 PETERSON SECONDED THE MOTION.

8 [8:04:15 PM](#)

9 Councilmember Lisonbee stated she has a question about the maximum density permitted in the R-2 zone. Planning
10 Commissioner Jensen stated the maximum density is roughly 3.76 units per acre. Councilmember Lisonbee indicated the
11 packet materials reference a density of 5.44 units per acre with 20 allowed lots. Mr. Mellor stated he cannot answer that
12 question this evening. Councilmember Peterson stated he is only counting 17 lots. Councilmember Lisonbee stated that the
13 staff report references 5.44 units per acre and the proposed lots at 17, but she does not believe the reduction of three lots
14 would bring the maximum density below the maximum density allowed. Councilmember Johnson stated that his
15 interpretation of the staff report is that if the developer used 5.44 as the maximum density, they could achieve 20 lots; but,
16 they are seeking approval for 17 lots so the maximum density would be lower. Councilmember Lisonbee asked if it would be
17 lower than the maximum density allowed for the zoning. Mayor Palmer invited the developer to answer the Council's
18 questions.

19 [8:06:21 PM](#)

20 The applicant, no name or address given, stated the total property size is 18.6 acres and there will be 50 units on that
21 property; the property has two different zoning designations, but because of the lot configuration the lot sizes are all nearly
22 the same. Councilmember Lisonbee stated that the action before the Council tonight relates to just 6.774 acres and
23 developing that property into 17 lots would result in a density of 5.44 units per acre, which is higher than the maximum
24 density allowed for the R-2 zone. The applicant stated he cannot address that question. Councilmember Lisonbee stated she
25 is wondering if the numbers in the packet are incorrect.

26 [8:07:51 PM](#)

1 Commissioner Jensen performed some calculations and stated that developing the 6.774 acres into 17 lots would
2 result in a density of less than 3.76 units per acre; the density information listed in the staff report must be incorrect.

3 [8:08:38 PM](#)

4 Mayor Palmer stated there has been a motion and second regarding the development application and he called for a
5 vote; ALL VOTED IN FAVOR.

6

7 [8:09:02 PM](#)

8 12. Proposed Ordinance 2015-19 amending various sections of Title VIII
9 of the Syracuse City Municipal Code pertaining to performance
10 securities.

11 A staff memo from the Community and Economic Development (CED) Department explained City staff has done
12 due diligence as a result of various guarantee requests from developers. We have found the proposed options to be low risk
13 for performance security of required development improvements. The city would like to accept these low risk options for
14 guaranteeing development improvements to prevent the need for future special approval on certain developments. In addition,
15 as the economy improves, financial institutions have begun to ease up on restrictions and limitations for irrevocable letters of
16 credit which acts as a bond for entities viewed as low risk borrowers in the eyes of credible lending institutions. As the city
17 expands and creates more RDA's to encourage development, the RDA component will help facilitate different options to
18 utilize tax increment to facilitate development.

19 The Planning Commission moved to recommend approval to the City Council of the code amendments to Title
20 8.30.30 (E) pertaining to Performance Securities on September 1, 2015 with a unanimous vote.

21 [8:09:26 PM](#)

22 CED Director Mellor summarized the staff memo.

23 [8:10:23 PM](#)

24 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2015-19
25 AMENDING VARIOUS SECTIONS OF TITLE VIII OF THE SYRACUSE CITY CODE PERTAINING TO
26 PERFORMANCE SECURITIES. COUNCILMEMBER GAILEY SECONDED THE MOTION.

1 [8:10:38 PM](#)

2 Councilmember Lisonbee asked Mr. Mellor if he was able to find out of the FDIC backs performance securities, to
3 which Mr. Mellor answered no. Councilmember Lisonbee asked if the requested action of the Council is urgent or if it would
4 be possible to table consideration of the proposed ordinance until that answer is available. Mr. Mellor stated he has no
5 objection to tabling the ordinance.

6 [8:10:55 PM](#)

7 COUNCILMEMBER LISONBEE OFFERED AN AMENDED MOTION TO TABLE ADOPTION OF
8 PROPOSED ORDINANCE 2015-19 AMENDING VARIOUS SECTIONS OF TITLE VIII OF THE SYRACUSE CITY
9 CODE PERTAINING TO PERFORMANCE SECURITIES. COUNCILMEMBER JOHNSON SECONDED THE
10 MOTION; ALL VOTED IN FAVOR.

11
12 [8:12:09 PM](#)

13 13. Reconsideration of Proposed Resolution R15-24 amending the
14 Syracuse City General Plan Land Use Map adopted in 1976, as
15 amended, by changing the land use designation for property located at
16 approximately 3600 W. 1700 S. from Professional Office to Business
17 Park.

18 A staff memo from the Community and Economic Development (CED) Department provided the following
19 information regarding the proposed application:

20	Subdivision Name:	To be determined
21	Location:	3600 W 1700 S
22	General Plan:	Professional Office
23	Requested General Plan:	Business Park
24	Total Area:	8.57 Acres

25 The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing
26 business of nearby property. Since our last council meeting the applicant has worked with staff to create a development

1 agreement for council to review prior to approval of the zone change. This agreement has been discussed with residents who
2 were concerned with the development and they are aware of the details. Two council members and the mayor participated in
3 the discussion on drafting the development agreement herein. All parties involved have come to middle ground on this issue.

4 The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and
5 Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all
6 applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

7 [8:12:34 PM](#)

8 COUNCILMEMBER LISONBEE MADE A MOTION TO RECONSIDER PROPOSED RESOLUTION R15-24
9 AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED, BY
10 CHANGING THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 3600 W. 1700 S.
11 FROM PROFESSIONAL OFFICE TO BUSINESS PARK; SHE INDICATED SHE VOTED ON THE PREVAILING SIDE
12 OF THE INITIAL MOTION. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR,
13 WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON, WHO VOTED IN OPPOSITION.

14 [8:13:58 PM](#)

15 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-24
16 AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED, BY
17 CHANGING THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 3600 W. 1700 S.
18 FROM PROFESSIONAL OFFICE TO BUSINESS PARK. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

19 [8:14:29 PM](#)

20 Councilmember Lisonbee noted that this General Plan amendment was contingent upon a development agreement
21 that was negotiated by the developer, the City, and interested citizens; it has been a cooperative process. Councilmember
22 Johnson indicated he will be voting in opposition to the proposed resolution because of his concerns regarding the uses
23 allowed within the requested zoning designation for the property.

24 [8:15:23 PM](#)

25 Mayor Palmer stated there has been a motion and second to adopt the resolution and he called for a vote; ALL
26 VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON, WHO VOTED IN OPPOSITION.

1
2 [8:15:46 PM](#)
3 14. Proposed Ordinance 2015-16 amending the existing zoning map of
4 Title Ten by changing from Professional Office one POto Business
5 Park one BPthe parcel of property located at approximately 3600 W.
6 1700 S.

7 A staff memo from the Community and Economic Development (CED) Department provided the following
8 information regarding the proposed application: explained

9 Subdivision Name:	To be determined
10 Location:	3600 W 1700 S
11 General Plan:	Professional Office
12 Requested General Plan:	Business Park
13 Total Area:	8.57 Acres

14 The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing
15 business of nearby property. Since our last council meeting the applicant has worked with staff to create a development
16 agreement for council to review prior to approval of the zone change. This agreement has been discussed with residents who
17 were concerned with the development and they are aware of the details. Two council members and the mayor participated in
18 the discussion on drafting the development agreement herein. All parties involved have come to middle ground on this issue.

19 The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and
20 Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all
21 applicable requirements of the City’s municipal codes and City staff reviews on July 21, 2015.

22 [8:15:54 PM](#)

23 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT ORDINANCE 2015-16 AMENDING THE
24 EXISTING ZONING MAP OF TITLE TEN BY CHANGING FROM PROFESSIONAL OFFICE ZONE (PO) TO
25 BUSINESS PARK ZONE (BP) THE PARCEL OF PROPRETY LOCATED AT APPROXIMATELY 3600 W. 1700 S.,
26 SUBJECT TO THE TERMS OF THE ACCOMPANYING DEVELOPMENT AGREEMENT. COUNCILMEMBER

1 LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER
2 JOHNSON, WHO VOTED IN OPPOSITION.

3

4 [8:16:58 PM](#)

5 15. Proposed Resolution R15-29 updating and approving comprehensive
6 edits to Chapters 4-18 of the Syracuse City Personnel Policies and
7 Procedures Manual.

8 A staff memo from Finance Director Marshall explained this is the 3rd comprehensive review of the policy manual
9 by the city council. This review covers a comprehensive review of chapter 18 and minor changes throughout the other
10 chapters of the policy manual. Below is a summary list of changes that staff is recommending to the city council.

- 11 • Comprehensive changes to chapter 18. Changes include defining prohibited personal use of a city vehicle,
12 authorized passengers, take home rules and allowance, documentation, and qualified non-personal use.
- 13 • Chapter 4 – changes to employee definitions.
- 14 • Chapter 5 – Position adjustments & Emergency call back changes.
- 15 • Chapter 6 – Work hours for employees that are 14-15 years old.
- 16 • Chapter 7 - Eligibility for Group Health Coverage under the Affordable Care Act (ACA)
- 17 • Chapter 7 – Retirement programs amendments to include new tier II information.
- 18 • Chapter 8 – FMLA changes to consider make up time for employees on FMLA.
- 19 • Chapter 8 –Funeral leave clarifications.
- 20 • Chapter 10 –Updating definitions in the harassment section.
- 21 • Chapter 14 –Updating policy on severity of accidents claims and return to work restrictions.

22 [8:16:59 PM](#)

23 COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT RESOLUTION R15-29 UPDATING AND
24 APPROVING COMPREHENSIVE EDITS TO CHAPTERS 4-18 OF THE SYRACUSE CITY PERSONNEL POLICIES
25 AND PROCEDURES MANUAL. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN
26 FAVOR.

1

2 [8:17:41 PM](#)

3 16. Presentation by applicants for appointment to vacant Councilmember

4 Seat in alphabetical order

5 [8:18:01 PM](#)

6 *Corinne N. Bolduc*

7 Ms. Bolduc noted she and her husband have lived in Syracuse for 15 years and raised their family of four children
8 here. Edward Everet Hale said “I am only one, but still I am one. I cannot do everything, but I can do something. And
9 because I cannot do everything I refuse not to do the something that I can do.” She stated that whether she has been serving
10 as the family group leader for her husband’s National Guard Unit to help military families who have a deployed family
11 member, or working as a registered nurse and assisting patients, or raising her four children it has been with this mantra in
12 mind that she will do whatever she can. It is with this thought in mind that she carefully considered applying for this
13 position; she spoke with her husband who said that if she felt it was the right thing she should do it as he trusted her to make
14 the right decision. She is asking the Council to do the same and trust in her. She is fully committed to meet the time
15 requirements and obligations for the position. She asked that she be trusted to serve with dignity and decorum, that she will
16 serve with integrity and full adherence to the law, and that she will serve without deference to any entity. She will continue
17 throughout her life to always do whatever she can and she hopes that she is allowed the opportunity to serve with the Council
18 and continue to make Syracuse the home that she loves.

19 [8:20:08 PM](#)

20 *Clint Jeffs*

21 Mr. Jeffs stated all forms of government at different levels have provided opportunities for us to have input and at
22 the local level the most direct impact can be made and that is what he considered as he thought of applying for this position.
23 He noted that there are a lot of issues in this great City, mainly with land use and it is necessary to take care of the limited
24 land available. The Council must be good stewards and represent the City well throughout the County. He has lived in
25 Syracuse for 11 years and has lived in Davis County nearly his entire life. There are issue like expansion of the cemetery,
26 which may entail incorporating land from Clearfield and to do that it is necessary to have a rapport and established

1 relationship with the elected officials in that City. The Legacy Highway will be coming to the City as well and it is necessary
2 to incorporate that project in a manner that it creates as minimal an impact as possible on the City. One of the things he has
3 noticed in the City is complacency; there seems to be like-mindedness on the City Council and the goal of achieving like-
4 mindedness. In reality, he feels it is necessary to have open-minded individuals serving on the Council to bring different
5 aspects and beliefs to the table as opposed to surrounding the table with individuals who create an echo chamber effect where
6 everyone says, believes, and follows the same path. This is not serving and supporting all citizens of Syracuse and it creates a
7 situation where the Council is only listening to vocal residents rather than considering the silent majority.

8 [8:22:41 PM](#)

9 *TJ Jensen*

10 Mr. Jensen stated the Council and Mayor are very familiar with him and they know what he stands for. He stated
11 that Brian Duncan had a couple of items of unfinished business and he would like to see those through to completion,
12 including: the efficiency audit and transportation issues related to the West Davis Corridor. It is very important to the citizens
13 that the West Davis Corridor be as low impact as possible. He stated he supports the current Council and their fiscal
14 conservatism; the Council has done an amazing job with the budget over the past few years and he would have no desire to
15 change that. He stated there are many good candidates and he does not envy the Council's decision.

16 [8:24:14 PM](#)

17 *Michael E. McBride*

18 Mr. McBride stated he has lived in Syracuse nearly all his live, close to 70 years. He remembers when it was a small
19 farming community with less than 1,000 residents. He named the first businesses located in the business center of the City
20 and noted many of the roads in the City were gravel; he saw immense changes take place over the years and when he returned
21 from his Air Force service in 1975 it was clear to him that Syracuse would not remain a farming community forever. He
22 decided the City needed citizen input and planning in order to be able to make the inevitable changes, but make them
23 desirable to the community. He applied for an was appointed to the Planning Commission for an eight year period in the
24 1980's and during that time the City completely rewrote its zoning ordinances and business plan; at the time there as no
25 zoning or a plan that would allow development outside of the City's center. In 1978 he commissioned a feasibility study for
26 a golf course because one thing he wanted to do with his family farm was preserve as much open space as possible; the
27 feasibility found that many things needed to change in order for a significant development to take place in Syracuse. One of

1 the things identified was that the City did not have enough water; his father worked with four other farmers to form Layton
2 Canal Irrigation Company and he worked with the City Council at that time to develop the City's initial secondary water
3 system. In 1994 when he formed Sunquest Development and began developing Glenn Eagle Golf Club he also developed
4 homes around it to finance the golf course and preserve open space. He also envisioned that at some point the City would
5 need more commercial development so he reserved 22 acres along Antelope Drive near the anticipated interchange of the
6 West Davis Corridor at Antelope Drive. He has also served as President of Layton Canal Irrigation Company for 12 years
7 and he has been trying to make the community a great community for over 40 years of his life. He was a founding member of
8 SBOSS and he is now the Director of the Syracuse Chamber of Commerce. When he worked at Hill Air Force Base he was
9 the Deputy Base Civil Engineer and he was responsible for maintenance of all roads, utilities, and infrastructure for the entire
10 Base. He believes in meeting with citizens outside public meetings to really get to know them and understand their desires for
11 the community. He also believes in working closely with other Councilmembers as well as City staff in order to make sure
12 the City serves its citizens. He believes that public service is a way of paying back the community for all it has given him
13 throughout his entire life and he would like to continue to do so by serving on the Syracuse City Council.

14 [8:27:36 PM](#)

15 *Mike Norton*

16 Mr. Norton stated a prominent influential Greek statesman, Pericles, once said "Just because you do not take an
17 interest in politics doesn't mean politics won't take an interest in you." He thanked the Council for the opportunity to address
18 them tonight. He noted he has lived in Syracuse for 16 years and north Davis County for the majority of his life. He has a
19 degree in business administration. His family has grown to love Syracuse and he and his wife chose to raise their family of
20 six here. He stated he takes his business very seriously and he looks forward to an opportunity to work with the Council. He
21 has had 15 years of experience in business management where he has worked to reduce costs and increase revenue; he has
22 also managed groups of employees ranging from just a few to over 700. He sees that the City has procedures in place to
23 address a variety of issues and that is a good thing, but he agrees it is necessary for the City to do their best to make sure that
24 everyone is included and has access to as much information as possible. He stated that he feels he brings a well-rounded,
25 responsible view to government and he has no potential conflicts of interest that would keep him from doing a great job as a
26 member of the Council. One thing that he can bring to the Council is the experience he has gained as a result of being
27 involved in the community; he has met many Councilmembers at many of the various activities that occur in the City. He has

1 been involved in many special events from the Pumpkin Walk to Heritage Days. He concluded by sharing another quote from
2 Pericles: “Those who are politically apathetic can only survive if they are supported by the people who are capable of taking
3 action.” He stated he is ready to take action and he asked for the support of the City Council to be able to do so.

4 [8:30:03 PM](#)

5 ***Brian Patterson***

6 Mr. Patterson stated he has wanted to serve as a member of the City Council for some time, but he has not had the
7 time to get involved because he has been serving in many other volunteer aspects in Syracuse and other cities and on Hill Air
8 Force Base. He stated he was urged by several members of his neighborhood to apply for this position in order to represent
9 his area of the City, but also because of his strategic and economic development background. He noted he is currently
10 working in education and he works with many legislators from multiple states in regards to education; it is something that is
11 very important to him and his family. His son attended Syracuse Arts Academy when it first opened, but he was living in
12 Layton at the time and it was necessary to commute to the City for him to attend school. He decided to move to the City and
13 it is very important to him to continue to be involved in the community. He stated he feels he would make a nice addition to
14 the City Council based on his background and he concluded he would appreciate the Council’s support.

15 [8:31:48 PM](#)

16 ***Gary R. Pratt***

17 Mr. Pratt stated he appreciates this opportunity. He thanked former Councilmember Duncan for his service to the
18 City; he has known Mr. Duncan and his family for years and they were a consummate representation of what Syracuse is all
19 about. He stated that he is currently running for City Council and he has had the opportunity to meet with a lot of people;
20 there is a lot of apathy, but those residents still need to be represented. He stated he has been told of people’s wishes for the
21 City. Some of those things the City is not responsible for and the Council must walk a fine line in determining the appropriate
22 level of government and how intrusive the government should be in this City. He stated he served on the Planning
23 Commission for four years and learned a lot about the zoning and planning of the City. The City is made up of nine square
24 miles over a small footprint, however the City has the second highest median income in Davis County. The City is a high-
25 income, family oriented community. There are also many “empty nesters” like he and his wife. He moved to Syracuse to be
26 close to grandchildren and they look to the City for the many things the City can do for families. He stated zoning is an
27 important issue for the City. He has a great business background and he has started, run, or expanded over 10 corporations

1 and part of that responsibility was consulting with businesses and the largest budget he has dealt with is \$16 million. He
2 stated he knows about money and how to spend it judiciously; as a consultant he found many businesses wasting a lot of
3 money and he feels that upon investigation money can be found anywhere within any entity. He stated the City Council is
4 responsible to do that. He stated he would like to be appointed to the City Council position; he has been very proactive since
5 living in the City and he has served on many committees and worked with employees to perpetuate what they would like to
6 do within their Departments. He concluded by asking for the City Council's vote in appointing him to fill the vacant position.

7 [8:34:49 PM](#)

8 ***Jordan B. Savage***

9 Mr. Savage stated that on July 21, 1969 Apollo Astronaut Neil Armstrong exited the Lunar Module Eagle on the
10 plains of the sea of tranquility and became the first human to set foot on another celestial body – the moon. This
11 extraordinary feat was a testament to all the efforts of the men and women of NASA and their ability to do something great.
12 It took a visionary leader to issue a proclamation: “We choose to go to the moon in this decade and do other things, not
13 because they are easy, but because they are hard.” John F. Kennedy’s proclamation became a rallying cry for a generation
14 and the people buckled down and went to work. He stated that we as American’s have a great obligation to reach beyond
15 ourselves and try to do something great and this is why he is applying to fill the vacancy on the City Council. He stated he
16 feels he has much to offer to Syracuse and its citizens. As an engineer he understands what it takes to achieve vision by
17 building components one piece at a time over time. The Saturn 5 Rocket, the Lunar Module, and Service Module were not
18 built in a day, but were built piece by piece over many years and many trials; some of them even failed. He stated he is a
19 Community Emergency Response Team (CERT) Instructor for the City and he is a scout master; he understands the value of
20 being prepared and how quickly things can fall apart if we are not ready. He has spent a great deal of time working with
21 citizens preparing them for disaster scenarios, helping them build their skill sets, and built their 72-hour kits one piece at a
22 time. The fact that the City has a CERT program and the Emergency Preparedness Committee has shown that the City
23 Council and Mayor are supportive of the future of Syracuse and he feels with his experience those things can be grown even
24 more. He stated the City is facing many challenges with water, infrastructure, roads, planning for West Davis Corridor, and
25 business recruitment. If the City works smartly the City center can be turned into a business hub that will attract new
26 businesses as well as additional opportunities and services the citizens of Syracuse desire. The City Council must also
27 maintain the balance of safeguarding the small town feel that drew residents to the City initially. He stated he loves this City;

1 he has been here for six years and has no plans to leave anytime soon. With his engineering background and his volunteer
2 experience as well as his fundamental beliefs he believes he can be a great addition to the City Council and will represent the
3 citizens of Syracuse. He chooses to apply for this position not because he thinks it will be easy, but he understands it will be
4 hard and he thinks he can do it. He asked for the Council's support and thanked them for this opportunity.

5 [8:38:05 PM](#)

6 ***Ralph A. Vaughan***

7 Mr. Vaughan stated he believes he has a fairly comprehensive background with much public service, especially on
8 the City level. He has a great understanding of what goes on in a municipality. He stated he currently serves on the Davis
9 County Senior Services Board and on the State of Utah Commission on Aging. One of the primary responsibilities of a City
10 Councilmember is disclosure and obeying the law. Ex parte rules and the Open and Public Meetings Law are very strong and
11 must be adhered to, but something that is even more important are the rules relating to conflicts of interest; a conflict of
12 interest is something that a Councilmember is responsible to disclose even if others may not be aware of it. When a
13 Councilmember has special knowledge of an issue or has engaged in ex parte communications prior to a meeting those things
14 are important. He stated one of the things he did was read the entire agenda and packet for tonight's meeting and there are
15 some things that the Council has taken action on already this evening that he strongly disagrees with and he thinks that if he
16 called them to the Council's attention they may agree with him. He referenced Section 18.020 of the Personnel Policies and
17 Procedure Manual that was adopted this evening and noted the Council granted the City Manager the authority under sections
18 b, c, and d to authorize vacation or weekend use of City vehicles. Subsection c even indicates a vehicle can be used by the
19 spouse of a City employee, the dependent of a City employee, or non-employees. He stated that subsection d says the City
20 Manager, not even the Mayor, can grant permission for vehicle use for non-official City business. He stated that Section
21 18.030 dealing with use agreements and driver's license verification says that employees with poor driving records will be
22 required to get a supplemental insurance policy to protect the City. He stated the minimum is a \$25,000 insurance policy, but
23 the vast majority of insurance policies protect the first position. If a person applies for a \$25,000 insurance policy, the City
24 would still be liable for any damage the employee may cause. The employee should be required to get an insurance policy
25 that would allow the City to assume first position and the policy should be \$1 million minimum. He concluded that he
26 promises to work with the current City Council.

1 [8:41:26 PM](#)

2 17. Selection of new Councilmember

3 Mayor Palmer stated that the candidates that have applied to fill this vacancy are highly qualified and it will be very
4 difficult for the Council to make a decision tonight. He invited the Council to engage in discussion regarding the manner in
5 which they would like to select the successful candidate to fill the vacancy.

6 [8:42:04 PM](#)

7 Councilmember Johnson agreed there are many qualified people, but he is looking for two things: who the applicant
8 is and how they would replace Councilmember Duncan since he was elected by the people. He stated he knows nearly all of
9 the applicants and he feels he has some insight as to who they are. He stated he would like to make a motion to narrow the
10 field of applicants for consideration.

11 [8:42:54 PM](#)

12 COUNCILMEMBER JOHNSON MADE A MOTION TO NARROW THE FIELD OF CANDIDATES TO
13 CORINNE BOLDUC AND JORDAN SAVAGE FOR FURTHER CONSIDERATION.

14 [8:43:30 PM](#)

15 Mayor Palmer suggested that each Councilmember identify their top two candidates in order for the body to reach a
16 consensus on narrowing the field of candidates. Councilmember Peterson indicated it is difficult for him to select two
17 candidates because there are so many great candidates. He stated he would like for the entire Council to agree upon the
18 successful candidate and he asked if the rest of the Council is willing to negotiate in that manner.

19 [8:45:25 PM](#)

20 Councilmember Lisonbee asked for clarification regarding Councilmember Johnson's motion. Councilmember
21 Johnson stated he made a motion to narrow the field of candidates to his top two candidates. Councilmember Lisonbee stated
22 both of them are great, but she feels there are other great candidates and she wondered if it would be more beneficial for each
23 Councilmember to name their top two candidates. Councilmember Johnson stated that the Council's bylaws indicate that the
24 Council must have a motion to start a discussion. Councilmember Lisonbee stated she would prefer a motion that each
25 Councilmember name their top two candidates. Councilmember Johnson stated he would be comfortable with that.
26 Councilmember Peterson stated he would be willing to go deeper than each Councilmember's top two. Mayor Palmer stated

1 that if each Councilmember named their top two candidates, the list of the narrowed field of candidates may contain up to
2 five names and those five candidates could be asked additional questions. Councilmember Lisonbee stated that would be a
3 good process and she would like to ask clarifying questions of a narrowed field of candidates.

4 [8:47:48 PM](#)

5 COUNCILMEMBER GAILEY OFFERED A SUBSTITUTE MOTION THAT EACH COUNCILMEMBER LIST
6 THEIR TOP THREE CHOICES FOR FURTHER DISCUSSION.

7 [8:48:33 PM](#)

8 Brief discussion and debate ensued regarding the appropriate number of candidates for each Councilmember to
9 name. Councilmember Johnson stated he would prefer to name two candidates and Mayor Palmer agreed with him.
10 Councilmember Lisonbee stated she was going to suggest that each Councilmember name their top five candidates.
11 Councilmember Peterson stated he would be comfortable with naming three or five candidates. Mayor Palmer stated he feels
12 it would be appropriate for each Councilmember to name their top two candidates; each Councilmember will not name the
13 same two, so the end result may be a list of five candidates for further consideration. Councilmembers Lisonbee and
14 Peterson stated they can support that.

15 [8:50:30 PM](#)

16 COUNCILMEMBER JOHNSON AMENDED HIS MOTION AND SUGGESTED THAT EACH
17 COUNCILMEMBER NAME THEIR TOP TWO CANDIDATES. COUNCILMEMBER GAILEY SECONDED THE
18 MOTION; ALL VOTED IN FAVOR.

19 [8:50:53 PM](#)

20 Councilmember Johnson indicated his top two candidates are still Corinne Bolduc and Jordan Savage.
21 Councilmember Gailey stated his top two candidates are Mike McBride and Mike Norton. Councilmember Peterson briefly
22 reviewed the list of candidates and noted his pros and cons for each candidate, indicating he feels he could work well with
23 many of the candidates who offered presentations this evening. He concluded his top two candidates are Mike McBride and
24 Jordan Savage. Councilmember Lisonbee stated this is a unique opportunity and discussing this issue in an open meeting as
25 a result of a recent change to the State law regarding filling vacancies on elective bodies is unique. She appreciates those that
26 have applied to fill the vacancy and thanked them for their willingness to serve. She feels Syracuse is truly a great place and

1 it is her opinion that of all cities in Davis County, Syracuse has one of the least apathetic citizenries. She ultimately
2 concluded her top two candidates for the position are TJ Jensen and Corinne Bolduc. City Recorder Brown tallied the votes
3 and reported the candidates vote upon by the Council are Corinne Bolduc, TJ Jensen, Mike McBride, Mike Norton, and
4 Jordan Savage. The Council then began asking each of the five final candidates specific questions.

5 [8:56:50 PM](#)

6 Councilmember Peterson stated that it is important for him to select someone that is informed of the issues facing
7 the City; he knows that Mr. Jensen regularly attends City meetings, but he would like to know if the other four candidates
8 attend meetings or if they follow the proceedings of the City Council in other ways.

