

Minutes of the Special meeting of the Syracuse City Council held on May 14, 2013, at p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

Absent: Councilmember Larry D. Shingleton

City Employees Present:

City Attorney Will Carlson
Finance Director Steve Marshall
Public Works Director Robert Whiteley
Parks and Recreation Director Kresta Robinson
Fire Chief Eric Froerer
Police Chief Garret Atkin
Information Technologies (IT) Director TJ Peace
Community Development Director Sherrie Christensen

Visitors Present:

1. Meeting Called to Order/Adopt Agenda

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Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Police Chief Atkin provided an opening thought in celebration of National Law Enforcement Week. Boy Scout Seth Hawkes, representing Troop 439, then led all present in the Pledge of Allegiance.

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COUNCILMEMBER DUNCAN MADE A MOTION TO ADD PUBILC COMMENTS TO THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

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3. Public recognition of Corey Rowley for his work with the NUHOPE Program

The following letter of commendation was written by Mayor Nagle to Corey Rowley. Mayor Nagle read the letter for the official record of the meeting.

Corey,

In recent months, our community has been hurt by a rise in suicides and suicide attempts. Based on your reputation and contacts, you were selected to implement a program that would reach across ages, genders, races, and socio-economic backgrounds to help combat this problem.

You helped the City partner with NUHOPE to provide training, funding, and support. You responded to all assignments and deadlines in a prompt and professional manner. Finally, you were instrumental in implementing a successful community training event. We may never know the full impact of your efforts; but we know for a fact that on the day of the training, one citizen who was contemplating suicide obtained the help they needed.

You are a very valuable employee and your dedication to this project, as well as to your other duties, reflects positively on the City. It is with pride that we say thank you for a job well done.

Sincerely,

Jamie Nagle

Mayor

Mr. Rowley then received a round of applause from those in attendance.

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4. Public recognition of Lance Jensen for his work with the JCAT Task Force

The following letter of commendation was written by Mayor Nagle to Lance Jensen. Mayor Nagle read the letter for the official record of the meeting.

Lance,

Recently, while working as part of the JCAT Task Force, you were exposed to the real and imminent danger of being confronted by an armed assailant. Acting in accordance with your training and State law, you appropriately used deadly force to stop the threat. In doing so, you protected yourself, your fellow officers, and citizens from potential harm.

There is no doubt that an officer involved shooting may be the most stressful event in a police officer's career. We want you to know that the City is proud of the way you acted during, and after, this incident.

You are a very valuable employee and your response during this deadly situation reflects positively on the City. It is with pride that we say thank you for a job well done.

Sincerely,

Jamie Nagle

Mayor

Mr. Jensen then received a round of applause from those in attendance.

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5. Proclamation declaring May 2013 as "Military Appreciation Month" in Syracuse City

Mayor Nagle noted there are a couple of City employees that are also members of the military that are present this evening and she asked them to stand and be recognized. She then asked City Manager Rice to read the Military Appreciation Month proclamation for the record as follows:

WHEREAS, the Mayor and City Council of Syracuse City hereby recognize that:

❖ The freedom and security that citizens of the United States enjoy today are direct results of the bloodshed and continued vigilance given by the United States Armed Forces over the history of our great nation; and

❖ the sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and

❖ the United States Congress, in two thousand and four, passed a resolution proclaiming May as National Military Appreciation Month, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and

❖ the months of May and June were selected for this display of patriotism because during these months, we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, Memorial Day, Navy Day, Army Day and Flag Day;

NOW THEREFORE, I, Jamie Nagle, Mayor of the City of Syracuse do hereby proclaim May 2013 as Military Appreciation Month in Syracuse City and encourage all citizens to join me in showing our gratitude by the appropriate display of flags and ribbons during the designated period.

DATED THIS 14th DAY OF MAY, 2013.

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COUNCILMEMBER PETERSON MADE A MOTION TO PROCLAIM MAY 2013 AS "MILITARY APPRECIATION MONTH" IN SYRACUSE CITY. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

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Mayor Nagle stated she wanted to thank everyone that has served in any branch of the military; she has lived outside of the United States in the past in a country that does not enjoy the same freedoms and she is so grateful for those people that wear a uniform every day to preserve and protect our rights. She also thanked all Police Officers that are present this evening and she asked those present to give the armed service members, retired and current, as well as the City's public safety officers a round of applause.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Kade Janes and Ashlie Albrecht.

