

Minutes of the Work Session meeting of the Syracuse City Council held on January 8, 2013, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

City Employees Present:

City Attorney Will Carlson
Community Development Director Michael Eggett
Parks and Recreation Director Kresta Robinson
Fire Chief Eric Froerer
Police Chief Garret Atkin
Finance Director Steve Marshall
Public Works Director Robert Whiteley
Police Lieutenant Tracy Jensen
Roads Superintendent Mike Mathis

Visitors Present: Brandon Buldoc Dean Rasband Holly Rasband
Bryan Beckstrom Paul Olme

The purpose of the Work Session was for the Governing Body to review the agenda for the business meeting scheduled for 7:00 p.m.; review agenda item six, seven, and eight on the business meeting agenda; receive a presentation regarding sewer camera operations; discuss tree trimming in the Fremont Estates Subdivision; discuss the Police Department personnel budget; and discuss Council business.

6:01:22 PM

Review agenda item #6 – Proposed Ordinance No. 13-01, amending the existing zoning map of Title X, “Syracuse City Zoning Ordinance”, revised ordinances of Syracuse, 1971, by changing from Agriculture 1(A-1) Zone to Residential 1 (R-1) zone on the parcel(s) of real property herein described.

A memo from the Community Development Department explained the Planning Commission held a public hearing on December 18, 2012 for the Ovation Homes rezone request. No public comment was provided during the hearing. The Planning Commission reviewed the request and agreed that the property as proposed is established as R-1 Residential on the General Plan Map and this rezone request is in conformance with the General Plan. The property requested for zone change is approximately 16 acres, located directly south of the existing phases of Trailside Park Subdivision. The developer intends to develop this property as future phases of Trailside Park Subdivision, with inclusion to the Trailside Park Home Owners Association with full rights and responsibilities to the previously provided open space within the development. The applicant has further been granted conditional sketch plan approval for phase 7, contingent upon successful rezone of the property. Phase 7, is inclusive of the northern 8 acres of the 16 acre parcel. In review of the zone change request the Planning Commission examined the UDOT West Davis proposed corridor maps and wetland maps and concluded that the property is outside either proposed alignment and only a small portion of the property in the southeast corner may require wetlands mitigation. The Planning Commission has directed the developer to complete a geotechnical investigation of the property and obtain a letter regarding any jurisdictional wetlands that may exist from the Army Corps of Engineers prior to preliminary plat review.

On December 18, 2012, the Syracuse City Planning Commission unanimously recommended that the Syracuse City Council approve the rezone request from Ovation Homes to rezone property located at 3000 South 2000 West from the A-1 Agriculture to R-1 (Residential), with a finding that the property is designated in the City General Plan for said land us of R-1 Residential . No concerns were raised by the Planning Commission or members of the public.

The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council adopt Ordinance 13-01 and approve the rezone request from Ovation Homes to rezone property located at 3000 South 2000 West from the A-1 Agriculture to R-1 Residential, with a finding that the property is designated in the City General Plan for said land use as R-1 Residential.

Community Development Director Eggett reviewed the staff memo.

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Council discussion regarding the item began. Any questions asked were addressed by Mr. Eggett and City Attorney Will Carlson.

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Review agenda item #7 – Proposed Resolution R13-01, appointing Councilmembers to various committee positions and assignments

A staff memo from the City Recorder explained that at the beginning of each calendar year past Councils have reviewed the lists of appointments and assignments and made changes according to recent election results or other determining factors. I have included the most current list of assignments as well as a proposed resolution including the list of assignments with blanks to be filled in. It is my hope that the Governing Body can determine what appointments and assignments should be made so that a resolution can be adopted in the business meeting to formalize the direction given during the work session.

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The Council had a brief discussion about the various assignments and appointments included in the resolution.