9 Mr. Savage stated that he has attended multiple meetings with his boy scouts; he cares very much about the City and
10 he actively follows discussions and debates regarding City issues that occur on various social media sites. He stated that he
11 also reads the City's newsletter each month, but acknowledged there are not a lot of outlets for the City to get information out
12 to the residents. However, he tries to follow all information that is available to the City.

13 Mr. McBride stated that he follows what is happening in the City religiously; Councilmember Gailey is a member of
14 the Chamber of Commerce Board and the Board meets twice each month and they discuss the issues occurring in the City.
15 He also communicates frequently with Mayor Palmer; the two are old business partners and good friends. He also
16 communicates with City staff due to the fact that he has many development prospects in the City. He also reads the
17 newsletter each month and follows Facebook pages as well. He stated he stays very closely connected.

18 Ms. Bolduc stated that she has read a lot of the City Council meeting minutes. She has also attended City Council
19 meetings with boy scouts as they were working towards achieving their Citizenship in the Community merit badge. It has
20 been interesting and eye-opening to read the meeting minutes and gauge the personalities of each member. She is aware of
21 many of the issues that will be facing the City in the near future, such as open space preservation and park expansion. She
22 stated she was also interested in what would be happening with the City's appointment to the Sewer Board this evening.

23 Mr. Norton stated that he also uses the same outlets that many of the other candidates mentioned to stay informed of
24 what is occurring through the City. He stated that he also tried to read City Council minutes and found that many of the links
25 to minutes prior to 2013 are not working and he hopes that is fixed soon. He stated that is how he keeps in touch because he
26 has held several church callings that keep him occupied on Tuesday nights; that is also the reason that he resigned from the
27 Planning Commission.

1 [9:01:25 PM](#)

2 Councilmember Lisonbee noted that tonight there were a few items on the agenda dealing with the rezoning of
3 property in the City and she inquired as to each candidates position or opinion regarding the considerations the City should
4 take when faced with an application to rezone property or change the general plan designation for the property. She asked
5 how the applicants would balance a property owner's needs with other citizens' reliance upon zoning and general planning
6 for a property.

7 Mr. Norton stated that the City must have conversations with all parties or individuals that would be impacted by a
8 rezone and then proceed with making wise judgement and decisions. He stated that it is important to understand the general
9 plan designation for a property. He would also want to consider the long term view for a property rather than just considering
10 the immediate need. He stated it is important to consider what is desirable for the community and what will attract long term
11 businesses that will benefit the City. He stated it is necessary to evaluate the impact a potential rezone would have on an
12 individual property as well as an entire neighborhood and try to make the best judgement possible.

13 Ms. Bolduc noted that when considering a zoning application the City must consider the laws on the books as well
14 as how the potential change would impact the person wanting to dispose of or develop the property and what other property
15 owners will be impacted. She stated that her neighbors now have a view of a two-story garage that was built on a
16 neighboring property and it is quite an eyesore for them, but the person that built the garage had the right to do so. She stated
17 it is necessary to strike a balance and determine how a rezone would impact the subject property and the people around the
18 property.

19 Mr. Jensen stated that in recent years the City has deviated from the manner in which it has historically handled the
20 general plan. In the past the City only opened the general plan once every five years and it was very difficult to get approval
21 of a general plan change outside of that window. He stated that practice was deviated from in recent history and citizens have
22 been up in arms about that because many people are not aware of proposed general plan changes even if they received the
23 statutorily required notice from the City. The process is moving way too quickly. He acknowledged that property owner's
24 rights are important and the City should be working to help property owners as much as possible within the parameters of the
25 general plan, but many people moved to the City for the fact that it is a bedroom community and the City needs to remember
26 that. He stated that going forward the Council should be considering opportunities for slowing the process of amending the

1 general plan to give all citizens the opportunity to be aware and involved. He concluded that he is generally supportive of
2 rezone applications that comply with the general plan.

3 Mr. McBride stated that he agrees with Mr. Jensen regarding the historical process of updating and amending the
4 general plan; the process to amend the general plan should begin with citizen input and public hearings. He stated that one
5 thing he feels should be changed is the noticing requirement for a general plan change; currently the City is only required to
6 notify property owners within 300 feet of a property subject to a general plan change and the list of property owners is
7 generated by Davis County. In the case of a recent general plan change he requested only one property owner within 300 feet
8 of his property attended the public hearing and their question was answered satisfactorily, but later in the process many
9 people living outside the 300 foot distance became interested in and object to his application. He stated it would be
10 beneficial to provide notification to people outside of the 300 foot distance. He stated he believes strongly in building a high
11 quality community and he has demonstrated that with the development he has done over the past 20 years. He believes that as
12 the City establishes zoning and the general plan, developers should have the opportunity to develop within the parameters of
13 those zones and be able to put something in place that will establish a business base that will serve to keep residential
14 property taxes low.

15 Mr. Savage stated there are three parts to consider when discussing zoning of a property: one is the rights of the
16 landowner, two is the rights of the neighboring property owners, and three is the City's plan for a property. He stated the
17 general plan should dictate where certain uses are permitted in the City. He stated that if someone wants to proceed with a
18 development that is not allowed in the general plan, it may be necessary to move away from it. He stated that when people
19 purchase their properties they have a zoning designation and if an owner wants to change that zoning designation, the
20 neighbors of the property should have input in that process. He stated the general plan is established for a reason and it
21 should be followed.

22 [9:08:47 PM](#)

23 Councilmember Johnson asked what each candidate would consider when budgeting for the City and what priorities
24 they would have for the City.

25 Mr. Savage stated that he works with million dollar budgets on a daily basis; he is an engineer for a company in Salt
26 Lake City that handles government contracts and he is familiar with many of the rules that apply to the use of taxpayer
27 dollars. He stated that when considering the City's budget it is important to take care of City employees and provide them

1 with good benefits and fair compensation. He added that infrastructure updates are very important; the City should live
2 within its means while addressing and planning for needed fixes. He stated that it is naïve to say that money can be saved
3 rather than putting it towards needed operational and maintenance expenses; the City's roads have been neglected in the past
4 and it is necessary to budget for property maintenance in the future. He added the City should also ensure adequate services
5 are being provided to residents; his priorities would be taking care of employees and citizens and ensuring proper service
6 provision.

7 Mr. McBride stated he has had the opportunity throughout his career to manage very large government budgets as
8 well as budgets for his own business; his business has many members who dedicated their entire farm and rely upon their
9 return on investment. He stated he believes that citizens moved to Syracuse expecting the environment would be maintained,
10 but they also expect the City to provide them with quality services, such as streets, utilities, and special events. The top
11 priority would be those services that provide for public safety for residents, such as safe streets and traffic control. He stated
12 that the traffic on 1700 South and 3000 West was backed up in all directions for a mile tonight; there are many traffic issues
13 in the City and they are followed closely by other utility issues that must be addressed as well.

14 Mr. Jensen commended Public Works Director Whiteley for the work he has done since being employed with the
15 City; prior to Mr. Whiteley's tenure, the City Council was not as supportive of road projects as they probably should have
16 been and the result was the creation of a significant road funding deficit. Mr. Whiteley has worked hard to get the City out of
17 that deficit by working with the Council to secure needed funding for necessary projects. He added the City Council has also
18 implemented programs that will increase employee retention and that is very important because the City has gone through
19 phases in the past where it lost many seasoned employees with years of knowledge. He stated it is necessary to pay the
20 employees competitive wages and retain quality employees. He added Mr. Whiteley is also doing a great job at maintaining
21 secondary and culinary water infrastructure. In the long term the City will face budgeting issues once it has reached build-out
22 and there are no additional impact fee revenues to pay for many things, but currently the budget is functioning very well. He
23 stated his budgeting priorities would be public safety, employee retention, and infrastructure. Everything else would be on a
24 wish list. The City needs to communicate to the residents when projects such as a regional park or open space preservation
25 are being contemplated and the timeline for those projects. He stated the City needs to focus on a long term budgeting plan
26 and he does not think it will be necessary to bond or raise taxes to do that.

1 Ms. Bolduc stated she feels the service to the residents is a very high priority as was proven during the recent cross
2 contamination that resulted in lack of service to residents in the western portion of the City. She added that public safety is
3 also very important and it is necessary to keep the Police Department fully staffed so that residents can feel safe and protected
4 in the community. She added that it is necessary to consider long term items; when considering potentially building a
5 regional park the City must determine the best time to purchase land. She wondered if the best time is when there is little left
6 and there may be difficulty in securing it because of escalated prices or if it is more appropriate to invest in real estate now.
7 She stated it is her understanding that real estate values are currently fairly high and it may be difficult to secure land for a
8 regional park at this time. She noted the City should also consider what other cities are doing in terms of employee
9 compensation to ensure that employees are paid in a manner that will encourage them to stay employed with Syracuse rather
10 than being enticed to move to another city.

11 Mr. Norton stated that he has worked for a company where he managed a budget of \$21 million and he received
12 phone calls recently from people verifying that the budget was being managed properly. To him it is very important to
13 manage each dollar carefully, but at the same time the City has hired very capable employees and he would expect that they
14 bring information to the Council to display that they are using their funds as wisely as possible. He stated he does not know
15 that it is the Council's role to get into each and every dollar of the budget, but there is not a problem with questioning a
16 perceived problem in certain areas of the budget. He stated, however, there is always an opportunity to use funds more wisely
17 than they have been used in the past.

18 [9:18:27 PM](#)

19 Councilmember Johnson addressed the subject of growth; growth will occur in some areas while not in others and
20 he asked how much growth is acceptable and what type of growth should be allowed in Syracuse.

21 Mr. Norton stated that he spoke with a member of the Wilcox family who owns property on 3000 West in the City
22 and has lived in Syracuse all his life; he said "there has to be a place for all of these fine people to live" and he thought that
23 was a very interesting perspective from a man who has watched the City grow and witnessed congestion on the roads. He
24 stated the reason he moved his family to Syracuse is because he likes the style of the community and homes are somewhat
25 uniform and well kept. He stated he is not willing to say he is a proponent of high density housing, but he would be open
26 minded in considering an application for such a land use with a heavy focus on the location of the use and if it would make

1 sense for the City. He stated he wants to ensure the City is maintaining ordinances and rules that have been put in place to
2 ensure protection of the nature of the community.

3 Ms. Bolduc stated it is her belief that if a City quits growing it will begin to die; it is necessary to promote the City
4 and entice businesses and residents to come. There will always be opportunities to revitalize area of the City that may not be
5 as well-kept as others. If businesses are not successful others will come in their place as long as they are encouraged to do
6 so. It is also necessary to maintain the feeling of the City. She grew up in Cache Valley and enjoyed the slow pace and the
7 two lane roads, but growth and congestion means that there will be more business and a place for the next generation of
8 residents to live so they are not forced to live and work elsewhere.

9 Mr. Jensen stated one interesting thing about the master plan is that it will allow Syracuse to expand well above a
10 population of 50,000, which means a fair amount of growth can be accommodate. He stated that there are some fringe areas
11 of the City in which minor changes can be contemplated. He stated he was born and raised in the City and, similarly to Mr.
12 McBride, he has had the opportunity to see the City grow from 1,000 to over 26,000. If the City had tried to stop growth in
13 the past it could have remained a city of 3,000 residents. He stated it is necessary to find a place for the next generation to
14 live, but that can be accomplished within the current zoning regulations and provisions of the City. One area the City can
15 look at is the property surrounding the State Road (SR) 193 corridor; there are opportunities for commercial growth and
16 additional business park uses. He stated he believes Antelope Drive 'is what it is' and will not change much over the years,
17 but the City is currently missing opportunities for capturing the tax dollars of those driving along the SR193 corridor. He
18 noted the City cannot force developers to come, but it can make the community attractive enough to them through zoning and
19 potential incentives.

20 Mr. McBride stated he believes the City will expand and increased residential development will put the City's
21 population over 50,000. He stated he also believes business growth needs to expand in order to provide services and
22 employment opportunities to citizens. He stated the City needs to encourage residential and business growth. He stated that
23 when he built the Glenn Eagle Golf Course he also created 670 home sites, but he did reserve 22 acres of commercial
24 property with the vision that at some point in time the West Davis Corridor would be coming through the City; the road has
25 been planned for since the early 1950's and he believes it will eventually be constructed. At some point in time it will bring a
26 great deal of traffic to the City and there will be great opportunities to develop businesses that will take advantage of the
27 traffic and visitors to offset local taxes; this will provide a beautiful and welcoming City.

1 Mr. Savage stated it is necessary for the City to have a good plan for growth and if reevaluation of the plan is
2 necessary he would support that. He stated that with the introduction of new roads many opportunities will be coming to the
3 City. It would be great to have a lunch crowd to support local restaurants and businesses. He stated that knows that a City
4 fire fighter actually opened a Quiznos in the City that ultimately went out of business because no one ever visited the
5 business during the day. He stated the plan needs to be a reflection of what 'we' want the City to be, but it is necessary to
6 plan for growth rather than just let it happen. He would like to examine appropriate locations for roads and focus commercial
7 or light industrial land uses at busy intersections. New businesses will provide local jobs for the next generation and keep a
8 lunch crowd in the City during the day. He stated there are many opportunities coming to the City in the next little while and
9 it is important to be smart about that growth. If it is done right growth will make Syracuse even better. He loves that from
10 his home he can walk to a Wal-Mart, a movie theater, and even a bowling alley, but he can still hear a donkey braying
11 occasionally in the middle of the day. He likes the balance within the community now and if that can be maintained Syracuse
12 will continue to be fantastic. He stated he loves going to Black Island Farms each year with his family and they all enjoy the
13 environment of the community. He would love to continue to provide balance to the community while wisely planning for
14 future growth.

15 [9:27:46 PM](#)

16 Councilmember Gailey asked for the applicants' philosophies regarding when compromise is acceptable and when it
17 is not.

18 Mr. Savage stated that anyone that does not change their mind when presented a new set of facts that was unknown
19 to them before is either brilliant or incredibly naïve. Given the correct facts he is open to changing his mind; one of the
20 biggest problems in this nation is partisanship and people that get entrenched and are unwilling to change their mind. He
21 stated no party has a monopoly on good ideas. He noted, on the other hand, that he has fundamental beliefs and at some point
22 one must be truly uncompromising. He truly wants to represent the citizens of Syracuse, but if each citizen were telling him
23 something that he feels is horrible or morally wrong it would take him a long time to think about that issue before changing
24 his mind. He stated he wants to represent everyone, but at the same time there are certain lines that cannot be crossed.

25 Mr. McBride stated that he believes truth is truth and when truth is involved compromise is not appropriate. There
26 are also many issues where there is not a black and white solution and there could be two or three different answers or
27 outcomes that could be right; in these cases it is more a matter of desire, opinion, or feeling and in those situations he feels

1 compromise is the only solution. He stated everyone must always keep an open mind because they never have a corner on all
2 truth and they may learn something new that is truthful and that other's opinions should be considered in favor of relaxing
3 one's own opinion.

4 Mr. Jensen stated this is a very interesting question; in the role of serving as a City Councilmember there are certain
5 values that the citizens have come to expect. There are also guidelines and laws that City Councilmembers must abide by and
6 anything that compromises those values or laws would be very difficult for him to accept. However, many of the things the
7 City deals with may have gray areas and in those situations it is necessary to have an open mind, engage in open dialogue,
8 and listen to others and try to consider an issue from their point of view. He prides himself on being able to consider an issue
9 from another's point of view and that gives him insight to some things he may not have otherwise seen. He restated there are
10 some things that cannot be compromised on, but in other instances it is necessary to keep an open mind and try to find a
11 middle ground.

12 Ms. Bolduc stated that in the process of making decisions, if there is a gray area the best thing to do would be to
13 listen to all opinions first before making a decision or coming to a conclusion ahead of time. She referenced the item on
14 tonight's agenda dealing with abortion and protecting the innocent and noted when dealing with those types of issues there
15 must be a moral obligation and a line that one does not cross. She stated that in planning and other types of decisions there
16 can be many gray areas and it is important to listen to everyone first and then take into account what is best for Syracuse and
17 its citizens. Sometimes the final decision may not be popular, but if everyone feels they were listened to they can trust that
18 the Council was honest and not biased about an issue before beginning discussion.

19 Mr. Norton stated the best school of compromise is learned in one's own home with their spouse, at least that is
20 what he has learned. He stated that in a home the mother and father are working to make decisions that are best for everyone
21 in the home; sometimes it is necessary to stay strong, while working tactfully yet directly with the other individual and taking
22 into account their opinions. He added his philosophy is to follow up and try to be aware to all of the many facets of a
23 potential issue or decision; walking into a situation unprepared and trying to make a decision is a disservice, but if the
24 Council is up to speed on issues it is possible to make wise decisions and vote one's conscience.

25 [9:35:28 PM](#)

26 Councilmember Peterson stated that after three times of going through the process of trying to fill a vacancy on the
27 City Council he can report that two of the times there was a split vote and in both cases there were people recruited to apply

1 for the position and some had decided upon appointing those individuals beforehand; he was guilty of being on the side of
2 one of those. The third time a vacancy was filled the person selected was a person that no one knew and it is his opinion that
3 situation worked out best. He asked the Council and Mayor if there are any of the five candidates that they know or that they
4 have recruited and or helped in the process to fill the vacancy. He stated he will be the first to answer the question and noted
5 that Mr. McBride called him to talk about the process and to gauge his feelings; he told him that he thinks he is a great man
6 and would love to work with him on the Council, but that he wanted to wait and see who the other applicants were. He stated
7 he wanted to see if the Council could reach a consensus and vote unanimously to appoint someone because he believes that is
8 important. He is willing to compromise and appoint someone other than his top one or two candidates in order to do that. He
9 stated he knows he is asking a tough question and if some choose to answer that is fine, but he wants to know if the action
10 that will be taken tonight has been pre-planned.

11 Councilmember Gailey stated that he did not pre-plan anything, but he has worked with Mr. McBride in the
12 Chamber of Commerce and he knows him to be an honest man; he encouraged him to apply for the position.

13 Councilmember Johnson stated that he knows each of the five candidates in the narrowed field, though some of
14 them he does not know personally. He stated he knows Mr. Norton quite well from dealings in their church and in the
15 community; he knows Ms. Bolduc through their dealings as State delegates and many other interactions with her, both their
16 sons wrestled together; he knows Mr. Jensen through his extensive involvement in the City; he knows Mr. McBride by name
17 only, but he is aware of his business dealings and his history with the City; he also knows Mr. Savage through scouting and
18 other types of community activities. He stated he has not talked to any of the five candidates concerning this appointment.

19 Councilmember Lisonbee stated that she talked to a couple of people whose names were on the list but are no longer
20 on the list. She noted she knows Mr. Norton, though not very well. She stated she knows Ms. Bolduc very well and they are
21 good friends; they have talked about the position. She stated she knows Mr. Jensen and regards him as a friend as well and
22 they have also talked about the position. She stated she knows Mr. McBride through their interactions at the Chamber of
23 Commerce, though she does not know him well. She concluded she does not know Mr. Savage at all, though she has met him
24 one time before at a City event.

25 Mayor Palmer stated he worked with Mr. Norton in various church callings. He added he knows Ms. Bolduc, though
26 he has only met her a few times. He stated that he knows Mr. Jensen and has had interactions with him sporadically over the
27 past 35 years. He stated that he has known Mr. McBride for 40 years and the two owned a business together; he knows him

1 better than any of the other four candidates. He concluded he has seen Mr. Savage at City events, but does not know him.
2 Councilmember Peterson asked Mayor Palmer if any of the five candidates are 'his pick'. Mayor Palmer stated that he and
3 Mr. McBride has talked about the vacancy, but he has not talked to any of the other candidates about this issue.

4 [9:40:57 PM](#)

5 The Council then engaged in discussions regarding how to proceed at this point, with Councilmember Peterson
6 stating he would like to tell the Council his top three in hopes of moving forward to unanimously select an appointee. He
7 declared his top three candidates are Mr. Norton, Mr. McBride, and Mr. Savage. He stated he feels Mr. McBride has the best
8 experience and background to fill the position, but he was very impressed by Mr. Norton and Mr. Savage this evening though
9 he does not know Mr. Norton very well and he does not know Mr. Savage whatsoever. He reiterated in the past the Council
10 voted unanimously to appoint an unknown applicant and though everyone on the Council did not always agree after that
11 appointment, they got off on the right foot as a body. Discussion continued regarding the process for narrowing the field
12 further.

13 [9:43:08 PM](#)

14 COUNCILMEMBER JOHNSON MOVED TO APPOINT CORINNE BOLDOC TO FILL THE VACANCY ON
15 THE SYRACUSE CITY COUNCIL. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

16 [9:43:37 PM](#)

17 Councilmember Johnson stated he was pleased by what he heard about Ms. Bolduc this evening and the answers to
18 the questions asked of her were very good; he was impressed by Ms. Bolduc's "I will do whatever I can" statement, her open-
19 mindedness, her integrity, and her stressed importance of adherence to law. These are some of the main things he values in
20 someone that will serve on the Council. He stated each of the five candidates also seem to have those same values, but he felt
21 Ms. Bolduc was the strongest of the five. He stated he feels she would be a great fit on the Council and would be able to
22 elevate discussions regarding various issues. Councilmember Lisonbee stated she will support the nomination and the main
23 reason is that she is looking for someone to replace former Councilmember Duncan because he was elected by the residents;
24 as she has listened she feels there are others that could fill that position, but she feels Ms. Bolduc could as well and that she
25 would do a very good job. Councilmember Peterson stated that if the reason for supporting Ms. Bolduc is that she will fill
26 Mr. Duncan's position, the Council should have opted for Mr. Jensen or Mr. Pratt as both actually mentioned that during their
27 presentation.

1 [9:45:35 PM](#)

2 Mayor Palmer stated that the most important thing to him is character; one's political view is important, but
3 character is of utmost importance. He stated he feels every candidate has character, but what he liked about Ms. Bolduc was
4 that her first comment was about integrity and he was impressed with that.

5 [9:46:31 PM](#)

6 Councilmember Gailey stated that he was not on the City Council when past vacancies were filled, but he referenced
7 Councilmember Peterson's suggestion that the Council try to select someone that will receive unanimous support from the
8 entire body. He stated that he feels there is merit and value in a Council that can sit down and work out issues that do not
9 require one to set aside principle. He complimented his peers that are also members of the City Council; the purpose for him
10 seeking election two years ago was to try to work with those that had already been elected to create an environment of
11 cohesiveness and compromise because that did not previously exist in the community. He complimented former
12 Councilmember Duncan and Councilmembers Johnson, Lisonbee, and Peterson as well as Mayor Palmer because he feels
13 that in the last couple of years there has been a reestablishment of decorum that belongs in this City. He wondered if there is
14 merit in trying to reach a unanimous decision. He asked Mayor Palmer if he would vote to support Ms. Bolduc in the event
15 of a tie, to which Mayor Palmer answered yes. Councilmember Gailey reiterated he feels there is merit in the entire Council
16 rallying behind the person that is ultimately selected and, therefore, he would also support Ms. Bolduc.

17 [9:48:42 PM](#)

18 Mayor Palmer stated there has been a motion and second to appoint Corinne Bolduc to the Syracuse City Council
19 and he called for a vote. VOTING "AYE" – COUNCILMEMBERS GAILEY, JOHNSON, AND LISONBEE. VOTING
20 "NO" – COUNCILMEMBER PETERSON.

21

22 [9:49:08 PM](#)

23 18. Swearing in of selected Councilmember

24 City Recorder Brown administered the oath of office to Councilmember Bolduc.

25 Councilmember Bolduc stated taking the oath made her somewhat emotional; her husband has taken the oath several
26 times for his military service, but this is the first time she has taken the oath.

1

2 [9:50:42 PM](#)

3 Councilmember Johnson then stated he has been an action the Council took earlier this evening.

4 COUNCILMEMBER JOHNSON MADE A MOTION TO RECONSIDER RESOLUTION R15-31 APPOINTING
5 DOUG PETERSON TO THE NORTH DAVIS SEWR DISTRICT BOARD OF TRUSTEES. COUNCILMEMBER
6 LISONBEE SECONDED THE MOTION.

7 [9:51:34 PM](#)

8 Councilmember Johnson stated that when the initial vote was taken regarding the resolution he hesitated and he is
9 now reconsidering his aye vote as it is weighing on his conscience. He stated he does not feel the vote he made is the correct
10 one for him and he would like to discuss the issue further. He stated the Council now has an additional member and he
11 reiterated there is no guarantee Councilmember Peterson will be reelected and that is the reason he feels strongly about not
12 appointing him to the Board.

13 [9:52:26 PM](#)

14 Councilmember Peterson stated he is sickened by this action. He stated this was blatantly planned; the fact that it
15 was the only item Councilmember Johnson wanted to delay until after selecting a new member, and the fact that all members
16 of the Council vote in the affirmative when the resolution was initially voted so that it could be reconsidered after another
17 member was selected is sickening. Councilmember Johnson stated Councilmember Peterson is entitled to his opinion, but he
18 feels more discussion is needed and the timing is wrong. He stated he mentioned his discomfort with the action in the work
19 session meeting this evening. Councilmember Gailey disagreed and stated the initial action to appoint Councilmember
20 Peterson to the Board is the correct action. Councilmember Lisonbee stated she also still has concerns about the appointment
21 and she would like to see for the Council to appoint someone that is willing to put in time and effort. When Councilmember
22 Duncan resigned his position on the City Council and the Board he indicated there was a lot of work that could be done
23 regarding the stipend paid to the Board members as it is the highest allowed by State statute; she is not sure that issue has
24 ever been considered, but she would like for the Board to consider lowering their salaries to make appointment to a Board
25 position less of an arguing point. She added that this position is very important and she would like for whoever serves on the
26 Board to advocate strongly for the Environmental Protection Agency (EPA) to consider the specific and unique ecosystem of
27 the Great Salt Lake; otherwise the District will be forced to spend millions of dollars to improve infrastructure because the

1 EPA has decided a specific micronutrient in the effluent of the District's water is too high. However, that micronutrient
2 actually feeds the brine shrimp in the Great Salt Lake so it is providing a benefit to the ecosystem. The EPA is very
3 unbending though there are some members of the Board that have spoken to them through State Legislators. She added she
4 would also like to see someone appointed to the Board that does not vote for every fee and tax increase proposed to the Board
5 as has happened in the past. She stated citizens have expressed concerns regarding fee or tax increases, yet the Board has
6 voted unanimously to pass them. She stated she has expressed interest in serving on the Board on the past, but she no longer
7 has that interest; if the Council were to consider appointing anyone else to the Board she would suggest it be the person that
8 replaced Councilmember Duncan on the City Council. She stated it is a very small Board that is representative of a very large
9 population and the Board is not carrying out their due diligence and that needs to start.

10 [9:56:36 PM](#)

11 Councilmember Peterson stated he is not sure this is an issue worth arguing, but he will not sit back when the truth is
12 not being told. He noted he never voted for a tax increase on the Board; he has voted for a fee increase, but Councilmember
13 Duncan did the same. He stated he also voted yes to every issue that was put before him. Councilmember Lisonbee stated she
14 was not talking about Councilmember Peterson specifically, but she attended a meeting where a tax increase was passed with
15 a unanimous vote. She pointed out that Councilmember Peterson did vote for all fee increases. Councilmember Peterson
16 stated that is correct.

17 [9:57:22 PM](#)

18 Mayor Palmer stated this discussion is contrary to the appointment he recommended; the main reason he chose to
19 recommend the appointment of Councilmember Peterson is that he has past experience and could begin attending meetings
20 immediately with knowledge of what is occurring at the District. He then stated that he mentioned earlier in the meeting that
21 character is the most important thing to him and he feels the motion to reconsider the resolution is a 'low blow' and that
22 diminishes in his mind the character of certain individuals. He stated he believes in honesty; the appointment was made
23 according to City rules and ordinances and he stands by his appointment.

