

Minutes of the Regular Meeting of the Syracuse City Council held on May 26, 2009, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark
Doug Hammond
Lurlen A. Knight
Douglas Peterson
Larry D. Shingleton

Mayor Fred Panucci
City Administrator Rodger Worthen
City Recorder Cassie Z. Brown

City Employees Present:
Fire Chief Craig Cottrell
Community Development Director GJ LaBonty
Information Technologies Director TJ Peace

Visitors Present: TJ Jensen Hayden Jardine Stockton Larson
Adrian Stephenson Logan Beck Brandon Mikesell
JD Brown Brian Bott Caleb Shupe
Ashton Bingham

1. Meeting Called to Order/Adopt Agenda

Mayor Panucci 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. An invocation was provided by Councilmember Clark and at the request of the Mayor, Councilmember Knight, led all present in the Pledge of Allegiance.

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

2. Approval of Minutes

The minutes of the Special Meeting of April 28, 2009 were reviewed.

Councilmember Peterson stated that the section of the minutes highlighting the motion to convene in a Closed Executive Session included past Councilmember Orton's name rather than Councilmember Shingleton's.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF APRIL 28, 2009 AS AMENDED. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

The minutes of the Work Session Meeting of April 28, 2009 were reviewed.

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF APRIL 28, 2009 AS PRESENTED. COUNCILMEMBER KNIGHT SECONDED THE MOTION; ALL VOTED IN FAVOR.

The minutes of the Regular Meeting of April 28, 2009 were reviewed.

COUNCILMEMBER SHINGLETON MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 28, 2009 AS PRESENTED. COUNCILMEMBER CLARK SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Public Comments

No visitors present wished to make public comments.

4. Councilmember Reports

Councilmember Peterson stated he had nothing to report, except to note that the school year is winding down.

Councilmember Clark stated that he wanted to welcome a group of boys from his neighborhood to this meeting. He then reported that he attended the Wasatch Integrated Waste Management District (WIWMD) Finance Committee meeting today and there were two main topics discussed. He stated that one item was the District's hope to move forward with construction of the recycling center that will be located inside the gates of the landfill. He stated that there is currently discussion about what items the recycling center will accept; the District does not want the program to be a 'money-maker', but they want it to be self sustaining. Mayor Panucci asked if the center will accept aluminum cans. Councilmember Clark stated that he can not remember talking about aluminum cans, but the center will accept plastics, cardboard, and glass. He stated he will ask about aluminum cans. He then stated that the center will provide the District with the ability to store recyclables on site. He reiterated that the center will be located inside the gates of the landfill ahead of the location of the

scales. He stated there has also been some discussion about privatizing and some of the capacity at the burn plant, which could potentially reduce the amount of waste being delivered to the landfill. He then stated the other main point of discussion during the meeting was regarding the green recycling pilot program that Fruit Heights was planning to participate in. He stated the project is still tentative because the Fruit Heights City Council pulled the project back; the District is still hoping to implement the program by June 1, but if that does not happen they will wait until next year to begin the program. Mayor Panucci asked if there is any news on a new landfill site. Councilmember Clark explained that Box Elder County pulled out of the Northern Utah Regional Landfill Association (NURLA) and the piece of property located in Box Elder County is no longer an option. He stated that the current land fill will be at capacity in seven to ten years from now.

Councilmember Knight reported that the City hosted a Memorial Day event at the City cemetery; the American Legion from Clearfield City placed all crosses and flags at the cemetery. He stated that he was contacted by a lady whose husband's grave had not been properly identified so he called the American Legion and they returned to the cemetery to appropriately mark the grave. He thanked the American Legion for their service; they were great. He then reported that the North Davis Sewer District (NDS) has repaved the section of road and walking trail on west Gentile Lane. He stated that the section that was repaved is very thick in order to prevent damage from trucks driving on it. He stated that in the recent past he has been reporting that the NDS was planning to reissue their bond; that has been done and the NDS had such a high bond rating because they have so much money in reserve, enough that they could replace a mile of sewer line if necessary. He stated that due to the fact that the bond was a secure bond there were several groups interested in investing it and the interest rate was driven down. He stated the NDS originally anticipated saving \$500,000 over the life of the bond, but they ended up saving \$1.1 million over the life of the bond, or 10 years. He stated he thought that was good news for citizens. He then stated that he wanted to mention that the City needs to pay close attention to its cash reserves because the amount of cash in reserve can affect bond ratings. He stated bond ratings are easy to lose and more difficult to restore. He then reported that he has recently been working with Representative Paul Ray in proposing legislation in the next session that would combine parks purchase and parks development impact fees into one fee – the revenues of which could be used for either the purchase of park ground or the development of park ground. He stated that State Law currently allows entities six years to spend impact fee monies before the City must return that money to residents. He stated that when a city is collecting park purchase monies they are essentially waiting until the final development in a city is complete before they can purchase land. He stated that combining the two fees into one fee would solve that problem. He stated he will keep the Council apprised of future discussions with Representative Ray.

