

Minutes of the Regular meeting of the Syracuse City Council held on February 9, 2016 at 7:29 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson
Corinne N. Bolduc
Karianne Lisonbee
Dave Maughan

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

Absent: Councilmember Mike Gailey

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
Parks and Recreation Director Kresta Robinson
Police Lieutenant Heath Rogers

7:29:08 PM

1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:37 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 Maughan provided an invocation. A local Boy Scout then led all present in the Pledge of Allegiance.

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COUNCILMEMBER LISONBEE MOVED TO ADOPT THE AGENDA. COUNCILMEMBER ANDERSON SECONDED THE MOTION. Councilmember Gailey was not present when this vote was taken.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Jakob Worthen and Katelyn Nelson for the month of February 2016.

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". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and City's website; be featured on the Wendy's product television; and receive a \$10 gift certificate to Wendy's.

Mayor Palmer noted both teens receiving the award for February 2016 were nominated by the Syracuse Arts Academy.

Jakob Worthen:

Jakob is a very enthusiastic and helpful student at Syracuse Arts academy. He is always willing to help others. He plays football for Syracuse Storm and is very hard working. He shows great sportsmanship and is a team player. Jakob also works hard in the classroom and is a great student with a big heart and a big smile for everyone!

Katelyn Nelson:

Katelyn excels in academics and always puts forth exceptional effort. She always takes the initiative and has an amazing work ethic. Katelyn always strives for excellence in everything that she does. With such passion and drive she has a great future ahead of her!

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3. Recognition: Presentation of completion certificates to recent CERT trainees.

A staff memo from Fire Chief Froerer explained the Fire Department recently hosted a CERT Course, which is a program that prepares participants to be able to help themselves, their family and their neighbors in the event of a disaster. CERT teams also help the community year-round by helping with community emergency plans, neighborhood exercises, preparedness outreach, and workplace safety. In addition to supporting emergency responders during a disaster, the CERT program builds strong working relationships between emergency responders and members of our community. Completion certificates will be presented to: Branden Piper, Bennett Fraser, Bruce Hassard, Bill Mott, Donald Cramer, Kyle Lashley, Alice Benard, Pollyanna Barss, Katie Schofield, Rachel Jenkins.

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Chief Froerer reviewed his staff memo and noted five of the 11 trainees are present this evening to receive their certificate. He presented Donald Cramer, Branden Piper, Bennett Fraser, Pollyanna Barss, and Katie Schofield with their certificates.

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4. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session and Regular Meetings of January 12, 2016 and the Work Session and Special Meetings of January 26, 2016.

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Councilmember Lisonbee suggested edits to two sets of the minutes; she asked that her comments included on page two, line 24 of the January 12 work session minutes be altered to provide more specificity as she feels the comment she made is an important one. She then referenced the regular meeting minutes of January 12 and asked that page eight, lines 16 through 18 be altered to include a question she asked to allow Community Development Director Mellor to provide an answer to a question asked by a resident that spoke during the public comment portion of the meeting.

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Councilmember Maughan stated he was contacted by Joannie Panucci who reminded him that her closing comment during the public comment portion of the meeting was “now you want to change the law; there is nothing wrong with the law”. He stated he remembers her making that comment and she would like it reflected in the record, which he is supportive of.

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COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION AND REGULAR MEETINGS OF JANUARY 12, 2016 AND THE WORK SESSION AND SPECIAL MEETINGS OF JANUARY 26, 2016, AS AMENDED. COUNCILMEMBER BOLDOC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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5. Public comments

Council member Maughan stated that he has been contacted by several citizens who have inquired as to why the Council does not respond to questions or comments made during public comments. He asked for information regarding this issue or clarification on policy that has been set in the past. City Recorder Brown stated in the past, the City’s legal counsel has indicated that the problem with engaging in extensive discussion regarding an issue that has been raised during the public comment session is that such a discussion has not been advertised on an agenda giving others the opportunity to attend the meeting and hear or contribute to the discussion. If an issue is raised during public comments and the Council would like to explore that issue further, staff has suggested the Council direct staff to properly advertise further discussion or direct a member of staff to meet with the individual to address or answer their questions.

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TJ Jensen stated he has two issues to address this evening; the first relates to the scope of the Planning Commission. Mention was made about the possibility of the City acquiring a property on 2000 West and Title Three of the City Code indicates that the Planning Commission should be asked for a recommendation regarding such real estate transactions. He stated the second issue he would like to address deals with the proposed mission statement for the City; there is a passage that discusses working with the Utah Department of Transportation (UDOT) pertaining to the West Davis Corridor project and he mentioned during the Council’s last meeting that he feels it is premature to include that statement in the mission statement

document. He has since reached out to a couple of entities, specifically Utahans for Better Transportation and the Nature Conservancy, and UDOT is currently in the process of modeling alternative routes for the West Davis Corridor and all entities are concerned with the outcome of that process and will not take action before understanding the final recommendation. He stated that it may be a foregone conclusion that the road will be built, but he still does not feel it is wise to include information about the project in the City's mission statement without first understanding the record of decision issued by UDOT.

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Chris Whetton stated he is a former Syracuse employee; he worked in the Fire Department for 10 years and he wanted to thank Chief Froerer and Deputy Chief Hamblin and the excellent staff he worked with for several years. He stated he would like to encourage the City Council to take good care of the employees in the Fire Department; some employees have left the Department with the biggest reason for their departure being pay. He stated the Department has many talented employees, but many great employees have left recently and he hopes the Council can appreciate those employees.

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Scott Crawley stated he lives in Clearfield, but he is a former Syracuse resident. He provided the Council and Mayor with copies of a section of Syracuse City Code and noted he is involved in a multi-hundred thousand dollar lawsuit over a structure built in Syracuse City by the City's former building inspector and his wife, Rick and Betsy Thurgood. He stated Betsy Thurgood is now Betsy Panucci. He stated he is at a total loss and at risk of losing everything. He addressed Mayor Palmer and stated he tried contacting him twice via telephone and left him messages, he stopped by his place of private employment, and even wrote him a letter and he would like to know why he has not received a reply. He stated the Mayor's duty is to enforce the laws and ordinances of the City. He indicated he came before the City because he was upset at the Thurgoods and he found out that Betsy Panucci and her new husband, Fred Panucci, are doing the same thing at their home located at 1104 W. 1275 S. as they did in the former Thurgood home that he purchased. He stated that the Thurgoods have spent a lifetime – about 30 years – building structures without permits or inspections and those structures were built out of code. He stated the shop built on the property he purchased from the Thurgoods is falling in and has been condemned; he has no insurance and when brought this issue to the City and spoke with Brian Lemmons he provided him with a copy of the City's ordinance, at which point Mr. Lemmons threw the papers on the table and said "I don't care about you, I don't care about your property, and I don't care about Clearfield City's ordinance." Mr. Crawley stated that he clarified for Mr. Lemmons that the ordinances he provided were from Syracuse City and Mr. Lemmons again said that he did not care and could do anything he wants to do because he is the building official. Mr. Crawley then displayed a bible and stated that he will swear to the Council and Mayor that his statements about Mr. Lemmons are true. He understands City Manager Bovero asked Mr. Lemmons about the interaction during a small investigation and Mr. Lemmons denied it. He stated he would like to issue a challenge that he is willing to pay for; he stated he will pay for a polygraph for himself and Mr. Lemmons to determine who is lying. He stated he is willing to swear on a stack of bibles that the statements made about Mr. Lemmons are true. He then stated the City is supposed to protect its residents, but changing the laws does not provide that protection. He stated the law previously said that completing certain work on a structure shall be a class B misdemeanor, but that wording was changed to give the City discretion when determining whether to charge a violator with a class B misdemeanor. He asked if the language was changed to protect the guilty rather than the innocent. He noted he is having a hard time accepting what the Council has done.