24 [9:58:52 PM](#)

25 Councilmember Bolduc stated that she does not want to cause any contention, but this is a big problem. She is
26 concerned with the fact that the Board members are paid the highest stipend allowed by Utah law. She noted she has friends
27 in Cache Valley that own a brine shrimp company and they would be upset to know there is a threat to their business. She

1 stated she has concerns, but she is not sure what else to say at this time. Councilmember Peterson inquired as to
2 Councilmember Bolduc's specific concerns regarding his appointment to the Board. Councilmember Bolduc asked
3 Councilmember Peterson if he has represented Syracuse well in bringing the opinions of the City to the Board and if he has
4 had his own voice on the Board rather than simply following others. Councilmember Peterson answered yes; there have been
5 instances where he voted in opposition to certain actions that may have been more impactful on the City due to the sewer
6 plant's location. Councilmember Bolduc asked Councilmember Peterson if he feels attending a two hour meeting warrants
7 the stipend he receives. Councilmember Peterson answered no, but noted that he puts just as much time into his position on
8 the Board as he does in his position on the City Council. Councilmember Bolduc asked Councilmember Peterson if he has
9 proposed a change in the stipend amount, to which Councilmember Peterson answered no. Councilmember Bolduc asked
10 why he has not proposed a change. Councilmember Peterson stated he feels the stipend is earned. Councilmember Bolduc
11 asked if it would not be more appropriate to consider the average stipends of other Boards rather than simply selecting the
12 highest allowed amount. Councilmember Peterson stated that this issue has never been raised until other City
13 Councilmembers wanted to remove him from the Board and claims that he has not represented the City or taken pertinent
14 issues to the Board is untrue because no one has ever asked him to take something back to the Board. Councilmember
15 Bolduc again asked Councilmember Peterson why he has not recommended that the stipend be lowered. She noted it is also
16 her understanding that Board members receive a life insurance policy and she is curious about why members feel they earn a
17 \$400 per month stipend and a life insurance policy for a two hour meeting. Councilmember Peterson reiterated that he
18 spends 10 to 20 hours per week doing things for the District and that is equivalent to the time he dedicates to the City;
19 however, if he did not get paid for his service to the District he would still do it because he enjoys it. He added that he will
20 never say that he has not earned the money that he is paid and he also does not believe the City Council earns a high enough
21 stipend, though he would never recommend that it be increased. At one point he actually voted to decrease the pay of the
22 City Councilmembers. He stated good Councilmembers and Board members spend a lot of time and put a lot of work into
23 their position.

24 [10:02:52 PM](#)

25 Councilmember Lisonbee stated she thinks this is a good discussion and she appreciates the opportunity to have it
26 with a full City Council. She stated she hopes that Councilmember Peterson is allowed to continue to serve on the Board he
27 will take this feedback. She added she does not agree that Councilmembers are underpaid and if there were a proposal to raise

1 taxes or fees she would the first to offer to serve for no stipend. She stated she has donated to charity nearly every penny she
2 has earned as a Councilmember; as a public servant and taxpayer in the City it is necessary to consider continual tax and fee
3 increases the Sewer Board has passed and whether the money generated by those actions is being spent appropriately. She
4 stated that when Councilmember Duncan resigned he raised the issue of annual trips to places like New Orleans; she has
5 heard Board members say that the information they receive during the trip is the same year after year, but the taxpayers are
6 paying for every member of the Board and District Administration to attend the conference and she is concerned about such
7 expenditures as she feels they are irresponsible. She stated that feedback needs to be taken to the Board and honest discussion
8 needs to take place. Councilmember Peterson agreed and noted that he has not heard this feedback before, though he has
9 been told that he did not vote how the Council or citizens wanted him to vote; no one ever provided that feedback. Mayor
10 Palmer stated that is one reason that he will be requiring Councilmembers to fill out documented reports regarding their
11 individual assignments and those reports will become part of the public record of the City; the reason for that is that each
12 Councilmember that is also serving on additional Boards needs to be accountable to the rest of the Council and the citizens.
13 He reiterated that he feels Councilmember Peterson can be accountable and can serve on the Board appropriately.
14 Councilmember Peterson stated it is unfortunate that every time this appointment is discussed the issue of the stipend is
15 raised. He stated that he would be willing to serve for free as well, but he will not say that he does not earn the stipend
16 because he dedicates a lot of time to the position.

17 [10:06:39 PM](#)

18 Councilmember Lisonbee noted the reason she seconded Councilmember Johnson's motion to reconsider was for
19 the sake of discussion and she wanted to give the new Councilmember the opportunity to vote on this issue. She appreciates
20 Councilmember Peterson's frank answers to the questions that were asked of him.

21 [10:07:18 PM](#)

22 Mayor Palmer stated there has been a motion and second to reconsider the resolution appointing Councilmember
23 Peterson to the North Davis Sewer District Board of Trustees and he called for a vote. VOTING "AYE" –
24 COUNCILMEMBERS BOLDUC, JOHNSON, AND LISONBEE. VOTING "NAY" – COUNCILMEMBERS GAILEY
25 AND PETERSON.

26 [10:08:51 PM](#)

1 COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT RESOLUTION R15-31 APPOINTING DOUG
2 PETERSON TO THE NORTH DAVIS SEWR DISTRICT BOARD OF TRUSTEES. COUNCILMEMBER PETERSON
3 SECONDED THE MOTION.

4 [10:09:11 PM](#)

5 Councilmember Johnson stated he will vote with his conscience this time and vote in opposition. Councilmember
6 Lisonbee added that after the discussion that took place about the appointment she appreciates that Councilmember Peterson
7 has indicated that he would be willing to take the feedback provided by the Council to the Board as well as truly consider the
8 issues that have been raised tonight and in the past. She stated that if another member is appointed to the Board she hopes
9 they will be willing to do the same. Councilmember Peterson stated that after hearing the Mayor was adding this
10 appointment to tonight's agenda he contacted the District to inquire about their upcoming meeting schedule and he was told
11 they would be holding a budget meeting this Saturday; he has prepared for that meeting and has no problem raising the issue
12 of the stipend during that meeting. He addressed Councilmember Bolduc and stated that he supports her in her appointment
13 as a Councilmember; the reason that he voted in opposition to the motion to appoint her was that he felt slighted due to the
14 fact that he declared his top three candidates, yet a motion was made to move right to the appointment rather than continue
15 with further discussion. He stated he hopes Councilmember Bolduc will support him in his appointment to the Board.

16 [10:11:41 PM](#)

17 Councilmember Lisonbee noted she not only has concerns about the stipend the Board members are paid; she also
18 has concerns about trips and retreats and she feels there are many budget items that can use a scouring. Councilmember
19 Johnson stated he is most concerned about representation and she does not feel Councilmember Peterson can provide proper
20 representation.

21 [10:12:11 PM](#)

22 Mayor Palmer stated there has been a motion and second to adopt the resolution appointing Councilmember
23 Peterson to the North Davis Sewer District Board of Trustees and he called for a vote. VOTING "AYE" –
24 COUNCILMEMBERS GAILEY AND PETERSON. VOTING "NAY" – COUNCILMEMBER JOHNSON.

25 [10:12:48 PM](#)

1 Councilmember Lisonbee engaged in discussion mid-vote and noted that she appreciates Councilmember Johnson
2 raising this issue so that the discussion could take place with a full Council. She stated she feels good about sending
3 Councilmember Peterson to the Board due to his commitment that he will take the feedback to the Board that has been
4 provided tonight. She stated that in the past she has heard from citizens regarding their strong feelings that Councilmember
5 Peterson should not be appointed to the Board and she has shared those strong feelings, but she feels this discussion has been
6 valuable and she is now on the fence because she feels Councilmember Peterson is being sincere this evening.

7 [10:13:57 PM](#)

8 Councilmember Peterson stated he is not sure what issues people have with him other than the fact that he voted for
9 a fee increase; he noted he only voted for the fee increase after a thorough examination of the need for the fee. He stated
10 similar discussions have taken place among the City Council when discussing City fees. He noted that there has not been a
11 tax increase since he has been involved with the Board and he cannot think of many other issues that anyone would have
12 disagreed with him on. He stated that during the two years that he previously served on the Board and was making regular
13 reports to the Council, no one approached him to disagree with him or to recommend that he take a certain issue back to the
14 Board. Councilmember Bolduc stated that every fee that is levied is essentially a tax. Councilmember Peterson stated that he
15 disagrees with that because fees are to pay for specific services while tax revenues can be used for nearly any purpose.
16 Councilmember Lisonbee stated that this is a philosophical discussion, but in the past the Council has talked about fee
17 increases for certain purposes in conjunction with lowering taxes to create a net zero loss or gain for residents; people are
18 hurting and the economy has not fully recovered. She stated that if she were on the Board when a fee increase was
19 recommended she would have asked what areas could be cut or reduced. It may have been possible to discontinue the
20 practice of sending all Board members to New Orleans every year and use that money to supplement the need for a fee
21 increase; even if that only generated a little amount of money it would have been symbolic of the fact that the Board was
22 doing their part to make a difference. Every dollar matters and when residents see extravagance coupled with annual fee
23 increases it is hard for them. Councilmember Peterson stated that the first fee proposal was a \$12 increase and he actually
24 negotiated with the Board to spread the fee increase over a multiple year period so that it was not such a big hit for residents.

25 [10:18:06 PM](#)

26 Councilmember Gailey stated that all he knows of the District is Councilmember Duncan's service there; he was
27 appointed to serve as the City's representative with the Wasatch Integrated Waste Management District (WIWMD) and he

1 has not received any direction from the City Council in relationship to the capacity in which he has served for two years now.
2 He stated he has sought that direction and it has not been provided; he also cannot recall any discussion or direction given to
3 Councilmember Duncan while he was serving on the Board, though there may have been some discussions that took place
4 offline. He stated he cannot speak to how things were happening when Councilmember Peterson served on the Board
5 previously, but he cannot imagine it would have been much different. Perhaps the more formal requirements for Board
6 positions will be beneficial. He concluded that he still believes that at this point in time the person who is best suited to
7 represent the City on the Boar is Councilmember Peterson and he understands where he comes from when he says he has not
8 received direction from the Council regarding his position there. He concluded he supports Mayor Palmer’s appointment of
9 Councilmember Peterson to the Board. Councilmember Lisonbee thanked Councilmember Gailey for his comments and
10 noted that each time he reports regarding his participation on the WIWMD she listens very carefully and has been impressed
11 with the level of detail and the movement and direction of the Board; they seem to be fiscally responsible.

12 [10:22:05 PM](#)

13 COUNCILMEMBER LISONBEE OFFERED A SUBSTITUTE MOTION TO ADOPT RESOLUTION R15-31
14 APPOINTING DOUG PETERSON TO THE NORTH DAVIS SEWR DISTRICT BOARD OF TRUSTEES, WITH HIS
15 TERM EXPIRING DECEMBER 31, 2015 OR UNTIL HE IS OTHERWISE REPLACED. COUNCILMEMBER BOLDUC
16 SECONDED THE MOTION.

17 [10:23:20 PM](#)

18 Councilmember Peterson stated he would be satisfied with the motion if there was a caveat that he would be allowed
19 to continue with his appointment to the Board if his campaign for reelection to the City Council is a success. Otherwise he
20 feels there may be another big fight at that time. Councilmember Lisonbee stated that she appreciates Councilmember
21 Peterson’s suggestion, but she stands by her motion because she would like to gauge her feelings about the appointment in
22 January.

23 [10:25:06 PM](#)

24 Mayor Palmer reverted to the initial motion made by Councilmember Gailey to adopt the resolution appointing
25 Councilmember Peterson to the North Davis Sewer District Board of Trustees. The Council was mid-vote when continued
26 discussion ensued and he called for the vote on that motion again. VOTING “AYE” - COUNCILMEMBERS GAILEY AND
27 PETERSON. VOTING “NAY” – COUNCILMEMBERS BOLDUC, JOHNSON, AND LISONBEE.

1 [10:26:19 PM](#)

2 COUNCILMEMBER LISONBEE RESTATED HER MOTION TO ADOPT RESOLUTION R15-31
3 APPOINTING DOUG PETERSON TO THE NORTH DAVIS SEWR DISTRICT BOARD OF TRUSTEES, WITH HIS
4 TERM EXPIRING DECEMBER 31, 2015 OR UNTIL HE IS OTHERWISE REPLACED. COUNCILMEMBER GAILEY
5 SECONDED THE MOTION.

6

7 [10:27:03 PM](#)

8 19. Councilmember reports.

9 No Councilmember made a report.

10

11 [10:27:09 PM](#)

12 20. Mayor's Report.

13 Mayor Palmer declined to provide a report.

14

15 [10:27:14 PM](#)

16 21. City Manager report

17 City Manager Bovero's report began at [10:27:28 PM](#)

18

19

20 At [10:29:57 PM](#) COUNCILMEMBER GAILEY MADE A MOTION TO ADJOURN. COUNCILMEMBER
21 LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

22

23

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25

26

27 _____
Terry Palmer
28 Mayor

27 _____
Cassie Z. Brown, CMC
28 City Recorder

29

1 Date approved: _____

Minutes of the Syracuse City Redevelopment Agency Special Meeting, September 8, 2015.

Minutes of the Special Meeting of the Syracuse City Redevelopment Agency held on September 8, 2015, at 10:30 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Members: Corinne N. Bolduc
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
City Attorney Paul Roberts
Finance Director Steve Marshall
Community Development Director Brigham Mellor
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson

[10:30:08 PM](#)

1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 10:30 p.m. as a special meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Boardmember.

[10:30:47 PM](#)

BOARDMEMBER JOHNSON MADE A MOTION TO ADOPT THE AGENDA. BOARDMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[10:31:00 PM](#)

2. Discuss RDA tax rebate payment to Syracuse Family Fun Center aka
The Rush Funplex.

A staff report from the Finance Director and Community and the Economic Development (CED) Department explained the Rush would like to accelerate the payout schedule for the tax increment they are allotted to receive. An accelerated payment schedule doled out through RDA's as part of an agreement a common practice. Often time's reimbursement is tied to interest rates for late or delayed payments to a developer providing a mechanism to encourage faster payout from the agency. The Rush Funplex is a new retail product in this part of Davis County, it should be expected that the first years are the thinnest as the brand develops and people learn that it is here. The Rush has provided financial info to the

1 city and has shown that sales are improving – and the expectation that the coming fall months will be the biggest struggle for
 2 the facility regarding operating cash is a realistic concern – as expressed by the funplex ownership. The new agreement will
 3 end in 2024. The Rush has not pledged tax increment to a bank as collateral. If the company goes out of business the deal
 4 ends and no more tax increment is paid out. The formula for the payout is as follows:

5

Year	Calculation for amount
2016	<i>pre agreed to \$ amount + NPV (of incentive 2024)</i>
2017	<i>pre agreed to \$ amount + NPV (of incentive 2025)</i>
2018	<i>pre agreed to \$ amount + NPV (of incentive 2026)</i>
2019	<i>pre agreed to \$ amount + NPV (of incentive 2027)</i>
2020	<i>pre agreed to \$ amount + NPV (of incentive 2028)</i>
2021	<i>pre agreed to \$ amount + NPV (of incentive 2029)</i>
2022	<i>pre agreed to \$ amount + NPV (of incentive 2030)</i>
2023	<i>pre agreed to \$ amount + NPV (of incentive 2031)</i>
2024	<i>NPV (of incentive 2032)</i>

6

7 $NPV + \text{agree to amount for given year starting with year 2024} / (1+R)^T$

8 Where:

9 $R=.03$ (for inflation)

10 $T=8$ (for the # of years we are bumping payment)

Year	New Amount	Old amount
2016	\$134,026	\$96,096
2017	\$128,607	\$96,096
2018	\$128,607	\$96,096
2019	\$123,189	\$96,096
2020	\$82,005	\$54,912
2021	\$78,573	\$51,480

Redevelopment Agency Special Meeting
September 8, 2015

2022	\$73,154	\$51,480
2023	\$69,722	\$48,048
2024	\$13,546	\$48,048
2025	\$0	\$41,184
2026	\$0	\$41,184
2027	\$0	\$34,320
2028	\$0	\$34,320
2029	\$0	\$34,320
2030	\$0	\$27,456
2031	\$0	\$27,456
2032	\$0	\$17,160
Total Payout Overall	\$1,327,627	\$1,391,952

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The memo concluded staff recommends that the RDA board approve the second amendment to the agreement for the expansion of the Syracuse Family Fun Center.

[10:31:01 PM](#)

CED Director Mellor reviewed the staff memo.

[10:32:06 PM](#)

BOARDMEMBER JOHNSON MADE A MOTION TO APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR THE EXPANSION OF THE SYRAUSE FAMILY FUN CENTER. BOARDMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

At [10:32:34 PM](#) p.m. BOARDMEMBER GAILEY MADE A MOTION TO ADJOURN. BOARDMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Redevelopment Agency Special Meeting
September 8, 2015

1 _____
2 Terry Palmer
3 Mayor
4
5 Date approved: _____

Cassie Z. Brown, CMC
City Recorder

Minutes of the Syracuse City Council Work Session Meeting, September 22, 2015

Minutes of the Work Session meeting of the Syracuse City Council held on September 22, 2015, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Corinne N. Bolduc
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Finance Director Steve Marshall
City Attorney Paul Roberts
Community and Economic Development Director Brigham Mellor
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson

Visitors Present: Kevin Homer Andrea Andrews Andrew Sherman
Brian Luther Marshall Luther Ray Zaugg
Pat Zaugg Nathan Rich John Hendrickson

The purpose of the Work Session was to receive public comments; hear a presentation from Wasatch Integrated Waste Management District; discuss potential changes to Titles 4 and 8 of the Syracuse City Code requiring secondary water metering on new construction; receive a presentation from Municipal Solutions, LLC regarding the efficiency audit report; and discuss Council business.

6:02:45 PM

Councilmember Peterson led the audience in the pledge of allegiance. Councilmember Lisonbee offered an invocation.

6:06:44 PM

Public comments

TJ Jensen stated that last week he attended the Utah League of Cities and Towns (ULCT) Annual Conference in Salt Lake City and it was nice to see other representatives of the City present as there were great training sessions. He shared information he gathered by attending a session regarding water resources; at the current time all water resources are allocated

1 and to acquire additional water may cost upwards of \$19 million for the State. Utah's population is expected to double by
2 2060 and it will be necessary to secure water for the future. He stated he is aware the Council will be discussing a potential
3 code amendment that would require secondary water meters for new construction and he believes that is a good start. He
4 stated that before farmers turned water over to the City for people to water their residential property, the City was allocated a
5 certain amount of water; no one had unlimited water back then and no one should have unlimited water now. He stated there
6 are some ways to address water conservation in the future, which could include selling existing water shares to pay for water
7 meters on existing homes in the City.

8 [6:09:00 PM](#)

9 Pat Zaugg stated she is very concerned by the recent increase in crime in the City, specifically vandalism of personal
10 and private property. She suggested that neighborhood watch programs be created and that security cameras be installed in
11 areas throughout the City; it is necessary to do something to curb the crime that is occurring. She then addressed the issue of
12 water meeting. She noted Syracuse City owns the water and she wondered if the State of Utah can tell the City what to do
13 with the water it owns. She does not agree with Mr. Jensen's suggestion to sell water shares because that is like selling gold
14 and the City will need water shares in the future.

15 [6:10:09 PM](#)

16 Kevin Homer offered feedback regarding the public comment section on the City Council's agendas. He has been
17 attending City meetings for a few months and one thing he is frustrated by is trying to figure out how to communicate with
18 the Mayor and Council in order to express his concerns or views about what is happening in the City. He noted the agenda
19 lists one place for public comments, but later in the meeting he does not have the opportunity to voice his opinion regarding
20 other items. He asked that the Council consider modifying their agendas to allow for more public comment throughout the
21 meeting or on specific issues, or even including a larger public comment section at the end of the meeting.

22 [6:11:41 PM](#)

23 Dave Maughan stated he would like to comment on the City's ability to disseminate information; he feels there is a
24 need for improvement of the City's website. He noted the City is currently in the middle of an election, but the voting map
25 on the website is from several elections ago; it only includes 12 districts though there are now 15 districts in Syracuse. That
26 kind of information is critical to citizens especially in the middle of an election. He added there has also been a lot of
27 discussion about what takes place during City Council meetings and the City advertises that it has links to minutes and

1 recordings, but as of last night the most current links are from 2012. He stated the City is not putting information out to the
2 residents or the links are broken. He stated he does not know who is responsible for that data, but he feels the City needs to
3 do a better job of communicating with its residents.

4
5 [6:12:54 PM](#)

6 **Presentation from Wasatch Integrated Waste**

7 **Management District.**

8 An administrative staff memo indicated Councilmember Gailey, the City's representative on the WIWMD Board,
9 asked for time on the agenda to allow District Administration and opportunity to provide the Council with information
10 regarding current and future programming.

11 [6:13:08 PM](#)

12 Nathan Rich, Wasatch Integrated Waste Management District (WIWMD) Director, stated he was invited to attend
13 tonight's meeting by the City's representative on the District's Board, Councilmember Gailey. He then used the aid of a
14 PowerPoint presentation to provide the City with information regarding current programs and services available to district
15 customers.

16 District Overview:

- 17 • Special Service District
- 18 • Owned by Davis and Morgan Counties and 15 Cities
- 19 • 270,000 tons of MSW Annually
- 20 • Serve 250,000 Residents
- 21 • 63 Full Time Employees
- 22 • 19 Member Administrative Control Board

23 Provide sustainable, cost-effective, and environmentally sound solid waste management

24 Guiding Principles

- 25 • Maintain fiscal integrity with minimal financial risk. Consider long term effects and life cycle
26 costs. Maximize the value of assets.

- 1 • Recognize waste as a resource through reuse, reduction, recycling, and the production of fuels and
- 2 energy, when financially viable. Manage waste destined for disposal with state-of-the-art landfill
- 3 resources, operations, and long-term care.
- 4 • Make well informed decisions based upon sound scientific and business judgment and ethical
- 5 business practices.
- 6 • Aggressively pursue best available demonstrated technologies that minimize the volume and
- 7 toxicity of wastes and protect the environment for future generations.
- 8 • Promote public education and awareness of effective and efficient municipal solid waste
- 9 management practices.

10 Mr. Rich reviewed photographs and provided a description of the services provided at various facilities managed by
11 the WIWMD at the landfill, such as the Energy Recovery Facility, Citizen Drop-Off and Give & Take, Household Waste,
12 Electronic Waste, and Recycling Facility, Green Waste Recycling and Composting, Metals Recovery, and the Landfill Gas to
13 Energy Project Facility.

14 System Performance 2014:

15 Total Waste Received	274,325 tons
16 Energy Recovery	111,538 tons
17 Green Waste	21,868 tons
18 Metals	3,235 tons
19 Recycle Drop Off	209 tons
20 Electronic Waste	267 tons
21 Carpet Pads	319 tons
22 Household Hazardous Waste	185 tons
23 Total Recycled	133,572 tons
24 Landfill Diversion Rate	49 %

25 Planning for the Future:

26 Life of Current Facilities:

27 Davis Energy Recovery Facility

- 1 ▪ 10 Year Contract with HAFB Commencing October 2014
- 2 ▪ Substantial Refurbishment Completed in 2015
- 3 ▪ 20 years or more Additional Life

4 Davis Landfill

- 5 ▪ 27 Years Capacity – Phase V Addition
 - 6 ○ Ability to Operate in Urban Environment
 - 7 ○ Continued Use of Site
 - 8 • Customer Service Facilities
 - 9 • Green Waste Recycling and Composting

10 Future Projects – Improving Performance and Revenue:

- 11 • Mixed Waste Preprocessing Facility
 - 12 ▪ \$3.5 Million Project
 - 13 ▪ Completion Date April 15, 2016
 - 14 ▪ Improve Fuel Quality and Performance of the ERF
 - 15 ▪ Remove Materials Smaller than 2 inches
 - 16 ▪ Organics (Grass Clippings)
 - 17 ▪ Batteries
 - 18 ▪ Glass, Dirt, Rocks
 - 19 ▪ Recover Recyclable Material (Cardboard and Steel)
 - 20 ▪ Currently in Study Phase
 - 21 ▪ Would Recover Additional Recyclables
 - 22 ○ Cardboard, Aluminum, Steel, Plastics
 - 23 ▪ 10 to 12 Million Dollar Project
 - 24 ▪ Would Substantially Increase Overall Recycling Rates
 - 25 ▪ Has the Potential to Replace Curbside Collection
 - 26 ○ Cost, Truck Traffic, Air Emissions, Convenience
 - 27 ▪ Waste Characterization

- 1 • Landfill Thrift Store in Partnership with PARC
- 2 ▪ Partnership with Pioneer Adult Rehabilitation Center (PARC)
- 3 ▪ Reuse Good Materials Currently Being Landfilled
- 4 ▪ Provide Job Opportunities for Mentally and Physically Challenged Individuals
- 5 ▪ Located at the Recycling Center at the Davis Landfill
- 6 ▪ Soft Opening Over the Next Two Months
- 7 ▪ Ribbon Cutting Early Spring

8 [6:27:31 PM](#)

9 Councilmember Gailey thanked Mr. Rich for the information he has provided; he has been so impressed by the
10 efficiency of the District. He has been surprised to learn that when people put grass into their trash receptacles, the District
11 must burn energy in order to burn the grass and pulling grass out of the trash stream will improve operations at the District.
12 He stated he believes most people do as well as they know how and he has learned a lot of great new information through his
13 position with the District. Mr. Rich noted the District has a great Board and great staff who have been innovative at
14 developing processes that no other entities in a six state area are using. Mayor Palmer added that the District has kept its
15 prices low for its users and that is appreciated. Mr. Rich agreed, but note that changes are coming in the future relative to
16 programming and technology and he is hopeful that it will be possible to continue to keep rates low. He added that any
17 member of the City’s Governing Body or of the citizenry is always welcome to visit with him at the District and tour the
18 facility.

19
20 [6:31:47 PM](#)

21 **Discuss potential changes to Titles 4 and 8 of the**
22 **Syracuse City Code requiring secondary water metering**
23 **on new construction.**

24 A staff memo from the Community and Economic Development (CED) Department explained the mayor asked the
25 staff to draft an ordinance requiring secondary water meters on new construction. The cost of the meter itself is minimal and
26 cost of installation as part of an initial secondary water connection is minuscule and would go unnoticed by the homeowner

1 compared to a \$300 install after the connection has been made. There is reason to believe that in the future secondary water
2 metering will be required for all secondary water users. Requiring meters on new construction may result in a savings to
3 residents and the tax payers depending on the end result of state legislative measures. In 2014 there were 177 homes
4 constructed in Syracuse. As of the Sept 1 2015 we have surpassed that amount and have had 185 homes constructed since
5 January. At \$300 dollars per install should legislation pass mandating secondary water meters this could end up saving the
6 tax payers \$60,000 per year. "Davis and Weber Irrigation and Weber Basin require meters on new installations. D&W since
7 2013 - WB since 2010."

8 [6:31:53 PM](#)

9 CED Director Mellor reviewed the staff memo.

10 [6:34:20 PM](#)

11 Mayor Palmer stated this is an item he asked staff to work on to add to the agenda and he provided an explanation of
12 discussions that have taken place recently between Syracuse, nearby cities, and the Weber Basin Water Conservancy District.
13 Initially he was not supportive of requiring water meters on new construction, but after hearing additional factual information
14 from the District relative to potential future water meting mandates and understanding that the cost to install a meter on a new
15 home is much less than it would cost in the future, but the cost would be paid by the developer or homeowner. He asked for
16 Council feedback on the proposal.

17 [6:36:01 PM](#)

18 Councilmember Johnson stated that he is not interested in the code amendment; the Council has discussed this issue
19 in the past and has indicated they are not supportive of metering water and he is not 'flip-flopping' at this time.

20 [6:36:45 PM](#)

21 Council discussion ensued regarding operation of meters if installed on new construction, with Mr. Mellor stated he
22 would anticipate operating similar to Weber Basin Water, who does not bill according to meter readings; rather, they send
23 their users a statement simply explaining how much water they have used. Councilmember Lisonbee suggested the Council
24 delay a decision on this proposal until after the beginning of the next calendar year due to the fact that there will not be a
25 great amount of new homes built between now and then. She stated she has been working to bring the past water users of the
26 City to the table to have discussions about past agreements that were made relative to the use and cost of secondary water.

