

Minutes of the Special meeting of the Syracuse City Council held on October 8, 2013, at 7:10 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

Excused: Councilmember Douglas Peterson

City Employees Present:
Public Works Director Robert Whiteley
City Attorney Clint Drake
Fire Chief Eric Froerer
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson
Community Development Director Sherrie Christensen

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|-------------------|-----------------|-----------------|-----------------|
| Visitors Present: | Troy Teeples | Ryan Delham | Alex Teeples |
| | Brody Finlinson | Zach Teeples | Cooper Seamons |
| | Tim Delham | Ethan Jensen | Kade Montano |
| | Cassie Montano | Kayla Vansickle | Cheltzie Thomas |
| | Austin Pauli | Jamie Stoker | Spencer Stoker |
| | Alex Black | | |

1. Meeting Called to Order/Adopt Agenda

7:10:27 PM

Mayor Nagle called the meeting to order at 7:10 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Boy Scout Mason Cook offered an invocation. Boy Scout Brennan Chase then led all present in the Pledge of Allegiance.

7:12:42 PM

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADD PUBLIC COMMENTS, COUNCILMEMBER REPORTS, MAYOR REPORT, AND CITY MANAGER REPORT TO THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

7:13:03 PM

2. Approval of Minutes:

The minutes of the Work Session and Regular Meetings of September 10, 2013 and the Work Session and Special Meetings of September 24, 2013 were reviewed.

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COUNCILMEMBER SHINGLETON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION AND REGULAR MEETINGS OF SEPTEMBER 10, 2013 AND THE WORK SESSION AND SPECIAL MEETINGS OF SEPTEMBER 24, 2013. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

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2.5. Public Comments

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Nathaniel Richardson stated he thinks there should be a crosswalk on the north side of Syracuse Junior High because there are a lot of people that jaywalk in that area.

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Paula Rowley stated she lives in the Bridgeway Island Subdivision and she wanted to comment regarding the proposed ordinance 13-14 approving the annexation of property at approximately 4000 W. and 1200 S. She stated she just found out about this issue today on Facebook. She stated she feels like this is a very inappropriate place to locate high density housing; with standard urban planning there is usually rural property, followed by horse property, followed by large residential lots, followed by medium sized lots, and ultimately small lots. She noted high density is placed close to public transportation and this area is far from public transportation. She stated her son has a Utah Transit Authority (UTA) pass and he uses it every day and it is a long walk from her home to the closest bus stop. She added Antelope Drive does not even have sidewalks on the entire length and it is not very safe. She stated that it is necessary to look at urban planning; the City needs high density housing in some spots as well as some retirement housing, but this location is not appropriate for those types of uses. She added housing of this nature should have green space and, if the properties are intended to be rental properties, large playground areas in order to prevent large roaming bands of children. She stated there are already roaming bands of junior high children on the last day of school and they looked menacing walking down 4000 West a couple of weeks ago. She stated the area needs ballparks and places to play, but definitely not high density housing by the lake.

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Sarah Nelson stated she and her young family just moved to Syracuse four months ago and the reason they are most concerned about the proposed annexation is because she lives at 1216 S. 4000 W. and the proposed development would be right in her backyard. She stated when she was contemplating moving to the area she called both West Point and Syracuse City to inquire about the vacant parcel of ground and she was told by both cities that the property is not currently annexed into either City and that in order for development to take place the annexation would need to take place. She stated she got the feeling that West Point assumed the property would be annexed into Syracuse. She stated that she understands the reality that an empty field will eventually be developed and she is not opposed to development, but she was told that the zoning would be similar to the zoning in Bridgeway Island and a similar neighborhood with similar sized lots would be constructed there. She stated she was not opposed to that type of development. She then stated that she received no notification of this proposal other than the big 'for sale' sign posted on the property on 4000 West. She stated she walked across the street onto the east side of 4000 West knowing those homes would be looking into the field and the homeowners there also had no idea of this proposal and they were surprised.

7:20:13 PM

Michelle Banz stated she is also speaking about the same issue; she is shocked at how this has come about so abruptly. She stated she has not heard anything about the proposal until today; she never heard a whisper of anything about high density housing being located in West Syracuse. She stated she lived on 2000 West for years and moved to West Syracuse two years ago to avoid the traffic and other issues that come along with living in central Syracuse. She stated she wants to avoid all the 'yuck' that comes from high density housing. She stated she is shocked that she received no notification; when she has applied for zoning issues in the past it was required to notify all of her neighbors and get their approval before proceeding with the process. She asked why the neighborhood was not notified and stated she heard about it in Facebook two hours ago. She stated it is very inconsiderate to the community that lives in the area. She stated there is hardly anyone present from the community, but when people have such little notice it is hard for them to drop everything in their lives in order to attend this type of meeting; otherwise, she is sure there will be a lot of people that are outraged.