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City Manager Rice stated that he would recommend appointing City Attorney Carlson as a voting member of the ULCT Policy Committee because he will be attending all meetings throughout the upcoming legislative session. Councilmember Lisonbee stated she would like to be a voting member on the ULCT Legislative Policy Committee. Councilmember Duncan stated that he feels that elected officials should hold those positions ahead of City employees. He stated that if Councilmembers Johnson and Lisonbee want to be voting members they should be appointed to those positions. Mr. Carlson stated that he will be happy to continue to attend the meetings even if he is a non-voting member. The Council reached the consensus to appoint Councilmembers Johnson and Lisonbee as voting members and Mr. Carlson as the non-voting members.

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After a brief discussion the Council determined that Councilmember Duncan will be the Mayor Pro Tem, Councilmember Lisonbee would be the Second Mayor Pro Tem, and Councilmember Johnson would be the Third Mayor Pro Tem. There was also a brief discussion of the Employee Appeal Board positions; the Council reached the consensus to appoint Councilmembers Lisonbee and Shingleton as members of the Employee Appeal Board and Councilmembers Duncan and Johnson as alternate members of the Employee Appeal Board. Mayor Nagle stated she wanted to continue with her assignment with the Youth Council and Councilmember Shingleton stated he wanted to continue with his assignment with the Youth Court. There was a discussion about the Planning Commission Liaison position and Councilmember Johnson stated he would continue in that position.

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Mayor Nagle reviewed all the school Community Council assignments and all Councilmembers said they would continue in those positions. Councilmember Peterson stated he would recommend leaving all other assignments as currently listed in the resolution. All Councilmembers concurred.

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Review agenda item #8 – Recommendation for Award of Contract for 1000 West Culinary and Secondary Waterline Project

A staff memo from the Public Works Director explained this culinary and secondary waterline project is one that was identified on our list presented to City Council as a high priority due to the restrictions the existing 6” lines place on the system and the multiple culinary main breaks which have historically occurred through the project limits. This project will involve the installation of a 12” culinary main, 16” secondary main and resurfacing the entire road on 1000 West Street from 2700 South Street to Bluff Road. The City has procured a grant through the Division of Drinking Water, which the culinary main is eligible for. The grant is a 50/50 match between the Division of Drinking Water and the City. The Division of

Drinking Water reviewed and approved the plans prior to bidding the project. The Division of Drinking Water is also required to review the successful bid, which has been submitted for review by the City. The City has received a verbal commitment the submitted bid will be accepted, but the City is still waiting on an official letter. The construction will begin as soon as contract documents are in place and will be completed in Spring/Summer 2013.

The cost for this project came in about \$223,900 less than the estimate. The bid amount for the total project is \$1,136,100.00 and the funding breakdown is as follows:

- Secondary Water Impact Fee: \$360,000.00
- Secondary Water Capital: \$230,228.37
- Culinary Water Capital Budget: \$261,486.99
- Culinary Water Grant Funding Match From DDW: \$261,486.99
- Class C (Repaving 3300 South Street): \$22,897.65

Staff recommends awarding the contract to Ormond Construction, Inc.

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Public Works Director Whitley summarized the staff memo.

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Council discussion regarding the item began. Councilmember Duncan asked if staff has any concerns about Ormond Construction, Inc. Mr. Whiteley stated that he has checked their references and all came back good.

Mayor Nagle asked about the warranty on the project. Mr. Whiteley explained there is a one year warranty after substantial completion date of the project and final inspection.

Councilmember Lisonbee asked if there are any other encumbrances associated with the grant money. Mr. Whiteley answered no. Councilmember Shingleton stated that he likes the idea that the company is required to answer to the state in addition to the City due to the fact that the project is partially funded with grant money.