1 [6:40:33 PM](#)

2 Councilmember Peterson stated it seems like a good idea to install meters on new homes simply to save on potential
3 future costs, but he would like to see data from Weber Basin Water to understand if it is something that has resulted in water
4 conservation for the users in the District. Councilmember Johnson agreed. Mayor Palmer stated he would be willing to
5 invite them to a meeting to have discussions about their metering practices and water usage. Public Works Director Whiteley
6 indicated that data is available.

7 [6:43:45 PM](#)

8 Councilmember Lisonbee indicated there are many issues at play relevant to water metering and many entities are
9 involved; the State set a goal to reduce water usage by 25 percent and they have said on the public record that they have
10 already reduced usage by 22 or 23 percent and the feel they have ‘hit a brick wall’ and are having difficulty reaching the 25
11 percent so the answer for them is metering. She stated she believes there are other ways to reduce water usage and conserve
12 and it is her opinion that it is too early to make a decision regarding an idea to require meters on new construction in
13 Syracuse. Councilmember Gailey noted it is difficult to manage something that cannot be measured.

14
15 [6:44:39 PM](#)

16 **Presentation of Municipal Solutions □ LLC Efficiency**
17 **Audit Report.**

18 A staff memo from City Manager Bovero explained the City Council obtained the services of Municipal Solutions
19 LLC to perform an efficiency audit on the operations of the City. The stated goals of the study were as follows:

- 20 • Improve service levels within our current budget capabilities.
- 21 • Ensure the organizational structure of the City is best suited for service to residents & businesses.
- 22 • Eliminate waste.

23 In addition, the study examines areas of risk and presents findings and recommendations to the Council. The memo
24 concluded representatives of Municipal Solutions LLC will be presenting the report to the Council during the work session
25 meeting.

26 [6:44:51 PM](#)

1 Mr. Bovero reviewed his staff memo and introduced John Henderson, Senior Associate with Municipal Solutions,
2 LLC. Mr. Henderson indicated Municipal Solutions, LLC President, David Evertsen, will be making his presentation
3 regarding the audit by skype from Florence, Italy. The report is approximately 95 percent completed and the remainder
4 should be completed in a very short-term.

5 [6:47:11 PM](#)

6 Mr. Evertsen used the aid of a PowerPoint presentation to present the efficiency audit report to the Mayor, Council,
7 and staff.

8 Project Overview and Methods: Three Important Questions.

- 9 • Is the City is acquiring, protecting, and using its resources (such as personnel, property, and space)
10 as economically and efficiently as possible?
- 11 • What are the causes of any inefficiencies or uneconomical practices which are identified?
- 12 • Is the City complying with laws and regulations or matters of economy and efficiency?

13 Project Objectives:

- 14 1. Improve service levels w/in the City's current budget capability,
- 15 2. Ensure the organizational structure of the City is best suited for service to residents & businesses, and
- 16 3. Eliminate waste

17 Evaluations and Identification:

18 Municipal Solutions consultants have:

- 19 • Explored each department's needs, skills, processes, resources and priorities to determine how
20 refinement or improvement to operational efficiency (time), expenditures (costs), and revenue
21 generation can be realized during the upcoming 2016 budget year.
- 22 • Examined department's functions; evaluated the *form* or *structure* of each department to determine
23 whether it is optimal towards fulfillment of the department and City-wide goals, objectives and
24 priorities; and determine whether the current Resources (personnel, technology and physical
25 assets) are being used efficiently.
- 26 • Provided some optimization alternatives to the organization's functions, forms / structure, and use
27 of resources.

1 Methods:

2 The following methodologies were used to gather and analyze data:

- 3 • Interviews of management and staff
- 4 • Review of completed master plans and enterprise funds
- 5 • Review of staff-provided materials
- 6 • Examination of departmental records
- 7 • Review of department generated analysis and reports
- 8 • Examination of departmental infrastructure, and
- 9 • Review of state and local statutes as well as departmental and City-wide policies.

10 Observations:

- 11 • City Facilities are well constructed and will suit the City through buildout.
- 12 • Highly competent staff and elected officials who are highly motivated to serve the needs of the
- 13 local residents
- 14 • Staff members were professional, civil, competent and passionate about public service;
- 15 • City effectively provides an abundance of community activities as well as youth and adult
- 16 recreational programs, and is diligently trying to manage of growth and its effects;
- 17 • Organizational structure is designed to manage key functions effectively; and
- 18 • A solid foundation for improvement already exists among all departments.

19 Findings:

20 Risks:

- 21 • Understaffing: The City takes unnecessary risk by maintaining lower-than-necessary staffing
- 22 levels compared to a community of similar size and service levels
- 23 • **Lack of Redundancy**: The City operates at ‘high risk’ with the real possibility that institutional
- 24 knowledge belonging to one or more members of Senior Management could be lost without
- 25 redundancy, cross-training and established systems, tools and processes
- 26 • **Information & Technology capacity is thin; Resource Plan and strategy are lacking**: IT is
- 27 responsible for maintenance of more than 500 devices including: mobile telephones, desk phones,

1 faxes, printers, desktop computers, laptop computers and tablets; records retention and recall is
2 severely diminished as and policies to not appear to be present. The lack of responsiveness to
3 maintenance needs by IT is causing staff to find ‘work-around’ solutions – an unnecessary loss of
4 time and money

- 5 • **Development chain needs strengthening and cost of development review needs to be fully**
6 **examined:** Hand-off between departments is critical from the time a developer walks in the door,
7 through negotiation, construction of infrastructure to dedication of infrastructure. From
8 Development Review to Fees to Infrastructure

9 Customer Service, Leadership, & Strategic Planning:

- 10 • The City’s **mission, vision, goals and objectives** are not well-defined and a possible cause for
11 discontinuity and inefficiencies.
- 12 • **Councilmembers have limited experience** in local government administration and operations
13 and lack effective deliberation in the policy-making process.

14 Revenues:

- 15 • **Development impact fees** may not be adequate to cover the City’s future infrastructure needs.
- 16 • **Land Drain** has significant infrastructure (+80 miles), but it not designated a utility; does not
17 have its own maintenance fund.
- 18 • **Utility billing** practices, rates and manual read system are antiquated and inaccurate.
- 19 • Lack of a Water **Meter Replacement Program** likely causing under registering meters and lost
20 revenue (*10% or \$160,000/yr*).
- 21 • **District Waste Disposal:** Customers are likely paying too much. District rate should be based on
22 tonnage, not # of canisters (*overpay of 20% >\$140,000 /yr*)

23 Administration:

- 24 • Little evidence of waste, fraud or abuse
- 25 • Employee turnover is extremely high (25%)
- 26 • Staffing compression and pay inequities within the classification system, and among pay grades in
27 multiple department, affecting recruitment & retention.

1 Development Services & Utilities:

- 2 • Without a comprehensive Capital Improvements Plan, the City is at high risk of underfunding
- 3 maintenance and replacement of utility infrastructure.
- 4 • Service demands per employee are comparatively higher than comparable communities.
- 5 • Staffing levels low (*previously stated*)
- 6 • Restructuring needed
- 7 • IT & Building Maintenance
- 8 • Reduce City Manager's direct reports (*Rule of 3-5-7*)

9 Recommended Next Steps

10 Customer Service, Leadership, & Strategic Planning - Consultants strongly recommend:

- 11 • A community-wide customer service survey would be an important tool to identify public and
- 12 self-perceptions regarding customer service levels and areas -for possible improvement,
- 13 • 8-hour leadership workshop with elected official, senior city management, and department
- 14 supervisors,
- 15 • Community-based Strategic Planning Process to identify and establish organizational mission,
- 16 vision, goals, priorities, and department-level priorities and performance measures
- 17 • Citizen's Academy
- 18 • Youth City Council Members

19 Development Services & Utilities – Consultants recommend:

- 20 • Develop a comprehensive 5-Year Capital improvements Program inventorying and prioritizing the
- 21 City's mobile and fixed assets.
- 22 • Adopt a Fiscal Impact Analysis tool, Agreement to Pay Review Expenses and conduct a
- 23 Comprehensive Impact Fee Benchmarking Study determine what other cities are paying for
- 24 similar development-related impact fees.
- 25 • Create a Land Drain Public Utility & Impact Fee
- 26 • Implement a meter replacement program
- 27 • Revisit the Waste Management District contract terms

1 Administration – consultants recommend:

- 2 • Restructure City Manager direct reports, reassign Building Maintenance
- 3 • Staffing Migration Plan (*based on buildout & milestones*)
- 4 • Implement an IT Help-Desk Solution
- 5 • Records Management completion
- 6 • Greater use of Mutual Aid & On-call support to manage peak flows (Legal, Clerk, Planning, IT)

7 [7:13:53 PM](#)

8 The Council then engaged in conversation with Mr. Evertsen and Mr. Hendrickson regarding the recommendations
9 included in the audit report. Councilmember Peterson indicated it would be impossible to implement all recommendations at
10 one time because doing so would be very costly, but the overarching recommendation is to implement a five to 10-year plan
11 to improve the City based upon the recommendations in the audit.

12 Councilmember Bolduc stated that as she read she noted a lack of evidence relative to the manpower issues facing
13 the City; she would request an actual manpower audit to support the recommendations regarding staffing. Mr. Evertsen
14 stated he will advise his staff to follow-up with City personnel to provide that level of detail for the City Council; if that is not
15 available it may be necessary to soften the recommendations of the report. Mr. Hendrickson stated it would be very time
16 consuming to provide the level of detail Councilmember Bolduc is requesting; he noted the audit report was intended to take
17 a high-level view of the City. Councilmember Bolduc stated she understands that, but the level of detail is available for some
18 departments, such as Information Technologies (IT), while it is not available for others. She would like to understand how
19 efficient City departments are in comparison to similar departments in other cities. Mr. Evertsen stated he will review the
20 information provided for IT and see if it is available for other Departments of the City as well.

21 [7:18:51 PM](#)

22 Councilmember Lisonbee asked if it would be possible for Municipal Solutions to prioritize the recommendations
23 made in the audit report. Mr. Evertsen stated that some of that prioritization needs to be done by the City Council in
24 conjunction with City Administration. He added that some of the recommendations would result in an increased service level
25 for residents, which would also result in an increase in staffing; however, it may also result in an increase of revenue for the
26 City and it is important for the City to perform an analysis of those recommendations. Councilmember Lisonbee stated she
27 understands, but she was hoping to hear the auditor's priorities for the projects listed in the report. She then stated that there

1 is a section of the report that indicates that Syracuse City provides services that are not provided by other cities of similar size
2 and she inquired as to what those services are. Staff referenced secondary water service, the service provided by the contract
3 postal unit (CPU) in City Hall, and fire response services.

4 [7:24:02 PM](#)

5 Councilmember Johnson referenced recommendations relative to City compensation and pay scales; the City has
6 adopted a compensation plan and updated wage scales recently and that is not recognized in the report. Mr. Hendrickson
7 stated that the audit examined a set period of time and is not ever changing; many actions could have occurred after the cut-
8 off period for the audit. Councilmember Johnson added that the report indicates the City does not have a recycling program,
9 but that is incorrect; there is a private business offering recycling services in the City and that is why the City has never
10 implemented a program. Discussion ensued regarding the relationship between the private recycling company and Wasatch
11 Integrated Waste Management District (WIWMD). Mr. Evertsen addressed Councilmember Johnson's comments regarding
12 City compensation; he noted his firm has conducted compensation studies for many cities in the area and they found that
13 failures are usually present relative to employee classification and market comparisons; he has noticed there is some
14 compression in the City's pay system and the recommendation was for that to be addressed. Mr. Bovero added that the City
15 periodically conducts a benchmarking study in accordance with the compensation plan; this includes comparing City
16 positions with similar positions in other cities. He stated he feels the auditor has mainly focused on compression within the
17 City and City Administration is also working to address those problems.

18 [7:28:56 PM](#)

19 Councilmember Gailey inquired about the comments in the report relative to the need to implement a land drain
20 policy; he asked if the City has not had a land drain policy in the past. Mr. Whiteley stated the City has not had a land drain
21 policy. Mr. Evertsen stated that is what the audit found. This led to a discussion regarding the purpose and need for land
22 drains, with Mr. Whiteley noting the audit has recommended that the City implement a policy to maintain the land drains and
23 associated infrastructure, which is aging. Councilmember Peterson asked if that would be addressed through impact fees or
24 user fees. Mr. Whiteley stated it is his understanding that the auditor has recommended implementing a user fee for land
25 drain maintenance. City Attorney Roberts added an impact fee would be intended to support new development and should
26 not be used for maintenance or operations. Mr. Bovero indicated the storm water utility fund could potentially cover land
27 drain maintenance, but there is currently no funding for that purpose. Mr. Hendrickson agreed and stated that the audit

1 recommends creating an independent enterprise fund; if that is not done it will be necessary to fund maintenance through the
2 general fund. Discussion of the item concluded with an overview of the areas of the City in which land drains are needed.

3 [7:34:50 PM](#)

4 Councilmember Lisonbee referenced the section of the report dealing with employee turnover, specifically the data
5 regarding the number of employees lost in 2015. She asked how many employees the City has lost so far this year, to which
6 Mr. Bovero responded 38. He noted the number is made up of part-time and full-time employees and some losses are
7 unexpected while others are expected. Councilmember Lisonbee asked if the number includes seasonal positions, to which
8 Mr. Bovero answered no. Councilmember Lisonbee stated that she understands that Police Chief Atkin has had tremendous
9 turnover in his Department, but he is currently fully staffed. She inquired as to the number of losses if all Police losses are
10 removed from consideration. Chief Atkin stated he has not had any Police Officers leave in 2015; the vacancies that were
11 filled this year were actually created in 2014. Councilmember Lisonbee indicated the number seems very high and she asked
12 for a breakdown of the positions that make up the total. Mr. Bovero stated he can provide that information. Councilmember
13 Peterson asked if the same method was used for the previous years of employee turnover data, to which Mr. Bovero answered
14 yes.

15 [7:37:55 PM](#)

16 Councilmember Gailey again referenced the section of the report dealing with land drain maintenance and he asked
17 if other cities have enterprise funds for that purpose. Mr. Hendrickson stated that he did not complete that section of the audit
18 report so he cannot answer that question, but he is aware that some cities handle land drain maintenance via their storm drain
19 maintenance funds. Discussion centered on the various components of land drain systems, with a focus on the components
20 that may be connecting to City storm drain infrastructure, with Mr. Hendrickson stated that it is up to the City to determine
21 whether it would be appropriate to create an independent funds to address land drain maintenance costs or potentially
22 implement a fee that would cover those costs.

23 [7:42:19 PM](#)

24 Mr. Evertsen stated that he is aware of a few additional edits that need to be made to the report before providing a
25 final copy to the City. Mayor Palmer asked if the City can expect to receive that report in the next couple of weeks, to which
26 Mr. Evertsen answered yes. Mayor Palmer stated he would like to work with the Council and Administration to carefully
27 analyze each section of the report over the next several months. Mr. Hendrickson stated that is a great idea and he would not

1 expect the City to try to implement all recommendations at one time; he is pleased to hear that the City would like a
2 periodization of those recommendations from Municipal Solutions. Mr. Evertsen then relayed a story about an experience he
3 had in another city that used is report as a tool for managing the City over the next several years.

4
5 [7:46:40 PM](#)

6 **Council business**

7 Councilmembers then provided brief reports regarding the activities they have participated in since the last City
8 Council meeting. Councilmember Gailey discussed his participation in the Wasatch Integrated Waste Management District.
9 Councilmember Johnson reported on recent meetings of the Mosquito Abatement District. Councilmember Bolduc reported
10 on the training sessions she attended during the recent Utah League of Cities and Towns (ULCT) Conference.
11 Councilmember Peterson provided the Council with information regarding budget issues of the North Davis Sewer District
12 and asked for feedback regarding how the Council would like him to vote relative to the funding of projects to address the
13 nutrient removal mandates as well as completing other needed projects in the District. Options include tax increases, bonding,
14 or continued fee increases to provide funding in the future. Councilmember Lisonbee suggested that the District Board
15 strongly consider not raising rates, specifically if current bonds will be paid off by 2026. She then provided her
16 Councilmember report, focusing on the City Council's public comment policy for open meetings. She thanked Public Works
17 staff for their quick response to various work order requests throughout the City. She also indicated she met with Chief Atkin
18 regarding parking issues occurring in the City and noted that she has asked for an item to be added to the next agenda to
19 discuss the issues with the groups. She then stated she has received a complaint from a resident who was unable to access
20 audio recordings on the City's website. City Recorder Brown responded to that complaint and indicated she would also like
21 to respond to Mr. Maughan's previous comments regarding the audio links on the website. She provided an overview of the
22 format of City Council minutes, which include timelinks to specific sections of the audio recordings of each meeting of the
23 Council. The City's website includes specific instructions for downloading software and the City's audio recording path so
24 that they can use the FTR audio player to review meeting recordings that are also compatible with the timelinks. She noted
25 that this process was not implemented until 2013 and before then the City was uploading actual windows media files to the
26 website, but those files are much larger than the FTR files and it is difficult to provide enough storage to link to the windows
27 media file for each recording. However, there are some instances where she has received phone calls from residents who have

1 indicated they are having difficulty with the FTR software or download and in those instances she has provided the link to the
2 windows media file so that they can easily access it. She stated that there are links throughout the website where Council
3 meeting audio recordings are available; for all other meetings the residents have the option of downloading FTR to interface
4 with City Council minute timelinks. Councilmember Lisonbee stated she understands that, but noted that FTR does not work
5 on her computer and she does not know why. She stated she has received comments about the format of the City Council
6 minutes and would like to have a future discussion about possibly going away from timelinks in the minutes and providing a
7 more detailed typed version of the proceedings of a meeting. She then addressed the City's street lighting policy and noted
8 she met with Mr. Whiteley who informed her that it is now an option to replace bulbs in street lights with LED bulbs rather
9 than induction bulbs, which can take some time to be shipped to the City after an order is placed. She concluded by
10 addressing comments made during the last City Council meeting regarding one person's interpretation of a section of the
11 City's Personnel Policies and Procedures Manual; the person indicated that the section would allow the family member of
12 City employees to drive City vehicles or for a City employee to drive a City vehicle when on vacation. Mr. Bovero stated
13 that he has reviewed the section in reference and stated that is not the case, but there are certain instances where it makes
14 sense for employees to be given permission to use City vehicles contrary to the rules; for instance non-personnel are allowed
15 to ride on fire apparatus during the Fire Department Safety Open House. He added that an employee may be travelling to a
16 conference from their home and it does not make sense to require them to come to the office first before travelling to their
17 conference. He noted that the Manual was amended by removing the allowance for certain Department Heads to drive City
18 vehicles home.

19 Mayor Palmer reported that he had the opportunity to work with citizens and Councilmembers to find a common
20 ground relative to a development project in the City and that was very pleasing to him. He also reported that he has created a
21 program called "Lunch with the Mayor" where students from local schools will be invited to City Hall to have lunch with
22 himself, members of City Administration, and a few Councilmembers.

23 Mr. Bovero reported last week he sent an email to the City Council regarding a funding issue for the ice rink and he
24 asked that the Council respond so that he can provide staff with direction regarding how to proceed.

25
26
27 The meeting adjourned at 8:29 p.m.

1

2

3 _____
Terry Palmer

4 Mayor

5

6 Date approved: _____

Cassie Z. Brown, CMC

City Recorder

Minutes of the Syracuse City Council Special Meeting, September 22, 2015

Minutes of the Special meeting of the Syracuse City Council held on September 22, 2015, at 8:37 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Corinne N. Bolduc
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Doug Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Finance Director Steve Marshall
City Attorney Paul Roberts
Public Works Director Robert Whiteley
Acting Community and Economic Development Director Noah Steele

Visitors Present: Kevin Homer Andrea Andrews Andrew Sherman
Brian Luther Marshall Luther Ray Zaugg
Pat Zaugg

8:37:25 PM

1. Meeting Called to Order

Mayor Palmer called the meeting to order at 8:37:25 PM p.m.

8:37:48 PM

2. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session of September 8, 2015.

Councilmember Lisonbee recommended a correction to page eight, line 21 of the minutes by changing the word “particle” to “partial”.

8:38:35 PM

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES AS AMENDED.
COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

8:39:01 PM

1 3a. Proposed Resolution R15-32 appointing Spencer Frew to the
2 Syracuse Arts Council with his term expiring July 1, 2020.

3 An administrative staff memo explained Syracuse City Arts Council leadership requested that members Spencer
4 Frew and James Hansen be re-appointed with their new terms set to expire July 1, 2020. Mayor Palmer has consented to the
5 reappointments and staff drafted resolutions to allow the Council to take formal action on the reappointments.

6 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-32
7 APPOINTING SPENCER FREW TO THE SYRACUSE CITY ARTS COUNCIL WITH HIS TERM EXPIRING JULY 1,
8 2020. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

9

10 [8:39:21 PM](#)

11 3b. Proposed Resolution R15-33 appointing James Hansen to the
12 Syracuse Arts Council with his term expiring July 1, 2020.

13 An administrative staff memo explained Syracuse City Arts Council leadership requested that members Spencer
14 Frew and James Hansen be re-appointed with their new terms set to expire July 1, 2020. Mayor Palmer has consented to the
15 reappointments and staff drafted resolutions to allow the Council to take formal action on the reappointments.

16

17 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-32
18 APPOINTING JAMES HANSEN TO THE SYRACUSE CITY ARTS COUNCIL WITH HIS TERM EXPIRING JULY 1,
19 2020. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

20

21 [8:39:41 PM](#)

22 4. Consideration of adjourning into Closed Executive Session pursuant to
23 the provisions of Section 52-4-205 of the Open and Public Meetings Law
24 for the purpose of discussing the character, professional competence, or
25 physical or mental health of an individual; pending or reasonably
26 imminent litigation; or the purchase, exchange, or lease of real property

1 [8:39:43 PM](#)

2 COUNCILMEMBER LISONBEE MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION
3 PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE
4 PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR
5 REASONABLY IMMINENT LITIGATION. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL
6 VOTED IN FAVOR.

7 The closed session began at 8:40 p.m.

8 The meeting reconvened at 9:14 p.m.

9

10 [9:14:35 PM](#)

11 At 9:14 P.M. COUNCILMEMBER JOHNSON MADE A MOTION TO ADJOURN. COUNCILMEMBER
12 LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

13

14

15

16

17 _____
18 Terry Palmer
19 Mayor

Cassie Z. Brown, CMC
City Recorder

19

20 Date approved: _____



COUNCIL AGENDA

October 13, 2015

Agenda Item #6

Proposed Resolution R15-34 requesting
Recertification of the Syracuse City Justice
Court.

Factual Summation

- Any question regarding this agenda item may be directed at City Attorney Roberts. Please see attached Memorandum and Supporting documentation provided by Mr. Roberts.

RESOLUTION R15-34

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL REQUESTING
RECERTIFICATION OF THE SYRACUSE CITY JUSTICE COURT.**

WHEREAS, the provisions of Utah Code Ann. § 78A-7-103 require that justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the Syracuse City Justice Court shall expire in February 2016; and

WHEREAS, the Syracuse City Council has received an opinion letter from the Syracuse City Attorney, setting forth the requirements for the operation of the justice court and feasibility of continuing to maintain the court; and

WHEREAS, the Council has determined that it is in the best interests of Syracuse City to continue to provide for its justice court,

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

Section 1. Request for Recertification. The Council hereby requests recertification of the Syracuse City Justice Court by the Justice Court Standards Committee and the Utah Judicial Council.

Section 2. Commitment to Meet Requirements. The Council affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Syracuse City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

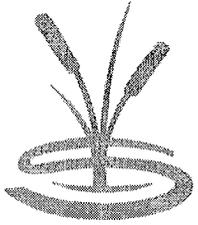
**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,
STATE OF UTAH, this 13th day of October, 2015.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, CMC
City Recorder

By: _____
Terry Palmer
Mayor



Office of the City Attorney
Syracuse City
1979 West 1900 South
Syracuse, UT 84075

SYRACUSE
EST. CITY 1935

MEMORANDUM
2015-03

TO: Mayor Palmer, City Council
CC: Brody Bovero, Hon. Catherine Hoskins, Jody Howell
FROM: Paul H. Roberts, City Attorney
DATE: September 29, 2015

RE: JUSTICE COURT RECERTIFICATION FEASIBILITY

Every four years, a municipality which operates a justice court is required to demonstrate that its court meets minimum requirements established by the legislature and the Utah Supreme Court.¹ Failure to do so may result in the Judicial Council's declination or revocation of a justice court's certification.² The Justice Court Standards Committee has promulgated minimum standards³ by which justice courts are measured. Rather than recite these requirements, I have attached them as an addendum.

The Committee has required an attorney opinion letter both informing the City Council of the requirements for operating a justice court, and expressing an opinion on the feasibility of maintaining our Justice Court. As I have attached a copy of the standards by which our court is measured, I will make myself available for consultation regarding any of the requirements about which you may have questions or concerns. The remainder of this memorandum will address justice court feasibility.

If it wishes to recertify the justice court, the Council will be required to pass a resolution making this request and submit it to the Administrative Office of Courts by October 30, 2015. A copy of such a resolution is attached as an addendum to this Memorandum.

Benefits of Operating a Municipal Justice Court

The natural point to begin a discussion of feasibility is to discuss the court's desirability and its ability to provide service to our community.

The primary benefit to establishing a justice court is to provide easy access to our citizens in order to address routine traffic and criminal violations, as well as a venue to file small claims actions. By locating a justice court within our municipality, our City has avoided

¹ Utah Code Ann. § 78A-7-103(1)(b)(i). Minimum standards have been established by the Justice Court Standards Committee. Utah R. Jud. Admin. 3-112.

² Utah Code Ann. § 78A-7-103(b)(ii).

³ Utah R. Jud. Admin. Appx. B.

the need for all of these actions to be heard in Second District Court, most likely the Farmington Division. In the absence of a municipal justice court, all class B misdemeanors, class C misdemeanors, and Infraction level offenses would be heard in district court on a criminal calendar. The same would be true of small claims. It is far more onerous to travel to district court in order to resolve a traffic ticket. Additionally, city police officers and prosecutors would be required to travel to Farmington in order to address those criminal cases, resulting in increased time and cost for each case.

Another benefit to justice court is the light docket which can be maintained here. After reviewing the number of the Syracuse City Justice Court's total filings, it has maintained its Class III status under the state's operational standards.⁴ As a result of this smaller number of filings, docket management is enhanced. Cases are consolidated into a once-weekly combined calendar, during which arraignments, pre-trial conferences, review hearings, suppression hearings, bench trials, and small claims cases may all be heard.⁵ Additionally, individuals are given specific appointments to reduce their total amount of time spent in court, and to keep the volume of cases smoothly flowing. This leads to a more satisfactory experience for the litigant and a less stressful environment for the prosecution. Having come from a Class I court and experiencing the alternative - a full calendar every day with dozens of defendants all summoned to court at the same time, resulting in several hours of waiting for the prosecutor to become available - I can say that the experience in this Justice Court is more conducive to meaningful discussions.

Locally-run courts are also more responsive to the community's needs and priorities. In district courts, which are located outside of our jurisdiction and which staff judges who handle cases of varying type and severity, individual jurisdictions are not given individualized attention. In a municipal justice court, on the other hand, the court can respond to trends in crime patterns and establish a standard of justice in its community. Some defendants become familiar with the court, and the judge is able to tailor consequences for certain behavior to fit the defendant before her. Defendants who leave court know that if they commit crimes in Syracuse again, they will have to face the same judge and explain their behavior.

Appeals

Appeals from the justice court are saddled with one unfortunate component; defendants who are convicted - even if by a jury - are entitled to *de novo* proceedings in the district court. A *de novo* review restarts the entire criminal justice process; pre-trial conferences, suppression hearings, and even a second jury trial. This is not problematic for many cases; it is easy to call an officer in to testify a second time in a case involving a traffic accident. In cases of domestic abuse, on the other hand, testifying in trial is often a harrowing experience for the crime victim. Testifying in a second trial and facing the possibility that the abuser may escape conviction -

⁴ Operational standards classify a justice court as Class III if 61-200 citations are filed each month (on average). According to numbers from 2014, approximately 163 cases were filed in our justice court each month (1,956 total cases in 2014).