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 Nagle noted both students being recognized this month are from Syracuse High School and she read the award nomination provided by each of their respective teachers.

Kade Janes

Kade is an outstanding student and athlete. He excels in the classroom, basketball court, and lacrosse field. Kade is also an excellent example. He is kind to everyone – a true leader!

Ashlie Albrecht

Ashlie has a cumulative GPA of 4.0! She takes A.P. and C.E. (advanced placement and concurrent enrollment) classes and excels! We are lucky to have Ashlie and Kade at Syracuse High School.

Both students received a round of applause from those present and shook the hand of each Councilmember and the Mayor. Mayor Nagle stated she looks forward to this item on the agenda each month; recognizing the award recipients is the highlight of the meeting for her.

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6. Approval of Minutes:

The minutes of the Special Meeting of April 26, 2013 were reviewed.

Councilmember Johnson stated page three of the minutes includes an error in that it states that the motion made by himself was voted upon unanimously by the Council. He stated he actually withdrew his motion before it was voted upon.

COUNCILMEMBER JOHNSON MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF APRIL 26, 2013 AS AMENDED. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

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7. Public comments

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TJ Jensen stated he has two things he would like to talk about tonight; first is the situation with the current staffing levels of the Police Department. He stated that it has been pointed out many times that there are times during the night when there is only one active duty officer on shift in the City; while the other officers are theoretically on call, that is not a good use of their time and it drastically increases public safety response time. He stated this forces the City to rely on other cities for emergency response. He stated this has bothered him since 2004 when the City only had 21,000 people in the City; the current population is now closer to 26,000 and there are times during the evening when one officer is covering 26,000 people and that is a scary statistic. He stated the Police Chief was asking to hire two new officers in the next budget year and if those officers would be working the night shift he is very much in favor of increasing staffing levels. He stated the citizens deserve that kind of protection and the City should not be "rolling the dice". He then stated the other thing he wanted to talk about is relative to water availability. He stated Councilmember Lisonbee pointed out that he serves as the vice president of the Layton Canal Irrigation Company and they are currently at a 50 percent reduction level and levels will increased to full capacity in June for farmers; sometime after that the levels will again be reduced to 50 percent. He stated it is a floating number right now because no one knows how much water is actually available. He stated the bottom line is that the City will likely have 75 percent of the typical water levels in the past. He stated that the idea of using addresses to determine which days of the week a resident should water is easy to enforce by a City employee; it is not perfect, but it is easy thought it will require a use of City resources. He stated that Councilmember Lisonbee liked his idea of placing a red letter on someone's lawn when they are guilty of watering when they should not be. He stated that is obviously not a realistic option, but it is important for everyone to come together regarding this issue.

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Brandt Shaw stated he understands the Council will be talking about the vote-by-mail option tonight. He stated he has not had an opportunity to talk to individual City Councilmembers, but he has talked to many people and done his own research and has found it is a great way to increase ones electoral knowledge of the candidates as well as increase voter turnout and give people the opportunity to vote upon those offices that are less commonly known. He stated it allows people to have their ballot in hand and conduct research with the candidate's names in front of them. He stated he is aware there is a question about voter fraud and with minimal effort it is possible to conduct internet searches to determine how different counties have handled those issues; he read one story from Durham, North Carolina about the county election officers disqualifying up to 10,000 votes because they could not verify that the person casting the ballot was the actual voter. He stated there are steps and protocol in place to prevent those kinds of things and he thinks the correct way for the City to move for its growing population and electorate is to move to a vote-by-mail initiative.

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Ray Zaugg stated he would like to talk about water restrictions; he thinks the City should encourage conservation and discuss the seriousness of the water situation this year as well as provide information and guidance via the City newsletter, but he does not think it is necessary to go as far as creating an ordinance at this time. He stated the City has been through this before and the types of restrictions that should be put in place, such as limiting water times to a half-hour, are somewhat dependent on the type of sprinkling system a resident has; that may not be effective. He stated there is a potential resource for additional water and that is the effluent from the North Davis Sewer District (NDSD) plant. He stated that is something the City should maybe file upon and consider how to pump the water into the City's system to use as a secondary source.

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8. Public hearing: 2013 Municipal Election – Vote by Mail.