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Presentation regarding sewer camera operations

A memo from the Public Works Director explained the City is currently in design-stage for the “700 South & 2500 West Road Improvement Project”. During design staff has utilized the sewer camera to check the condition of the sewer mains throughout the project. Staff has discovered that a majority of our sewer is in good condition. About ¼ of the length of the project amounting to ½ mile will require rehabilitation primarily due to joint separation and pipe bellies. Pipe bellies prevent adequate drainage which generates accumulation of sedimentation, which in turn creates a risk of back-ups into sewer service laterals. Sewer back-ups have been problems on this stretch of main in the past. Staff estimates the cost for this repair to be around \$250,000. This does not include the cost of asphalt removal and replacement, since those costs would already be considered with the road rehabilitation. Staff estimates a savings of about \$65,000 in asphalt and road base costs if this sewer is replaced in conjunction with this project. Cash is available in the fund to cover this project. Staff recommends the sewer main replacement be added to this project.

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City Manager Rice introduced the item. Mr. Whiteley then summarized his staff memo and proceeded in reviewing the sewer camera film associated with the project referenced in the staff memo.

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Following the review of the camera film Mr. Whiteley asked if the Council is comfortable with him proceeding with planning for this project. Councilmember Lisonbee asked how the project will be funded. Mr. Rice stated that it will be funded with money in the City’s sewer fund.

Councilmember Shingleton asked if it is possible to add sleeves to sewer pipes. Mr. Whiteley stated it is possible to add sleeves to any gravity fed line, but that will not fix the problems with lateral connections or bellies in the pipe. He stated that in order to make repairs he will need to take out the pipe and replace it correctly.

The Council agreed that it is appropriate for the staff to continue planning to add the sewer aspect to the project.

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Discussion regarding tree trimming in Fremont Estates Subdivision

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A memo from the Public Works Director explained that as the City prepares for winter weather, one of the tasks that staff handles is reminding residents to help us clear obstructions from the roadways in order to allow a clear zone for our

street maintenance equipment. Obstructions such as vehicles and overhanging trees prevent street sweepers and snow plows adequate clearance for full access of the roadway to perform the necessary service. City ordinance 10-6-070J requires that trees overhanging the street and sidewalk be trimmed in order to maintain adequate clearance for our equipment and for pedestrians. According to Section 6-2-5 of the City Code, the residents are responsible to maintain all plantings in the parkstrip adjacent to their property. Because the parkstrip is inside the street right-of-way, the City has the right to perform work inside the right-of-way as necessary. Fremont Estates was one of a number of subdivisions that required some attention regarding tree trimming. The trees were planted very close to the curb. Many of the trees reach approximately 20-30 feet in height, yet the lower branches had not been trimmed prior to December. Notices were delivered to properties requesting that they trim their trees to the required clearance (a copy of the notice was included in the Council packet). After two weeks, if the trimming was not complete, then our city staff took the time to trim the trees. The trimmings took place the week of Dec 10th. Although staff are not professional landscapers, the trimming looks satisfactory. The trimmings did not sacrifice the health of the trees, but rather promote the trees to grow taller (photos were included in the Council packet). The City has received much gratitude from the residents, the mail carriers, and the trash collection service. Staff has also heard some complaint from a few residents regarding the appearance of the trimming. The City has handled the complaints via email and phone. We have also met with many to answer questions and resolve concerns. Some have been unwilling to meet and feel that approaching the council is the direction to take. With the recent snowfall, staff has been able to fully clear the streets in Fremont Estates. This has been a success as we continue to serve our great residents to the best of our ability.

Mr. Whiteley reviewed his staff memo.

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Mr. Rice stated that staff wanted to notify the Council of this issue in the event that they are contacted by residents with concerns about the tree trimming. Councilmember Duncan stated that the Council did receive one email about the issue.

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Discuss Police Department personnel budget

This item was added to the agenda by Councilmembers Duncan and Lisonbee.

Councilmember Duncan stated that during the budget retreat, former Police Chief Wallace noted that he wanted to dedicate the difference between his salary and the new Police Chief's salary to pay increases for the Police Officers. He stated the Council discussed that proposal and his opinion is that the money needs to be recovered by the City to pay employees for the job they are doing. He stated that once Chief Wallace retired it is not his money to give, though it was a generous offer. He stated that the concept was that the budget could be reopened to discuss the issue further. He stated that he wants to take the money and put it back in the general fund; that is the way business works. He then stated that this can be discussed in conjunction with the knowledge that the staff already received an average three percent raise. He stated that if the Council is in agreement he wants the Council to vote on the issue at the next Council meeting.