⁵ Jury trials are scheduled on different days, due to the length of time they require (usually between 6-10 hours for class B misdemeanor cases).

despite having been once convicted by a jury – is an extremely stressful situation. However, it represents one impact of establishing a justice court.

On the other hand, once an appeal has been heard in the district court, this represents the breadth of a defendant’s appeal rights. With few exceptions, there is no appeal to the Court of Appeals. Municipalities which have not established justice courts are required to defend all appeals in the Court of Appeals, which is a much more expensive and time-consuming endeavor than a *de novo* appeal. And while the appellant is much less likely to succeed on such an appeal, the additional costs are nevertheless incurred by the municipality.

Overall, appeals are relatively rare in our justice court. As such, the type of appeal has little weight in our analysis of the court’s feasibility.

Financial Viability

Justice courts are not established to generate revenue for the municipality they serve. But attention should be paid to ensure that the costs associated with the benefits of justice courts are not too much to bear, just like any other service provided to our community. The following financial information was provided to my office, which includes actual budget expenditures during FY 2015, as well as amounts budgeted for FY 2016:⁶

Syracuse Justice Court	Actual FY2015	Budget FY2016
<u>Revenue:</u>	\$ 220,507.95	\$ 220,000.00
<u>Expenses:</u>		
Salaries, Wages, & Benefits	\$ 163,622.66	\$ 149,228.00
City Atty (20% of time)	\$ 11,060.50	\$ 20,526.60
Bailiff (1 of 5 shifts)	\$ 4,477.20	\$ 4,477.20
Books, Sub., Memberships	\$ 75.00	\$ 100.00
Travel & Training	\$ 1,564.83	\$ 3,000.00
Office Supplies	\$ 2,876.16	\$ 3,500.00
Prof. & Technical	\$ 20,497.97	\$ 11,000.00
Juror & Witness Costs	\$ -	\$ 4,000.00
Total Expenses	\$ 204,174.32	\$ 195,831.80
Total	\$ 16,333.63	\$ 24,168.20

Excluding its portion of overhead costs, such as administrative support (like payroll, human resources, & receipting), IT resources, and the use of the City’s facility, the Justice Court is

⁶ The numbers of both FY 2015 & FY 2016 are unique due to the absence of a full-time City Attorney. Specifically, prosecution costs were included in both the City Atty and Prof. & Technical categories in 2015, as well as some of 2016. In future years, the Prof. & Technical account will largely be limited to providing funding for public defender costs.

operating at a net gain. The City is able to absorb these overhead costs without significant difficulty, due to its economy of scale. As such, the court is financially viable.

Prosecution

Prosecution of class B and C misdemeanors and infractions which are committed within our municipal boundaries are a statutory responsibility of the City Attorney.⁷ Thus, even if the justice court was not in operation, a prosecutor would need to attend district court proceedings on the City's behalf for these filings. Housing the court within City Hall makes prosecution much more convenient; information may be more easily retrieved, and I am able to conduct city business during lulls in court proceedings or during small claims proceedings. Simply put, maintaining a justice court makes prosecution in our city much more efficient.

Facilities & Staffing

The City has adequate facilities, technology and staffing levels in order to accommodate the justice court. Currently, court is held in the Council chamber, which is equipped with required sound recording systems, and which has ample space to grow. Payments are conveniently taken in the same location as those for utility bills or other city fees. Staffing is provided so that we provide court coverage for the public during regular business hours. Dedicated office space is provided for court staff and the judge. Even as our justice court docket expands with our population, I do not anticipate that these facilities will ever be inadequate to house the justice court.

Opinion of Feasibility

Taking all of the circumstances into consideration, the continued operation of a justice court is feasible.

⁷ Utah Code Ann. § 10-3-928.

ADDENDUM A
JUSTICE COURT STANDARDS FOR RECERTIFICATION
AUGUST 2015

JUSTICE COURT STANDARDS
FOR RECERTIFICATION

AUGUST 2015

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 21 of this packet.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

- 1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.
- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses,

separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).

- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).
- 10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are stated above. (These requirements are also attached as Class IV minimum requirements).

These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chamber and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any Justice Court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement imposed by rule of the Council rather than by statute. Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions.

In order to adequately function it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; and in such circumstances waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held and that the operational standards for the court have been met during the prior year.

Upon submission of an application, Judicial Council Staff will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If staff intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the staff will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Committee's recommendations.

If you have any questions concerning this application, please contact Richard Schwermer, staff to the Judicial Council, at P. O. Box 140241, Salt Lake City, Utah 84114-0241, ricks@utcourts.gov or telephone: (801)578-3816.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Justice Court Standards Committee as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year. The classification of a court is determined at creation and is subject to review and possible reclassification whenever the court is being recertified. While the standards for some areas of court operation are uniform for all levels of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads of different levels.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full Time

Judge: Full Time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks.

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- HOURS:

Court Open

201-300 filings	At least 4 hours per day
301-400 filings	At least 5 hours per day
401-500 filings	At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- FACILITY:

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- CLERICAL RESOURCES:

201-275 filings	At least one full time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks..

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

61-200 citations or cases per month

- HOURS:

Court Open

61-150 filings

At least 2 hours a day

151-200 filings

At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours each year for the judge, and 10 hours for clerks.

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

0-60 citations and/or cases per month

- HOURS:

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)
Judge's/clerk office (can be a shared resource but court has priority when needed.)
(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- **JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

- **EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours each year for the judge, and 10 hours for clerks.

- **REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

ADDENDUM B

RESOLUTION REQUESTING RE-CERTIFICATION

RESOLUTION R15-_____

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL REQUESTING
RECERTIFICATION OF THE SYRACUSE CITY JUSTICE COURT.**

WHEREAS, the provisions of Utah Code Ann. § 78A-7-103 require that justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the Syracuse City Justice Court shall expire in February 2016; and

WHEREAS, the Syracuse City Council has received an opinion letter from the Syracuse City Attorney, setting forth the requirements for the operation of the justice court and feasibility of continuing to maintain the court; and

WHEREAS, the Council has determined that it is in the best interests of Syracuse City to continue to provide for its justice court,

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

Section 1. Request for Recertification. The Council hereby requests recertification of the Syracuse City Justice Court by the Justice Court Standards Committee and the Utah Judicial Council.

Section 2. Commitment to Meet Requirements. The Council affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Syracuse City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY,
STATE OF UTAH, this _____ day of _____, 2015.**

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, CMC
City Recorder

By: _____
Terry Palmer
Mayor



COUNCIL AGENDA

October 13, 2015

Agenda Item #7

Proposed Ordinance 2015-20, proposed property rezone, R-1 Residential to Neighborhood Services, located at approximately 1317 S. 2000 W.

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, City Planner.

Location:	1317 S 2000 W
Current Zoning:	R-1 Residential
Requested Zoning:	Neighborhood Services
General Plan:	Neighborhood Services
Total Area:	0.98 Acres

Summary

The applicant intends to move his financial planning office from the current location in the old Mia Design to a new location at 1317 S 2000 W. The zoning for the new location is R-1 which does not allow offices. The General Plan is Neighborhood Services which does allow the office use. The applicant would like to rezone the current zoning to Neighborhood Services. The applicant plans on converting the house into an office. Possibly in the future, he will build a new office building.

Attachments:

- Aerial
- Zoning Map
- GP Map
- Neighborhood Services Zone Description
- R-1 Zone Description

Suggested Motions:

Grant

I move to recommend approval to rezone property located at 1317 S 2000 W from R-1 to Neighborhood Services, subject to all applicable requirements of the City's municipal codes (and to the condition(s) that...)

Deny

I move to recommend denial to rezone property located at 1317 S 2000 W from R-1 to Neighborhood Services, based on...

Table

I move to table discussions pertaining to the rezone request for property located at 1317 S 2000 W from R- 1 to Neighborhood Services, until

ORDINANCE NO. 2015-20

AN ORDINANCE AMENDING THE EXISTING ZONING MAP OF TITLE X, "SYRACUSE CITY ZONING ORDINANCE", REVISED ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM RESIDENTIAL (R-1) ZONE TO NEIGHBORHOOD SERVICES (NS) ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED.

WHEREAS, the City has adopted a Zoning Ordinance to regulate land use and development within the corporate boundaries of the City; and

WHEREAS, Chapter Four of the Ordinance authorizes the City Council to amend the number, shape, boundaries, or any area of any zone; and

WHEREAS, a request for rezone has been made; the same has been recommended for approval by the Planning Commission; and a public hearing has been held with the proper notice having been given 10-days prior to the hearing date;

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

SECTION 1: That the following described real parcels of property in Residential (R-1) Zone as shown on a zoning map are hereby amended to Neighborhood Services (NS) Zone accordingly:

Deed Description

Legal Description:

BEG 8.5 CHAINS S FR THE NW COR OF THE SW 1/4 OF SEC 10-T4N-R2W, SLM; & RUN TH S 85 FT; TH E 272.25 FT; TH N 85 FT; TH W 272.25 FT TO THE POB. LESS & EXCEPT THEREFROM ANY PORTION LYING WITHIN THE ROAD. ALSO, BEG AT A PT 11.0 CHAINS S FR THE NW COR OF THE SW 1/4 OF SEC 10-T4N-R2W, SLM; & RUN TH N 80 FT; TH E 272.25 FT; TH S 80 FT; TH W 272.25 FT TO THE POB. LESS & EXCEPT THEREFROM ANY PORTION LYING WITHIN THE ROAD. CONT. 0.91 ACRES

Said property is located at approximately 1317 South 2000 West, Syracuse.
Parcel(s) #120520167

SECTION 2: Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 13th DAY OF OCTOBER, 2015.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Mayor Terry Palmer

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Peterson	_____	_____
Councilmember Lisonbee	_____	_____
Councilmember Duncan	_____	_____
Councilmember Johnson	_____	_____
Councilmember Gailey	_____	_____

**AGREEMENT FOR THE CONSTRUCTION OF IMPROVEMENTS AND THE
PURCHASE AND SALE OF SPECIFIED PROPERTY**

This Agreement for the Construction of Improvements and the Purchase and Sale of Specified Property (the "Agreement") is made and entered into on this ____ day of _____, 2015, between **Syracuse City**, a municipal corporation and a political subdivision of the State of Utah (the "City"), and **Ninigret Construction Company North, L.C.**, a Utah limited liability company (the "Developer").

RECITALS

- A. The Developer has constructed various improvements in the area between SR-193 and 700 South in Syracuse, Utah, including the Ninigret North I and Ninigret North II Subdivisions.
- B. The City desires to provide recreational amenities to the public, including those who will access the Ninigret North II Subdivision, in the form of trails and trailheads.
- C. The Developer owned a 1.12 acre parcel of land located within Syracuse City (Davis Co. Serial # 12-819-0006) (the "Parcel").
- D. The Developer is willing to install trails and trailheads (the "Trails"), which Trails will: (i) be installed at the locations shown Exhibit A, attached hereto and incorporated herein by this reference, and (ii) enhance the community, the City, and the Developer's project value..
- E. The Developer is further willing to accept payment by the City for the Parcel pursuant to the terms of this Agreement, in combination with the installation of the Improvements described herein.

NOW THEREFORE, in consideration of the covenants and agreements set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I

THE PROJECT

Section 1.1 Project parameters. The "Project" shall include both: the (i) finalization of the transfer of the Parcel to the City, as provided in Article II, and (ii) the installation and construction of the Trails (both asphalt and concrete), to the standards specified in the City's standards and specifications for public improvements, a copy of which is on Exhibit B, attached hereto and incorporated herein by this reference (the "Improvements"), as provided in Article III.

Section 1.2 Time of the Essence. Due to the Project being completed in conjunction with work being performed by a third party under a separate agreement, time is of the essence to this Agreement. ~~It is recognized, however, that the performance of the work under both of these agreements is dependent upon the acquisition of the property at 1380 West 700 South by the City. [WHAT DOES THIS MEAN FROM A TIMING STANDPOINT FOR THIS AGREEMENT]~~

Section 1.3 Sufficient Consideration. The Parties agree that the amounts provided for in Article IV constitute sufficient consideration for the entire Project, including compensation for the transfer of the Parcel and construction of the Improvements, and that the Project will be mutually beneficial to both Parties.

Section 1.4 Term. The term of this Agreement shall be one (1) year from the date of execution. In the event that construction of the Improvements has not commenced by that date, this Agreement shall terminate, unless extended by mutual, written agreement of the parties. In the event the Improvements' construction has commenced by the conclusion of the term, then this Agreement shall automatically extend for an additional one (1) year.

ARTICLE II

CITY'S ACQUISITION OF PARCEL

Section 2.1 Transfer of Title. According to Davis County records, the Developer previously conveyed the Parcel to the City via recorded plat in March 2015, in anticipation of completing the transfer of the Parcel to the City pursuant to this Agreement. Developer agrees to transfer title to the Parcel to the City pursuant to the terms and conditions contained herein. A legal description of the Parcel is attached to this Agreement as Exhibit C, and incorporated by this reference.

Section 2.2 Developer's Representations and Warranties. The Developer hereby represents and warrants as follows:

- A. The Developer has full power and authority to execute, enter into and perform this Agreement and any person or entity executing this Agreement on behalf of the Developer has the authority to execute the same. This Agreement and all documents to be executed pursuant hereto by the Developer are and shall be binding upon and enforceable against the Developer in accordance with their respective terms.
- B. To the best of Developer's actual knowledge, there is no existing, pending, contemplated, threatened or anticipated condemnation of the Parcel.
- C. To the best of Developer's actual knowledge, there are no actions, suits, claims, assessments or proceedings pending, or to the actual knowledge of the Developer, threatened, which could materially adversely affect the ownership of the Parcel or

the Developer's ability to perform hereunder. Except as set forth herein and as shown on the title report, the Developer has not granted any license, lease or other right relating to the use or possession of the Parcel and during the term of this Agreement, the Developer shall not grant or convey any easement, lease, license, permit or any other legal or beneficial interest in or to the Parcel without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

Section 2.3 City's Representations and Warranties. The City hereby represents and warrants as follows:

- A. Authority. The City has full capacity, right, power and authority to execute, deliver and perform this Agreement and all documents to be executed by the City pursuant to this Agreement, and all required actions and approvals therefore have been duly taken and obtained. The individuals signing this Agreement and all other documents executed or to be executed pursuant hereto on behalf of the City are and shall be duly authorized to sign the same on the City's behalf and to bind the City thereto. This Agreement and all documents to be executed pursuant hereto by the City are and shall be binding upon and enforceable against the City in accordance with their respective terms.

Section 2.4 Closing. Within ten (10) days after acceptance of the Improvements by the City, pursuant to Article III below, the Developer shall deliver to the City a special warranty deed conveying good and marketable title to the Parcel free and clear of all liens and encumbrances, except those of record or that might be revealed by an ALTA survey of the Parcel, and the City shall deliver the Project Price (defined below). Current real property taxes, assessments and personal property taxes with respect to the Parcel shall be prorated between the Developer and the City as of the date of closing.

ARTICLE III

INSTALLATION OF IMPROVEMENTS

Section 3.1 Installation of the Improvements. The Developer shall install the Improvements in substantial conformance with the site plan, which is attached to this Agreement as Exhibit A, and which is incorporated to this Agreement by reference. The Improvements shall be installed as per the City's engineering standards and specifications for public improvements, a copy of which is on Exhibit B, attached hereto and incorporated herein by this reference. The Improvements are generally described as:

- A. The construction of a six (6) foot sidewalk, 255 linear feet in length, added to four (4) feet of existing sidewalk on the East side of 1550 West (north of the cul-de-sac), resulting in a total width of ten (10) feet;
- B. The construction of a ten (10) foot asphalt trail extending from 1550 West along the 300 South cul-de-sac to the property line;
- C. The construction of a ten (10) foot asphalt trail extending from 700 South to the Rocky Mountain Power corridor, adjacent to the identified trailhead; and
- D. The installation of a trailhead asphalt parking lot, with an area of 10,500 square feet.

Section 3.2 Engineering and Design. Engineering and design of the improvements shall be completed by the City.

Section 3.3 Building Permit Costs. All costs associated with permit fees, inspections or other development fees imposed by any government entity other than the City shall be borne by the Developer, and is included in the Project price, as provided in Article IV. The City shall not assess any permit costs or other fees on this Project.

Section 3.4 [Intentionally Deleted].

Section 3.5 Acceptance of Improvements. Upon completion of the Improvements per the requirements of this Agreement, Developer will deliver to the City a notice stating that the installation and construction of the Improvements has been completed as per this Agreement. The City shall then have twenty (20) days from receipt of the notice from Developer to verify that the Improvements have been installed pursuant to the terms of this Agreement. If the City remains silent after the twenty (20) day period it has to respond to the notice or the City accepts the Improvements in writing, then the City shall be deemed to have accepted the Improvements and the parties shall proceed to the closing anticipated in Section 2.4 above. If, after the delivery of the notice by Developer to the City, the City finds that the Improvements materially deviate from this Agreement, the City shall notify Developer, within the twenty (20) day period the City has to respond to the notice, regarding the deficiency and the parties will delay the closing anticipated in Section 2.4 until the Improvements comply with the terms of this Agreement. Notwithstanding the foregoing provisions, the City may conduct periodic inspections of the Improvements to ensure they meet the City's standards and specifications. Upon final approval of the Improvements by the City's building official or his designee, the Improvements shall be deemed accepted by, and dedicated to, the City.

Section 3.6 Allocation of Risk. The Developer shall bear the expense and risk associated with the installation of the Improvements. Upon its acceptance by the City, the City shall bear all expense and risk of maintenance and operation of the Improvements.

Section 3.7 Indemnification. Prior to the acceptance of the Improvements or the use of the Improvements by the public, the Developer shall indemnify and hold the City harmless from and against all claims, costs, losses and damages, including attorney fees, arising out of

the construction of the Improvements, provided that: (1) any such claim, cost, loss or damage is attributable to bodily injury, sickness, disease, death, injury to tangible property, loss of use of property, including interruption of business; and (2) it is caused in whole or in part by any negligent act or omission of the Developer, its agents, subcontractors, suppliers or any other person for whom the Developer is responsible.

Upon the acceptance of the Improvements by the City, the City shall indemnify and hold the Developer harmless from and against all claims, costs, losses and damages, including attorneys' fees, associated with the Improvements, unless such a claim, cost, loss or damage arises out of the conduct of the Developer or its agents, which conduct is unrelated to the installation of the Improvements.

Section 3.8 Insurance. Before the Project is initiated Developer shall deliver to the City a certificate of insurance demonstrating that it has in effect liability and other insurance appropriate to provide protection from claims arising from the Project resulting from the acts or omissions of the Developer, its agents or employees and all subcontractors or suppliers as well as their agents or employees, for whom the Developer may be liable. The certificate of insurance will demonstrate that the Developer has, at minimum the following types of insurance coverage:

- i. workers' compensation;
- ii. liability and vehicle operator's insurance providing protection for claims arising from bodily injury, sickness or disease, death, damage to property, damage from business interruption and motor vehicle accidents. CONTRACTOR shall maintain coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) in the aggregate, and must name the City as an additional insured.

The insurance shall be provided by an insurance carrier with a rating of A- or better as rated by AM Best. The certificate(s) of insurance shall be attached to this Agreement as Exhibit D and incorporated by this reference

Section 3.9 Warranty. The Developer shall warrant the Improvements for a period of one (1) year after they are accepted by the City. The City shall retain 5% of the total cost of construction for the Improvements in escrow during the warranty period, which shall be dealt with in the same manner as cash escrow for improvement completion assurances. In the event the City determines that there are hidden defects in the Improvements during the warranty period, the City shall provide written notice to the Developer of any defect prior to the expiration of the warranty period. The Developer shall correct the deficiency within sixty (60) days of notification, unless that period is extended by mutual agreement of the Parties. The warranty period for any corrected portions of the trail shall be extended for one (1) year after the correction is completed. If the Developer does not correct the deficiencies, the City shall

apply the retention amounts toward the cost of repair. If the amount of the repairs or correction exceeds the amount retained by the City, it shall invoice the Developer with the balance of the City's actual costs. The Developer shall tender payment within thirty (30) days of receipt of the invoice.

Section 3.10 Parcel to be acquired by City. Prior to construction of Improvements on the parcel depicted on Page 2 of 2 in Exhibit A, the City must acquire that parcel from a third party. The Parties agree that if, by the commencement of construction by the Contractor, the City has not yet acquired that parcel, then:

- A. Items C and D of the project, as identified in section 3.1 of this Agreement, shall be removed as Improvements to be installed under this Agreement; and
- B. The Project price, established in Section 4.1 of this Agreement, shall be reduced by fifty-seven thousand four-hundred and forty-two dollars (\$57,442.00).

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

ARTICLE IV

PAYMENT

Section 4.1 Project Price. At the Closing the City will pay the amount of one-hundred seventy-five thousand dollars (\$175,000.00) to the Developer for the completion of the Project (the "Project Price").

ARTICLE V

DEFAULT

Section 5.1 Default. If either Party defaults in the execution of its obligations under this Agreement, the other Party shall provide written notice of default to the defaulting Party, as provided in Section 6.8. The Party receiving notice shall have sixty (60) days to cure the default. If the default has not been cured by the conclusion of that period, the non-defaulting Party shall have access to the remedies established in this Article.

Section 5.2 Remedies. The parties shall meet and confer in an attempt to resolve the default but, in the event they are not able to do so, the parties shall have the rights and remedies available at law and in equity, including injunctive relief, specific performance and collection of unpaid obligations. Any delay by a Party in instituting or prosecuting any such actions or proceedings or otherwise asserting its rights under this Article shall not operate as a waiver of such rights.

Section 5.3 No damages. The remedies permitted under this Agreement shall not include the recovery of incidental damages, such as but not limited to consequential damages, compensatory damages, punitive damages, incidental damages or otherwise.

Section 5.4 Mutual Termination. The Parties may terminate this Agreement by mutual Agreement, subject to the terms and conditions of termination which are agreed upon between the Parties.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1 Government Record. This Agreement and all documents referenced in this Agreement or made a part hereof shall be subject to the provisions of the Utah Government Records Access and Management Act, and shall be designated as “public” upon execution of the Agreement.

Section 6.2 Governmental Immunity. The City is a body Corporate and politic of the State of Utah, subject to the Utah Governmental Immunity Act, Utah Code Ann. § 63G-7-101, et seq. (the “Act”). The Developer acknowledges and agrees that nothing contained within this Agreement shall be construed in any way to modify (whether to increase or decrease), the limits of liability set forth in that Act or the basis for liability as established in the Act.

Section 6.3 No Agency. No agent, employee or servant of the Developer or the City is or shall be deemed to be an employee, agent or servant of the other Party. None of the benefits provided by any Party to its employees, including but not limited to worker’s compensation insurance, health insurance and unemployment insurance, are available to employees, agents, contractors or servants of the other Party. The Parties shall be solely and entirely responsible for their respective acts and for the acts of their respective agents, employees, contractors and servants throughout the term of this Agreement. The Parties shall each make all commercially reasonable efforts to inform all persons and entities with whom they are involved in with Agreement to be aware that the Developer and its contractors are independent from the City.

Section 6.4 Ethical Standards. The Developer represents that it has not: (a) provided an illegal gift or payoff to any officer or employee of the City, or former officer or employee of the City, or to any relative or business entity of an officer or employee of the City, or relative or business entity of a former officer or employee of the City; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies or private enterprises regularly engaged in the business of representing companies in incentive negotiations; (c) breached any of the ethical standards set forth in Utah Municipal Officers’ and Employees’ Ethics Act (Utah Code Ann. § 10-3-1301 et seq.); or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any officer or employee of the City or

former officers or employees of the City to breach any of the ethical standards set forth in State statute or the City ordinances.

Section 6.5 No Officer or Employee Interest. It is understood and agreed that no officer or employee of the City has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds resulting from the performance of this Agreement. No officer, manager, employee or member of the Developer or any member of any of such persons' families shall serve on any City board or committee or hold any such position which either by rule, practice, or action nominates, recommends, or supervises the Developer's operations, or authorizes funding or payments to the Developer.

Section 6.6 Compliance with Laws. Each Party agrees to comply with all federal, state and local laws, rules and regulations in the performance of its duties and obligations under this Agreement. Any violation by any Party of applicable law shall constitute an event of default under this Agreement.

Section 6.7 Non-Discrimination. The Developer, and all persons acting on its behalf, agree that they shall comply with all federal, state and City laws, rules and regulations governing discrimination and they shall not discriminate in the engagement or employment of any professional person or any other person qualified to perform the services required under this Agreement.

Section 6.8 Notices. All notices to be given under this Agreement shall be made in writing and shall be deemed given upon personal or hand delivery, by confirmed facsimile transmission, upon the next business day immediately following the day sent if sent by overnight express carrier, or upon the third business day following the day sent if sent postage prepaid by certified or registered mail, return receipt requested, to the Parties at the following addresses (or to such other address or addresses as shall be specified in any notice given):

CITY: City Manager
Syracuse City Municipal Building
1979 West 1900 South
Syracuse, UT 84075

With a Copy to: City Attorney
Syracuse City Municipal Building
1979 West 1900 South
Syracuse, UT 84075

DEVELOPER: Ninigret Construction Company North, L.C.
Attn: Gary McEntee
1700 S 4650 W
Salt Lake City, UT 84104

Section 6.9 Time. The Parties agree that time is of the essence in the performance of this Agreement and each and every term and provision hereof.

Section 6.10 Governing Law. This Agreement shall be governed by the laws of the State of Utah. All actions, including but not limited to court proceedings, administrative proceedings, arbitration and mediation proceedings, shall be commenced, maintained, adjudicated and resolved within the jurisdiction of Davis County, State of Utah.

Section 6.11 Entire Agreement. The Parties acknowledge and agree that this Agreement constitutes the entire integrated understanding between the City and the Developer, and that there are no other terms, conditions, representations or understanding, whether written or oral, concerning the rights and obligations of the Parties to his Agreement, except as set forth in this Agreement. This Agreement may not be enlarged, modified or altered, except in writing, executed by both Parties.

Section 6.12 No Third-Party Beneficiaries. Notwithstanding any mention of third parties in this Agreement, nothing in this Agreement shall be intended to provide or convey any actionable right or benefit to or upon any person or persons other than the Developer and the City. Except as otherwise specifically provided in this Agreement, each party shall bear its own costs and expenses (including legal and consulting fees) in connection with this Agreement and the negotiation of all agreements, including without limitation the Agreement, and preparation of documents contemplated by this Agreement.

Section 6.13 Miscellaneous. In addition to the foregoing, the parties to this Agreement agree as follows:

- A. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed, in writing, by the party making the waiver.
- B. This Agreement shall be binding upon, and shall inure to the benefit of the parties to it and their respective successors and assigns.
- C. In the event that any provision of this Agreement shall be held invalid and unenforceable, such provision shall be severable from, and such invalidity and unenforceability shall not be construed to have any effect on, the remaining provisions of this Agreement.
- D. The Parties agree to use reasonable diligence to fulfill their respective obligations under this Agreement at all times that this Agreement is in effect.
- E. All obligations of the Parties set forth in this Agreement which are contemplated to be performed or satisfied after the closing or acceptance of the improvements shall survive the closing and acceptance.
- F. Except as otherwise provided in this Agreement, whenever a period of time in this Agreement prescribed for action to be taken by a Party, said Party shall not be liable or

responsible for, and there shall be excluded from the computation of any such period of time, any delays due to a Force Majeure Event. For purposes of this Agreement, "Force Majeure Event" means any act or event, whether foreseen or unforeseen, that meets all three of the following tests:

- a. The act or event prevents a Party, in whole or in part, from:
 - i. Performing its obligations under this Agreement or another specified Agreement; or
 - ii. Satisfying any conditions to the obligations under this Agreement.
- b. The act or event is beyond the reasonable control of and not primarily the fault of a Party; and
- c. A Party has been unable to avoid or overcome the act or event by the exercise of commercially reasonable due diligence.

