

Minutes of the Work Session meeting of the Syracuse City Council held on April 8, 2014, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

Mayor Terry Palmer  
City Manager Brody Bovero – participated via telephone  
City Recorder Cassie Z. Brown

City Employees Present:  
Finance Director Steve Marshall  
City Attorney Clint Drake  
Police Chief Garret Atkin  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson

The purpose of the Work Session was to review the agenda for the business meeting to begin at 7:00 p.m.; review the following agenda items forwarded by the Planning Commission: Item 7: Proposed Ordinance 14-07 amending the zoning map of Title 10 by changing from Agriculture A-1 Zone to Residential R-3 Zone the parcel of property located at approximately 1900 S. 1000 W.; Item 9: Proposed Ordinance 14-01 amending various sections of Title Ten of the Syracuse City Code pertaining to land use relative to two-family attached dwellings, basement apartments, and accessory dwelling units; review amendment process for Personnel Policy and Procedures Manual; Informational discussion regarding fund balance policies; and discuss Council business.

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**Agenda review**

Mayor Palmer briefly reviewed the agenda for the business meeting to begin at 7:00 p.m.

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**Review Item 7: Proposed Ordinance rezoning property located at 1900 S. 1000 W. 3231 S. 1000 W. from A-1 Agriculture to R-3 Residential.**

A memo from the Community Development Department explained this property consists of 19.5 acres and is currently zoned Agriculture. The applicant has requested to rezone the property to R-3 Residential as designated on the City's General Plan. The applicant has indicated his intent is to develop single family residential lots, as depicted in the attached sketch plan. City staff has reviewed the application and finds that it is consistent with the City's General plan and that it is harmonious with the overall character of the surrounding development with no adverse effects, and it has adequate facilities to serve the property. The Planning Commission held a public hearing on April 1, 2014 for rezone request on the above noted property. The property is 19.5 acres in size and is currently zoned Agriculture with a General Plan designation of R-3. The proposed zone change is in accord with the General Plan as amended. The Syracuse City Planning Commission hereby recommends that the City Council approve the rezone request, located at approx. 1900 S 1000 W, change from A-1 Agricultural to R-3 Residential.

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Ms. Christensen reviewed the staff memo.

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Council member Duncan stated there have been many applications for R-3 zoning lately and he would like the Planning Commission and City Council to keep in mind that the General Plan includes R-1 and R-2 zoning as well. He would like the applications for R-3 zoning to be slowed down and that developers be required to justify their request. Ms. Christensen noted the Planning Commission feels the General Plan changes have been processed too quickly recently and they have asked that any General Plan amendment application be added to a Planning Commission work session before it is added to a business meeting agenda for action. Councilmember Johnson stated he feels that is a good idea. Councilmember

Duncan stated he understands the reasons that developers favor R-3 zoning, but he is concerned about the migration away from the R-1 and R-2 zoning in the City. Councilmember Johnson stated he understands the Planning Commission will have continued discussion about the General Plan land use designations for surrounding properties and the potential domino effect this zoning change could potentially have on those properties. There was a general discussion regarding the feel of the entire area.

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**Review Item 9: Proposed Ordinance amending Title X relative to two-family attached dwellings, basement apartments and accessory dwelling units.**

A memo from the Community Development Department explained the Planning Commission has been reviewing Title X for the past few months regarding Two Family Dwellings, Basement Apartments and Accessory Apartments. The proposed amendments provide limits and regulations for two family dwellings that have previously been allowed in all residential zones. These amendments will demonstrate compliance with State of Utah requirements to address moderate income housing in our City. The proposed ordinance reflects the recommended changes from the Planning Commission. The Planning Commission held a public hearing on the proposed amendments on January 21, 2014. At a public meeting that same night the Planning Commission recommended to the City Council the adoption of the proposed amendments. The areas highlighted in yellow indicated the amendments directed by the Council at the last work session.