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Councilmember Lisonbee stated that when Council authorized merit pay increases, they dedicated \$150,000 for that purpose. She stated that not all of that money was used and a lot of it went to the Police Department. She stated that the other option is still hanging out there and she wants to pull it back and opt to use the left over merit pay money and dedicate the difference in the Chiefs' salaries to the general fund.

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Mayor Nagle stated there are still some significant equality pay issues in the Police Department; there are officers that are significantly underpaid according to information presented by Finance Director Marshall. She stated that her thought is that the City should use that money to do some one-time corrections and bring officers' salaries in line with other cities wages.

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City Manager Rice stated that he believes the Council is talking about two separate issues; one action was to take the difference between the Chiefs' wages and dedicate \$10,000 to the Police Department to bring wages in line while the other action was to dedicate \$150,000 to merit raises for all employees, including the Police Department. Councilmember Lisonbee stated that bumping up salaries is not a one-time thing and she asked the difference between giving raises from the merit pay fund versus using the \$10,000 to adjust the wages. Mr. Rice stated that there is money available from the merit pay dedication that would last the rest of the year, but the issue would need to be addressed again at that time. Councilmember Lisonbee stated that from what she understood from Mr. Marshall's email was that the City used \$111,000 of the \$150,000 that was dedicated for merit increases. Mr. Rice stated that is because the increases were not implemented until nearly one quarter into the fiscal year. He stated that next year the full \$150,000 will be used.

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Mayor Nagle stated that it is a common practice to do market comparability adjustments for dedicated positions rather than across the board; a survey can be conducted to identify “hot spots” and identify where the City’s focus should be. She stated that is beyond merit pay and cost of living adjustments (COLA). She stated that positions can be targeted because not every job increases by the same percentage according to cost of living or inflation. She stated there are a lot of things that factor into it and there are some pay issues in the Police Department that need to be addressed. She stated she would like to hear from Chief Atkin regarding this issue.

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Chief Atkin stated that he reviewed the wages for Farmington City and the entry level officers in that city are making nearly \$2,000 more than entry level officers in Syracuse are making. He stated that city has about 8,000 fewer residents than Syracuse; they have about half as many arrests a year as Syracuse; their crimes against persons (things like assaults and sex offenses) are nearly half the rate of similar crimes in Syracuse. He then stated that he reviewed the ratio of officers per thousand residents in cities throughout Davis County, excluding the County itself, and he found Syracuse is the fifth largest city by population, but has the third lowest ratio of officers per thousand residents. He stated that comparing workload to a city that is smaller than Syracuse, but is fairly close in proximity; he found that it would make sense that if officers are doing more work based on population their pay should be higher.

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Councilmember Johnson asked how much money the Council is talking about. He stated that he thought the Council approved a budget with \$10,000 for Police wage increases. Mr. Rice stated that is correct. He stated that the difference should not be more than \$9,500. Mr. Marshall stated that is correct. Councilmember Johnson stated that his opinion is that the Council already adopted the budget and he does not think it needs to be reopened to make any changes. Councilmember Duncan stated that the idea was that when Chief Wallace retired the Council could readdress the issue. He stated that when the Council approved the \$150,000 for merit increases he raised the issue of employees that are not making a lot of money and possibly looking at implementing a COLA for them as well and he was told by the Mayor and staff that the increases should be merit pay increases instead. He stated that the Council was told that merit pay is most important, but now the staff is coming back saying they need more money to address the issue. Councilmember Peterson stated staff is not coming back; the budget has already been adopted and the issue has been discussed since last March. Councilmember Johnson agreed; he noted the \$150,000 was approved for merit increases throughout the City and the \$10,000 will be dedicated to address wage issues in the Police Department only.