In furtherance of such definition, each of the following acts and events are deemed to be Force Majeure Events: war, flood, lightning, drought, earthquake, fire, volcanic eruption, landslide, hurricane, cyclone, typhoon, tornado, explosion, civil disturbance, act of God or the public enemy, terrorist acts, military action, epidemic, famine or plague, action of a court or public authority, or strike, work-to-rule action, go-slow or similar labor difficulty, and such failure, standing alone, prevents the Party from fulfilling one or more of its obligations under this Agreement. The following shall not be deemed a Force Majeure Event: economic hardship, changes in market conditions, insufficiency of revenues or funds, or the financial condition of a Party.

Section 6.14 Status Verification System. CONTRACTOR hereby certifies that it is registered and participates in a Status Verification System, as defined by Utah Code Ann. § 63G-12-301, in order to verify the work eligibility of its employees. CONTRACTOR is solely responsible for ensuring registration and participation in the Status Verification System. CONTRACTOR also certifies that any subcontractor employed by CONTRACTOR is also enrolled and participates in a Status Verification System. CONTRACTOR will provide, within five days of request by the CITY, proof of enrollment and participation in the system.

Section 6.15 Attorney Fees. If any action at law or in equity, or any special proceeding (including bankruptcy proceedings and appeals from lower court rulings), be instituted by either party against the other party to enforce this Agreement or any rights arising hereunder, or in connection with the subject matter hereof, the prevailing party shall be entitled to recover all costs of suit and reasonable attorneys' fees. For purposes of this Paragraph, the term "prevailing party" shall, in the case of a claimant, be the party who is successful in obtaining substantially all of the relief sought, and in the case of the defendant or respondent, the party who is successful in denying substantially all of the relief sought by the claimant.

(Signatures appear on next page)

-Remainder of Page left intentionally blank-

DRAFT

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year recited above.

CITY:

DEVELOPER:

Mayor Terry Palmer

Signature
Ninigret Construction Company North,
L.C., a Utah limited liability company

ATTEST:

Cassie Z. Brown, CMC
City Recorder

Print Name

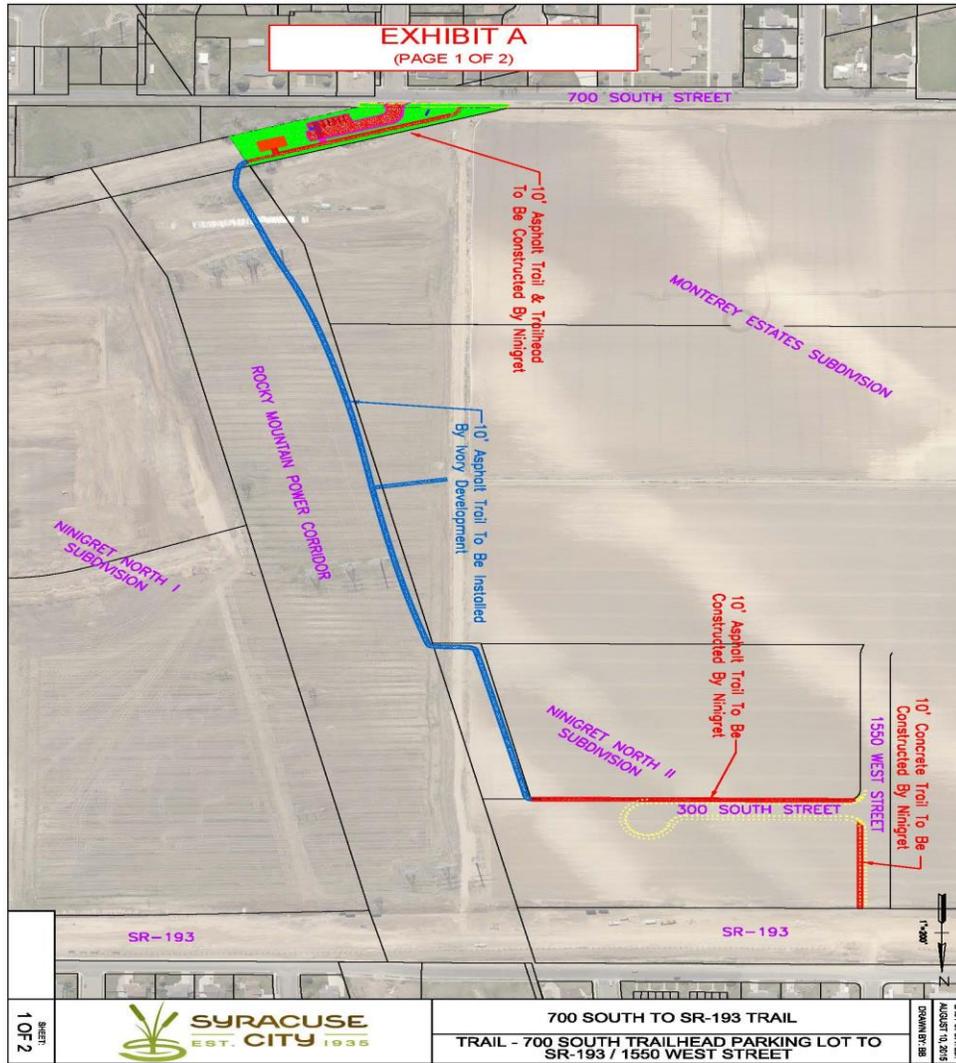
Its: _____

APPROVED AS TO FORM:

Paul H. Roberts
City Attorney

EXHIBIT A

LOCATION OF THE TRAILS TO BE CONSTRUCTED BY DEVELOPER



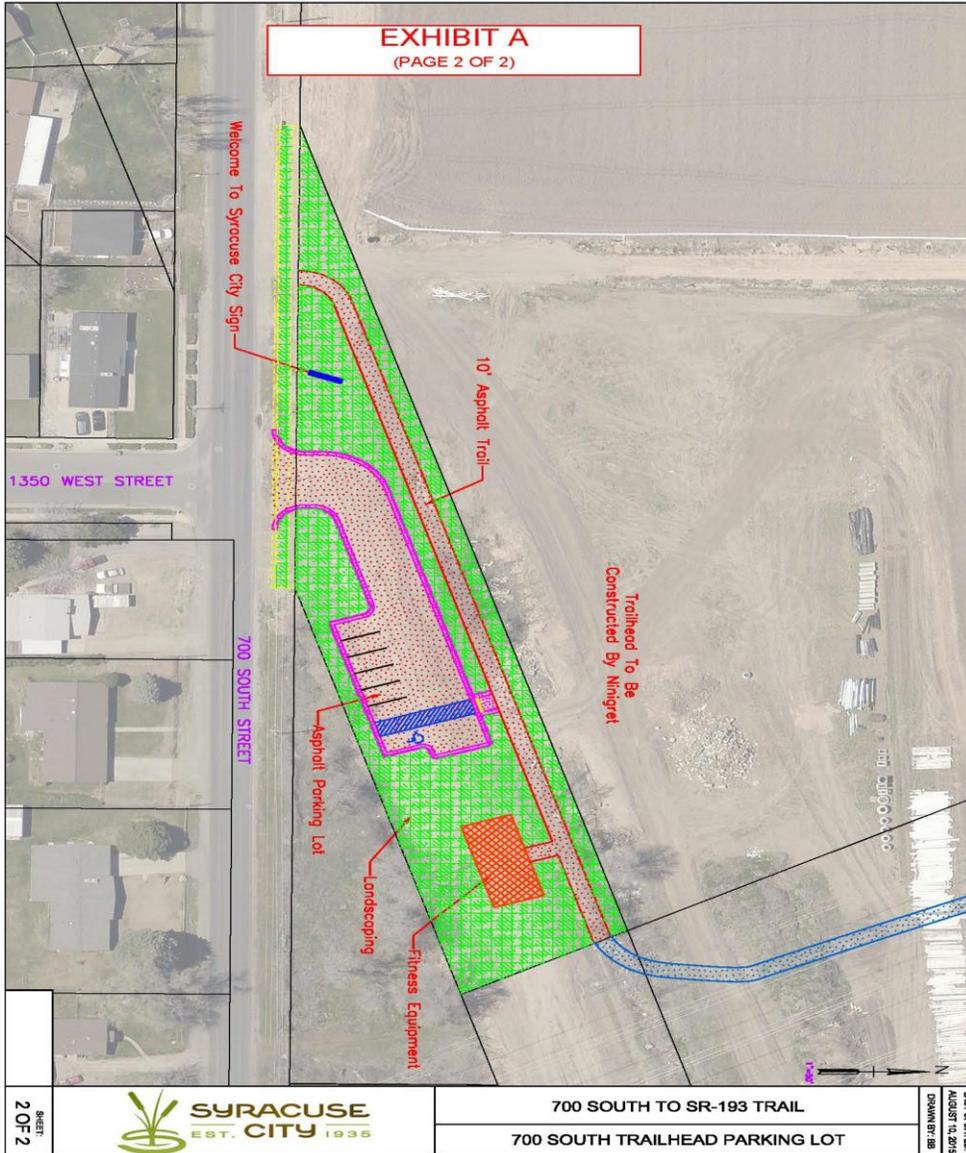


EXHIBIT B

CITY'S STANDARDS AND SPECIFICATION FOR THE CONSTRUCTION OF THE IMPROVEMENTS

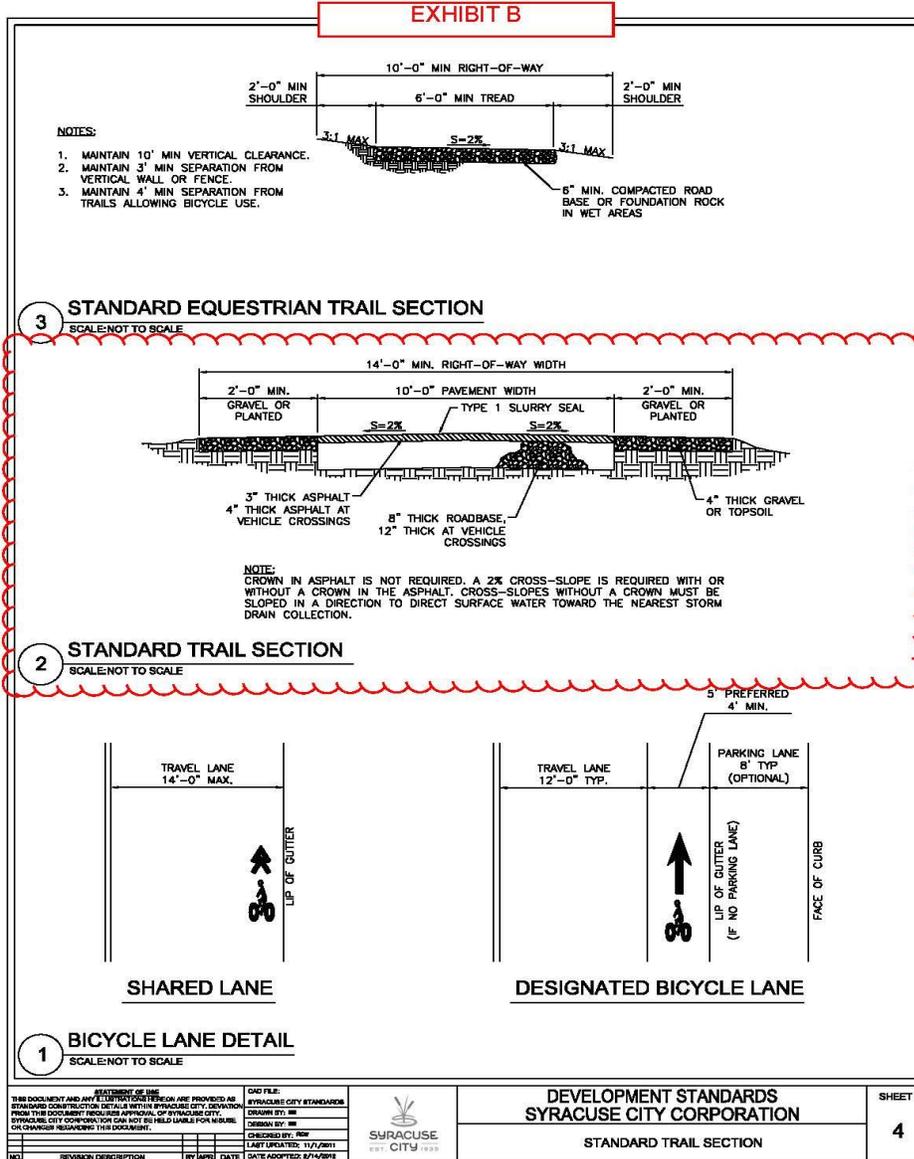


EXHIBIT C

PROPERTY DESCRIPTION

Parcel Serial Number 12-819-0006

ALL OF PARCEL A [OPEN SPACE] NINIGRET NORTH II – SUBDIVISION, RECORDED IN THE OFFICIAL RECORDS OF DAVIS COUNTY, UTAH. CONT. APPROXIMATELY 1.11800 ACRES

DRAFT

EXHIBIT D
INSURANCE CERTIFICATE

DRAFT



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/23/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Trustco, Inc. 2063 East 3900 South Salt Lake City UT 84124-1760	CONTACT NAME: Stephanie Ingalls PHONE (A/C No. Ext.): (801) 278-5341 FAX (A/C No.): (801) 278-9051 E-MAIL ADDRESS: stephaniei@trustcoinc.com
INSURED Ninigret Construction Co LC/Ninigret Technol. Ninigret Construction North LC 1700 South 4650 West Salt Lake City UT 84104	INSURER(S) AFFORDING COVERAGE INSURER A West American Ins Co INSURER B The Ohio Casualty Ins Co INSURER C Workers Compensation Fund INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: 2015 GL, BA, UL, WC, IM REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD, HVVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEVL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		BKW55177239	6/18/2015	6/18/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		BAW55177239	6/18/2015	6/18/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist BI \$ 1,000,000
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0		US055177239	6/18/2015	6/18/2016	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	2714093	6/28/2015	6/28/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Inland Marine		BKW55177239	6/18/2015	6/18/2016	Leased & Rented \$600,000 Deductible \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 The above referenced General Liability Policy includes form CG8416 12/03 - Blanket Additional Insured

The above referenced Workers Compensation Policy Includes the following endorsements: WC430305 Blanket Waiver of Subrogation

CERTIFICATE HOLDER Syracuse City 1979 West 1900 South Syracuse, UT 84075	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Stephanie Ingalls/SAI <i>Stephanie Ingalls</i>
--	--

ACORD 25 (2014/01)
INS025 (01/14/11)

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**GENERAL LIABILITY
MASTER PAK PLUS ®
FOR CONSTRUCTION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

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1. BLANKET ADDITIONAL INSURED (Owners, Lessees, Contractors or Lessors)
(Includes a Primary/Non-Contributory provision)

Who Is An Insured Section II is amended to include as an insured any person or organization whom you are required to name as an additional insured on this policy in a written contract or written agreement. The written contract or written agreement must be currently in effect or becoming effective during the term of this policy and executed prior to the "bodily injury," "property damage" or "personal and advertising injury."

The insurance provided the additional insured is limited as follows:

A. The person or organization is only an additional insured with respect to liability:

1. Arising out of real property, as described in a written contract or written agreement, that you own, rent, lease, or occupy; or
2. Caused in whole or in part by your ongoing operations performed for that insured.

The insurance provided the additional insured in 1.A.2. above does not apply to:

- a. **Coverage A - Bodily Injury and Property Damage Liability, Coverage B - Personal and Advertising Injury Liability** or defense coverage under the **Supplementary Payments** arising out of an architect's, engineer's or surveyor's rendering of or failure to render any professional services including:
 - (1) The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
 - (2) Supervisory, inspection, architectural or engineering activities.
- b. "Bodily injury" or "property damage" occurring after:
 - (1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) were performed by or on behalf of the additional insured(s) at the site where the covered operations have been completed; or
 - (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as part of the same project.
- B. The limits of insurance applicable to the additional insured are those specified in a written contract or written agreement or the limits of Insurance as stated in the Declarations of this policy and defined in **Section III - Limits Of Insurance** of this policy, whichever are less. These limits are inclusive of and not in addition to the limits of insurance available under this policy.
- C. The insurance provided the additional insured does not apply to the liability resulting from the sole negligence of the additional insured.

- D. As respects the coverage provided to the additional insured under this endorsement, **Section IV-Conditions** is amended as follows:

The following is added to Condition **2. Duties In The Event Of Occurrence, Offense, Claim, or Suit**:

An additional insured under this endorsement will as soon as practicable:

- a. Give written notice of an "occurrence" or an offense, that may result in a claim or "suit" under this insurance to us;
- b. Tender the defense and indemnity of any claim or "suit" to all insurers whom also have insurance available to the additional insured; and
- c. Agree to make available any other insurance which the additional insured has for a loss we cover under this Coverage Part.

2. The following is added to Condition **3. Legal Action Against Us**:

We have no duty to defend or indemnify an additional insured under this endorsement until we receive written notice of a claim or "suit" from the additional insured.

3. The following is added to Paragraph **a., Primary Insurance of Condition 4. Other Insurance**:

If the additional insured's policy has an Other Insurance provision making its policy excess, and a Named Insured has agreed in a written contract or written agreement to provide the additional insured coverage on a primary and noncontributory basis, this policy shall be primary and we will not seek contribution from the additional insured's policy for damages we cover.

4. The following is added to Paragraph **b., Excess Insurance of Condition 4. Other Insurance**:

Except as provided in Paragraph **4.a. Primary Insurance** as amended above, any coverage provided hereunder shall be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis. In the event an additional insured has other coverage available for an "occurrence" by virtue of also being an additional insured on other policies, this insurance is excess over those other policies.

2. FIRE, LIGHTNING, EXPLOSION AND SPRINKLER LEAKAGE DAMAGE TO PREMISES YOU RENT

If **Damage To Premises Rented To You** under **Coverage A** is not otherwise excluded from this policy, the following applies:

- A. The last paragraph of **2. Exclusions of Section I - Coverage A** is replaced by the following:

If **Damage To Premises Rented To You** is not otherwise excluded, **Exclusions c. through n.** do not apply to damage by fire, lightning, "explosion" or sprinkler leakage to premises while rented to you or temporarily occupied by you with permission of the owner. A separate limit of insurance applies to this coverage as described in **Section III - Limits Of Insurance**.

UTAH WAIVER OF SUBROGATION ENDORSEMENT

This endorsement applies only to the insurance provided by the policy because Utah is shown in Item 3.A. of the Information Page.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule. Our waiver of rights does not release your employees' rights against third parties and does not release our authority as trustee of claims against third parties.

Schedule

1. Waiver Type

Specific Waiver/Specific Job in Favor of:

Job Description:

OR

Blanket Waiver

Any person or organization for whom the named insured has agreed by written contract to furnish this waiver.

2. Premium

The premium charge for this endorsement shall be \$250 for a specific waiver and \$750 for a blanket waiver. We will credit any specific waivers previously issued on request and issuance of a blanket waiver, but only up to the \$750 cost of the blanket waiver.

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective: 06/28/2015	Policy No. 2714093	Endorsement No.
Insured: NINIGRET CONSTRUCTION CO LC		Premium \$
1700 S 4650 W, SALT LAKE CITY UT 84104		

Insurance	Workers Compensation Fund
Company:	100 West Towne Ridge Parkway (9620 South)
	Sandy, Utah 84070
	Countersigned by _____

©2000 National Council on Compensation Insurance.

BULLETIN 99-8
WAIVER OF SUBROGATION
WORKERS' COMPENSATION INSURANCE

This Bulletin **replaces** Bulletin 96-11

In property and casualty insurance it is not uncommon for an insurance carrier to agree to waive its subrogation rights by endorsement to the insurance policy. The question of whether an employer or the employer's workers compensation carrier may waive the right to subrogation in lawsuits involving third parties has been raised.

Utah Code Annotated (U.C.A.) §34A-2-106(2) states:

- (2) (a) If compensation is claimed and the employer or insurance carrier becomes obligated to pay compensation, the employer or insurance carrier:
 - (i) shall become trustee of the cause of action against the third party; and
 - (ii) may bring and maintain the action either in its own name or in the name of the injured employee, or his heirs or the personal representative of the deceased.
- (b) Notwithstanding Subsection (2)(a), an employer or insurance carrier may not settle and release the cause of action of which it is a trustee under Subsection (2)(a) without the consent of the commission.

The statute prohibits the insurer from unilaterally compromising the entire claim against the third party. It does not prevent the insurer from compromising its subrogation portion of the claim. Therefore, a waiver is permissible as long as it does not affect the employee's rights. It should expressly exclude from release the employee's rights against the third party, as provided in U.C.A. §34A-2-106, and exclude from release the insurer's authority as trustee of the entire claim, as provided in U.C.A. §34A-2-106.

Workers' compensation insurance policy forms filings containing waiver of subrogation rights provision will be permitted as long as they comply with the above.

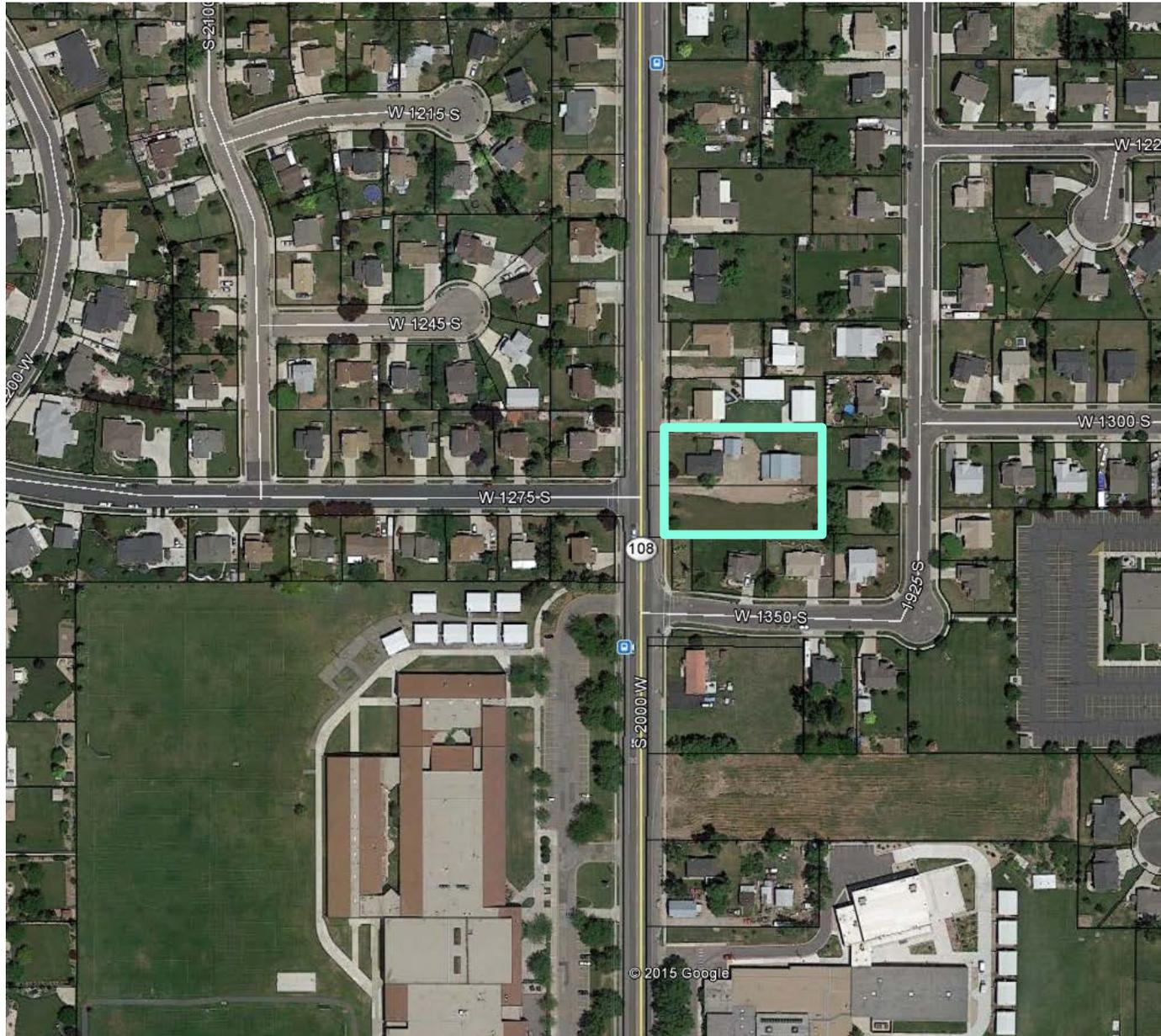
Dated this 29th day of September, 1999.

Insurance Commissioner

[[Index](#)]



Rezone Request 1317 S 2000 W





Rezone R-1 to Neighborhood Services 1317 S 2000 W



Existing Zoning Map

Proposed Zoning Request

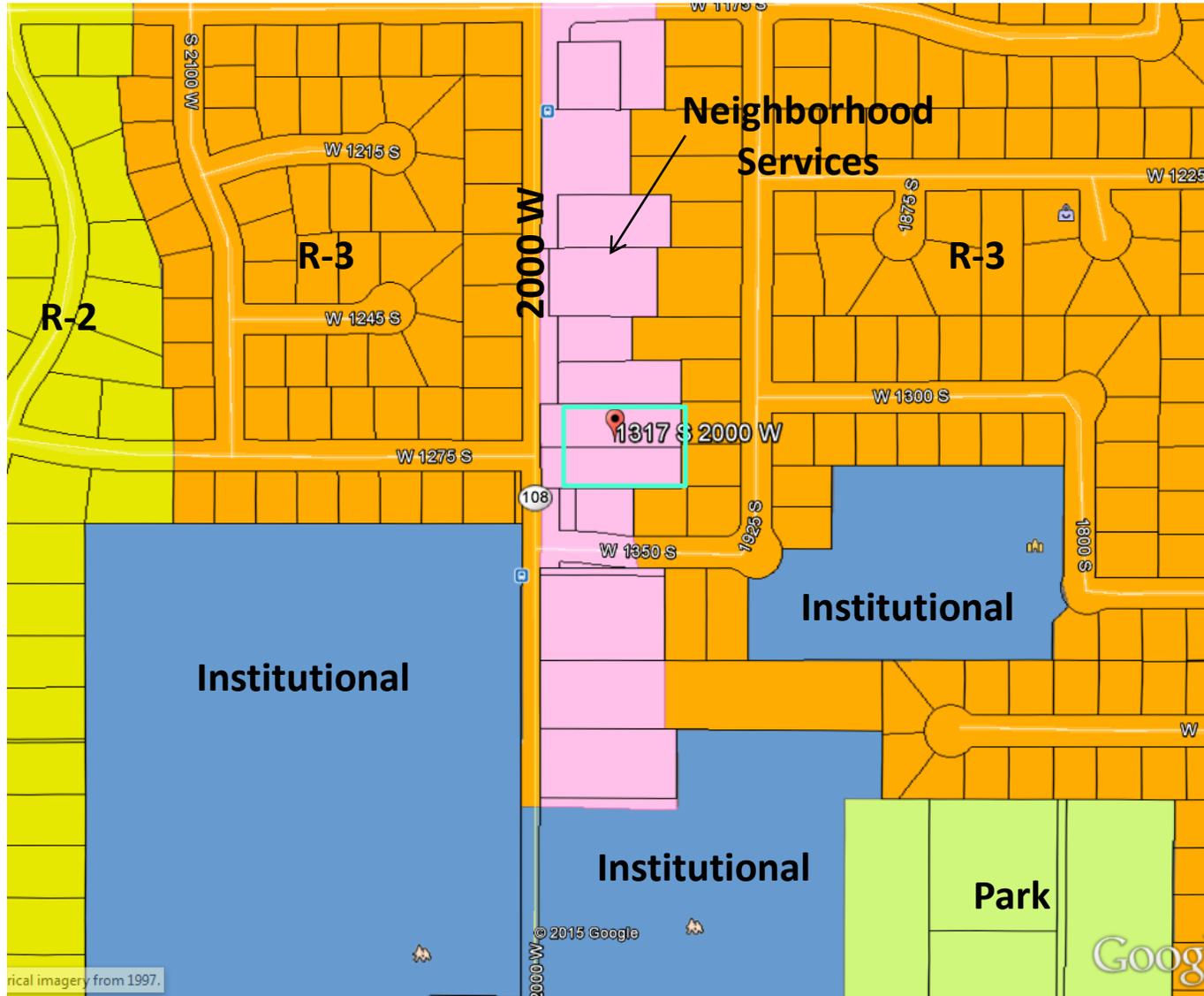


- | | | | |
|---|------------------------------------|---|--------------------------|
|  | Agriculture A-1 |  | Neighborhood Services |
|  | R-1 (2.90 dwellings per net acre) |  | General Commercial Zone |
|  | R-2 (3.79 dwellings per net acre) |  | Industrial Zone |
|  | R-3 (5.44 dwellings per net acre) |  | Town Center Overlay Zone |
|  | PRD (8.0 dwellings per net acre) |  | Sensitive Overlay Zone |
|  | R-4 (14.52 dwellings per net acre) |  | RDA & EDA Boundary |
|  | Professional Office | | |



General Plan Map

1317 S 2000 W



(16 hits)

Chapter 10.105 NS – NEIGHBORHOOD SERVICES ZONE

Sections:

- 10.105.010 Purpose.
- 10.105.020 Permitted uses.
- 10.105.030 Conditional uses.
- 10.105.040 Minimum lot standards.
- 10.105.050 Off-street parking and loading.
- 10.105.060 Signs.
- 10.105.070 Special provisions.