7:22:14 PM

Terry Palmer stated he wants to talk about the Equestrian Park again; he is curious as to the status of constructing restrooms at the Park and he asked if the City has talked with Merle Thurgood about the request. He asked that the Council enlighten the public of the status of that request before adjourning the meeting.

7:23:04 PM

TJ Jensen stated there was a situation in the last Planning Commission meeting where some residents expressed their displeasure regarding a conditional use permit for duplexes; the Planning Commission is in the situation where unless they can find a compelling reason not to grant the permit, they must approve the application as long as the applicant meets the

conditions. He stated the Planning Commission's hands were tied and this is an issue the Commission wants to visit in the future. He stated five neighbors living within two houses of the subject property commented on the application and at least one neighbor commented on duplexes in other areas of the City. He reiterated the Planning Commission will discuss the issue further and submit a recommendation to the City Council. He then stated relative to the proposed annexation, the zoning being recommended for the parcel is the current recommendation included in the City's Master Plan; if the Council decides to recommend a different zoning for the property, they would need to solicit a recommendation from the Planning Commission per City ordinance.

[7:24:51 PM](#)

3. Proposed Resolution R13-25 making appointments to the Syracuse Arts Council.

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

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

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

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

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

[7:25:00 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO TABLE PROPOSED RESOLUTION 13-25 MAKING APPOINTMENTS TO THE SYRACUSE ARTS COUNCIL. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

[7:25:11 PM](#)

Council and staff discussion regarding the motion ensued.

[7:29:13 PM](#)

Mayor Nagle stated there has been a motion and second to table the proposed resolution and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[7:29:38 PM](#)

4. Proposed Resolution R13-26 appointing Nicholas Weber to the Architectural Review Committee.

A staff memo from Community Development Director Christensen explained the Architectural Review Committee meets on an as needed basis to review commercial site plan reviews. At the previous meeting it has been noted that some members do not attend regularly. Staff contacted those individuals and asked if they wished to continue to serve. Helen Murdock has submitted a letter of resignation, citing her busy schedule and thanking the city for the opportunity to serve. Staff approached the Mayor requesting that new appointees be found for the committee. Two applicants submitted letters of interest, Nicholas Weber and Dan Schuler.

The Mayor, requested that I meet with each of the candidates and make a recommendation for appointment. Noah Steel and I interviewed applicants for the vacancies on the Architectural Review Committee on October 1 and 2, 2013. Both candidates were very interested in serving on the ARC and contributing to the community.

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

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

[7:29:45 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION 13-26 APPOINTING NICHOLAS WEBER TO THE ARCHITECTURAL REVIEW COMMITTEE. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[7:30:05 PM](#)

5. Public Hearing – Proposed Ordinance 13-14 declaring the annexation of 20.061 acres of property located at approximately 4000 West and 1200 South into the City of Syracuse, Davis County, Utah, and establishing zoning for the property.

On August 13, 2013 Con Wilcox filed a petition to annex into Syracuse City 20.61 acres of property located at approximately 4000 West 1200 South. The City Engineer has reviewed the annexation petition and his comments have been addressed by the petitioner. On August 27, 2013 the Council voted to accept the annexation and I immediately began the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated. The annexation petition was certified shortly thereafter and a notice of certification was published in the Standard-Examiner for three consecutive weeks; the notice was meant to outline the annexation protest process. The same notice was also sent to all affected entities. The protest period expired October 3, 2013 and no valid protests were filed. It is now appropriate to move to the next step in the process, which is to hold a public hearing to consider adopting an ordinance approving the annexation petition. A draft ordinance has been prepared for your consideration and all relevant materials have been attached hereto.

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

[7:30:42 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE PROPOSED ORDINANCE 13-14 DECLARING THE ANNEXATION OF 20.061 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4000 WEST AND 1200 SOUTH INTO THE CITY OF SYRACUSE, DAVIS COUNTY, UTAH, AND ESTABLISHING ZONING FOR THE. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Council and staff discussion regarding the motion ensued.