Councilmember Hammond reported that the Syracuse High School Community Council will continue to meet several times throughout the summer months because they want to keep an active agenda. He then reported that the Syracuse City Council has been holding cottage meetings that the public has been invited to attend. He stated this Thursday the fourth and final cottage meeting will be held at Syracuse Elementary School at 6:00 p.m. and he encouraged everyone to attend and listen to everything that is being said. He then added that the Memorial Day event was well organized and all the participated deserve many thanks. He stated the cemetery looked outstanding; it is one of the best looking cemeteries that he saw this Memorial Day. He then reported that he had an opportunity to meet and talk with Senator Bennett over the past couple of days and it is interesting to hear about the things he is working on in Washington and how things will affect Syracuse.

Councilmember Shingleton stated that he would also like to compliment those that organized the Memorial Day service. He stated he visited two other cemeteries over the weekend and the Syracuse City cemetery looked the best. He then added that the Deseret News ran an article that ranked schools according to how they ranked in the entire State of Utah and Syracuse High came in at eighth place of all the 5A schools. He stated that is pretty amazing considering that the school has only been open for two years.

5. Mayor Report

Mayor Panucci reported that he also had the opportunity to meet with Senator Bennett; both he and Councilmember Hammond had visited Washington, D.C. recently, which is why Senator Bennett contacted them to talk about things that are happening on the federal level that will affect Syracuse. He stated that the meeting gave him an opportunity to ask Senator Bennett about some funding that has been solicited for Syracuse. He stated that Senator Bennett will send one of his staff members to Syracuse next week and he plans to take some time to give him a tour of the City and let him see the issues the City is dealing with. He then reported that he attended the Planning Commission meeting last week and during the meeting a resident was seeking approval for a day care that will serve 64 children, which is the maximum allowed in Syracuse City. He stated the Planning Commission approved the request. He stated the 64 children will be at the home in different shifts, but that means that up to 64 cars will be entering the neighborhood to visit the home, which is located in a cul-de-sac. He stated that the current City ordinance allows for this, but he asked Community Development Director LaBonty and the Planning Commission to review the ordinance and see if the allowed number of children should be lowered to prevent day cares from changing the complexion of a neighborhood. He stated residential zones are meant to accommodate housing developments,

not businesses that will have up to 64 customers per day. He then reported that the roundabout will be paved within a few days and during that work the intersection will be closed for three days. He then reported that he attended a Council of Governments (COG) meeting recently and there was a presentation from the Utah Department of Transportation (UDOT) regarding several projects; one of the projects mentioned is the interchange to be built at the south end of Layton City. He stated the interchange will be completely reconstructed and the bridge in the area will be replaced. He added that there will be a lane gang project taking place from the interchange south on Interstate-15 to Farmington City; at the conclusion of that project there will be a minimum of four lanes from the south Layton interchange all the way into North Sale Lake, which should help those commuting to Salt Lake. Councilmember Clark inquired as to where the on and off ramps will be at the interchange. Mayor Panucci stated those plans have not yet been finalized. He added that other projects reviewed were the Layton Main Street road widening project and the 2000 West road widening project. He stated that all projects should commence in the fall and will take approximately one year to complete.

6. Discussion regarding tabled appeal of Planning Commission decision to grant Conditional Use Approval for a detached garage located at 3127 South Bluff Road.