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Joannie Panucci stated the building official's job in the City is to enforce the City ordinances for the safety and welfare of the people in the community and she does not believe that happened. When the building official visited the property referenced by Mr. Crawley, Betsy Panucci told him that she thought she pulled a permit for the work. She stated Betsy Panucci did pull a permit in 2006 for the basement, but no inspections were done on a project that entailed completing a bedroom and bathroom. She stated Betsy Panucci was married to the building official in Syracuse for nine years. She then stated that Councilmember Bolduc made the comment in a previous meeting that it is possible people do not know they need to obtain permits or get inspections for certain work they are performing in their home, but most people understand they need a permit and inspections when they are actually building something. She stated that when Mr. Lemmons visited the property he asked Betsy Panucci to come to City Hall and fill out a building permit application; she displayed a copy of the application and indicated it is not completed on the left side and she wondered how it was accepted by the building official. She added she pulled the permit issued by Mr. Lemmons and stated there is absolutely nothing on the permit indicating an inspection was performed. She asked what Mr. Lemmons inspected on the property and stated that all he did was complete a final inspection and authorize move-in. She stated they were already occupying the basement; even the plans submitted the second time around were different than what was initially submitted. She stated she knows what the basement looks like as she has

been in it and the plans are incorrect. She emphasized Betsy Panucci knew she needed to have the work inspected. She then noted the City's ordinance previously indicated that the violation committed by Betsy Panucci 'shall' be a class B misdemeanor. The definition of the word 'shall' in the City Code is mandatory. She stated there is no gray area and the violation committed warranted a class B misdemeanor, which was not filed by the City. She asked why that happened and stated she would like someone from the City to call and tell her what happened. She addressed City Attorney Roberts and asked why the issue was not looked into further. She stated she would like for the proper thing to be done in this instance and she feels a class B misdemeanor should be issued for the violation.

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6. Proposed Resolution R16-02 appointing members to the Syracuse City Parks Advisory Committee.

An administrative staff memo explained Mayor Palmer has recommended the appointment of three full and one alternate member to the Parks Advisory Committee.

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Councilmember Maughan stated the Council had a discussion about this issue during the work session that centered on increasing the membership of the committee to provide better representation for the entire City.

Mayor Palmer stated that in light of the work session discussion he had planned to recommend that the person listed in the proposed resolution as an alternate member be made a full member of the committee. Councilmember Lisonbee stated the City Code indicates that the committee shall be comprised of seven members and she would be concerned about appointing more than seven members at this time.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO TABLE PROPOSED RESOLUTION R16-02 APPOINTING MEMBERS TO THE SYRACUSE CITY PARKS ADVISORY COMMITTEE. COUNCILMEMBER BOLDUC SECONDED THE MOTION.

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Councilmember Anderson asked if the Council will have the ability to amend the section of City Code governing the committee after appointing new members to the committee. City Attorney Roberts answered yes. He added the Council has the ability to adjust the resolution this evening and appoint a few members to satisfy the maximum number of committee members as seven. Councilmember Lisonbee stated she feels the Council can reach consensus during the next Council work session meeting and adjust the City Code to reflect their desires for the committee. She stated she would prefer to wait until after that work is complete to appoint new members.

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

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7. Proposed Resolution R16-10 designating and appointing certain appointed officers of Syracuse City.

An administrative staff memo explained Section 10-3-916 of the Utah Code dictates that following a municipal election the Mayor, with advice and consent of the Council, shall appoint an individual to the offices of City Recorder and City Treasurer. Section 2.05.090 of the Syracuse City Code dictates that the Mayor, with the advice and consent of the Council, shall also appoint an individual to the office of Chief of Police. Proposed Resolution R16-10 has been drafted to provide the Mayor and Council the opportunity to fulfill the statutory requirements defined in State Code and City Code.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R16-10 DESIGNATING AND APPOINTING CERTAIN APPOINTED OFFICERS OF SYRACUSE CITY. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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8. Proposed Resolution R16-06 appointing City Councilmembers to various committee positions and assignments.

An administrative staff memo explained at the beginning of each calendar year, the City Council reviews the list of appointments and assignments and makes changes according to recent election results or other determining factors. This item was briefly discussed during the January 12, 2016 business meeting, but was tabled until January 26 to give the Council more time to review and consider the appointments included in the resolution. Following discussion at the January 26 meeting, staff used Council feedback to update the proposed resolution for formal consideration by the Council.

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Councilmember Maughan stated that he volunteered to serve as the liaison to the Museum Board, but cannot fulfill that commitment if the group meets weekly as indicated on the spreadsheet included in the Council packet. Mayor Palmer stated they meet once monthly on the second Tuesday of the month at 9:30 a.m. Councilmember Maughan stated he can accommodate that schedule.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT RESOLUTION R16-06 APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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9. Proposed Resolution R16-12 authorizing Syracuse City Police Department to apply property in the Police Department's possession to public interest use and designating a specific public interest use for this property.

A staff memo from the Police Chief explained the Police come into possession of property in several ways. The property may be turned in as "found" property, it may be seized as evidence, or it can be seized for safekeeping and abandoned after it is taken into police custody. For instance, a bicycle might be left on your front lawn, it might be seized by police because it was stolen, or a person may be arrested while they were riding their bicycle, resulting in the bike being held until they come to retrieve it. Under State law, after sufficient due diligence is taken to notify the owner that the Department is holding their property, the City Council may take action to appropriate the property for public interest use. Codes permit the City to donate such items to bona fide charities, if the Council makes that designation. As per our usual practice, the Department seeks to donate the bicycles to the Farmington Children's Justice Center for charitable purposes. There are few other items which the Department would like to convert to actual use in the Department, and two sets of items which the Department would like to sell. It is the Council's prerogative to determine the appropriate public interest use to which these items should be applied.

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Police Chief Atkin reviewed the staff memo.

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Councilmember Lisonbee referenced a bill being considered in the current legislative session regarding seized property resulting from someone being suspected of a crime but never actually being convicted of the crime. She asked if any of the surplus property included on the list in the Council packet would fall within that classification. Chief Atkin stated he does not believe so; the majority of the surplus items, especially the bikes, are lost and found items and they do not have evidentiary value. All other items were not technically seized as evidence; there was a resident in Syracuse that was the unknowing middle-man in an elaborate mail fraud scheme and once he realized what was happening he turned the items over to the Police Department.

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Councilmember Maughan requested that any future bike auctions be announced to the citizenry of the City so they can participate. Chief Atkin stated he can coordinate such an advertisement with the Children's Justice Center.

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COUNCILMEMBER BOLDUC MADE A MOTION TO ADOPT RESOLUTION R16-12 AUTHORIZING SYRACUSE CITY POLICE DEPARTMENT TO APPLY PROPERTY IN THE POLICE DEPARTMENT'S POSSESSION TO PUBLIC INTEREST USE AND DESIGNATING A SPECIFIC PUBLIC INTEREST USE FOR THIS PROPERTY. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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10. Proposed Ordinance 16-09 approving amendments to the bylaws of the Planning Commission.