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Councilmember Lisonbee stated that when the Mayor is talking about is a desk audit; the County does it quite frequently. She stated that desk audits are used to evaluate positions to see if they are earning wages below market value and determine if it is appropriate to reopen or reexamine the wage scale. Mayor Nagle stated she was not talking about desk audits. Councilmember Lisonbee stated that if the Council is truly going to rectify the situation, which she thinks needs to be done. . .she raised this issue in October when the Council talked about the \$150,000 merit increases. . .the Council needs to open the wage scale and review the positions that are underpaid and make adjustments. She stated that will come out of the general fund and it will be clear and transparent before the citizens. She stated that her opinion is that desk audits should be conducted and the Council can have an item on the next agenda to address the underpaid positions.

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Mayor Nagle stated she wanted to be sure everyone is talking about the same thing. She stated that she is not talking about a desk audit because that is something that is done to make sure someone is classified properly. She stated she is talking about doing a bench marking survey and doing a market comparison; Mr. Marshall did benchmarking in the past and now the Council is looking at market comparability adjustments. She stated that the Council can look at “hot spots” and determine where adjustments need to take place. Councilmember Lisonbee stated that maybe she had the term wrong, but she had a conversation with a County employee after the merit pay increases were approved and he suggested that the City conduct a desk audit to identify positions that are underpaid and try to bring them up to market value. She stated she really thinks the Council needs to look at the wage scale and approve monies specifically for positions.

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Councilmember Duncan stated that a lot of citizens expressed concern over the fact that the City was spending \$150,000 to give raises to the staff and the Council had a discussion about that issue and voted to approve it. He stated the Council did have benchmark comparisons and he did raise the issue and he is now frustrated that a few months later the Council will be asking the residents for a lot more than \$150,000. He stated that when he raised the issue of giving some employees more money to catch them up on the wages they were earning, the answer was that merit pay was more

appropriate. He stated he wondered if the staff will ask for another \$150,000. Mayor Nagle stated that no one is asking for \$150,000; the budget includes \$10,000 to be used for police wages. Councilmember Johnson stated he feels the City needs to deal with the budget that has been adopted and not open anything. Councilmember Lisonbee stated that the wage scale calls out wage ranges for positions and if those wage ranges are below market the Council needs to look at adjusting that and that requires opening of the entire wage scale. She stated that is more transparent and above board and it gives the Council the opportunity to say that the Police Officers were underpaid and according to benchmark data, adjustments are appropriate. Councilmember Paterson agreed, but stated that is a separate issue than what is being discussed tonight. He stated he feels it would be appropriate to talk about the wage scale issue during the budget retreat. He stated that there are employees that were hired as first year officers and they have not had a raise in the past five years. He stated there are at least five officers in that situation. Councilmember Lisonbee asked if any of those five officers received any of the \$150,000 dedicated for merit increases. Mr. Marshall answered yes. Councilmember Lisonbee stated that means they have had a raise and it is now appropriate for the Council to look at the wage scale and instead of leaving the \$10,000 in the budget for Police wages, it should go back into the general fund and the Council can rectify the problem openly and transparently.

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Councilmember Duncan stated that he is not saying that the Council should not address the problem; he is simply saying that it should not be done “willy nilly” by calling out a \$10,000 difference between the Chiefs’ salaries to be dedicated to raises in that Department. He stated that the Council was told in the budget retreat that nothing could be done about the issue at that time and that when the Chief retired the issue would be reopened. He stated that his concern is that he has reopened the issue and now he looks like the bad guy because of spin being put on it. He stated that the Council was promised that the issue could be readdressed and now he is being told that would be a terrible thing to do.

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Mr. Marshall then provided a brief history of the subject at hand.