10.105.010 Purpose.

The purpose of this zone is to provide for a range of opportunities specifically identified as providing local neighborhood services. Uses in this zone are not meant to have a large footprint, or be overly invasive to neighboring uses. [Ord. 12-12 § 1; Code 1971 § 10-21-010.]

10.105.020 Permitted uses.

The following uses, and no others, are appropriate to this zone, compatible with each other, and a permitted right provided that the parcel and buildings meet all other provisions of this title, or any other applicable ordinances of Syracuse City, and receive site plan approval as provided in SCC 10.20.090:

- (A) Accessory uses and buildings (under 200 square feet).
- (B) Amusement and recreational activities (includes athletic or tennis club).
- (C) Animal clinics.
- (D) Business services and professional offices.
- (E) Car washes, self-service coin-operated style and full-service tunnel style.
- (F) Churches, synagogues, and temples.
- (G) Commercial outdoor recreational activities (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).
- (H) Financial institutions.
- (I) Financial planning, investment planning, real estate, and general business offices.
- (J) Fruit and vegetable stands.
- (K) Greenhouses.

- (L) Marriage and family counseling services.
- (M) Optical shops.
- (N) Preschool centers.
- (O) Private parks and recreational activities.
- (P) Professional non-retail services.
- (Q) Public and quasi-public buildings.
- (R) Public parks.
- (S) Retail building materials, hardware, and farm equipment.
- (T) Uses considered similar and compatible by the land use administrator. [Ord. 12-12 § 1; Code 1971 § 10-21-020.]

10.105.030 Conditional uses.

The following, and not others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

- (A) Accessory uses and buildings (200 square feet or greater) (minor).
- (B) Animal hospitals (major).
- (C) Automotive and engine repair services (excluding body repair) (major).
- (D) Automobile and truck sales and rental (major).
- (E) Automotive retail and routine maintenance services (major).
- (F) Cabinetmaking/woodworking (major).
- (G) Community or civic services (major).
- (H) Contract construction services (major).
- (I) Convenience store (major).
- (J) Day care centers (major).
- (K) Equipment rental, sales, service and repair (major).
- (L) Hotels and motels (major).
- (M) Light industrial uses (fabrication, assembly, treatment, or packaging operations conducted in a totally enclosed building using previously prepared materials) (major).
- (N) Medical and other health facilities (major).
- (O) Packaging operations/delivery facility (major).

- (P) Precision equipment repair (major).
- (Q) Printing and publishing industries (major).
- (R) Public utility substations, generating plants, pumping stations, and buildings (major).
- (S) Restaurants and fast food services (major).
- (T) Retail trade, including equipment sales, service and repair (major).
- (U) Schools, professional and vocational (major).
- (V) Storage facilities (major).
- (W) Temporary commercial uses (see SCC 10.35.050) (minor).
- (X) Temporary use of buildings (minor).
- (Y) Theaters and amusement facilities (major).
- (Z) Wireless communication towers (See Chapter 10.130 SCC) (major). [Ord. 12-12 § 1; Code 1971 § 10-21-030.]

10.105.040 Minimum lot standards.

All lots developed and all structures and uses placed on lots shall be in accordance with the following lot standards:

- (A) Lot area: maximum of five acres.
- (B) Lot width: as required by site plan review.
- (C) Front yard: 20 feet.
- (D) Side yards: as required by site plan review.
- (E) Rear yard: as required by site plan review.
- (F) Building size: no greater than 20,000 square feet.
- (G) Building Height. Building height shall generally be no greater than 35 feet. However, building heights in excess of 35 feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings within this zone may be no closer than 15 feet from the zone boundary.
- (H) Buffer Yards. All lots shall be subject to the general landscape requirements as prescribed in Table 2, Buffer Classification Requirements, found in SCC 10.30.080.
- (I) Minimum Lot Standards When Adjacent to Residential or Institutional Zones.
 - (1) Vehicles. Any new building that is constructed immediately adjacent to a residential zone shall be designed so that the loading and unloading of trucks is screened from that portion of the

zone by the building. Dock orientation is prohibited on the side of the building facing the immediately adjacent residential zone.

(2) Lighting. Any outdoor lighting is shielded so that the source is not directly visible from the residential zone and the lighting is directed down and away from the residential zone. [Ord. 12-12 § 1; Code 1971 § 10-21-040.]

10.105.050 Off-street parking and loading.

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC unless the Planning Commission requirements exceed those of Chapter 10.40 SCC. [Ord. 12-12 § 1; Code 1971 § 10-21-050.]

10.105.060 Signs.

Signs permitted in this zone shall be those allowed in industrial zones by Chapter 10.45 SCC. [Ord. 12-12 § 1; Code 1971 § 10-21-060.]

10.105.070 Special provisions.

(A) Landscaping. All lots, parcels, or sites shall have a minimum 15 percent of the total area landscaped, including all required front yards, and permanently maintained in good condition.

(B) Industrial Performance Standards. The following performance standards are intended to ensure that all industries will provide reasonable modern control methods to protect the City from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

(1) General.

(a) No land or building devoted to uses authorized by this chapter shall be used or occupied in any manner that violates subsection (B)(2) of this section.

(b) Traditional practices are allowed to support each specific type of business. This includes, but is not limited to, transportation, hours of operation, maintenance, etc.

(c) In addition to meeting other application requirements for site plan approval or a conditional use permit, parties seeking approval for a neighborhood services zone use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may violate subsection (B)(2) of this section, the Planning Commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in subsection (B) of this section. Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.

(d) Within 20 days after the Commission receives the aforesaid application or report, if a report was required, or within such period as agreed to by the applicant, the Commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the Commission may approve or refuse to approve the use or may require a modification of the proposed plans, construction specifications, device or operation, and shall so inform the Building Official.

(e) Any approval so issued shall evidence only that reasonable measures are being taken. It shall not relieve the applicant of the responsibility of meeting such standards when the business is actually in operation; and, in case of a failure to perform in accordance with standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards shall be the sole responsibility of the applicant.

(f) The Land Use Administrator shall investigate any purported violation of performance standards as set forth in subsection (B)(2) of this section; and, if necessary for such investigation, may request that the Planning Commission employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation has existed or does exist, it shall order the Land Use Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the business will be shut down. Should a violation of performance standards occur, the Planning Commission may order the offending plant to cease operation until proper steps are taken to correct the conditions causing the violation. The service of any qualified experts, employed by the Planning Commission to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the City.

(2) Performance Standards. The determination of the existence of any of the following elements shall be measured at the lot line of the establishment or use.

(a) Noise. No use shall emit or cause the emission of sound from a stationary source or ground transportation creating a ninetieth percentile sound pressure level (L90) for any measured period (not less than 60 minutes) that exceeds 70 dB(a) from 7:00 a.m. to 10:00 p.m. or 55 dB(a) from 10:00 p.m. to 7:00 a.m.

(b) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments specified in subsection (B)(2) of this section.

(c) Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in subsection (B)(2) of this section or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

(d) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in subsection (B)(2) of this section. This

restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this chapter.

(e) Fire and Explosion Hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices as required by the Uniform Fire Code, Uniform Fire Code Standards, and Life Safety Code.

(f) Air Pollution. No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah Environmental Quality Code, its amendments, or resulting regulations.

(g) Liquid or Solid Wastes. No discharge at any point into a public sewer, public waste disposal system, private sewage system, or stream, or into the ground shall be allowed contrary to the Utah Environmental Quality Code, its amendments, or resulting regulations. [Ord. 12-12 § 1; Code 1971 § 10-21-070.]

The Syracuse City Code is current through Ordinance 15-15, passed July 14, 2015.

Disclaimer: The City Recorder's Office has the official version of the Syracuse City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

(22 hits)

Chapter 10.60 R-1 – RESIDENTIAL ZONE (2.9 LOTS PER NET ACRE)

Sections:

- 10.60.010 Purpose.
- 10.60.020 Permitted uses.
- 10.60.030 Conditional uses.
- 10.60.040 Minimum lot standards.
- 10.60.050 Off-street parking and loading.
- 10.60.060 Signs.
- 10.60.070 Special provisions.

10.60.010 Purpose.

The purpose of this zone is to promote and preserve, where conditions are favorable, areas for large lot development for families to engage in food production and, where adequate lot area exists, keep a limited number of farm animals and fowl. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-010.]

10.60.020 Permitted uses.

The following, and no others, are uses permitted by right provided the parcel and/or building meet all other provisions of this title and any other applicable ordinances of Syracuse City.

- (A) Accessory uses and buildings (under 200 square feet).
- (B) Agriculture.
- (C) Aviaries.
- (D) Churches, synagogues, and temples.
- (E) Dwellings, single-family.
- (F) Educational services.
- (G) Farm animal keeping (see SCC 10.30.040).
- (H) Fruit and vegetable stands (for sale of products produced on owner's premises).
- (I) Household pets.
- (J) Minor home occupations.
- (K) Public and quasi-public buildings.
- (L) Public parks.
- (M) Rabbits and hens.

(N) Residential facilities for persons with disabilities.

(O) Vietnamese potbellied pigs. [Ord. 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 04-12; Ord. 03-18; amended 1991; Code 1971 § 10-12-020.]

10.60.030 Conditional uses.

The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

(A) Accessory uses and buildings (200 square feet or greater) (minor).

(B) Apiaries (minor).

(C) Cluster subdivisions (major).

(D) Day care centers (major).

(E) Dog kennels (minor).

(F) Dwellings, accessory (major/minor, see SCC 10.30.020).

(G) Dwelling groups (major).

(H) Greenhouses (minor).

(I) Home occupations (major).

(J) Private parks and recreational activities (minor).

(K) Temporary commercial uses (see SCC 10.35.050) (minor).

(L) Temporary use of buildings (see SCC 10.30.100(A)(9)) (minor). [Ord. 14-01 § 1; Ord. 11-13 § 3; Ord. 11-10 § 6; Ord. 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 03-18; amended 1991; Code 1971 § 10-12-030.]

10.60.040 Minimum lot standards.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

(A) Density. Minimum lot size 10,000 square feet, but in no case shall the density exceed 2.9 lots per net acre, unless the Land Use Authority grants additional density, per a major conditional use permit, up to a maximum of 4.75 lots per net acre.

(B) Lot width: 100 feet.

(C) Front yard: 25 feet.

(D) Side yards: 10 feet (both sides).

(E) Rear yard: 30 feet.

(F) Building height: as allowed by current building code.

(G) Variation of lot: the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:

- (1) The strict application of the lot width requirement would result in substantial hardship;
- (2) Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the zone would result in severe hardship;
- (3) The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the zone;
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the zone as identified in the City's general plan. [Ord. 11-13 § 3; Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 03-08; Ord. 02-16; Code 1971 § 10-12-040.]

10.60.050 Off-street parking and loading.

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-050.]

10.60.060 Signs.

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC. [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-060.]

10.60.070 Special provisions.

All pens, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than 150 feet from a public street and no less than 100 feet from all dwellings on adjacent lots. (This provision shall not apply to pastures.) [Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-12-070.]

The Syracuse City Code is current through Ordinance 15-15, passed July 14, 2015.

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COUNCIL AGENDA

October 13, 2015

Agenda Item #8

Final Subdivision Plan Keller Crossing Phase 1

Factual Summation

Address:	1475 W 2000 S
Zone:	R-2 Residential
Applicant:	Nilson Homes
Total Acreage	6.774 acres
Net Developable Acres:	5.419 acres
Allowed Lots (5.44 units/acre):	29
Proposed Lots	17

Public Meeting Outline

General Plan and Rezone Approval

Planning Commission May 5, 2015

City Council May 12, 2015

Concept Plan Staff Review April 29, 2015

Preliminary Plan Review

Planning Commission June 2, 2015

City Council June 9, 2015

Final Plan Review

Planning Commissioner September 1, 2015

Attachments

- Proposed code amendment

Background:

This request is for phase one of two phases for the Keller Crossing Subdivision. This phase is on the west end of the development and will complete 1475 West. This phase is surrounded by single family residential development. The developer has opted for the low volume local street standard. The developer has been sent the city staff reports and is currently amending the drawings to reflect any outstanding items.

Attachments

- Aerial
- Final Plan
- Staff Reviews

Planning Commission Recommendation

The Planning Commission moved to recommend approval of the final subdivision plan for Keller Crossing Phase I, located at 1475 W 2000 S R-2 zone, subject to all applicable requirements of the City's municipal codes and city staff reviews on September 1, 2015 with a unanimous vote.



TO: Community Development, Attention: Jenny Schow
FROM: Jo Hamblin, Fire Marshal
RE: Keller Crossing phase 1 final

DATE: August 25, 2015

I have reviewed the site plan submitted for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 1/2" connection facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met.
2. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow for this project. The Fire Prevention Division of this department shall witness this test and shall be notified a minimum of 48 hours prior to the test.
3. Dead-end streets, which exceed one hundred and fifty feet depth in length, shall have a temporary turnaround area at the end. The temporary turnaround shall meet the City standards.
 - 2000 South will require a temporary turnaround
4. Cul-de-sacs (a street having only one outlet that terminates at the other end by a vehicle turnaround) shall be no longer than five hundred (500) feet from the centerline of the adjoining street to the center of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet diameter, measured to the back of curb.
 - The cul-de-sac's diameter is only 90 feet which is below the city's standard.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Syracuse City.



SYRACUSE
EST. CITY 1935

Planner Final Subdivision Review

Subdivision: Keller Crossing
Completed By: Jenny Schow, City Planner

Date: August 25, 2015
Updated:

8-6-10 Final Plat

Please review and amend the following items:

1. Include a typical set back diagram or list set backs on the plat.
2. Add street address when submitted by the city planner.

Items required for Preconstruction:

1. Construction Drawing Prints and PDF files
2. Schedule a preconstruction meeting
3. Bond estimate using the City template
4. Final Inspection Fees as calculated in the approved bond estimate
5. Offsite Improvement Agreement
6. BMP Facilities Maintenance Agreement (Parcel A)
7. Streetlight Agreement
8. SWPPP NOI
9. SWPPP City Permit
10. Fugitive Dust Control Plan

Items required for Recording:

1. Escrow Agreement
2. Water Shares
3. Title Report - must be updated within 30 days or recording
4. Recording fees: \$37/page +\$1/lot and any common space as well as \$1/land-owner signatures over two

KELLER CROSSING SUBDIVISION PHASE 1

PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
 SYRACUSE CITY, DAVIS COUNTY, UTAH
 JUNE, 2015



BOUNDARY DESCRIPTION

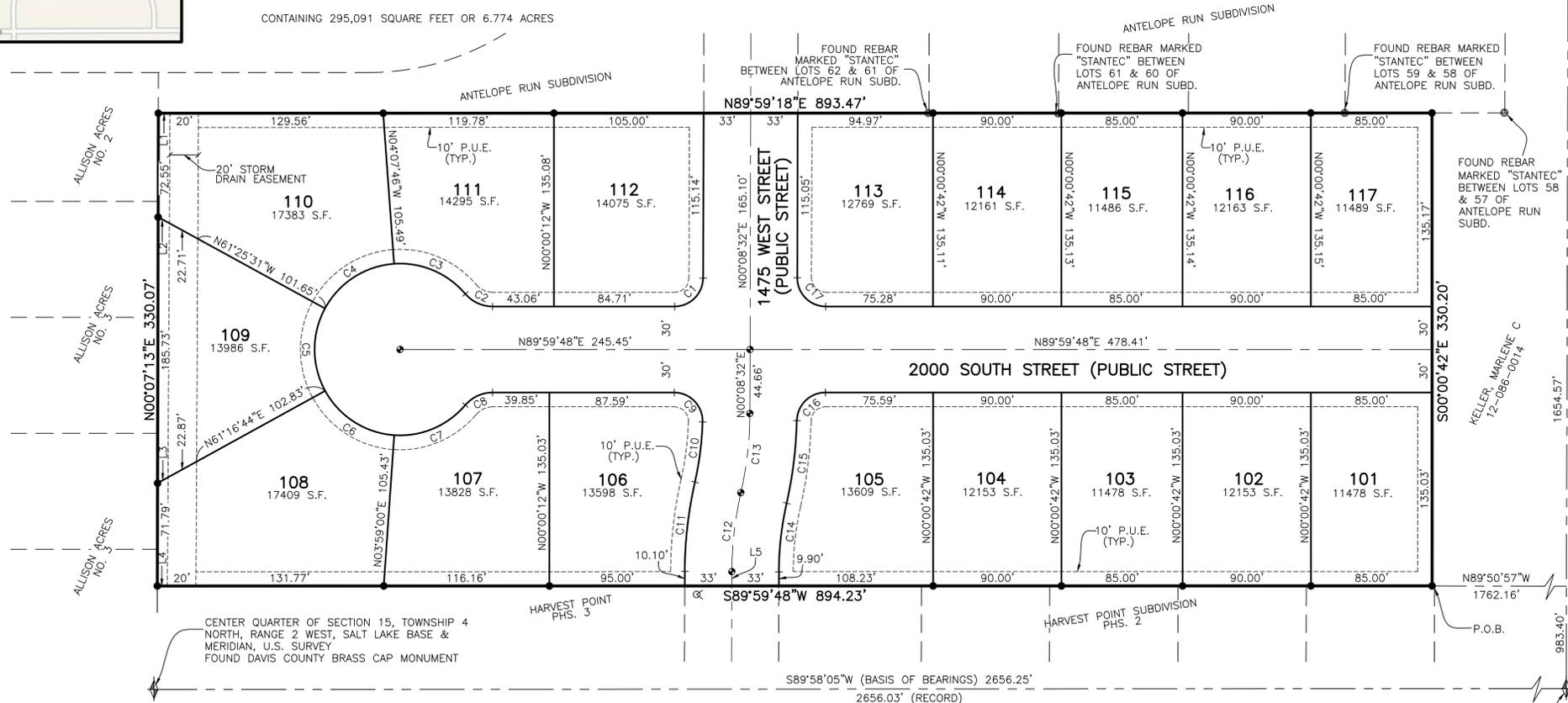
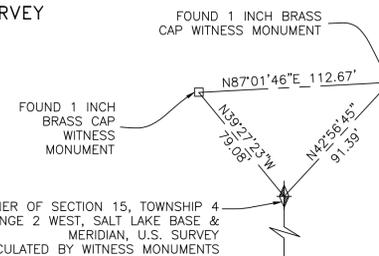
PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING 983.40 FEET N00°09'03"E AND 1762.16 FEET N89°50'57"W FROM THE EAST QUARTER OF SECTION 15; THENCE S89°59'48"W ALONG THE NORTHERLY BOUNDARY OF HARVEST POINT SUBDIVISION PHASES 2 & 3, 894.23 FEET; THENCE N00°07'13"E ALONG THE EASTERLY BOUNDARY OF ALLISON ACRES SUBDIVISION NO. 1 & NO. 3, 330.07 FEET; THENCE N89°59'18"E ALONG THE SOUTHERLY BOUNDARY OF ANTELOPE RUN SUBDIVISION, 893.47 FEET; THENCE S00°00'42"E 330.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 295,091 SQUARE FEET OR 6.774 ACRES

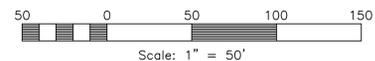
NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS PROPERTY INTO LOTS AND STREETS AS SHOWN. ALL BOUNDARY CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES. THE BOUNDARY ON THE NORTH, SOUTH AND WEST SIDES WAS FIXED BY EXISTING SUBDIVISIONS, WHICH MATCH DEED AND OCCUPATIONAL EVIDENCE.



LEGEND

- = SECTION CORNER
- = WITNESS MONUMENT
- = FOUND REBAR
- = EXISTING FIRE HYDRANT
- = SET STREET MONUMENT
-



CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	20.00'	31.37'	28.25'	19.95'	S45°04'10"W	89°51'16"
C2	25.00'	21.68'	21.00'	11.57'	S65°09'48"E	49°40'47"
C3	60.00'	56.35'	54.30'	30.44'	N67°13'35"W	53°48'21"
C4	60.00'	60.00'	57.53'	32.78'	N57°13'22"E	57°17'45"
C5	60.00'	60.00'	57.53'	32.78'	N00°04'23"W	57°17'45"
C6	60.00'	60.00'	57.53'	32.78'	N57°22'08"W	57°17'45"
C7	60.00'	56.20'	54.17'	30.35'	N67°09'00"E	53°39'59"
C8	25.00'	21.68'	21.00'	11.57'	S65°09'24"W	49°40'47"
C9	20.00'	32.02'	28.71'	20.62'	N44°08'05"W	91°44'15"
C10	217.00'	42.34'	42.28'	21.24'	S07°19'38"W	111°10'50"
C11	283.00'	62.93'	62.80'	31.60'	N06°32'38"E	12°44'29"
C12	250.00'	55.59'	55.48'	27.91'	N06°32'38"E	12°44'29"
C13	250.00'	55.73'	55.62'	27.98'	S06°31'42"W	12°46'21"
C14	217.00'	48.26'	48.16'	24.23'	N06°32'38"E	12°44'29"
C15	283.00'	58.23'	58.12'	29.22'	S07°01'13"W	11°47'18"
C16	20.00'	31.02'	28.00'	19.61'	S45°33'41"W	88°52'14"
C17	20.00'	31.47'	28.32'	20.05'	S44°55'50"E	90°08'44"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°59'18"W	8.16'
L2	S61°25'31"E	8.99'
L3	N61°16'44"E	8.35'
L4	S89°59'48"W	7.07'
L5	S00°10'24"W	10.00'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE FOUND DAVIS COUNTY BRASS CAP MONUMENTS AT THE CENTER QUARTER AND THE EAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY. SHOWN HEREON AS: S89°56'49"W

CENTURYLINK

APPROVED THIS _____ DAY OF _____, 20____, BY CENTURYLINK.

CENTURYLINK

SYRACUSE CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, 20____, BY THE SYRACUSE CITY ATTORNEY.

SYRACUSE CITY ATTORNEY

SYRACUSE CITY ENGINEER

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

SYRACUSE CITY ENGINEER DATE

SYRACUSE CITY COUNCIL

PRESENTED TO THE SYRACUSE CITY COUNCIL THIS THE _____ DAY OF _____, 20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

SYRACUSE CITY MAYOR ATTEST: CITY RECORDER

SURVEYOR'S CERTIFICATE

I, **TREVOR J. HATCH**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **KELLER CROSSING SUBDIVISION PHASE 1** IN **SYRACUSE CITY, DAVIS COUNTY, UTAH**, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE **DAVIS COUNTY** RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **SYRACUSE CITY, DAVIS COUNTY** CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

9031945

UTAH LICENSE NUMBER **TREVOR J. HATCH**



OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO PRIVATELY OWNED PROPERTY, COMMON AREA, LIMITED COMMON AREA, AND PUBLIC STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT **KELLER CROSSING SUBDIVISION PHASE 1**, AND DO HEREBY DEDICATE TO PUBLIC USE ALL THESE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO TO GRANT AND DEDICATE A PERPETUAL RIGHT-OF-WAY AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, STORM WATER AND STORM DRAIN EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____.

ACKNOWLEDGMENT

STATE OF UTAH)ss.
 COUNTY OF _____)
 ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH)ss.
 COUNTY OF _____)
 ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC

DEVELOPER

NILSON HOMES
BRUCE NILSON
 5617 S. 1475 E.
 OGDEN, UT. 84403
 (801) 392-8100

PROJECT INFORMATION

Surveyor: **T. HATCH** Project Name: **KELLER CROSSING**
 Designer: **E. ROCHE** Number: **1301-002**
 Begin Date: **06-17-15** Scale: _____
 Revision: _____ Page: **1 of 1**

DAVIS COUNTY RECORDER

ENTRY NO. _____ FILED FOR RECORD
 AND RECORDED, _____ AT
 _____ IN BOOK _____ OF
 THE OFFICIAL RECORDS, PAGE _____

RECORDED FOR:

DAVIS COUNTY RECORDER

DEPUTY,





Keller Crossing Subdivision

1475 West & 2000 South

Engineer Final Plan Review

Completed by Brian Bloemen on August 24, 2015

Below are the engineering comments for the final plan review of the Keller Crossing Subdivision.

Plat:

1. Add a temporary turn around easement adjacent to Lots 117 and 101.
2. Add the recording information for the existing storm drain easement.
3. Add side lot PUE's along Lots 108, 109 & 110.
4. The westerly boundary line should be Allison Acres No. 2 not No.1.