On March 23, 2009 a letter was sent to Gregory and Tonya Hyatt informing them that City Code Enforcement Officer had reported a large accessory structure under construction in the rear yard of their property. The letter stated that the building appeared to be at least 200 square feet in size and more than 10 feet in height. They were also informed in this letter that the City has no record of application for either Conditional Use approval or a Building Permit for this structure. On April 2, 2009 the applicant complied with the City's request and filed an application for a Conditional Use permit. His application was placed on the agenda for the April 21, 2009 Planning Commission meeting. At that meeting the applicant came before the Commission requesting Conditional Use approval to construct a detached garage on this property. The applicant stated before the Commission that he was unaware of the process and was appearing before the Commission to be in compliance with City ordinances. The size of the proposed structure was 320 sq ft (16' x 20') and 7' tall from finished floor to top plate. His application also indicated that the overall height of the structure was eighteen (18) feet. The applicant stated that he planned to finish the structure with siding match the color of the current residence (beige) and a shingle roof. The proposed parcel of land is .31 acres and there also exists a 15' Public Utility Easement (PUE) on the entire northwest side of the property. The applicant has received letters from all of the utility companies giving him permission to encroach on the PUE. He is proposed a setback of 8' from the north property line. The applicant indicated that the purpose of this structure is for personal storage only. At this meeting the Planning Commission opened the agenda item up for a public hearing. During that hearing there were three people that commented on the application. Two of the three were neighbors, Lisa Henderson, 1383 W 3090 S and Judy Berg, 1364 W 3150 S, the third person to comment was Tonya Hyatt. The two neighbors each had concerns with the height of the structure. The Commission closed the public hearing and discussed the issue further. While there were concerns expressed by Commission members as to the violation of the process for application of Conditional Use Permits, namely that the applicant was now before them asking for approval of a structure that was nearly 50% complete, the Commission could not find that the application was in violation of any other City ordinances. A motion was made by Commissioner Hellewell to approve the structure and a second was made by Commissioner Miller. A vote was taken. The vote was 3-2 in favor of approving the application with Commissioners Nagle and Jenkins voting 'NAY'. After his Conditional Use application had been approved Mr. Hyatt called the City Offices to request a building permit. He was quoted the price of the permit for his structure and at that time that he made the comment to the building official that felt it may be too much money. He was also informed by the building department that if he were to construct his structure to be less than two hundred (200) square feet while still complying with all other building and setback requirements that he would not be required to file for a building permit. At that time he told the building official that he would think about the cost of the permit and get back in touch with the City shortly. He called the building department back and informed them that he was in fact going to reduce the size of the structure to less than two hundred (200) square feet so that he would not be required to file for a building permit. He asked the building department what size structure would qualify and was told that a sixteen (16) by twelve (12) foot structure (192 square feet) would meet the ordinance. He also inquired as to the size of overhanging eaves that were permitted. He was informed that overhanging eaves were not to extend more than two (2) feet beyond the wall of the structure.

Following the approval of the Conditional Use application by the Planning Commission on April 2, 2009 Mrs. Henderson then filed an appeal with the City Records office. The appeal was added as agenda item for the May 12, 2009 City Council agenda. The Conditional Use applicant was notified of the meeting date and time. The City Council heard the appeal on this item but the applicant was not in attendance. At that meeting the Mr. and Mrs. Henderson both commented that work on the structure was still progressing. Staff commented that since the approval of the structure by the Planning Commission on April 2, 2009, no building permit had been filed. The Council chose to table the agenda item until staff could

contact the Hyatt's and confirm the status of the structure and whether or not a permit had been filed. The Council also asked that the City Building official 'red-tag' the structure in order to halt work until a determination of compliance could be made. The building official delivered this notice to stop work on Wednesday May 13, 2009.

On Friday May 15, 2009 Gregory Hyatt made an appointment with the Building Official, Jason Van Ausdal and Community Development Director G.J. LaBonty to discuss why his project had been shut down. At that meeting Mr. LaBonty and Mr. Van Ausdal explained the reasons why his project had been shut down. Mr. Hyatt explained that he had made a decision to reduce the size of the accessory structure to less than two hundred (200) square feet in order to avoid having to pay for a building permit. Mr. Hyatt brought a sketch of his new proposed structure with him to that meeting. Mr. LaBonty and Mr. Van Ausdal asked about the four (4) foot overhanging eave that he had shown on his drawing. Mr. Hyatt explained that he had made the assumption that if he were to eliminate the eave on one end of his building that he could extend the eave on the other end of the building by another two (2) feet. He was told that the maximum overhang on any side of the structure was two (2) feet regardless of any other eaves on the structure. Mr. Hyatt conceded that he would make the adjustments to his structure. Mr. LaBonty and Mr. Van Ausdal asked what the second story of the structure was intended to be used for. Mr. Hyatt commented that second floor would only be used for additional storage and that there would only be access through a hatch or access panel. There would be no stairs or formal access to the second story and so this space qualifies as an "attic" by state building code. A sketch of his proposed design is included with this memo.