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Mayor Nagle asked for Councilmember Shingleton’s input. Councilmember Duncan stated Councilmember Shingleton is essentially the “swing vote” and he would like to hear from him as well. Councilmember Shingleton stated that he recalls that there was talk of readdressing the issue when the time came because there were concerns about the proposal that was made at the retreat. He stated that he does not have a problem with either way; he thinks the same result will occur. Councilmember Lisonbee stated that the result may actually be better. Councilmember Shingleton stated that the Police Department may end up with more money if the salary survey warrants. He stated that he can see the easy way and the more transparent way is probably the way that Councilmembers Duncan and Lisonbee have suggested. He stated that he thinks the same outcome will occur.

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Councilmember Peterson stated that he has an issue with the transparency argument. He stated the \$10,000 was in the budget and was approved as part of the budget and it is essentially part of the general fund already. Councilmember Lisonbee stated that when someone from the Police Department in the lower wage scale quits, and the City hires someone else, the City has to go back to the wage scale to hire someone even though the pay may not be adequate and she is simply recommending doing it right. Mr. Rice stated that if the Council wants to look at the whole wage scale he thinks the time to do it is at the budget retreat. Councilmember Lisonbee stated that she just wants to look at the wage scale for Police Officers. She stated that the Council has looked at the whole wage scale and noticed that there were several positions in the Police and Fire Departments that were way under market, while most of the other positions were being paid wages at or above market.

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Councilmember Peterson stated that he thinks it is appropriate to look at the wage scale, but there is already \$10,000 that has been in the budget since last June that can be used to address wages now. He stated that during the budget retreat the Council can also look at the wage scale and kill both birds with one stone.

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Councilmember Shingleton asked how many of the officers that stood to receive a raise from the \$10,000 were among those that have since left employment with the City. Someone answered that there were two officers. Councilmember Peterson stated that it may not be necessary to use the entire \$10,000, but the City at least has an opportunity to pay some of them the wage they should be earning.

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Chief Atkin stated that he forgot to mention that his stats came from the State of Utah Bureau of Criminal Identification Statistics. He stated that they came from the first quarter of 2011. He stated that he wanted to provide the

Council with his perception. He stated that he respects what the Council is doing as far as being responsible to the taxpayers; that is a difficult position to be in. He stated that it was portrayed to the Officers in his Department that the \$10,000 for wage adjustments was coming to them; that it had already been arranged and would definitely be done by the City. He stated that in his short time he can only give the Council one example; the City just lost Preston Benoit to Kaysville City and when he asked him why he was leaving the City, Mr. Benoit said that it was for two reasons; one was money. He stated that Mr. Benoit was going to be earning \$1.20 more per hour in Kaysville and when looking at all the time that was invested in training him, it does not make sense to lose him for that amount of money. He stated that Mr. Benoit's second reason – and he meant no disrespect – was that he did not feel like the people that were running the City had his back. He stated that if this is something that was promised to the employees, no matter how that promise was delivered, to delay that further erodes the trust in the people that are there to watch out for them. He stated that he knows that every one of the Councilmembers is committed to the safety of the officer and the other employees, but if this is something that was promised as something deserved, it would cause some trust issues to open the issue again.

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Councilmember Duncan stated that he appreciates that explanation, but apparently some promises were made on behalf of the City Council that the City Council never actually made. Councilmember Peterson disagreed and stated that the Council made the promise by including the money in the budget. Councilmember Johnson agreed.

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Mayor Nagle asked for Councilmember Shingleton's position. She stated that she does think it makes sense to arrive at the same conclusion via two different options, but if the Council wants to open the budget, that will require a public hearing.

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Councilmember Shingleton stated that he would like to see a compromise; he would like to open the wage scale for the Police Department, but he also wants to move forward with the implementation of the \$10,000 for wage increases at this time. He stated that it keeps the perception of the promise that was there, but it also says that the Council is interested in being fair. Mayor Nagle asked staff to begin working on a benchmark study for the Police Department and bring it to a future meeting. Human Resources Specialist Whitaker stated that she would like to bring recommendations for other positions as well. Mayor Nagle stated that staff can make a proposal and the Council can consider it.

The meeting adjourned at [7:02:53 PM](#)

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: January 22, 2013