A staff memo from the City Attorney explained following a recent joint session between the Planning Commission and City Council, he has made some additional changes to the By- laws based upon his perception of the direction of the Council as a whole. These changes should at least serve as points of discussion. The following parts of the by-laws have been modified/annotated from the previous version:

II.B Duties of Chair – New subsection (14) addressing the procedure by which the Commission seeks preliminary authorization from the Council before it begins any work on code amendments. If an issue is identified as being problematic or in need of attention, the Chair solicits approval from the Council to move forward with code amendments. This is meant to save the time of commissioners, councilmembers and staff, to avoid putting substantial effort into issues which the Council does not think need attention. If the Chair does not agree that the issue should be brought to the Council’s attention, then two commissioners may impose upon the Chair a duty to bring the issue to the Council’s attention.

III.A Meeting Attendance – This section starts with the expectation that commissioners are expected to attend all sessions of the Commission. It requires the Chair to transmit quarterly reports of attendance. It sets 80% as a threshold which triggers special attention. The by-laws do not call out a specific procedure when someone drops below that threshold. However, it will likely include Chair and Mayoral interviews to determine if circumstances have changed which make it difficult for the commissioner to make the meetings.

IV.F Quorum – It was suggested that one way to improve attendance would be to increase the number of commissioners required to form a quorum. We should discuss this issue further.

IV.G Remote Participation – It appeared that the Council was in favor of providing for remote attendance in cases where an individual is out of town or stricken with a serious illness, if the commissioner wishes to participate. The Council already has a resolution which allows electronic participation in meetings, so the specific procedures need not appear in the by-laws. However, state law requires that the agenda provide notice to the public that one or more members of the Commission may appear remotely. We should either begin noticing this on every agenda (this is a common practice in many jurisdictions), or require that the request be made before the agenda is published.

VI Voting – There was significant concern expressed over changing the number of votes necessary to transact business before the Commission. There is a concern that reducing the number of required votes only encourages poor attendance.

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Councilmember Lisonbee asked if there is urgency to this matter or if it would be problematic to table the proposed ordinance to give the Council more time to consider the potential amendments. City Attorney Roberts stated there is no urgency to the matter.

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COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE ADOPTION OF ORDINANCE 16-09 APPROVING AMENDMENTS TO THE BYLAWS OF THE PLANNING COMMISSION UNTIL THE FEBRUARY 23 CITY COUNCIL MEETING. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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11. Proposed Ordinance 16-08 rezoning property located at approximately 1679 Marilyn Drive from R-3 Residential to Neighborhood Services.

A staff memo from the Community and Economic Development (CED) Department explained provided the following information about the application:

Location:	1679 Marilyn Drive
Current Zoning:	R-3
Requested Zoning:	Neighborhood Services
General Plan:	Neighborhood Services
Total Area:	1.13 Acres
PC Approval:	2/2/16 – unanimous vote

The applicant is requesting to rezone the property from R-3 to Neighborhood Services which matches the General Plan map. They would like to build a small animal clinic on the property which is an allowed use in the Neighborhood Services zone. This application is only for the zone change. The applicant will be required to receive site plan approval from Planning Commission and a positive recommendation from the Architectural Review Committee. As part of the site planning process, the parking, landscaping, lighting, building architecture, and details of the project will be evaluated. They will be required to construct a 6' fence and dense landscaping next to any neighboring residential houses. The proximity of the parcel to neighboring houses (<200') prohibits them from running an animal hospital. The difference between an animal hospital and clinic is that hospitals treat livestock and poultry, and have outdoor exercise runs. An animal clinic would be allowed at this location as long as the walls are soundproofed. The property does not meet the requirements to be a commercial kennel because it is not 5 acres and 200 feet from neighboring houses.

The memo concluded the Planning Commission has recommended approval of the rezone of property located at 1679 Marilyn Drive from R-3 to Neighborhood Services, subject to all applicable requirements of the City's municipal codes.

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CED Director Mellor reviewed his staff memo.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT ORDINANCE 16-08 REZONING PROPERTY LOCATED AT APPROXIMATELY 1679 MARILYN DRIVE FROM R-3 TO NEIGHBORHOOD SERVICES. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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12. Preliminary and Final Subdivision Approval, CVS Plaza, located at approximately 1974 W. 1700 S.

A staff memo from the Community and Economic Development (CED) Department explained CVS is working through the development process on the northeast corner of 2000 West and Antelope Drive. The applicant was postponed a subdivision recommendation from the Planning Commission because the newspaper noticing failed to go out (newspaper staff error). The memo then explained the developer plans to construct a CVS store on lot one. Site plan and ARC review will be required after the subdivision is complete. Development plans for lot two are not yet developed. Being a simple two lot subdivision, the applicant has requested congruent review of preliminary and final application from PC & CC. Staff has reviewed the subdivision for compliance with ordinance and has no outstanding issues that cannot be resolved before recording of the plat. The memo then provided the following information about the application:

Applicant:	Boos Development
Owner:	LDS Church
Zone:	General Commercial
Requested Lots:	2
PC Approval:	February 2, 2016 – unanimous

The memo concluded the Planning Commission and staff recommend approval of the Final Plan for the CVS Plaza Subdivision, located at approximately 1974 W. 1700 S., General Commercial zone.

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CED Director Mellor reviewed his staff memo.

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Councilmember Bolduc stated that many residents park on the property to access activities taking place at Founder's Park and she asked if there have been discussions about allowing that to continue after the site has been developed. Mr. Mellor answered no, but stated that CVS has made other accommodations to preserve the access for parents dropping their children at Syracuse Elementary. He stated discussions about parking can take place during the site plan phase of the project. He added there have been high level discussions about potentially including a funding mechanism in the Commercial Development Area (CDA) to acquire property in that area to provide an opportunity for additional parking space near Founder's Park.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO GRANT PRELIMINARY AND FINAL SUBDIVISION APPROVAL FOR CVS PLAZA, LOCATED AT APPROXIMATELY 1974 W. 1700 S.

COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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13. Proposed Ordinance 15-27 amending various sections of Title 10 of the Syracuse City Municipal Code pertaining to Industrial Architecture Standards.

A staff memo from the Community and Economic Development (CED) Department explained there has been discussion and concern over the appropriate regulation of steel buildings in PC. Some concerns expressed are that the nature of steel building construction results in flat walls and "boxy" building massing. When the standard vertical steel siding is applied to the exterior, building facades can become monotonous and to some accounts "cheap". Staff has gathered the following information to assist in this discussion.

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CED Director Mellor reviewed his staff memo and provided the Council with renderings of how changes to the industrial architecture standards could impact industrial buildings throughout the City.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 15-27 AMENDING VARIOUS SECTIONS OF TITLE 10 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO INDUSTRIAL ARCHITECTURE STANDARDS. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

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14. Proposed Ordinance 16-03 amending Title Nine of the Syracuse City Code pertaining to penalties for violations.

A staff memo from the Community and Economic Development (CED) Department explained at the December 4, 2015 city council meeting it was request that the staff make changes to ordinance 9.05.090 Violation – Penalty. This ordinance change will make it possible for the council and city to press charges against a party or individual that violates the ordinance and fails to work toward correcting the violation. Before it was possible to interpret the text that the City was required to press charges against the violating individual. On January 12, 2016 – the City council asked staff to add text to address basement finish construction work to 9.05.090 Violation – Penalty. As well as identify the circumstances in which a violator would be subject to misdemeanor charges.