Following the discussion with Mr. Hyatt staff has asserted that he has met the City's requirements for compliance with the construction of an accessory structure. As his structure no longer requires a Conditional Use permit nor a building permit, there is no standing for an appeal of this issue. Staff recommends at this time that the Council un-table the appeal before them and dismiss the appeal based on this assertion.

Mayor Panucci summarized the memo submitted by staff and explained that the conditional use permit for the Hyatt accessory structure is no longer required because the building size has been reduced to less than 200 square feet. He added that the structure in question has spawned some changes in the City's ordinance; one thing the City's old ordinance did not address was the overall height of a building, it only addressed the height of the building to the top plate, which is the top of the walls of a structure. He stated the ordinance did not address how tall a building could be above the top plate. He stated that the structure in question is much taller than a height that the Council would be comfortable with, hence the change to limit the overall height. He stated the Council tries to anticipate anything that could happen in the City and ordinances are crafted in that manner, but anticipating everything is not always possible.

Councilmember Clark asked what would happen if Mr. Hyatt increases the size of the structure to more than 200 feet again. Mr. LaBonty stated that if Mr. Hyatt is caught doing that he will be required to resubmit to the process he has just gone through. He stated that in order for the City to catch Mr. Hyatt for increasing the building size, someone would need to report that fact to City Code Enforcement.

COUNCILMEMBER CLARK MADE A MOTION TO DISMISS THE APPEAL OF PLANNING COMMISSION DECISION TO GRANT CONDITIONAL USE APPROVAL FOR A DETACHED GARAGE LOCATED AT 3127 SOUTH BLUFF ROAD. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Accept or Deny Annexation Petition 2009-01 requesting the annexation into Syracuse City 4.8 acres of property located at approximately 2200 South 3000 West and forward to City Recorder for certification.

David L. and Cleone B. Cook are petitioning Syracuse City to annex 4.852 acres of land located at approximately 2200 South 300 West. The property is currently part of unincorporated Davis County. The property is owned by David L. and Cleone B. Cook. The land is intended to be used for the construction of Stake Center building for the Church of Jesus Christ of Latter Day Saints. City staff has reviewed the plat that has been submitted with their petition. A letter from the City Engineer is included with your this memo. There are only minor changes to be made to the plat map and staff has found that the parcel would have sufficient access to public utilities were they to be provided by the City.

At this time staff can recommend acceptance of David L. and Cleone B. Cook's petition for annexation of their property into Syracuse City limits.

Mayor Panucci stated that this property is located across the street from the new Fire House and the plans are to build a Church of Jesus Christ of Latter Day Saints (LDS) Stake Center on the property.

COUNCILMEMBER SHINGLETON MADE A MOTION TO ACCEPT ANNEXATION PETITION 2009-01 REQUESTING THE ANNEXATION INTO SYRACUSE CITY 4.8 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2200 SOUTH 3000 WEST AND FORWARD TO THE CITY RECORDER FOR CERTIFICATION. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Proposed Ordinance 09-08 amending the Syracuse City General Plan adopted in 1976, as amended.

The General Plan documents have been “open” for public comment and revision for more than one (1) year. On Tuesday February 10th 2009, the Syracuse City Council adopted the General Plan Land Use Map as recommended and forwarded by the Planning Commission. Adoption of the accompanying General Plan text document was postponed to allow the Planning Commission time to read and comment. (The last update to the General Plan text document was in August 2006.) The Planning Commission convened two subsequent work sessions (March 31, 2009 and April 7, 2009) in order to perform a comprehensive page-by-page review of the document. Staff received and forwarded all public comments to the Commission for their consideration in preparing the final draft. A Public Hearing was held on Tuesday April 21st, 2009 and all public comments received were evaluated and incorporated as appropriate in a “live” editing of the document during that meeting. The final draft provided to each Councilmember and the Mayor you has incorporated all appropriate changes and the staff and Planning Commission feel that the text in this document now aligns with the changes made in the recently adopted General Plan Land Use Map.

Staff recommends that the Council approve the proposed amendments to the General Plan text as presented.