A staff memo from the City Recorder explained on February 26, 2013 she presented information to the Council during a work session regarding the intent to conduct the 2013 Municipal Elections entirely by mail. During the budget retreat on Saturday, April 27, there was a follow-up discussion regarding some concerns that have been expressed by residents regarding the options available to registered voters during the 2013 election. The Recorder was directed to follow-up with Davis County to determine if they would be able to offer different voting options on Election Day. Davis County has committed to provide at least two electronic voting machines at City Hall on Election Day. Registered voters that have been mailed a ballot, but wish to cast their vote on the electronic voting machines can come to City Hall between the hours of 7:00 a.m. and 8:00 p.m., surrender their ballot, and vote on the machines. People who do not have a ballot to surrender will also have the option of coming to City Hall to cast their vote on the machines, but their ballots will be provisional ballots and staff will work to determine if the voter is a registered voter eligible to vote in Syracuse City and that they have not already cast a paper ballot or voted in another jurisdiction. One piece of exciting news is that Davis County has offered to conduct our Primary Election by mail for no additional costs over the cost we would pay for an electronic voting machine election. With this offer, the City will now be able to conduct both the Primary and General Elections by mail for the amount initially included in the budget. Two County Election Officials, Pat Beckstead and Brian McKenzie, have been invited to attend the meeting to answer any questions or address concerns raised by the public or the Council during the public hearing. The Council packet also includes a copy of a question and answer sheet provided by the County to address frequently asked questions regarding a vote by mail system.

Ms. Brown summarized her staff memo.

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Cornell Bean stated the only potential positive thing he can see about a vote-by-mail system is the potential to increase voter turnout. He stated that on the negative side, in the long term, there will be an increase in the cost of elections due to the cost of verifying all ballots by hand and the potential for voter fraud is very significant. He added he believes the system destroys the integrity of voting due to undue influence when some people are casting their votes. He stated that with regard to voter turnout, he works for an engineering firm and every once in a while it is necessary to hire new employees; when they seek new engineers they receive applications after which they perform phone screenings, review resumes, and conduct interviews with a panel. He stated that based on the review of the interview panel new engineers are hired to work for the firm. He stated that they want good engineers just like "we" want good elected public officials. He stated his firm does not send the resumes to everyone in the company to ask them to vote on the best candidate in hopes they will read the resumes of the applicants. He stated instead they rely on those that have actually done their homework and talked to the interviewee and those are the people the firm listens to in order to determine who to hire. He stated that relative to elections there are some voters that will read candidate literature, will attend meet the candidate nights, will attend City Council

meetings, and will pay attention throughout the year, but sadly most will vote based on name recognition without carrying out their due diligence that is required for the City to get really good people into office. He stated increasing the voter turnout of uneducated voters is not in the best interest of the City; it will not improve the quality of the people “we” elect and it will not improve the decisions that are made by the City. He stated he would contend that increasing voter turnout is not the best thing for Syracuse City. He stated he does not want to discuss voter fraud because he came up with way too many ways that voter fraud could occur and he does not want to give anyone any ideas. He stated that regarding undue influence n voting, when voting in a booth there is only one person voting at a time, but by mail a husband, wife, parent, child, or influential neighbor could influence a voter. Mayor Nagle informed Mr. Bean his three minute time period had expired.

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Marian Bloomquist stated she started working as an election judge in the mid 1960’s and continued until the voting machines came along, at which time she decided it was time to retire. She stated that year after year there were names of voters in the poll books that were known to the election workers as having been deceased or no longer living in the City. She stated she found out the name of a registered voter was only purged from the list after 10-years of not voting. She stated she phoned the Davis County Election Clerk’s office to ask that they explain to her the policy they follow regarding deceased voters and she was told that if a registered voter has not voted for two presidential election cycles they are sent a notice two different times to determine if they are still living at their address; this process takes about two years and if the County does not hear back from the voter, their name is placed on hold and they are ultimately removed from the register. She stated with a mail only ballot system, there will have to be a ballot sent to every registered voter; this would be a waste of printed ballots and postage and she cannot help but think of all the ballots floating around with the names of deceased voters or of people that no longer live in the City. She stated she feels this opens the door for fraud and she has large concerns about that. She then asked how long after Election Day it will take before the City will learn the results of the vote. She stated the clerk’s office will have to spend the time trying to verify all the signatures. She stated she feels there are already many options available to voters that make it easy for them to vote; early voting and absentee ballots are a few. She stated that if a person truly wants to vote they can find a way; many are just plain lazy or have voter apathy and do not care or appreciate the privilege of voting. She stated she has always voted, but she does not want her ballot sent to her in the mail with her other junk mail. She stated she wants to come to an election place, show her identification, and show that she is truly a person that is privileged to vote. She stated she would encourage the Council to reconsider the decision regarding voting by mail.