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CED Director Mellor reviewed his staff memo. He emphasized the main objective of the City Code is to ensure safety and compliance and his staff will enforce this proposed ordinance in that spirit. If compliance cannot be achieved, staff will proceed with penalizing an offender of the ordinance.

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Councilmember Maughan inquired as to the number of times each year someone violates City ordinance by finishing their basement without obtaining a permit. Mr. Mellor answered approximately 10 times. Councilmember Maughan asked if the City has ever charged a violator with a class B misdemeanor for that offense. Mr. Mellor answered yes and noted the first people ever charged with a fine associated with such a violation were the Thurgoods; from this point forward the City will fine violators of the ordinance.

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Councilmember Lisonbee referenced the comments made during the public comment period by Mr. Crawley and noted when the City was initially made aware of his concerns, staff reviewed the ordinance in question and found that the imposition of a class B misdemeanor does not apply to the completion of basements without a permit. She stated the reason for the changes to the ordinance is to give staff enforcement tools to ensure basement improvements are safe and compliant with City Code. City Attorney Roberts stated that is correct and noted the language in the current City Code indicates the erection or construction of any building or structure without a permit can result in being charged with a class B misdemeanor. He stated this would apply to building a new home or accessory building without obtaining a permit. The proposed ordinance amendments will expand penalty provisions to other building improvements or renovations. He added there are many violations cited in City Code that would be punishable by a misdemeanor, such as a traffic violation; however, it is common for a Police Officer to pull over a motorist and issue them a warning rather than a citation because the goal is to encourage compliance. That example translates to the building code and other sections of the City Code as well; bringing people to

court is sometimes not as effective as simply working with them to encourage compliance. Those that are not willing to work with the City towards compliance will be cited or charged with a class B misdemeanor.

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Councilmember Anderson stated that given the fact the City has never charged a violator with a class B misdemeanor, it could be very problematic to suddenly impose the fine and file charges against one person. Mr. Roberts agreed, but noted if the decision were made to impose the fine against one person it would be necessary to implement course correction and apply the same standard across the board. Councilmember Anderson then addressed Mr. Mellor and stated that if the goal is to encourage compliance, it may be necessary to add a provision to issue daily fines for every day a resident refuses to work towards compliance. Otherwise, some people may simply accept the misdemeanor charge and associated fine and never bring their property into compliance. Councilmember Maughan agreed and noted that may be less expensive than completing the necessary work to bring their property into compliance. Mayor Palmer also agreed and asked if there is a mechanism by which the City can condemn a building that has been determined to be unsafe. Mr. Roberts answered yes and stated that the City can record a notice of violation on the title for the property and close the building to occupancy if necessary. Councilmember Anderson inquired as to the fine associated with a class B misdemeanor, to which Mr. Roberts answered \$1,000. Mr. Mellor relayed a story about an experience he had in his previous employment where a violator of a specific ordinance was charged a daily fine for noncompliance, but that fine was not high enough to encourage compliance because the illegal activity he was performing on his property was a business activity that brought in much more than he was being charged in fines. Ultimately, his previous employer was forced to arrest the violator and take him to court for his violations. Mr. Roberts stated the City has similar enforcement tools available, though it would take a significant amount of time for a case to get to that point.

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Councilmember Maughan asked if it is Mr. Roberts' legal counsel that the language in the current version of the City Code only applies to new construction, to which Mr. Roberts answered yes. He asked if the recommended changes will apply to renovations or improvements to existing structures, to which Mr. Roberts answered yes.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT ORDINANCE 16-03 AMENDING TITLE NINE OF THE SYRACUSE CITY CODE PERTAINING TO PENALTIES FOR VIOLATIONS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[8:28:20 PM](#)

15. Proposed Ordinance 16-07 amending title Four of the Syracuse City Code pertaining to lift stations.

A staff memo from the Public Works Director explained as development begins to expand throughout the city and surrounding unincorporated areas, the physical constraints of land topography and drainage infrastructure create challenges to develop under gravity flow conditions. The City's ordinance currently does not address lift stations on gravity flow systems, such as storm drain, sewer, and land drain. The memo concluded staff recommends the Council adopt the proposed ordinance to address lift station regulations for gravity flow systems; the proposed ordinance was reviewed during the Council's last work session meeting and staff has made changes to the ordinance according to the feedback received during that meeting.

[8:28:38 PM](#)

Public Works Director Whiteley reviewed his staff memo.

[8:30:08 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 16-07 AMENDING TITLE FOUR OF THE SYRACUSE CITY CODE PERTAINING TO LIFT STATIONS. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[8:30:35 PM](#)

16. Public Hearing – Transportation Impact Fees: Proposed Ordinance 16-05 amending an impact fee facilities plan and an impact fee analysis for Transportation; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters; Proposed Ordinance 16-06 amending various sections of Title XIII of the Syracuse City Code pertaining to impact fees;

Proposed Resolution R16-07 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the Transportation Impact Fees.

A staff memo from the Finance Director explained We are currently in the process of evaluating and updating our impact fee plans for Syracuse City. This update is to our transportation impact fee plan. Historically the City has charged a transportation impact fee. This update is a requirement of the impact fee law. Below is a table that compares our current impact fees with the proposed fees:

Fees	Industrial	SFD	MFD	Assist Living	Hotel	Church	General Office	Retail / Shopping
Current	\$668	\$1,131	\$705	-	-	\$2,428	\$2,428	\$2,328
Proposed	\$612	\$743	\$488	\$255	\$444	\$685	\$1,085	\$2,703

Staff has provided an additional comparison of 21 other cities that charge a transportation impact fees. Syracuse is lower than the average for every category of impact fee. Impact fees can be charged to new development to help pay a proportionate share of the cost of planned facilities needed to serve the growth and development of the city. Impact fees are allowed per Utah Code 11-36A. Under that code, there are two separate plans required in order to charge a public safety impact fee. They are the Impact Fee Analysis and the Impact Fee Facilities Plan. An impact fee enactment ordinance is also required.

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

11-36a-401. Impact fee enactment.

- (1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*
- (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*
- (2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

The impact fee enactment is attached as Ordinance 16-05 and is accompanied by, Exhibit A – impact fee facilities plan, and Exhibit B – impact fee analysis. The memo also referenced Ordinance 16-06 that amends sections of the Syracuse City municipal code; specifically Title XIII. The packet includes a redline document that shows the proposed changes. These ordinances can both be approved tonight along with the resolution for the consolidated fee schedule; however, there is a 90 day protest period before the ordinances and fee schedule would take effect. This would mean an effective date of May 9, 2016. The memo concluded staff recommends the City Council approve Ordinance 16-05 – impact fee enactment and approve Ordinance 16-06 – updating Title XIII related to impact fees. Staff also recommends the City Council approve resolution R16-07 updating the consolidated fee with the revised transportation impact fee amount. I recommend that these ordinances and the consolidated fee schedule have an effective date of May 9, 2016.

[8:31:23 PM](#)

Mr. Marshall reviewed his staff memo.

[8:33:03 PM](#)

Mayor Palmer opened the public hearing.