[7:31:55 PM](#)

Mayor Nagle stated there has been a motion and second to table the proposed ordinance and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[7:32:47 PM](#)

6. Public Hearing – Proposed Resolution R13-27 updating and amending the Syracuse City Consolidated Fee Schedule.

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

Plan Check Fees:

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

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

Provider of culinary or secondary water.

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

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

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

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

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

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

Building Fee \$1,411.00

Plan Check Fee \$564.00

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

Public Works Contracting Service Rate

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

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

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

[7:32:58 PM](#)

Mayor Nagle opened the public hearing.

[7:33:20 PM](#)

Kyle Hamblin, Castle Creek Homes, stated he wanted to express his appreciation to the Council and staff; he enjoys building in Syracuse and he hopes he is making a good contribution. He stated Mike Schultz, the owner of Castle Creek Homes, asked him to attend and express some concerns, some of which have been expressed with staff. The only concern Mr. Schultz had was relative to townhomes and the fee schedule assessing a fee per door, but that issue is being addressed with this proposed resolution and he is confident a satisfactory resolution can be reached.

[7:34:07 PM](#)

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

[7:34:10 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO ADOPT PROPOSED RESOLUTION 13-27 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE, WITH THE FOLLOWING CHANGES:

- o CHANGE A TYPOGRAPHICAL ERROR ON PAGE 9: CHANGE 2.1 ACRES TO 2 ACRES TO 2.1 ACRES TO 3 ACRES.
- o CHANGE PUBLIC WORKS CONTRACTING SERVICE RATE ON PAGE 13 FROM \$50 TO \$75.

COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

[7:34:55 PM](#)

Council discussion regarding the motion ensued.

[7:36:45 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO FURTHER AMEND THE FEE SCHEDULE BY REMOVING THE FEE FOR VEHICLE RESTORATION PERMIT APPLICATIONS. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[7:38:33 PM](#)

Mayor Nagle stated there has been a motion and second to amend the original motion and she called for a vote. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER SHINGLETON WHO VOTED IN OPPOSITION. Councilmember Peterson was not present when this vote was taken.

[7:38:48 PM](#)

Mayor Nagle stated there has been a motion and a second to adopt the proposed resolution and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[7:39:06 PM](#)

8. Proposed Ordinance 13-15 amending various sections of Title Eight and Title Ten of the Syracuse City Municipal Code pertaining to land use.

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

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

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

Summary of Amendments

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

Section 8.04.010 Specifies number of copies to be provided

Section 8.05.010 Specifies number of copies to be provided

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

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

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

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

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

Chapter 9 Change heading to reflect chapter content

Section 10.16.020(C) Correct grammar error

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

Section 10.16.020(G) Clarify where measurement is taken

Section 10.16.020(H) Specify open space shall be provided for all residents of subdivision
Section 10.16.020(I) Specify that HOA be professionally managed
Section 10.16.040 Clarify required and optional elements to qualify for bonus density, remove inconsistent language, add optional moderate income housing bonus.
Section 10.16.070(A) Remove the word “generally”
Section 10.16.070(E) Add professionally managed HOA
Section 10.16.070(F) Require developer to fund HOA for 3 years and pay dues for lots when owning less than 40% of the lots
Section 10.25.020 Require sensitive lands documents with application for preliminary plat
Section 10.26.080 Allow a reduction in cell tower setback, provided an equivalent fall zone easement is obtained from adjacent property

[7:39:18 PM](#)

Ms. Christensen reviewed her staff memo.

[7:46:09 PM](#)

Council discussion regarding the proposed ordinance ensued.

[7:59:10 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE PROPOSED ORDINANCE 13-15 AMENDING VARIOUS SECTIONS OF TITLES EIGHT AND TEN OF THE CITY CODE PERTAINING TO LAND USE. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[7:59:28 PM](#)

Council discussion regarding the motion ensued.

[7:59:51 PM](#)

Mayor Nagle stated there has been a motion and second to table the proposed ordinance and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[7:59:58 PM](#)

8. Councilmember Reports

Councilmember Shingleton’s report began at [8:00:08 PM](#). He was followed by Councilmembers Duncan, Johnson, and Lisonbee.

[8:07:05 PM](#)

9. Mayor’s report.

Mayor Nagle’s report began at [8:07:16 PM](#).

[8:08:46 PM](#)

10. City Manager’s Report.

Acting City Manager Marshall’s report began at [8:08:49 PM](#).

[8:13:19 PM](#)

At [8:13:20 PM](#) p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: October 22, 2013