Summary of Amendments:

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|----------------------|--|
| Section 10.10.040    | Adds definition of an accessory dwelling unit, clarifies definition of multi-family dwelling and dwelling.   |
| Section 10.55.030    | Adds accessory dwelling as a conditional use in the A-1 zone   |
| Section 10.60.030    | Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-1 zone.   |
| Section 10.65.030    | Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-2 zone.   |
| Section 10.70.030    | Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-3 zone.   |
| Section 10.30.020(D) | Provides regulations for two-family dwellings in the PRD zone & Cluster Subdivisions with the following requirements: <ul style="list-style-type: none"><li>• Increases the lot size requirement for duplex lot from 8,000 sq. ft. to 11,000 sq. ft. and lot width/frontage from 80 feet to 100 feet.</li><li>• Restricts rental of dwelling to long term rental, not nightly or weekly rentals.</li><li>• Provides design guidelines that restrict the look and feel of the structure, so that that the structure appears similar to a single family dwelling and has a lesser visual impact on the neighborhood.</li></ul>   |
| Section 10.30.020(E) | Provides regulations for accessory dwellings (currently permitted as two-family dwellings) in residential zones with the following requirements: <ul style="list-style-type: none"><li>• Requires one unit to be owner occupied.</li><li>• Limits 1 accessory unit per lot</li><li>• Provides for increased setback requirement for new accessory unit construction, which is detached from the main dwelling.</li><li>• Provides for required increased lot size by 3,000 sq. ft. for accessory units in detached structures and prohibits them in Cluster Subdivisions.</li><li>• Restricts nightly rentals.</li><li>• Restricts home occupations in accessory unit</li><li>• Requires increased setback if windows are placed on walls adjacent to abutting properties.</li><li>• Provides size restrictions for minor CUP:<ul style="list-style-type: none"><li>○ Basement or attic 50% gross sq. ft.</li><li>○ Attached 650 sq. ft.</li></ul></li></ul> |

- Provides size restrictions for major CUP:
  - Detached 50% gross sq. ft.
- Requires parking based upon the number of bedrooms in the accessory unit.
- Requires entrance to accessory unit from the side or 20' to the rear of main dwelling entrance.
- Requires detached structure to be compatible architecture and materials of main dwelling.

The Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 14-01, Amending Title X.

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Ms. Christensen reviewed her staff memo.

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Council discussion regarding the proposal ensued with a focus on the proposed density in a cluster subdivision with Councilmember Duncan recommending that R-1 Cluster be its own zoning designation rather than a conditional use. Ms. Christensen stated she has been discussing that issue with City Manager Bovero and Mayor Palmer and they have considered recommending that an R-1 Cluster development be designated as a type of subdivision that is defined in the City's subdivision ordinance and such a subdivision application would not be vested until it is considered by the City Council. Councilmembers Duncan and Johnson were supportive of creating an independent zone for the R-1 Cluster land use, which would require a land owner to apply for that specific zone in order to develop their property in that manner.

Councilmember Peterson stated the staff memo includes photographs of acceptable duplexes and he asked if that only applies to zones in which duplexes are allowed. Ms. Christensen answered yes and noted duplexes would be allowed in the R-1 Cluster or PRUD developments. Councilmember Peterson stated that he feels the requirements are somewhat restrictive and he is not opposed to a duplex with two garages visible from the street. Ms. Christensen stated the thought process began with removing duplexes from the R-1 and R-2 zones, but the Planning Commission recommended that duplexes be allowed in the R-3 zone with specific design criteria to require that a duplex look more like a single family home. Councilmember Peterson stated that he is comfortable with that, but if there are plans to allow subdivisions made up entirely of duplexes, he is not opposed to dwellings that look like those located in Walker Estates because the homes look very nice and typically sell very easily and for a high price. There was a discussion regarding whether the types of homes located in Walker Estates would be allowed in R-1 Cluster or PRUD developments, with Ms. Christensen explaining the architecture would need to be changed in a way that the two car garages would not be oriented towards the streets. Councilmember Duncan stated he would be comfortable amending the proposed ordinance to allow duplexes with two garages oriented towards the street in the R-1 Cluster or PRUD zones of the City. After a short discussion it was determined it would be appropriate to remove sections 12A and 12B as well as the associated photographs from the ordinance.