[8:33:08 PM](#)

Ralph Vaughan stated he believes the City is being very generous in its proposed adjustment of transportation impact fees; Syracuse is one of the most, if not the most, desirable community in Davis County in which to reside. Everyone wants to come here and the question is whether they can acquire property to do so. Currently the fees in many of the categories are below the average fees charged in the largest cities in the State and he believes Syracuse could charge more; he believes prospective residents are being given a bargain. He stated he would suggest the Council adopt the fees as proposed and then review them on an annual basis to determine if they are appropriate based upon similar fees charged throughout the

State. He added appropriate fees should be charged to support infrastructure needs in the City, which is critical to the City's future.

[8:34:26 PM](#)

TJ Jensen stated that in looking at the proposed changes he noticed that one fee increased while others lowered significantly. He stated overall the numbers seem fairly low and it may be wise to conduct further analysis to see if the fees should be increased.

[8:35:07 PM](#)

Councilmember Maughan clarified that the City cannot charge more than the fees that have been recommended in the Impact Fee Analysis (IFA). Councilmember Lisonbee agreed. Mr. Roberts added that is correct and noted according to State Law, the City cannot charge a fee higher than the fees recommended in the IFA; the analysis only considers increased capacity and not maintenance of existing infrastructure.

[8:36:18 PM](#)

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

[8:36:23 PM](#)

Councilmember Bolduc referenced the packet materials regarding transportation impact fees that would be charged for church buildings; the use is categorized by square footage, which is different than the previous calculation that was used, and this categorization does not necessarily reflect a total cost. Mr. Marshall stated that is correct.

[8:37:08 PM](#)

Councilmember Lisonbee noted there were discussions in the work session about further breaking down use categories and she spoke with Mr. Roberts prior to the meeting that such potential changes could impact the average fees charged. She stated she believes it is in the best interest of the City to address outlier uses and charge higher fees for certain uses and to do so it may be necessary to adjust the average fee downwards somewhat. Mr. Roberts stated the number to be included in the fee schedule would be the fee that would be charged for shopping centers/strip malls. He added that the City is only required to impose a reasonable fee and not a mathematical certain fee. The Council can identify outliers that should pay a higher fee associated with greater impact on City streets without necessarily reducing the fee included in the fee schedule. Mr. Marshall stated that is correct; the fee in the fee schedule is not an average fee. Rather, it is just one fee that was chosen from the IFA that is closest to the average fee of the 20 cities that he benchmarked against.

[8:39:51 PM](#)

Councilmember Maughan asked if the Council can adjust fees at a later date if actions are taken to adopt the ordinances and resolution before them this evening. Mr. Roberts answered yes; the City can always adjust fees downwards, but cannot charge a fee higher than specified in the IFA. Councilmember Maughan wondered if action were not taken tonight to pull out the outlier uses, would those uses fall within the general commercial category, to which Mr. Marshall answered yes.

[8:40:51 PM](#)

Councilmember Lisonbee stated there are eight categories with a fee higher than \$10,000; she talked to Mr. Roberts about calculating a percentage of the fee, but he advised her that a flat rate is more appropriate. The Council engaged in a brief discussion regarding the benefit of identifying outliers, with Councilmember Lisonbee noting that if the outliers are not identified, the fee charged for those uses will be based upon the general commercial category and will be much lower than would be appropriate; she would prefer to identify fees for the outliers that more closely align with fees charged in other cities. She provided a proposal that would change the fees for all businesses around \$10,000 to \$3,500; change the fees for business that has a recommended fee of \$19,000 to \$6,000; change the fees for the two businesses in the \$30,000 range to \$8,000; and the fee for the one business that has a recommended fee of \$70,000 to \$12,000. She stated she feels her proposal reflects the differences proportionally, though the fees are much lower than what is being recommended in the IFA. She added she would like to see further analysis of the breakout done by other cities, specifically Layton City. Mr. Marshall stated he obtained Layton City's breakdown and he reviewed some of their fees as follows:

- Convenience Store - \$7,900
- Convenience Store w/Car Wash - \$12,684
- Daycare - \$10,895
- Shopping Center - \$3,730
- Retail/General Merchandise - \$3,164
- Elderly/Assisted Living - \$285 per room

[8:44:40 PM](#)

Councilmember Maughan stated that much new information has come forward tonight and he believes the Council would like more comparative information; he inquired as to the impact of tabling this issue until the next meeting. Councilmember Lisonbee stated the Council has been encouraged to take action tonight, but there will still be an opportunity to have further discussion at the next work session meeting. Mr. Marshall agreed and stated that he would recommend adopting the documents as presented with the understanding that further discussion and amendments can occur at any time in the future. Councilmember Lisonbee stated she would like to have further discussion at the next work session meeting.

[8:45:39 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 16-05 AMENDING AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE ANALYSIS FOR TRANSPORTATION PROVIDING FOR THE CALCULATING AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME; AND OTHER RELATED MATTERS. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[8:46:57 PM](#)

COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT ORDINANCE 16-06 AMENDING VARIOUS SECTIONS OF TITLE XIII OF THE SYRACUSE CITY CODE PERTAINING TO IMPACT FEES. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[8:47:05 PM](#)

COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT RESOLUTION R16-07 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE TRANSPORTATION IMPACT FEES. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[8:47:28 PM](#)

17. Public Hearing – Proposed Resolution R16-08 adjusting the Syracuse City budget for the fiscal year ending June 30, 2016.

A staff memo from the Finance Director explained this budget request does not include approval for uses of our fund balance surplus. The fund balance discussion will be included on a separate agenda item and will be for discussion only. The memo asked that the Council review the detailed capital projects listing attached with this document for recommended changes. In this budget opening, we have carryover for projects from FY2015. These projects were started last fiscal year and were not completed by June 30, 2015. We also are proposing new projects and updates to approved projects as follows:

- o New - Monterey Estates Trail - \$175,000.
- o New - Diversion Box at Jensen Pond - \$50,000
- o Revised – Rock Creek Park Improvements - \$677,000
- o Revised - Surface Treatments of roads - \$408,400
- o Revised - Marilyn Acres Phase III - \$1,094,000
- o Carryover – 2000 West Storm Drain Impact - \$93,786
- o Carryover – Steeds Storm Drain Outfall - \$700,000
- o Carryover – Smedley Acres Phase II - \$355,691
- o Carryover – 3000 West Project - \$2,805,000
- o Carryover – Pavement Preservation Project - \$424,946
- o Carryover – Antelope Dr. and 3000 West Intersection - \$296,000
- o Carryover – Uncover sewer manholes / main replacement - \$300,000
- o Carryover – SR-193 Trail extension - \$10,200
- o Carryover – Centennial Park Restroom with pump house - \$250,000

The memo summarized changes to operational budgets as follows:

General Fund – major changes

- o \$46,000 increase in sales tax revenue.
- o \$56,000 increase in building permits.
- o \$49,600 increase in plan check fees.
- o \$40,000 decrease in court fines
- o **\$114,600 total net increase in revenues**

- \$18,150 - Efficiency Audit carryover.
- \$10,000 increase for sick leave cash out program.
- \$10,000 increase for contract for bailiff services.
- \$30,214 increase in salary and benefits for DCED – move code enforcement over to DCED and new Development Services Manager position.
- \$19,618 decrease in salaries in Police – move Code Enforcement to DCED. Add 1 new crossing guard at 4000 west.
- \$22,239 increase in salaries for Parks & Rec – overtime costs for snow removal and park maintenance worker I part time position.
- \$11,497 increase in benefits for streets department – employee elected to receive insurance benefits.
- **\$87,973 total net increase in expenses**