Mr. LaBonty summarized the staff memorandum on this item. Mayor Panucci explained that the General Plan is a fluid document; it is a road map to where the City is going and how the City will be developed. He stated that Mr. LaBonty and the Planning Commission have done an excellent job of presenting this information to the City Council for review; numerous public hearings have been held and the public has been informed. He complimented Mr. LaBonty on an excellent job and he asked Mr. LaBonty to also pass those thanks on to the Planning Commission. Councilmember Hammond echoed Mayor Panucci’s comments.

Councilmember Knight stated that on page 29 of the General Plan document the North Davis Sewer District (NDSD) is referred to as North Davis County; he asked for that to be corrected. He then stated that on page 20 there is data regarding the amount of park land that must be dedicated by a developer and he thought the acreage listed was incorrect. Mr. Worthen agreed and stated that a developer is required to develop 7.2 acres of park ground and that can be amended. Councilmember Knight then stated that on page 17 there is reference to some congestion problems surrounding road construction set to commence in 2008. He asked if that should be changed to 2009 or 2010. Mr. LaBonty stated that he can change it to include 2009 and 2010. Councilmember Knight then stated that he is not trying to be critical to the document; he simply felt it was very important to thoroughly review it. He stated he felt that Mr. LaBonty and the Planning Commission had done an excellent job.

Councilmember Clark asked if the items included in the plan always remain part of the plan, or are they identified somewhere else to ensure that they are accomplished. He stated there are references in the plan to some great ideas and he asked how the City can make sure those ideas get implemented, such as the recommendations on page five to require attractive entryway signs with landscaped plots, or page seven to consider implementing a double licensing program. Mr. Worthen stated that some day those things will be accomplished, though there is no target date for those types of recommendations. Councilmember Clark reiterated that there are some great suggestions in the Plan; the Planning Commission provides the General Plan to the Council and the Council approves it, but is the Council doing anything with the Plan or is it only reviewed when the Planning Commission recommends a revision. Mr. Worthen stated that items included in the General Plan are reviewed on a regular basis. Mr. LaBonty added that staff and the Planning Commission will be reviewing the Town Center Master Plan soon as well. Councilmember Clark stated that he wants to make sure that the Council is reviewing the fluidity of the Plan. Mr. LaBonty explained that one problem was that the Plan had not been visited in the past six or seven years and that is why there are so many changes this time. Mr. Worthen agreed and stated the last rewrite was in 2003 or 2004. Councilmember Clark stated it might not be a bad idea for the Council to review the plan once each year, possibly at budget time. He then stated he had one more item to mention; page 17 of the document refers to 1700 South, but he wanted to point out that for many residents of the City 1700 South is known at Syracuse Road and those residents want that to be the name of the road. The Council then discussed the issue of the name of the road, with all concurring that the name of the road should remain 1700 South within the General Plan document.

COUNCILMEMBER HAMMOND MADE A MOTION TO ADOPT PROPOSED ORDINANCE 09-08 AMENDING THE SYRACUSE CITY GENERAL PLAN ADOPTED IN 1976, AS AMENDED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION AND THE FOLLOWING ROLL CALL VOTED WAS TAKEN: VOTING “AYE” – COUNCILMEMBERS CLARK, HAMMOND, KNIGHT, PETERSON, AND SHINGLETON. VOTING “NO” – NONE.

9. City Administrator Report.

Mr. Worthen reported that during the last Council Work Session meeting Councilmember Knight asked that Planning Commission minutes from the most previous Planning Commission meeting be included in Council packets. He

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stated that may be difficult to do and it may be necessary to simply email Planning Commission minutes as soon as they are available. He then reported staff is working on a safety sidewalk near Buffalo Point Elementary and the City has solicited Community Development Block Grant (CDBG) monies to assist with the project. He added that he received some information from Councilmember Hammond about some monies that may be available from the Department of Work Force Services (DWS) to assist the City in hiring interns to aide current staff. He then reported that UDOT will host a meeting on Tuesday, June 9 at 5:00 p.m. to review the State Road 108 (2000 West) road widening project.

Councilmember Clark asked for a progress report on the Antelope Drive road widening project. Mr. Worthen reported that phase one is complete and he provided some minor details of the project.

Mayor Panucci stated that he wanted to add that residents often complain about the user-friendliness of the City's website. He stated that he spoke with Information Technologies (IT) Director Peace who told him that he is coming to a point where he will be able to lock himself in his office and work on the website. He added that Mr. Peace has found some free software that will assist him in getting that project done.

At 7:41 p.m. COUNCILMEMBER CLARK MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Fred Panucci
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: June 9, 2009