

Minutes of the Work Session meeting of the Syracuse City Council held on April 25, 2017 at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson  
Corinne N. Bolduc  
Mike Gailey  
Dave Maughan  
Jordan Savage

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

City Employees Present:

Finance Director Steve Marshall  
City Attorney Paul Roberts  
Public Works Director Robert Whiteley  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson  
Police Lieutenant Heath Rogers

The purpose of the Work Session was to receive public comments; hear a request to be on the agenda: Syracuse Museum Board to discuss request to construct shelter on City property; review Culinary and Secondary Water Impact Fee Analysis documents; discuss five-year Capital Improvement Plan (CIP) and potential utility rate changes; discuss parking enforcement issues; discuss/review annexation agreement and rezone of Criddle Farms property, located at approximately 850 South 4000 West; perform Fire Department Combined Biennial/Quadrennial Market Review; and discuss Council business.

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A local Boy Scout led the audience in the Pledge of Allegiance. Mayor Palmer provided an invocation.

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**Public comments**

There were no public comments.

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**Request to be on the agenda: Syracuse Museum Board to discuss request to construct shelter on City property.**

A staff memo from the Community and Economic Development (CED) Department explained the Syracuse Museum Board would like to construct a roofed shelter to cover the tractor currently located outside the Museum on City property; they are seeking Council approval in order to proceed with this project. The memo referenced photographs of the tractor as well as a sketch of the shelter that the Board would like to erect (included in the Council meeting packet).

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Museum Board Chair Phil Gooch approached the Council and provided a summary of the Board's request to construct a shelter to cover a historical tractor at the Museum site. The Board has consented to finance the construction of the shelter, but it would be located on City property and he was told it is necessary to get the Council's permission in order to proceed with the project.

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Mr. Mellor reviewed his staff memo and the rendering of the shelter, noting the Board has submitted an application for a building permit. There was brief high-level discussion regarding the impact the shelter could have on the marquis sign at the site, with a focus on the need to relocate the sign to another area of the City in the future. Councilmember Maughan noted that he wants to be sure that the shelter to be constructed is sufficient to protect the tractor; he wondered if it may become necessary for the Board to seek approval for a larger, more enclosed structure in the future that provides greater protection. Mr. Gooch stated the Board prefers an open structure that invites visitors to get close to and climb on the tractor.

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The Council ultimately reached consensus to authorize construction of the shelter on City property.

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**Review Culinary and Secondary Water Impact Fee Analysis documents.**

A staff memo from the Public Works Director explained the City has recently made updates to the culinary and secondary water master plans. The Impact Fee Facility Plan (IFFP) was presented to the council for review as a draft on January 24, 2017 and as a final on February 28, 2017. This document is used to perform an Impact Fee Analysis (IFA). The IFFP and IFA are required by State Code (11-36a) in order to impose or update impact fees. Zions Public Finance has completed the IFA and has submitted a draft for Council and staff. Susie Becker will present the IFA and will be available for questions. The IFA and the IFFP will return for a final review and consideration of approval at the next City Council Business Meeting.

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City Attorney Roberts provided the Council with a brief overview of the purpose of impact fees according to Utah State Law.

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Public Works Director Whiteley then reviewed his staff report and introduced Suzie Becker, Zion's Bank Public Finance, who used the aid of a PowerPoint presentation to provide an overview of the draft Impact Fee Analysis (IFA) documents that were included in the Council packet for the meeting; she first discussed Utah Code requirements relative to impact fees as follows:

- Impact Fees Act is found in Utah Code §11-36a
- Impact Fee Facilities Plan
  - Must identify existing and proposed service levels
  - Must identify any excess capacity in system (“system” improvements only)
  - Show demand created by new development and how demand will be met (i.e., consumption of excess capacity and facilities needed)
  - Identify facilities and cost for 6 to10-year time period (funds must be spent within 6 years)
  - Discuss funding options
- Impact Fee Analysis
  - Proportionate share analysis
    - “Buy-In” excess capacity component
    - New facilities required
    - Other costs – engineering, financial, fund balances
    - Financing and credits

She noted the current culinary water impact fee is \$966 and the proposed maximum fee is \$924.67; for secondary water, the current fee is \$1,008.44 and the proposed maximum fee is \$1,475.51. She noted that impact fees are based upon projected growth and demand on the systems from 2017 to 2026 and the anticipated costs for culinary and secondary water infrastructure projects, which \$9,687,000 and \$7,604,000 respectively. She reviewed a chart providing an illustration/comparison of current impact fees and the proposed maximum fees based upon lot size, after which she concluded by providing information regarding impact fees charged in surrounding cities; culinary water fees in Clearfield, Clinton, Kaysville, and Layton were \$254.13, \$1,586, \$889, and \$900 respectively. Secondary water impact fees charged in North Salt Lake are \$615 per 1,000 square feet of irrigated acres. There was brief general Council discussion throughout Ms. Becker's presentation, with a focus on the level of service contemplated in the IFFP's; in conclusion, Mr. Whiteley asked that the Council accept the documents for review in preparation for a public hearing that will be scheduled for a City Council business meeting in the near future.