Beginning surplus - \$53,470

Change from above - \$29,118

Total revised surplus - \$80,097

All Other Funds – Significant Changes

- \$30,000 increase for parks master plan carryover
- \$21,250 increase for arborist and to fix cemetery fence and building.
- \$136,172 increase for new gas tax and sales tax revenue for roads.
- \$147,000 increase for CDBG grant – Smedley Acres Phase II.
- \$100,000 increase for additional funding for pavement preservation.
- \$12,000 increase for engineering and design for 500 West extension.
- \$15,000 carryover for transportation impact fee plan update.
- \$10,000 increase for purchase of secondary water.
- \$10,000 increase in culinary and secondary impact funds for IFFP and IFA updates.
- \$19,000 increase in depreciation expense – culinary fund.
- \$20,000 increase in sewer revenues and disposal fees.
- \$23,500 increase for garbage can purchases.
- \$37,986 increase in RDA for payment to Fun Center – revised contract.
- \$30,000 increase in RDA for professional & technical for creation of CDA.
- \$40,800 increase in revenues in capital projects for SR-193 landscaping monies.
- \$192,048 decrease in capital equipment – increase in public works shed and decrease in breathing apparatus for fire department.

The memo also reviewed proposed changes to staffing levels. Administration is proposing eliminating four part-time positions (two park maintenance worker I and two recreation coordinators) in the parks and recreation department and instead hire two full-time positions in their place. The new positions would be a full-time recreation coordinator and a full-time park maintenance worker I. The net cost to the FY2016 budget would be zero. We could fund the two new full-time positions within the current budget. This is due to the fact that we have been unsuccessful in hiring all four part-time positions over the last seven months and due to turnover in these positions. The net impact to the FY2017 budget and to future budgets is estimated at a total cost of \$44,000. The memo concluded staff recommends the Council approve R16-08 adjusting the Syracuse City Budget for Fiscal Year ending June 30, 2016. Administration also recommends approving the request for two full-time positions in exchange for eliminating four part-time positions.

[8:47:33 PM](#)

Mr. Marshall reviewed his staff memo. He emphasized that the budget opening does not include any use of the City's budget surplus funds.

[8:51:31 PM](#)

Councilmember Lisonbee stated the Council did not have an opportunity to finish discussion about the proposal regarding the adjustments to the staffing levels in the Parks and Recreation Departments and she has a few additional questions. She stated she understands the reasoning behind hiring two full-time employees in place of four part-time employees, but one of her concerns is coverage and it is much easier to rotate four employees than two to cover things like vacation and sick leave. The proposal is equal to 33 percent of the total cost of wage compression that Council has committed to addressing this year and she is concerned about increasing that amount, specifically because the proposal may not solve the

problem. Parks and Recreation Director Robinson stated she understands the concerns expressed, but the biggest problem she is facing is inability to fill the part time positions; when those positions are filled and a part-time employee calls in sick, a full time employee must cover their shift because the other part-time employees cannot work more than 20 hours per week. She stated that the situation is so dire that her high level management staff is being pulled from their responsibilities to do things like park maintenance and snow removal. She provided a history of the evolution of the Parks and Recreation Department that resulted in the decreased staffing level in her Department; to address the problem she proposed hiring part-time employees rather than full-time employees, but the problem with those positions is that it is very difficult to fill them and retain employees. The part-time employees she currently has are seeking full-time employment elsewhere and she would love to be able to retain them as full-time employees and she does not feel coverage of sick or vacation leave will be as problematic as it currently is with part-time employees. Councilmember Lisonbee re-addressed the financial impact of the proposal; the Council is working to address wage compression and other wage issues in the City and tackling the staffing of the Parks and Recreation Department at this time will further compound those issues as the City is moving into the budget season. She stated when she initially received documentation about this proposal her reaction was that she was not ready to make the change and she would like to discuss it further after budget discussions have concluded. Ms. Robinson stated she understands the concerns, but noted that her Department is currently stretched to its limit and something has to give; if it is not possible to increase staffing levels, it may be necessary to lower expectations for parks maintenance and recreation programs. She understands it is very hard for the Council to make these kinds of decisions, but she emphasized that she does not ask for something if she does not absolutely need it. She stated the recommendation she has made is to cover basic necessities and maintain the level of service the citizens have become accustomed to. City Manager Bovero added that the Parks and Recreation Department will be reviewed in April and the reason this proposal is coming now rather than at that time is because this is a festering problem; it is not a change in programming or the work load. Rather, it is a change in how to get that work done. If the problem is not addressed, Ms. Robinson will need to consider cutting programs in order to continue to function. He added the budget can handle the Council's current wage compression commitment as well as the cost associated with this proposal. He added staff will be bringing a proposal to adjust fees charged by the Parks and Recreation Department, the revenues from which will help to cover some of the costs of the proposal. He stated that one goal discussed during the Council's retreat last November was, to the extent possible, allow fees to cover costs associated with the Parks and Recreation Department; that is difficult to do for parks, but may be more possible for recreation programming. He then noted that the full-time positions created to replace the part-time positions will not be supervisory positions.

[9:02:31 PM](#)

Councilmember Maughan stated that he would like to bifurcate the two issues as they are two separate issues; the general budget adjustments are not connected to the proposal for the Parks and Recreation Department. He stated he feels staff has tried to 'slip one in' by including the Parks and Recreation Department proposal with the other budget requests. The discussion has centered largely on this proposal rather than the general budget amendments. He stated he is willing to have continued discussion about the Parks and Recreation Department proposal, but not in conjunction with the budget amendments. Mr. Bovero stated that the Parks and Recreation Department proposal can be discussed independent of the budget amendments and he clarified there is actually no budgetary implication of the proposal in the current fiscal year. Councilmember Maughan stated there is a budget impact in future years and that is why discussion about the issue is needed. Mr. Marshall stated that is why it was included with the other budget amendment. Councilmember Maughan reiterated he does not think it should be included. Mr. Bovero stated the reason the issue was raised at this time is that the growing season is looming and if the Council is going to approve the staffing changes it is necessary to begin the leg work to fill the positions now. Councilmember Maughan stated he is uncomfortable taking action on the Parks and Recreation Department proposal in conjunction with the budget amendments.

[9:03:58 PM](#)

COUNCILMEMBER MAUGHAN MADE A MOTION TO DIVIDE THE QUESTION.

[9:04:15 PM](#)

Councilmember Lisonbee stated there have been past discussions about recreation programs being self-sufficient, though the revenues generated by the programs do not cover staff costs. Ms. Robinson stated the program revenues cover officials and score-keeping staff and it also covers a portion of staff costs for recreation coordinators, but it does not cover staff costs for herself and Chad Smout. Councilmember Lisonbee asked what it would take to expand programs in order to charge more and cover more costs. Ms. Robinson stated that is a Council policy decision. Councilmember Lisonbee stated there may be an opportunity to increase fees to cover more staff costs. Mr. Roberts added that user fees must be reasonable and calculated to recoup the cost of the service provided. Councilmember Lisonbee stated she feels it would be appropriate to increase user fees to cover more costs in order to offset the amount of tax payer subsidy that is being dedicated to the Parks

and Recreation Department. Ms. Robinson stated she would like to increase programming, but there are financial implications associated with that process as well.