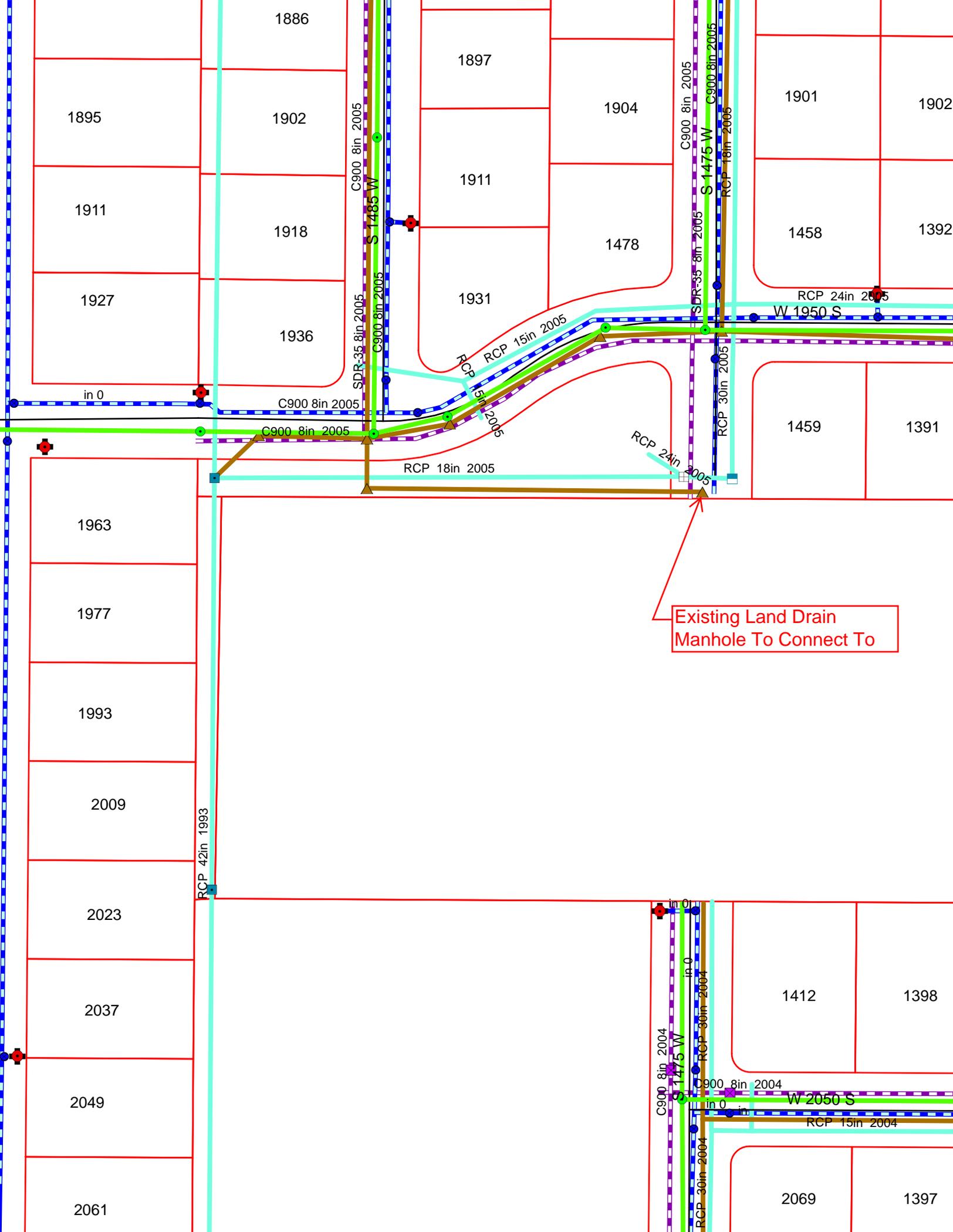
Plans:

1. Run the culinary waterline in 1475 West Street in the existing alignment to avoid using bends.
2. Per the cul-de-sac ordinance the minimum radius from the center of the cul-de-sac to the top back of curb is 50 feet.
3. Unless a tail water ditch is provided into the storm drain, the remaining land to the east can no longer be farmed. The existing head gate needs to be abandoned per West Branch Irrigation standards.
4. See the attached map for the location of the existing land drain on the north side of 1475 West to connect to. Field verify the location.
5. The existing detention basin will need to be bought into or detention for a 100 year event will need to be provided.
6. Match the existing curb and gutter/park strip with on 1475 West Street.
7. Add culinary and secondary valves on the north, east and south sides of 1475 West Street and 2000 South Street. The valves on the west side of the intersection can be eliminated.
8. All sewer and land drain services must tie into the main, not manholes.

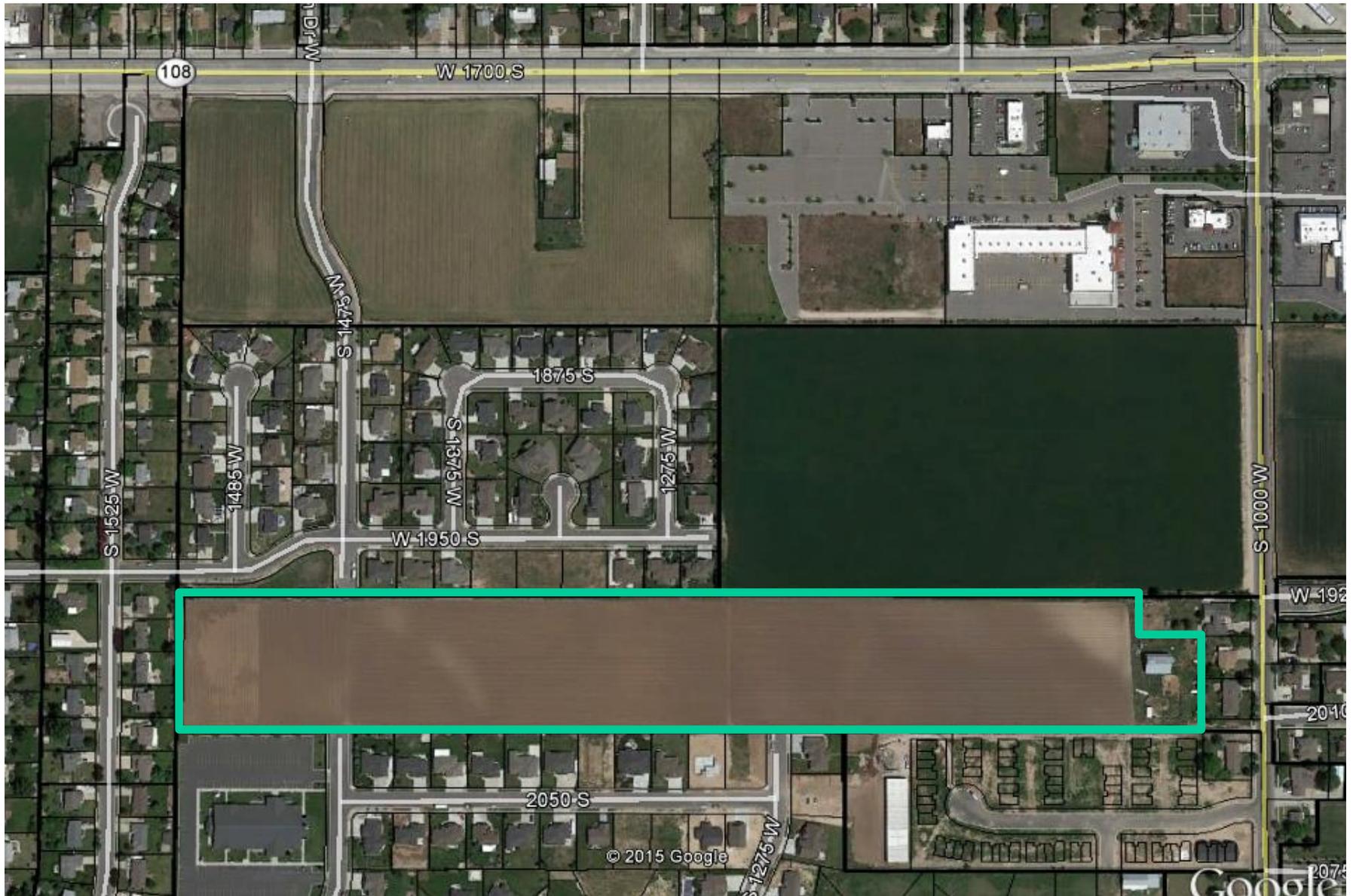
If you have any further comments or questions please feel free to contact me at 801-614-9630.

Sincerely,

Brian Bloemen, P.E.
City Engineer



Keller Crossing 2000 S 1000 W





COUNCIL AGENDA

October 13, 2015

Agenda Item #9 Authorize Administration to execute Land Purchase Agreement for the Ninigret trail project.

Factual Summation

Questions related to this item should be directed to Brigham Mellor CED Director.

- A. The Developer has constructed various improvements in the area between SR-193 and 700 South in Syracuse, Utah, including the Ninigret North I and Ninigret North II Subdivisions.
- B. The City desires to provide recreational amenities to the public, including those who will access the Ninigret North II Subdivision, in the form of trails and trailheads.
- C. The Developer owned a 1.12 acre parcel of land located within Syracuse City (Davis Co. Serial # 12-819-0006) (the "Parcel").
- D. The Developer is willing to install trails and trailheads (the "Trails"), which Trails will: (i) be installed at the locations shown Exhibit A, attached hereto and incorporated herein by this reference, and (ii) enhance the community, the City, and the Developer's project value..
- E. The Developer is further willing to accept payment by the City for the Parcel pursuant to the terms of this Agreement, in combination with the installation of the Improvements described herein.

Recommendation:

Approve the agreement with Ninigret purchasing the 1.12 acre parcel of land located within Syracuse City (Davis Co. Serial # 12-819-0006) for \$175,000 after the trailhead and trail improvements have been made.



Mayor
Terry Palmer

City Council
Brian Duncan
Michael Gailey
Craig Johnson
Karianne Lisonbee
Douglas Peterson

August 25, 2015

Mayor and City Council,

I was asked by Brigham Mellor, Community and Economic Development Director to value Parcel ID 12-819-0006, also known as Ninigret North II Parcel A, which consists of 1.12 acres or 48,787 square feet. The intended users are Mr. Mellor, Mr. Bovero, and the Syracuse Mayor and City Council members. The intended use is to determine the value for City information.

By employing basic recognized appraisal principles of vacant land regarding the valuation of this parcel, the market value conclusion is

\$161,000 or \$3.30 sq/ft.

After reviewed sales and listings in the market area to come to this determination of value. I have included information on 3 comparable properties that I used to come to this determination of value.

My engagement in this assignment was not contingent upon developing or reporting predetermined results and has been prepared in conformity to the Uniform Standards of Professional Appraisal Practice.

Regards,

Scott Paulsen
State Certification #5499767-LA00
Expiration 9-30-2015

**STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE**

ACTIVE LICENSE

DATE ISSUED: 09/05/2013
EXPIRATION DATE: 09/30/2015
LICENSE NUMBER: 5499767-LA00
LICENSE TYPE: Licensed Appraiser
ISSUED TO: SCOTT F. PAULSEN
3289 W 1420 N
CLINTON UT 84015



Scott Paulsen
SIGNATURE OF HOLDER

[Signature]
REAL ESTATE DIVISION DIRECTOR

Form #2

MLS# 1208010

Tour/Open: None
 List Price: \$129,900
 Lease Price: \$0
 CDOM: 154
 DOM: 71
 CTDOM: 19
 Sold Price: \$129,900
 Concessions: \$0
 Address: 3284 S 1700 W
 NS/EW: 3284 S / 1700 W
 City: Ogden, UT 84401
 County: Weber
 Plat: GILES
 SUBDIVISION
 Tax ID: 15-301-0001
 Zoning Code: M1
 School Dist: Ogden
 Sr High:
 Acre FT./Share: |
 Wells: |

Culinary Well Health Inspected:

Prop Type: Industrial
 Acres: 0.82
 Frontage: 121.5
 Side: 184.2
 Back: 128.3
 Irregular: Yes
 Facing: W
 Drv. Access: Asphalt

Water Distance:
 Sewer Distance:
 Gas Distance:
 Usable Electric:
 Pressurized Irr.:
 Conn. Fees: Gas; Power; Sewer; Water
 Irrigation Co:
 Water: Stubbed

Exterior Feat.:
 Irrigation:
 Land Use:
 Utilities: Gas: Stubbed; Power: Stubbed; Sewer: Stubbed
 Zoning: Industrial
 Possession: RECORDING
 Terms: Cash; Conventional
 CCR: No

Lot Facts: Additional Land Available; Cul-de-Sac; Curb & Gutter; Terrain: Flat
 Pre-Market:
 Township:
 Range:
 Section:
 Section

Description:
 Driving Dir:
 Remarks: LOT IS READY TO BUILD ON. ALL UTILITIES STUBBED. CONVENIENT ACCESS TO FREEWAY & MAJOR ROADS.
 Agt Remarks: BUYER TO VERIFY ALL INFO.
 HOA Remarks:
 Clos Remarks:

Status: Sold
 Price Per:
 List Date: 06/17/2014
 Contract Date: 08/27/2014
 Sold Date: 09/15/2014
 Sold Terms: Seller Financing
 Area: Ogdn; W Hvn; Ter;
 Rvrld
 LOT #: 1
 Taxes: \$1,308
 HOA Fee: \$0

Elem:
 Priv Schl:
 Acre FT./Share: |
 Surface: |



Jr High:
 Other Schl:
 Acre FT./Share: |
 Dev. Spring: |

Contact: ANDY OR AARON
 L/Agent: Andrew McCrady
 Co-Agent: Aaron M McCrady
 L/Office: Crest Realty LLC
 L/Broker: Andrew McCrady
 S/Agent: Andrew McCrady
 S/Office: Crest Realty LLC
 BAC: 3%
 Comm Type: Gross

Owner:
 Contact Type: Agent
 Email: mccand@wfrmls.com
 Email: aaroncrest@gmail.com
 Email: mccand@wfrmls.com

Owner Type: Property Owner
 Ph 1: 801-549-8989
 Ph: 801-549-8989
 Ph: 801-953-7012
 Ph: 801-476-9500
 Ph 2: 801-953-7012
 Cell: 801-549-8989
 Cell: 801-953-7012
 Fax: 801-476-9581
 Ph: 801-549-8989
 Ph: 801-476-9500
 Cell: 801-549-8989
 Fax: 801-476-9581

Dual/Var: No
 Wthdrwn Dt:
 List Type: ERS
 Off Mkt Dt:

Exp Dt: 09/26/2014

MLS# 10044

Tour/Open: None
 List Price: \$180,000
 Lease Price: \$0
 CDOM: 96
 DOM: 96

Status: Active
 Price Per: Other
 List Date: 05/21/2015

Address: 520 W 1700 SOUTH ANTELOPE

NS/EW: 1700 S / 520 W

Area: Syrcs; W Pnt;
 Clrfd; Clntrn; S Hpr

City: Clearfield, UT 84015

County: Davis

Plat: METES AND
 BOUNDS

LOT #:

Tax ID: 12-065-0119

Taxes: \$2,197

Zoning Code: M-1

HOA Fee: \$0

School Dist: Davis

Sr High: Clearfield

Elem: Antelope

Priv Schl:

Acre FT./Share: 0.00 |

Acre FT./Share: 0.00 |

Wells: |

Surface: |



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Jr High: North Davis

Other Schl:

Acre FT./Share: 0.00 |

Dev. Spring: |

Culinary Well Health Inspected:

Prop Type: Commercial

Acres: 1.05

Frontage: 266.0

Side: 415.0

Back: 344.0

Irregular: Yes

Facing: W

Drv. Access: Asphalt; Dirt

Water Distance: 100 feet

Sewer Distance: 100 feet

Gas Distance: 100 feet

Usable Electric: 100 feet

Pressurized Irr.:

Conn. Fees:

Irrigation Co:

Water: Culinary Available; Not Connected

Exterior Feat.:

Irrigation: Not Available

Land Use: See Remarks

Utilities: Gas: Available; Gas: Not Connected; Power: Available; Power: Not Connected; Sewer: Not Connected

Zoning: Commercial

Possession: ARRANGE

Terms: Cash; Conventional

CCR:

Lot Facts: Additional Land Available; Terrain: Flat; Terrain: Grad Slope

Pre-Market:

Township: 12

Range: 065

Section: 0119

Section THIS IS A NORTH EAST ADJACENT LOT TO THE COMMERCIAL SHOP LISTING 1293369. MAY BE SOLD TOGETHER

Description: OR SEPARATE FROM SHOP, AS A RECORDED RIGHT OF WAY EXISTS

Driving Dir:

Remarks: NICE COMMERCIAL LOT CURRENT USE IS AUTO TOWING. THIS LOT IS ADJACENT TO COMMERCIAL AUTO SHOP LISTING WITH .85 ACRES MLS 1293369 WHICH IS LISTED FOR \$549,900 THIS LOT CAN BE SOLD WITH THIS LISTING OR SEPARATELY AS THERE IS A RECORDED EASEMENT FOR ACCESS

Agt Remarks:

HOA Remarks:

Clos Remarks:

Contact: KAYE LECEMINANT

Contact Type: Agent

Owner Type: Property Owner

Ph 1: 801-580-0363

Ph 2: 801-943-4394

L/Agent: Kaye LeCheminant

Email: okayehomes@gmail.com

Ph: 801-943-4394

Cell: 801-580-0363

L/Office: Chapman Richards & Associates

Ph: 801-278-4414

Fax: 801-278-2724

L/Broker: George P Richards

BAC: 3%

Dual/Var: No

List Type: ERS

Comm Type: Gross

Withdrwn Dt:

Off Mkt Dt:

Exp Dt: -

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MLS# 1141084

Tour/Open: Tour
List Price: \$120,000
Lease Price: \$0
CDOM: 245
DOM: 245
CTDOM: 507
Sold Price: \$765,000
Concessions: \$0

Status: Sold
Price Per: Acre
List Date: 02/07/2013

Contract Date: 08/27/2013
Sold Date: 01/16/2015
Sold Terms: Other

Address: 4577 S 3500 W
NS/EW: 4577 S / 3500 W
City: Roy, UT 84067
County: Weber

Area: Hooper; Roy

Plat:
Tax ID: 08-050-0007
Zoning Code: C-2

LOT #:
Taxes: \$9,965
HOA Fee: \$0

School Dist: Weber
Sr High: Roy
Acre FT./Share: |
Wells: |

Elem: Roy
Priv Schl:
Acre FT./Share: |
Surface: |



Jr High: Sand Ridge
Other Schl:
Acre FT./Share: |
Dev. Spring: |

Culinary Well Health Inspected:

Prop Type: Commercial; Industrial; Multi Housing
Acres: 7.60
Frontage: 1221.0
Side: 0.0
Back: 0.0
Irregular: Yes
Facing: E

Drv. Access:
Water Distance:
Sewer Distance:
Gas Distance: 1 feet
Usable Electric:
Pressurized Irr.:

Conn. Fees: Gas; Power; Water
Irrigation Co.:
Water: Culinary Available

Exterior Feat.:
Irrigation:
Land Use: See Remarks
Utilities: Gas: Available; Power: Available; Sewer: Available; Sewer: Public
Zoning: See Remarks; Multi-Family; Commercial; Agricultural

Possession: RECORDING
Terms: Cash; Conventional
CCR:

Lot Facts: Fenced: Full; Terrain: Flat; View: Mountain
Pre-Market:
Township: 5
Range: 2
Section: 9

Description: PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF 3500 WEST STREET; SAID POINT BEING 776.57 FEET NORTH 0D42'22

Driving Dir:
Remarks: *WILL SUBDIVIDE* 7.6 acres zoned C-2 & possible rezone for HIGH DENSITY RESIDENTIAL. Some permitted uses are sporting goods store, athletic club, bank, barber shop, book store, cafe, medical/dental clinics, clothing store, coffee shop, convenience store, greenhouse/nursery, gymnasium, health food store, hospital and/or supplies, laundromat, library, legal office, nursery school, pharmacy, post office, mailing service, restaurant, indoor theater, Call agent for permitted, conditional and non-permitted use schedule.

Agt Remarks:
HOA Remarks:
Clos Remarks:

Contact:
L/Agent: Bill Haaser
L/Office: RE/MAX Metro South Ogden
L/Broker: Linda Bexell
S/Agent: Bill Haaser
S/Office: RE/MAX Metro South Ogden
BAC: 3%
Comm Type: Net

Owner:
Contact Type: Agent
Email: Bill@BillHaaser.com
Email: Bill@BillHaaser.com
Dual/Var: Yes
Wthdrwn Dt:

Owner Type: Property Owner
Ph 1:
Ph: 801-612-1111
Ph: 801-475-7300
Ph: 801-612-1111
Ph: 801-475-7300
List Type: ERS
Off Mkt Dt:

Ph 2:
Cell:
Fax: 801-476-1141
Cell:
Fax: 801-476-1141
Exp Dt: 01/31/2014



COUNCIL AGENDA

October 13, 2015

Agenda Item #10

Code Amendment to Title VIII pertaining to Final Approval Performance Security

Factual Summation

City staff has done due diligence as a result of various guarantee requests from developers. We have found the proposed options to be low risk for performance security of required development improvements. The city would like to accept these low risk options for guaranteeing development improvements to prevent the need for future special approval on certain developments. In addition, as the economy improves, financial institutions have begun to ease up on restrictions and limitations for irrevocable letters of credit which acts as a bond for entities viewed as low risk borrowers in the eyes of credible lending institutions. As the city expands and creates more RDA's to encourage development, the RDA component will help facilitate different options to utilize tax increment to facilitate development.

Attachments

- Proposed code amendment

Recommendation:

The Planning Commission moved to recommend approval to the City Council of the code amendments to Title 8.30.30 (E) pertaining to Performance Securities on September 1, 2015 with a unanimous vote.

ORDINANCE NO. 15-19

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE VIII OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO PERFORMANCE SECURITIES

WHEREAS, due to the pace of growth in the City there are from time to time small proposed changes to various City ordinances that are warranted; and

WHEREAS, these small proposed changes come to the attention of the Planning Commission through varied means including but not limited to questions, concerns or complaints from the general public and or from developers that are seeking clarification on the language in the City code; and

WHEREAS, the Planning Commission takes each question or concern under consideration and addresses it on case-by-case basis in a fair and judicious manner paying specific attention to the reasonableness and legality of the request as well as the reasonableness and legality of the City's own ordinances; and

WHEREAS, after such consideration Planning Commission will either support and sustain current ordinances as adopted or in other cases have staff research and address each proposed change and put forth amendments to existing ordinances; and

WHEREAS, the Planning Commission now hereby wishes to amend various sections of Title X to address such proposed changes.

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

Section 1. Amendment. The following sections of Syracuse City Municipal Code are hereby amended as follows:

Exhibit A

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

Section 3. Effective Date. This Ordinance shall become effective immediately after publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8th DAY OF SEPTEMBER, 2015.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Mayor Terry Palmer

Voting by the City Council:

“AYE” “NAY”

Councilmember Peterson	___	___
Councilmember Lisonbee	___	___
Councilmember Duncan	___	___
Councilmember Johnson	___	___
Councilmember Gailey	___	___

this title. Standard 22-inch by 34-inch and reduced to 11-inch by 17-inch (one-half scale) of the plan and profile will be required for review by the City. General information required:

(A) Plan for Culinary Water Improvements. Show proposed water main sizes, valves, fire hydrants, and service connections to all lots within the proposed subdivision and connections to existing water mains.

(B) Plan for Secondary Water Improvements. Show proposed secondary water main sizes, valves, and service connections to all lots within the proposed subdivision and connections to existing secondary water lines.

(C) Plan for Sanitary Sewer. Show proposed sewer mains and manholes, together with proposed slopes and depths within the proposed subdivision. Also show location of service laterals to each lot within the subdivision.

(D) Land Drain. Show method of dealing with land drains and subsurface water drains within the proposed development. If applicable, indicate location of any service connections and service manholes within the subdivision.

(E) Storm Water. Show location and size of storm water drains, together with any manholes or drop boxes within the subdivision. Show slope and grade of all storm drain lines. Storm water calculations need to accompany drawings for engineer review.

(F) Streets. Typical cross section of road improvements, together with flow line of proposed curb and gutter improvements as compared with existing ground slopes and center line offsets of all proposed utilities.

(G) Stationing. Stationing callouts should conform with acceptable engineering practices.

(H) Agreements. When necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission. [Ord. 13-02 § 1 (Exhibit); amended 1997; Code 1971 § 8-6-2.]

8.30.30 Final approval.

(A) Submittal. Submit four standard 22-inch by 34-inch copies of plat and plan and profile sheets, one copy of each reduced to 11-inch by 17-inch (one-half scale), plus one PDF copy to the City, together with a cost estimate of off-site improvements and storm drain calculations.

(B) Engineer Review. City Engineer will review submitted documents and transmit his conclusions and recommendations to the Planning Commission, including cost estimate for off-site improvements required by City ordinance.

(C) Approval. Upon receipt of the approved plans from the City Engineer the Planning Commission shall forward to the City Council their recommendation to either approve or reject the final plat or shall table action for the next regular meeting or until the specified deficiency has been corrected.

If the Planning Commission does not approve the final plat, disapproval shall be indicated by written notice stating the reasons for disapproval, in which case the decision can be appealed to the City Council, whose decision will be final.

Approval of final plats by the City Council will extend for a period of 12 months. If work or subsequent action by the subdivider to proceed with off-site construction does not occur within the 12-month period following initial approval, the plat and construction drawings must be resubmitted and become subject to reapproval under the latest City ordinances and specifications.

(D) Construction of Off-Site Improvements. No construction of off-site improvements shall commence until the subdivider has completed a preconstruction meeting with the City Planning, Engineering, and Public Works Departments, at which time a review of construction project and expectations of the City will be discussed. Such conference shall be scheduled with the City and all affected utility companies will be invited to attend.

(E) Approval to Record Subdivision. Before any subdivision plat may be recorded, the subdivider shall furnish a corporate surety bond, cash escrow, irrevocable letters of credit from a credible lending institution, or a tax increment incentive as part of a signed reimbursement agreement from the Re-Development Agency which has been approved by the City Manager, in an amount as finally determined by the City Engineer to secure the performance of the public improvements in a workmanlike manner and according to specifications established by the Syracuse City subdivision standards (See SCC 8.10.020). Some of the public improvements are as follows:

- (1) Paving of streets.
- (2) Curb, gutter and sidewalks.
- (3) Sewer and water lines, including irrigation lines.

(4) Storm and subsurface drainage.



COUNCIL AGENDA

October 13, 2015

Agenda Item #11

Proposed Ordinance 2015-21 enacting Section 11.20.040, Park Restrictions, in the Syracuse City Code.

Factual Summation

- Any question regarding this agenda item may be directed at Chief Atkin
- Please see attached

Chief Atkin is requesting the adoption of an additional parking ordinance. The purpose of this proposed ordinance is to allow the Department to better address parking concerns of residents and to provide increased safety. This ordinance would be added to Chapter 11 Section 20.

ORDINANCE 2015-21

AN ORDINANCE OF THE SYRACUSE CITY COUNCIL ENACTING SECTION 11.20.040, PARKING RESTRICTIONS.

WHEREAS, the City has authority to enact laws regulating the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds pursuant to Section 10-8-11 of the Utah Code; and

WHEREAS, the City Council of Syracuse City finds that the regulation of parking on roads and alleys within the City is necessary in order to provide for safety and expeditious travel on those roads and alleys; and

WHEREAS, the Council finds that the obstruction of sidewalks, public and private driveways, and mailboxes by vehicles or trailers can unnecessarily burden users of those amenities and lead to safety hazards; and

WHEREAS, the Council finds that governmental entities that must block private or public driveways for an extended period of time should be required notify affected property owners, as well as coordinate with city officials; and

WHEREAS, the Council finds that the attached regulations are designed to improve the safety and welfare of our community,

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

Section 11.20.040 of the Syracuse Municipal Code is enacted, as provided in the attached exhibit (Exhibit A).

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, this ____ day of _____, 2015.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, CMC
City Recorder

By: _____
Terry Palmer
Mayor

EXHIBIT A
Proposed Ordinance

Parking restrictions 11.20.040

It shall be unlawful to stop, stand, or park any vehicle or trailer:

- (1) in such a manner so as to obstruct access upon, or use of, the entire surface of any sidewalk;
- (2) upon any street, public right-of-way, or publicly owned or controlled property, for a period of more than seven days, if the vehicle or trailer is mechanically inoperable or cannot be lawfully operated on public streets. For purposes of this Subsection, "mechanically inoperable" includes, but is not limited to, flat tire, dead battery, any mechanical problem that would prohibit the immediate starting of the engine and proceeding in a normal manner. "Lawfully operated" includes, but is not limited to, having current registration and required equipment, and the absence of any physical condition which would prohibit lawful operation, such as missing or inoperable lighting;
- (3) in any fire lane, or to otherwise block or obstruct any fire lane or hydrant established by the City, except as necessitated by an emergency;
- (4) on any public property, other than in designated parking areas, or as legally permitted on roadways;
- (5) in a manner that obstructs the delivery or retrieval of mail from a mailbox, or which obstructs refuse collection. This subsection is only applicable during times when those services are occurring or are likely to occur, and does not apply if the driver is present and moves the vehicle or trailer to avoid obstruction when such services are actually rendered; or
- (6) in a manner that obstructs all or part of a public or private driveway, without permission from the driveway's owner.
- (7) (a) This section does not apply to any vehicle or trailer which is owned by a governmental entity and which is being used for official government business, or to vehicles which have been authorized by the applicable highway authority to stop, stand or park in a manner otherwise contrary to this section.
(b) Such vehicles may not block access to private or public driveways, except in cases of emergency repairs, when necessary in order to provide police or fire services, or pursuant to a road or lane closure authorized by the applicable highway authority.
(c) When it is anticipated that access to private or public driveways will be blocked for greater than one hour, the entity shall coordinate its plan with the City, and shall communicate its plan to the affected property owner, at least twenty-four (24) hours prior to the time access is blocked.