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Terry Palmer stated he would like to add to the comments that have been made; first he thinks people that would be voting by mail would be looking at name recognition and that would give an advantage to the incumbents. He stated “we” should consider that. He stated he agrees with Ms. Bloomquist about the voter lists that have many names of people that no longer live here and it leaves it open for those that are now living at former residents’ homes to vote their ballot and that opens voter fraud. He stated the other problem he looks at is why Syracuse City would want to be the guinea pig; nobody else in Davis County is doing vote-by-mail. He noted Farmington voted against the option five to zero and he personally cannot see why “we” would be the ones to try it. He stated he would recommend that “we” do not vote for it tonight.

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Pat Zaugg stated she has been an election judge for many years; she has worked with paper ballots and electronic ballots and she can also see tons of problems as mentioned. She stated people already have the opportunity to vote by mail if they choose to do that, but “we” have gone to great lengths lately to require identification to vote; if someone does not bring their drivers license to the polls they do not get to vote, but now “we” just want to mail ballots out to people without any verification. She stated that if she is living in a home where five eligible voters also live, what is to say that she will not fill out the five ballots and send them in. She stated that at a polling location electioneering is prohibited and that means that no one can talk about candidates while in the polling place; there is no preventing that from occurring in someone’s home. She stated her friend could call her and ask who to vote for and she could tell them who to vote for, but that would not happen in a public polling location. She stated it was already mentioned that someone may have moved the new person living in their home may not be a registered voter, but they could cast their ballot, which is an illegal vote and there is no way the County can catch all of those issues. She added she also sees problems with tallying votes; when she worked in elections where paper ballots were used it was a pain to go through every one of the ballots and tallying them and she cannot imagine the County doing that same thing and not having some errors occur. She stated she has worked as an election judge for many years and the electronic voting system is not perfect, but it is far above the paper ballot and vote-by-mail system. She stated she would encourage the Council to vote against the option; be as wise as Sunset and Farmington and say not to the option.

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TJ Jensen stated he would like a question to be answered after the public hearing is closed. He inquired as to the percentage of registered voters that voted in the last municipal election cycle.

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Ray Zaugg stated he would like to echo what has been said and discourage any type of voting by mail. He stated he would concentrate on one portion of the vote by mail system and that is signature verification; when he signs a ballot and sends it back in the County will be comparing his signature against his signature from his voter registration record. He stated he registered to vote when he was 18, which was several years ago, and his signature from when he was 18 would likely not match his current signature and someone will be forced to make a decision about whether to count the ballot. He asked how long it would take to verify signatures for each ballot. He stated it may not be possible to find out who won an election for up to three months. He stated he thinks photo identification is very important and it is a requirement for people to vote in Syracuse and it should remain that way.

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

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Mayor Nagle asked Brian McKenzie to address the questions that were raised during the public hearing. Mr. McKenzie approached the Council and responded to each public comment that was made during the public hearing. He also provided an overview of how ballots are verified in a vote-by-mail election.

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Council discussion and debate regarding the issue then commenced. Three members of the Council, Councilmembers Duncan, Johnson, and Lisonbee concluded they were not supportive of a vote-by-mail system. Councilmember Peterson and Mayor Nagle stated they were supportive of a vote-by-mail system.

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9. Set public hearing for May 28, 2013: Proposed Ordinance 13-06 amending Title Six, Chapter Five of the Syracuse City Code regarding irrigation service.