[9:07:33 PM](#)

Councilmember Maughan stated he believes the Council was clear during their November retreat that they would like to see expanded programming in the Parks and Recreation Department, but his concern is that the staffing recommendation will not take care of that expansion; the proposal before the Council tonight will only address the current operations of the Department and no more. He stated he would rather discuss a comprehensive solution to the problem rather than approving a stop-gap. He stated he would like to implement something that will yield the results the Council is interested in, such as better maintained parks, better programs, and expanded programs. He would be willing to dedicate his time to participating in a sub-committee to address that issue. Mr. Marshall suggested a two-step approach, the first step being the proposal that is before the Council tonight and the second step being completion of a comprehensive analysis. Councilmember Maughan stated he would not support that because he feels all options need to be considered and it will likely be necessary to do more than what is being recommended tonight. That will allow him to tell constituents that though there was an added expense, it is warranted. He stated the proposal tonight may be a step in the wrong direction.

[9:10:23 PM](#)

Councilmember Lisonbee stated she will support the idea of a sub-committee addressing a comprehensive solution to the problem, but only if that can happen immediately to ensure that the Department can proceed with hiring employees in a timely manner to avoid the complaints the City received last year about park maintenance issues. She asked that sub-committee meetings begin within the next week. Councilmember Maughan stated that timeline works for him and he will take the lead. He is recommending that the Council vote no on the proposal for the Parks and Recreation Department tonight and proceed with other budget amendments.

[9:12:01 PM](#)

Councilmember Anderson asked for a breakdown of the financial impact of the proposal for Parks and Recreation staffing. Mr. Marshall stated the net effect of eliminating the four part-time positions and replacing them with two full-time positions is an increase of \$22,000 per position. Ms. Robinson clarified the impact is lower for Parks employees at \$18,000.

[9:13:29 PM](#)

Mayor Palmer stated that he would like the comprehensive analysis to include an evaluation of fees charged for Parks and Recreation programs.

[9:13:42 PM](#)

Ms. Robinson then noted that the most urgent need is in the City's parks; she will begin hiring within the next month for parks maintenance positions. Councilmember Maughan indicated he understands that urgency and will move quickly to schedule sub-committee meetings.

[9:14:49 PM](#)

Mr. Marshall added one way costs for the Department would be offset by the proposal is in a reduction of overtime costs. In 2011 the overtime costs for the Department were \$1,300 compared to \$13,000 in 2015; overtime costs in the current fiscal year are on track to be higher than in 2015. He stated the work of the Department must get done and currently full-time staff is working overtime to ensure it gets done.

[9:15:12 PM](#)

Councilmember Maughan stated he would like to meet as soon as possible to bring a proposal to the Council at the February 23 work session with hopes of voting on the proposal during the March 8 meeting. He is willing to accept those deadlines and put in the time to make it happen. Councilmember Lisonbee stated she is concerned about the timeframe for hiring parks maintenance workers and she asked if the timeline could be accelerated. Councilmember Maughan stated the proposal could be voted upon at a special business meeting on February 23.

[9:16:30 PM](#)

Councilmember Anderson asked for clarification on Mr. Marshall's comments regarding overtime; he asked if those costs would decrease if additional employees were hired. Mr. Marshall answered yes and noted that current full-time employees are working overtime to get work done and those employees are becoming overworked. Some overtime is unavoidable, but some will be reduced by an increase in staffing levels.

[9:17:27 PM](#)

COUNCILMEMER MAUGHAN RESTATED HIS MOTION TO DIVIDE THE QUESTION BY DIVIDING THE PARKS AND RECREATION DEPARTMENT PROPOSAL FROM THE BUDGET AMENDMENTS PROPOSAL.

[9:18:35 PM](#)

Mayor Palmer opened the public hearing.

[9:18:48 PM](#)

TJ Jensen stated the budget opening includes funding for a trail connection and that is a great expense. He then stated there is another item for which he would like to address the Council as the Vice President of the Layton Canal Irrigation Company and that is the diversion box for Jensen Ponds; this is something the City may be able to get the Canal Company to participate in the expense for that project and he will follow up with the Board on that issue. He commended Public Works Director Whiteley and City Engineer Bloemen for the work they have done on that project thus far; performing engineering in house saves the City money. He then discussed the proposal for the Parks and Recreation Department. He stated he understands the desire to handle as much work as possible in house, but there may be an opportunity to outsource landscape maintenance at parks to save some money. He knows there is a time crunch, but it may be a good idea to solicit some bids for that work from private companies.

[9:21:30 PM](#)

Joannie Panucci stated she noticed on the agenda an item dealing with a wage scale amendment for a management position and she asked if the budget opening has anything to do with that change. Mr. Marshall answered yes. Ms. Panucci asked if the City is required to hold a public hearing when considering an amendment to the wage scale. Mr. Marshall answered no.

[9:22:23 PM](#)

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

[9:22:48 PM](#)

COUNCILMEMER MAUGHAN RESTATED HIS MOTION TO DIVIDE THE QUESTION BY DIVIDING THE PARKS AND RECREATION DEPARTMENT PROPOSAL FROM THE BUDGET AMENDMENTS PROPOSAL AND TO ADOPT RESOLUTION R16-08 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2016 WITH THAT CHANGE. COUNCILMEMBER BOLDUC SECONDED THE MOTION.

[9:24:05 PM](#)

City Manager Bovero referenced the discussion held during the work session regarding allocation of fund balance monies and he asked if there is any support for either the tier one or tier two fund balance proposal and; if so, the Council's motion should include such direction.

[9:24:56 PM](#)

COUNCILMEMBER MAUGHAN MADE AN AMENDED MOTION TO INCLUDE IN THE BUDGET AMENDMENTS DEDICATION OF ONE-QUARTER PERCENT TO WAGE COMPRESSION, EQUIVALENT TO \$156,500, AS RECOMMENED BY STAFF.

[9:26:51 PM](#)

The Council engaged in brief discussion about Councilmember Maughan's motion.

[9:26:50 PM](#)

COUNCILMEMBER MAUGHAN RESTATED HIS MOTION TO ADOPT RESOLUTION R16-08 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2016 MINUS THE PARKS AND RECREATION DEPARTMENT PROPOSAL AND ADDING \$156,500 TO ADDRESS WAGE COMPRESSION TO BE DISCUSSED AND DECIDED AT A FUTURE COUNCIL MEETING. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[9:27:57 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO CREATE A SUB-COMMITTEE TO DISCUSS A COMPREHENSIVE SOLUTION FOR STAFFING ISSUES WITHIN THE PARKS AND RECREATION DEPARTMENT, SPECIFYING THAT THE WORK OF THE SUB-COMMITTEE WILL BE COMPLETE PRIOR TO THE FEBRUARY 23, 2016 COUNCIL MEETING. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[9:28:43 PM](#)

The Council then discussed the make-up of the sub-committee, ultimately concluding Councilmember Maughan and Anderson will participate with Ms. Robinson, Mr. Smout, Mr. Marshall, and Mr. Bovero on discussions.