Councilmember Johnson then inquired as to how staff or the Planning Commission settled on the recommendation of 650 square feet for an attached accessory dwelling that is considered a minor conditional use (CUP). Ms. Christensen stated that size is something that was found to be used commonly in other cities. Councilmember Duncan stated he still has concerns about allowing detached accessory dwelling units. Councilmember Johnson stated he is comfortable with the recommendation as long as one of the units on the property is owner-occupied. Mayor Palmer asked if there will be architectural standards for detached dwelling units (ADU) to require that the building look like the primary dwelling on the property, to which Ms. Christensen answered yes.

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### **Review amendment process for Personnel Policy and Procedures Manual**

A memo from the City Manager explained that according to Section 1.040. of the Personnel Manual:

“Personnel practices and procedures are in a constant state of change and the City will review the policies and procedures set forth herein as needed to best serve the needs of the City and its employees. The City reserves the right to unilaterally alter, amend, except or revoke any policy, practice or procedure set forth herein in its sole discretion. All amendments shall be approved in writing by resolution of the City Council.”

According to Section 1.010 of the Personnel Manual:

“The purpose of these Personnel Policies and Procedures (“Policies and Procedures”) is to provide guidelines and information for City employees to assist them in performing and pursuing competent and satisfying employment with the City. It is the intent of the City to comply with all Federal and State laws and regulations applicable to the City and/or its employees, whether mentioned herein or not.”

The discussion item for the work session is to review and clarify the extent to which the Council wants to be involved in making amendments to the Personnel Manual. Currently, the staff or Mayor must go to the Council for an official resolution to make amendments to the Manual, even if those changes are minor or do not have a significant impact on the budget. Does the Council want to keep this process, or would a more streamlined process be preferable? Since the administration of personnel and policies is primarily under the Mayor’s responsibilities, does the City Council want to stay involved at this level? The memo provided an example of an alternative process:

“If the Mayor feels that a proposed amendment is minor or does not have a significant budgetary impact, he/she can present the proposed changes at a work session or via written correspondence to the Council. If there are no objections from the Council, the amendments can be made. If a member of Council or Mayor determines the proposed amendment to be significant, or have a significant budgetary impact, then the proposal goes to a business meeting for a vote on the resolution.”

Mr. Bovero reviewed his staff memo.

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Councilmember Johnson stated he feels the recommendation is a good way to streamline the process to approve the Personnel Policies and Procedures Manual. Councilmember Duncan stated he is comfortable with either process, but he feels it is the Council’s responsibility to provide oversight to a certain degree. Councilmember Lisonbee agreed and stated that she is supportive of considering minor changes in a work session setting and major changes in a business meeting as an action item. She added she would like language to be included in the manual informing future Councils of this preferred practice. Councilmember Gailey inquired as to Mr. Bovero’s preference; he noted Mr. Bovero and Mayor Palmer deal more with staff and employee relations than the Council and he is concerned about making a change that would tie their hands to the point where they cannot manage employees. Mr. Bovero stated he feels the Council meets frequently enough that if a change to the manual is necessary, it will be possible to get a recommendation regarding the change in front of the Council; this will provide a balance where the Council will maintain control, but staff will be allowed to act swiftly when needed. Councilmember Peterson stated it may be necessary to define major and minor because everyone may have a different perception of those two classifications. He added, however, that since any changes will be provided to the Council for consideration there may be no problems. There was a discussion regarding the Council’s meeting schedule and whether that schedule facilitates the staff’s ability to move quickly in making changes, with Mr. Bovero noting that if a Councilmember has a concern regarding any item brought to the Council in a work session setting it will be necessary to add that item to a business meeting agenda and it will not be too difficult to wait for two weeks.