A memo from City Attorney explained the Davis & Weber Counties Canal Company, the primary supplier to Syracuse' irrigation ("secondary") water system, announced that 2013 water shortages require it to drastically limit water distribution. Customers can expect to receive 25% to 40% less water this year than in previous years. Since Syracuse operates its own secondary water system, the City has a choice in how to impose this reduction on the residents of Syracuse. Even so, the City should plan to have only 60% of last year's water to meet the secondary water needs of residents and visitors during this irrigation season. This requires the City to promptly implement some form of water conservation. Traditionally, municipal water conservation efforts have focused on prescriptive regulations, such as rationing water for specific uses or requiring installation of specific appliances or infrastructure. Recent research suggests that market-based policies (charge higher rates for more use and lower rates for less use) are the most cost effective way to conserve, while prescriptive regulations are better at reaching a specific conservation level. Since Syracuse has thus far declined to meter secondary water, it does not currently have an option of a market-based conservation strategy. In the short term, rationing is the only viable conservation strategy available to the City. There are several approaches to water rationing, but most require a metered system. One approach that does not require meters is to restrict the uses to which water can be put, without specifically restricting the amount of water that a home can use. This approach usually is accompanied by a fine or possibly a brief jail sentence for violations. A typical ordinance in this strategy would be one prohibiting using sprinklers at all, or permitting sprinkling a lawn only during certain hours on certain days of the week. For longer term solutions, other options for water conservation include: encouraging gray water systems, requiring installation of moisture detectors and other water conserving technologies, or market driven strategies using meters. Each of these strategies take time to fully implement and are unlikely to have a significant impact on the 2013 irrigation season, but should be considered by the Council to address the long term water needs of the City. Attached are three ordinances for immediate consideration by the Council: "Tucson," "St. John's River," and "Ivory Tower." Tucson is an emergency water conservation ordinance based on one adopted in Arizona municipalities. It allows the city to declare a water emergency and prohibit certain water uses within city limits during the emergency. St. John's River is an ordinance encouraged by water management districts in Florida, limiting the days and times that watering can occur. Ivory Tower is a model ordinance written by attorneys and law professors that contains elements of both Tucson and St. Johns as well as other additions. Adopting any of these ordinances will provide tools to the City during this and future drought years. The City Attorney recommends the City Council select one or more of these ordinances for public hearing and adoption at the next meeting of the City Council on May 28, 2013.

Mr. Carlson summarized his staff memo and asked for direction from the City Council relative to drafting an ordinance to consider on May 28, 2013.

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Council discussion regarding the issue commenced. The Council directed Mr. Carlson to draft an ordinance patterned after the St. John's ordinance with certain modifications to be considered following a public hearing on May 28.

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COUNCILMEMBER DUNCAN MADE A MOTION TO SET A PUBLIC HEARING FOR MAY 28, 2013 TO CONSIDER PROPOSED ORDINANCE 13-06 AMENDING TITLE SIX, CHAPTER FIVE OF THE SYRACUSE CITY CODE REGARDING IRRIGATION SERVICE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

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10. Accept the tentative Fiscal Year (FY) 2013-2014 budget and set public hearing for June 11, 2013 to allow for consideration of adoption of a final budget.

A memo from Finance Director Marshall explained that as required by Utah Code Annotated 10-6-111, the City Budget Officer is required to prepare and file with the governing body a tentative budget for consideration. Each tentative budget shall be reviewed and tentatively adopted during any regular City Council meeting on or before the last meeting in May. Also as required by Utah Code Annotated 10-6-112, each tentative budget adopted by the governing body and all supporting schedules and data shall be a public record in the office of the city auditor or the city recorder, available for public inspection for a period of at least 10 days prior to the adoption of a final budget. Also as required by Utah Code Annotated 10-6-113, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the public hearing. The City Council could set a public hearing for June 11, 2013 to consider adoption of the final budget.