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**Discussion of five-year Capital Improvement Plan (CIP) and potential utility rate changes.**

Finance Director Marshall used the aid of a PowerPoint presentation to provide the Council with a utility rate comparison and review of the programmed Capital Improvement Projects. The presentation indicated the City has a responsibility to charge rates for utilities that are reasonable, responsible, and that cover the costs of expenses. The City has not increased utility rates for at least six years with the exception of the rate charged by North Davis Sewer District, though during that same six-year period, costs have increased. Utility rates can be broken down into operational costs and capital costs. Operational costs are those costs that are incurred to provide the utility service (i.e. salaries, wages, disposal fees, water purchase, equipment, supplies, etc.) Capital Costs are those costs incurred to repair, maintain, and improve our infrastructure system that delivers the utility to our homes and businesses. Currently the City does not have enough cash to fund the five-year capital project plan; shortfalls in each utility fund are as follows:

- Class C Roads ~ \$1,000,000 per year
- Secondary water ~ \$350,000 per year
- Storm water ~ \$100,000 per year
- Culinary water ~ \$800,000 per year
- Sewer Fund ~ \$250,000 per year
- Total Shortfall ~\$2,500,000 per year

In order to fully fund the year capital project plan, rates and taxes would need to be increased as follows:

- Class C Roads = \$9.96/household per month (tax increase)
- Secondary water = \$3.83/household per month
- Storm water = \$1.07/household per month
- Culinary water = \$8.34/household per month
- Sewer Fund = \$2.67/household per month

Total rate increase needed of \$25.87/household per month. This would include \$9.96/ per month or ~\$120.00 per year tax increase on property taxes. ~50% tax increase. This would also include a \$15.91/ per month increase on the utility bill. If the City only raised utility rates to cover projects that have funding for roads:

- Secondary water = \$2.27/household per month
- Storm water = \$0.52/household per month
- Culinary water = \$2.76/household per month
- Sewer Fund = \$1.35/household per month
- **Total Increase = \$6.90/ household per month**

Total increase in terms of dollars would be ~\$660,000 per year and would cover approximately 26% of our shortfall. Shortfall ~\$2,500,000 - \$660,000 = \$1,840,000

A benchmark study of utility rates charged in other cities has indicated that the City has the lowest utility rates of nine nearby cities; even if the City increased rates by \$6.90 per month to \$81.45 per month, rates would still be ranked fifth out of nine cities and still be below the average utility rate of \$83.60.

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Mr. Marshall and City Manager Bovero then facilitated a discussion among the Council regarding projects included in the five-year capital plan, prioritization of projects included in the plan, and the process to perform an annual review of the plan and utility rate revenues. Mr. Marshall concluded City Administration does not have a formal recommendation regarding a potential utility rate increase; the Council could choose to take no action to increase utility rates so long as there is an understanding that doing so would make it impossible to fund the five-year capital plan at this time. High level discussion also centered on the option of adjusting the City's rate schedule to include water usage tiers and base charges upon actual usage. The Council ultimately acknowledged the need to consider utility rate adjustments, but indicated they would like to proceed with caution in order to clearly communicate to the residents the purpose of the rate increases to avoid excessive backlash. Councilmember Maughan indicated that he would like to increase the City's street lighting fee by \$0.18 per household to increase revenues enough to pay for one additional street light per year. The Council expressed support for this recommendation, but indicated they would like to consider total utility rate increases before given final approval of a street lighting fee increase.

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In closing, Mr. Bovero reviewed the process for proceeding with consideration of utility rate adjustments and the Council concluded to consider utility rates in conjunction with the budget for the next Fiscal Year (FY). They indicated they would like to consider a tiered rate schedule for water usage. Mr. Marshall indicated that he will develop options for the Council to consider, including an option that allows for phased implementation of utility rate increases.

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### **Discussion regarding parking enforcement issues.**

A staff memo from the City Attorney explained that with the heavy snowstorms this winter, it became clear that many of our residents or their guests are not complying with City ordinance which prohibits parking on the streets when snow removal is ongoing. This results in increased times for operators to complete their tasks, which in turn leads to residents waiting longer for service. It also increases the City's liability, should a driver damage an illegally parked vehicle.