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### **Informational discussion regarding fund balance policies**

A memo from the City Manager referenced an attached document, which is an outline of recommended best practices from the Government Finance Officers Association (GFOA). These best practices are created with sound practical knowledge and experience of nationally recognized experts in government finance. The GFOA recommends that cities adopt a fund balance policy based on their individual circumstances, but a minimum of two month’s expenses or revenues, or 16.7%. Based on the proposed FY2014-15 budgeted revenue of \$9,856,554, two month’s expenses (16.7%) for Syracuse City is approximately \$1,643,000. Although the actual number may vary, this year’s estimated year-end fund balance will be \$2,100,000, or 21.3%. At the Budget Retreat, staff briefly discussed the Council’s preferences on minimum fund balance, and when it would be appropriate to draw down below the minimum. There was a variety of opinions on the desired minimum fund balance, ranging from 15% to 20%. This agenda item is informational for the City Council Members to consider the following major components of a fund balance policy, which will be discussed at the April 22<sup>nd</sup> work session:

- What should the minimum fund balance be for the general fund?
- Under what conditions can the fund balance be drawn below the minimum?
- What measures can be taken, and what revenue sources will be used to replenish the fund balance back to the minimum?

Staff will be working with Mayor Palmer to propose a fund balance policy at the April 22 Work Session.

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Mr. Bovero reviewed his staff memo.

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Councilmember Duncan inquired as to whether the City's use of the available general fund balance could negatively impact the City's credit rating. Mr. Bovero stated he feels the most important thing to a debtor is whether the City has a fund balance policy and how the City plans to replenish the fund balance if it used. He added the Council needs to be careful when considering this policy and try to avoid strictly binding future Council's relative to repayment of the fund balance. Councilmember Duncan agreed and stated he would like the policy to be somewhat flexible relative to that situation.

Councilmember Gailey inquired as to whether the City has had a fund balance policy in the past, to which Mr. Bovero answered not a formal policy.

Councilmember Duncan then led a discussion focusing on the amount of money the City should retain in its fund balance, noting he feels 18 percent of the City's revenues is a reasonable number and offers the City some flexibility. He stated he would prefer that the fund balance actually be closer to 20 percent, but including 18 percent in the policy provides flexibility and cushion. Councilmember Johnson agreed. Councilmember Peterson asked if the Council would be comfortable including language requiring the fund balance to be between 15 and 18 percent. There was a general discussion regarding this recommendation and Mayor Palmer stated he likes the flexibility so that in the event the Council wants to use fund balance money for a capital expenditure the City would not be violating its own policy. Councilmember Duncan stated he wants the policy to be flexible, but reasonable and he recommended including different fund balance levels, such as low, intermediate, and high. He stated that using the 16.7 percent recommendation from the GFOA may carry more weight with future City Council's because it is tied to hard data. Mayor Palmer asked Mr. Bovero and Finance Director Marshall to update the policy using the Council's recommendations and provide it for review during the next work session meeting.

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**Council business**

Councilmember Peterson stated the Council received a letter from Chad Scholer regarding his concerns about the changes to the plans to develop Jensen Park. Mayor Palmer stated he and Mr. Bovero will meet with Mr. Scholer to discuss his concerns, but noted he is open to recommendations from the Council regarding the best way to proceed. Councilmember Peterson stated the Council needs to understand the promises made to Mr. Scholer. Mayor Palmer stated there are no promises that were made in writing, but there is an easement on Mr. Scholer's property for the water line that runs through his property. Councilmember Peterson stated Mr. Scholer has some reasonable suggestions, but other that are very unreasonable and he suggested that the Mayor and Mr. Bovero strive to find a middle ground.

The meeting adjourned at 6:52 p.m.

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Terry Palmer  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: June 10, 2014