Mr. Marshall's budget message explained The City Administration is pleased to present the Fiscal Year 2014 budget for your consideration. The budget begins July 1, 2013 and ends June 30, 2014. This document reflects the efforts of the City Manager, department directors, their staff and each of you. This year's budget proposal requests funding for 3 new full-time positions. Administration is recommending adding a police officer, building inspector, and a storm/sewer maintenance worker. These positions are all necessary as the City continues to grow and as additional responsibilities and workloads have increased. The lion's share of benefit costs that are paid for our employees is our health insurance. Health insurance premiums have been increasing every year by 5-15% depending on the organization. Syracuse City has been on the lower end of that spectrum the last few years only seeing 4-8% increases. However, we know that this increase each year is not sustainable. Therefore, staff has been working hard to come up with new options that would save the city money long-term that would also be comparable to other cities. We are looking at implementing a high deductible health insurance plan that would be offered alongside our traditional plan. Statistics show that high deductible plans are 10-15% less expensive than traditional plans. We are in process of educating our employees about this new plan. Implementing a high deductible plan this next fiscal year will benefit the city and employees now and in the future. By offering a high deductible health care plan, we hope that employees will become consumers of their health care costs and will help drive down costs that are incurred on the plan. This should benefit the employees and the city because lower costs would mean lower increases in rates from year to year. The goal would be to phase out the traditional plan over the next few years and make the high deductible plan the primary plan offered to employees. This year's budget proposal does not include any increases in property taxes. It does include a fee increase from the North Davis Sewer District of \$1.5 per month. The monthly rate will increase from \$13.30 to \$14.80 per month. The City is seeing an increase in costs for our utilities that we offer citizens. As a result, City Administration and elected officials will be holding public meetings and discussions in the upcoming months to discuss potential rate increases for utilities. We encourage citizens to get involved with these discussions. City Administration recognizes that rate increases are never popular and can increase the burden to our citizens; however, we all must realize that the cost of living in our city, state, and country continues to rise. The consumer price index increased 3.0% in Utah last year and 2.0% nationally. This means that the cost to the city to provide utilities to our citizens is also increasing. City Administration has held rates constant over the past 3 years to try and ease the burden to our citizens during the economic recession. We realize that the economic recession is not over, but we are seeing signs of a recovering economy as discussed below. Administration believes that our local economy is showing signs of recovery from the economic recession. This is evidenced by the 5.25% increase in sales tax revenues over the past 12 months. Another key indicator of economic recovery is the increase in building permits. Residential building permits issued in fiscal year 2013 are up approximately 84% over

last fiscal year at this same time and new development plans within the city suggest that this increase will continue in the future. The City issued 118 building permits for new single family homes in fiscal year 2013. The City has issued 153 building permits for new single family homes through April 2013 of this fiscal year and anticipates that number will be close to 200 building permits by the end of June 2013. This large increase in new home builds is a major factor why administration is proposing adding a new building inspector and a new police officer. Commercial development is also taking off with Ninigret developing its land on the north end of the city. The first phase of their development is already underway. The utilities are being installed and the ground is being graded in preparation for Ninigret's first major tenant. U.S. Cold Storage will soon be building a 300,000 square foot facility on the south portion of the property east of the power corridor. The Syracuse Family Fun Center will also be expanding its facilities to install a pool and additional bowling lanes. These are two of the major commercial developments that are planned to be completed in fiscal year 2014. Both of these commercial developments will generate more franchise tax revenue for the City as they will both use large amounts of electricity to conduct their business. This additional revenue has not been earmarked in this budget proposal, but could be used for road improvements in the City. Home sales state-wide are up 12.6% over last year. The unemployment rate in Utah is down to 5.2% compared to the national average of 7.7%. Overall, Utah's economy is one of the strongest economies in the nation. Utah is recovering from this recession faster than most other states in the nation. Even with all of the positive trends noted above, we know that there is still some economic uncertainty on the horizon. The sequestration and mandatory furloughs on the hill air force base are of valid concern. Administration believes that the biggest impact would be on sales tax revenue. Therefore, we have budgeted for no increase in our sales tax revenue for fiscal year 2014 even with the trend showing a positive 5.25% growth over the last 12 months. We have also built into our budget a conservative estimate on revenues and a liberal estimate on expenses. By doing this, we can alleviate some of the uncertainty and potential fluctuations that may come as a result of the sequestration. The biggest issue facing the City is maintenance, repair, and upkeep of our infrastructure systems within the city. This includes our roads, culinary water system, secondary water system, storm water system, sewer system, buildings, and street lighting system. Administration is currently investing over \$7,100,000 into infrastructure repairs and improvements in the current fiscal year. This large infusion of money into our infrastructure will greatly improve the efficiencies in our systems and will rehabilitate some of our older infrastructure that exists in our city today. Administration is continually working on a 5 year capital improvement plan that will invest ongoing money into our infrastructure to ensure that the systems are properly maintained in the future. For the fiscal year 2014 budget, administration is proposing \$1,848,000 in capital improvement projects. Administration's philosophy is to budget conservative on revenues and liberal on expenses. This philosophy has resulted in our general fund balance increasing from a low of 5% in FY2009 to a 17.3% at the end of FY2012. It has also allowed the City to fund an additional \$636,000 to road projects in the last two fiscal years. State statute mandates that our general fund balance remain between 5 and 25%. It is important to have a healthy fund balance that acts as a "rainy" day fund in case of any unforeseen circumstances such as economic downturns, etc. Administration with the consent of the governing body intends to earmark excess fund balance reserves to be used for future roads projects. Administration has brought forward a balanced budget for the General Fund which includes budgeted revenues and expenses of \$7,523,840 or a decrease from prior year of \$172,606 or 2.2%. The major change over prior year is a decrease of one-time monies in fiscal year 2013 of \$320,955 to fund roads. Administration will evaluate and determine if additional funds can be transferred to road projects at the completion of fiscal year 2013. Increased costs to fund the new positions for police officer and building inspector are budgeted at \$137,973. The remaining change is due to benefit increases including health insurance increases, URS retirement increases, and workers compensation increases. The City tracks each of its utilities it provides to citizens separately in its own utility fund. The City has 5 utility funds and 1 internal services fund. Each of these funds should be self-sustainable and should not rely on another fund or revenue source to cover its costs. The City is proposing hiring one new storm/sewer maintenance worker in the storm water operating fund to handle new compliance requirements mandated by the State of Utah. The cost of this worker is budgeted at \$56,454. The City has not raised rates in 3 years with the exception of the North Davis Sewer District rate increase last year. Over these three years costs have increased. Most of the utility funds shown below are now operating at a deficit which means that the fund will eventually run out of money to operate the utility. For this reason, administration and elected officials will be holding public meetings and discussions in the upcoming months to discuss potential rate increases for utilities. These rate increases are needed to make the utility funds whole and allow the city to continue to maintain the utility systems now and in the future. We encourage citizens to get involved with these discussions. This fiscal year, the City will reduce its outstanding debt by \$823,000. The proposed budget includes \$1,336,553 for principal and interest payments on bonds; the bonds were secured at low interest rates ranging from 3 to 5 percent. The City just recently paid off its 1992A and 1992B water bonds in FY 2013 and there are no plans to issue any new debt in this budget proposal. The City has been challenged for the last few years by reduced revenues and the need to meet citizen demands to maintain and expand City services. This budget identified the financial operations of each of the City's departments and gives direction to the Department Directors in coordinating the services their departments are providing with