The remedy under current code is for a police officer to ticket the vehicles that are illegally parked. The citation is referred to the Justice Court as a criminal traffic offense – identified as a Class C misdemeanor by Syracuse Mun. Code §

11.20.020. Similarly, parking citations related to trailers, blocking crosswalks or hydrants, and sidewalk obstruction are also sent to the justice court as a criminal traffic offense, and must be initiated by a police officer. The City bears the burden of proving that the person who was cited was the one who parked the car there; but parking tickets are rarely issued with a driver present – so ticketing a registered owner is the normal process.

We would like to assess your level of interest in creating a civil enforcement process. There are benefits and drawbacks to such a change.

A civil enforcement process for these violations would be similar to the code enforcement process for property maintenance issues. A City employee (not necessarily a sworn officer) would be authorized to document parking violations and issue citations. The citations would be carbon-copy papers which are left on the windshield or in the driver-side window of the illegally parked vehicle. No owner information would appear on the citation – just the make and license number would be listed. Instructions on payment of the fine would be included on the citation. The citation would then be delivered to the Police Department administrative staff, who would pull up registered owner information and add it to the copy retained by the City. After a few days, a letter would be sent to the registered owner, informing them of the ticket.

Unlike the criminal code, the civil parking ticket will be charged to the registered owner, rather than the driver. No evidence of being the individual who physically parked the car would be necessary to sustain the citation. Essentially, if another person had permission to use the car and parked it illegally, the registered owner and that person will need to work out payment arrangements themselves.

Similar to code enforcement tickets under the code, people who simply pay or ignore the ticket would forfeit their right to challenge it. In those rare cases where a person files an appeal, they would be required to pay an appeal fee (recommended to be \$20 - \$25), and the case would be heard by either a hearing officer or the justice court. In consultation with Judge Hoskins, we believe that such appeals could be considered adjudication of “violations of ordinances,” for which the justice court has territorial jurisdiction. The appeal would be classified as a civil case, and would be scheduled on the court’s typical, Wednesday calendar. The specific procedures and burdens applied to these hearings must be determined by the Council, but we recommend that the burden of proof be placed upon the City, with a burden of persuasion set at preponderance of the evidence.

The Council establishes civil fines in its fee schedule, and we recommend a fine for these violations of \$50. Whatever the initial amount, we recommend that the fines increase if the property owner fails to pay or make payment arrangements. For instance, the following could be adopted:

Fine paid within 21 days of ticket	\$50
Fine paid within 21 to 45 days of ticket	\$75
Fine paid/collected after 45 days	\$90
Collection fee for unpaid tickets	\$30 additional

Unpaid tickets could be sent to collections by the City, which generally assess a percentage of the amount collected.

Staff can conceive of potential situations where equity would prohibit ticketing – such as emergency situations (medical emergency in the vehicle), or bad actions by a third party (car thief abandons car in the neighborhood). At your discretion, we can choose to either trust the administration to equitably execute the laws, or write reasonably-anticipated exceptions into the code. The memo concluded the purpose of this agenda item is to assess whether the Council feels that the item requires attention – or if the status quo is preferable.

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City Attorney Roberts reviewed the staff memo and facilitated a discussion among the Council regarding the problematic nature of the City’s current ordinance. The Council ultimately offered support for an ordinance amendment that will address the issues detailed in the staff memo and reallocate City resources during winter storms. An ancillary discussion took place regarding effective communication tools that can be used to inform residents of the rules against on-street parking during winter storms. Councilmember Anderson indicated she would like for violators of the ordinance to first receive a warning rather than being cited for their first offense.

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**Discuss/review annexation agreement and rezone of Criddle Farms property, located at approximately 850 South 4000 West.**

A staff memo from the Community and Economic Development (CED) Department explained developer DR Horton is desiring to annex the north half of the 'Criddle Property' into the City and at the same time, rezone the south half of the property from PRD to R-3. The Planning Commission reviewed this item in their work session on April 18, 2017 and they

will hold a public hearing and forward a recommendation to the City Council regarding the development/annexation agreement and the zoning that will be assigned to the property if the annexation is approved. The memo provided the following information about the subject property:

Current Zoning South: PRD  
Current Zoning North: None (not annexed)  
General Plan Designation South: R-3  
General Plan Designation North: R-3  
Acres: 35.86 (north) and 20.061 (south)  
Address: Approximately 850 South 4000 West

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CED Director Mellor reviewed the staff memo and the conceptual plan for the development to potentially be constructed on the Criddle Farms property. The applicant, Mr. Wilcox, indicated that he has begun working with an engineer to address any water access issues on the property and the presence of an artesian well on the property that could be used as a public water amenity similar to the tree stump water fountain in North Ogden. Council discussion regarding the artesian well centered on the safety of water coming from the well for drinking purposes.