[9:30:13 PM](#)

Mayor Palmer stated there has been a motion and second to create a sub-committee and he called for a vote; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[9:30:28 PM](#)

18. Proposed Resolution R16-09 revising and updating the Fiscal Year 2015-2016 wage scale.

A staff memo from the Finance Director explained City Administration has determined it necessary to add a new development services manager to the Community and Economic Department. This position will report to the Community and Economic Development Director. Staff performed a salary benchmark for the development services manager and have set the proposed wage scale to match the wages to the 60th percentile of comparative cities. This proposed new position has been added to the FY2015-2016 wage scale.

[9:30:38 PM](#)

Mr. Marshall reviewed his staff memo as well as the benchmarking data that was used to develop a wage scale for the proposed new position. He stated that upon approval of the proposed resolution, Noah Steele will be reclassified from the Planner II position into the Development Services Manager position; the net effect of this change is approximately \$8,000 including benefits. A total dollar amount for the change was included in the budget opening resolution.

[9:34:31 PM](#)

Councilmember Maughan stated the documentation in the Council packet for the wage scale for the new position includes amounts that are lower than what was presented to the Council in their initial discussion of this item a few months ago. He stated he is concerned by that discrepancy. Mr. Bovero stated there were two positions used in the initial analysis that were not comparable positions so they were replaced by comparable benchmarks.

[9:36:25 PM](#)

COUNCILMEMBER BOLDUC MADE A MOTION TO ADOPT RESOLUTION R16-09 REVISING AND UPDATING THE FISCAL YEAR 2015-2016 WAGE SCALE. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[9:36:54 PM](#)

19. Proposed Resolution R16-03 amending the Syracuse City Mission Statement and identifying 10-year vision statements City-wide and for each City Department.

An administrative staff memo from the City Manager highlighted the preparation of a draft resolution regarding the amendment of the City's mission statement and establishment of various 10-year vision statements. The resolution will serve as a guiding document for the Administration in its role in providing services to the citizens.

[9:36:57 PM](#)

Mr. Bovero reviewed his staff memo.

[9:37:24 PM](#)

Councilmember Maughan stated that in the Council's previous discussion they indicated they would not adopt the resolution with the budget goals included, but they have not been removed from the document that is in the Council packet. Mr. Bovero indicated that is a clerical error.

[9:37:35 PM](#)

COUNCILMEMBER MAUGHAN MADE A MOTION TO AMEND RESOLUTION R16-03 AMENDING THE SYRACUSE CITY MISSION STATEMENT AND IDENTIFYING 10-YEAR VISION STATEMENTS CITY-WIDE AND FOR EACH CITY DEPARTMENT, BY AMENDING THE EXHIBIT TO THE DOCUMENT TO REMOVE BUDGETARY GOALS, AND ADOPT THE RESOLUTION WITH THAT CHANGE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

[9:38:34 PM](#)

20. Public comments

Joannie Panucci referenced the ordinance adopted by the Council to amend title nine relative to penalties for completing work without a permit. She wondered as to the definition of the term 'in compliance' in Syracuse. She stated someone completed a basement without a permit and later provided an incomplete permit application that lacks much vital information. The inspection for the work is also incomplete and does not provide vital information about the inspection that was done. This causes her concern relative to safety; she knows Mr. Crawley purchased a home from the Thurgoods that has many violations. No inspections were completed or permit obtained, yet the Thurgoods continued with construction and moved into the property. In speaking with Clearfield City, Mr. Crawley was told that in order to ensure the property was safe

and in compliance, she would need to rip into the drywall. She again inquired as to the definition of the term 'in compliance' in Syracuse. She wondered how an inspector can inspect the firewall, plumbing, venting, insulation, and heating after construction is complete. She stated that for safety reasons she would think the inspector would need to rip into the drywall to perform a proper inspection. She reiterated that the inspection report completed by the inspector does not indicate that any type of inspection was completed. She cannot help but question the integrity of the employee that completed the inspection on behalf of the residents; his focus should be ensuring safety of residents. She stated she would like to leave her phone number with the City, 801-698-7585, so that a member of staff can follow up with her to provide her with the definition of what the City does when they find that someone has completed their basement without obtaining a permit or soliciting an inspection. She asked what would need to be done to bring the property into compliance. She then thanked Councilmember Maughan for his earlier correction of the minutes relative to public comments made by her at the last meeting. She noted she said one additional thing at that meeting and that was "the law was fine as it is", which she still believes; she also said "the problem was the way staff handled the situation". She believes staff did not handle the situation properly because of the paperwork she has obtained to prove otherwise.

[9:42:45 PM](#)

TJ Jensen addressed the proposals made by staff for use of budget surplus funds. He stated the City Council has an obligation to ensure the 'rainy day fund' does not increase above 25 percent of the total general fund budget. He noted at least two Councilmembers have indicated to him that they would like to increase the staffing levels of the Police Department in the next budget year, but he is concerned about the state of the economy. He stated that there are multiple countries overseas that are dumping oil at very low prices and the stock market has plummeted. He is concerned the Country may be heading towards another recession and while many of the projects recommended by staff for surplus funds use are admirable, he feels it would be appropriate to closely examine the actual needs of the City. Surplus funds could be used to hire a Police Officer now rather than waiting until the next budget year to protect against a recession.

[9:44:27 PM](#)

Scott Crawley addressed the ordinance adopted to amend title nine relative to penalties for completing work without a permit; the law states that the old provision covered any type of work done on a structure. The law states "no persons, partnerships, firms, or corporations shall commence the erection, construction, or building of any structure, building, or epithets nor add to, enlarge, improve, repair, alter, convert, extend, or demolish. . .". He stated that is very clear and is taken direction from Syracuse City Code. He stated the code also indicated it is a class B misdemeanor to erect or construct any building or structure. He stated a structure is anything with shape, form, or a purpose. He stated the ordinance was just fine as it was written. He stated he attended the last City Council meeting and asked several questions, which were never answered; the same has occurred tonight and that is not courteous. He then addressed City Recorder Brown and stated he came to City Hall two times, once in November and once in December of 2015 to file Government Records Access and Management Act (GRAMA) requests, but those have not been filled. He inquired as to the timeline for filling GRAMA requests as provided in State Law. Ms. Brown asked Mr. Crawley specifically what GRAMA requests he did not receive a response to. Mr. Crawley stated he asked for building permits for the Thurgood properties and for the campaign finance reports for Mayor Palmer. Ms. Brown stated Mr. Crawley was provided with the documents he requested. Mr. Crawley stated he has checked his phone and email box daily and has not received the documents and there is no reason for him to lie. He stated he is not being treated courteously and he is glad he does not live in Syracuse City anymore.

[9:47:04 PM](#)

21. Councilmember reports.

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Anderson's report began at [9:47:08 PM](#). She was followed by Councilmembers Bolduc, Maughan, and Lisonbee. Councilmember Gailey was not present to provide a report.

[9:55:20 PM](#)

22. Mayor's Report.

Mayor Palmer's report began at [9:55:29 PM](#).

[9:57:48 PM](#)

23. City Manager report

City Manager Bovero's report began at [9:57:49 PM](#).

The meeting recessed at [9:58:33 PM](#) in order for the body to convene in an MBA meeting.
The meeting reconvened at [10:02:32 PM](#)

[10:02:41 PM](#)

24. 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.

COUNCILMEMBER LISONBEE MADE A MOTION TO CONVENE IN A 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 PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

The closed session began at 10:02 p.m.

The meeting reconvened at 10:45 p.m.

At 10:46 p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Gailey was not present when this vote was taken.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 8, 2016