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### **Fire Department combined Biennial/Quadrennial Market Review.**

A staff memo from the City Manager explained in December 2016, the Council adopted a new Recruitment and Retention Policy. As part of the policy, periodic reviews of each department (every 2 years) were instituted, along with a market review (every 4 years) to ensure compensation levels are competitive with the market. Below is a section of the policy:

#### **a. Ongoing Review and Periodic Market Adjustments**

##### **i. Biennial Review**

Every 2 years, the City Council will conduct an in-depth review of each department. The primary purpose of the in-depth review is to discuss the operations, issues, overall direction of the department, and the goals of the City Council. The biennial in-depth review will also be a time to discuss any wage abnormalities or other special adjustments that the administration feels is needed.

The departments will be reviewed on a rotating basis as follows:

Yr 1: Police, Fire, Park & Rec

Yr 2: PW, CED, IT, Courts, Finance

##### **ii. Quadrennial Market Review**

1. Every other Biennial Review (every 4 years), the City Council will review the compensation levels for each position in the City and, if needed, make the necessary wage scale and/or individual wage adjustments to ensure the City remains competitive in its compensation. Issues such as wage compression may also be addressed at this time. The positions in the City will be divided into two groups based on department as follows:

*Group 1:* Police, Fire, Park & Rec

*Group 2:* PW, CED, IT, Courts, Finance

2. Below is the schedule of the biennial department reviews and quadrennial market reviews:

*Year 1:* In-depth review and benchmark of Police, Fire, Park & Rec

*Year 2:* In-depth review and benchmark of PW, CED, IT, Courts, Finance

*Year 3:* In-depth review of Police, Fire, Park & Rec

*Year 4:* In-depth review of PW, CED, IT, Courts, Finance

*Year 5:* In-depth review and benchmark of Police, Fire, Park & Rec

*Year 6:* In-depth review and benchmark of PW, CED, IT, Courts, Finance

3. The analysis of wage scales will be conducted in the same method as explained above in evaluating Benchmark Cities, and Setting Position Wage Scales (See Section 2.b.i & ii). If the City Council determines that wage scales need to be adjusted to better reflect market conditions, they will make such adjustments effective at the beginning of the

upcoming fiscal year. The Council has full discretion on wage scale adjustments, but generally will only make adjustments if a position's wage scale has changed 2.5% or more since the last adjustment. A change in wage scale does not automatically trigger a change in individual wages.

4. With each quadrennial market review, individual wages may be adjusted if a majority of the City Council approves. This market wage adjustment will be in the form of an additional percentage that the employee is eligible to receive in the annual merit increase evaluation, based on performance over the previous 4 years. Unless the City Council approves, an employee's wages will not be adjusted due to the market review if the employee has been hired within the previous 24 months.
5. In order to determine whether individual wages will be adjusted due to the market review, the Council may consider any of the following:
  - a. A comparative study of individual wages from the benchmark cities obtained through an independent contract that has been subject to the RFP process and be conducted under the direction of the city council and city manager.
  - b. Using Technet or similar shared database, the City can provide an analysis of changes in wage scales and wages over the previous 4 years. If a majority of the Council determines the information from Technet/similar shared database appears to show an anomaly or otherwise appears to be incomplete or inaccurate, a more detailed comparative study of that position may be conducted.
  - c. Any other economic data that a majority of the Council deems relevant.

The memo also referenced an analysis sheet, which shows the market change impact for Fire Department personnel. This sheet contains the revised wages based on the changes in the market, along with an analysis that shows where each employee's wage should be, using the compression algorithm. Finally, the sheet includes the proposed wages, along with the budgetary impact.

The memo indicated this item is on the agenda for discussion, and for the Administration to receive guidance from the Council on how it would like to address wage compression issues in the Fire Department. By far, the Fire Department has the most severe problem with wage compression in the City. This has been a major contributor of morale issues and loss of experienced employees in the Fire Department. Per the Recruitment and Retention Policy, the Administration also needs direction from the Council on implementing the market adjustments.

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Mr. Bovero reviewed his staff memo and facilitated a discussion among the Council regarding Fire Department operations, employee wage compression issues, part-time wages when compared to full-time wages, longevity of the current Fire Department staff and turnover trends, prioritization of maintaining/investing in current staff versus hiring additional Fire Fighters, recommended market wage adjustments and the impact the recommendations will have on the Council's ability to fund needs of other Departments.

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Mayor Palmer concluded he felt it would be most appropriate for the Council to simply accept the information presented this night for consideration in anticipation of discussion of the entire budget scheduled for a work session discussion on May 2. The Council supported that recommendation and Mr. Bovero indicated he will use the feedback provided by the Council to adjust various budget recommendations.

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### **Council business**

The Council and Mayor provided brief reports regarding the activities they have participated in since the last City Council meeting.

The meeting adjourned at 9:45 p.m.

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City Council Work Session  
April 25, 2017

Terry Palmer  
Mayor

Cassie Z. Brown, MMC  
City Recorder

Date approved: June 13, 2017