the goals of the City Council. The administration is pleased to submit a budget that retains all employees and continues to maintain a sense of community for which we can all be proud.

Mr. Marshall summarized his staff memo and the budget message.

[9:07:28 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ACCEPT THE TENTATIVE FISCAL YEAR (FY) 2013-2014 BUDGET AND SET A PUBLIC HEARING FOR JUNE 11, 2013 TO ALLOW FOR CONSIDERATION OF ADOPTION OF A FINAL BUDGET. COUNCILMEMBER PETERSON SECONDED THE MOTION.

[9:07:43 PM](#)

Councilmember Duncan stated he recognizes development of the budget is an overwhelming task and to a large degree the Council must rely on Mr. Marshall and the other Department Heads to express their needs. He stated that he was very appreciative of the detail and thought that went into the budget prior to the budget retreat meeting. He stated he is still not sure that he understands it and there is a trust level that he must have in Mr. Marshall; this is full-time work for him and a big chunk of the work load for Department Heads leading up to the budget season. He stated he appreciates the attention that has been paid to the budget and he saw some interesting and innovative ideas that could be very helpful to the City and he thanked staff for that. He stated he thought the budget retreat was very informative. Councilmember Johnson agreed.

[9:09:01 PM](#)

Mayor Nagle stated there has been a motion and second and she called for a vote. ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

[9:09:05 PM](#)

11. Proposed Resolution R13-10, authorizing and approving an amendment to the treatment contract with North Davis Sewer District (NDS) and providing for an effective date.

A staff memo from City Attorney Carlson explained in 2002, Syracuse renewed a contract with the North Davis Sewer District (the NDS) that began in 1955. That renewed contract will expire in 2031. The NDS is in the process of refunding several issues of General Obligation Bonds that will mature after 2031. Bond rating agencies have asked about the expiration date ending before the bond maturation date. If unresolved, this issue could affect the NDS's favorable bond rating and the interest rate available to the NDS. The NDS has asked the Syracuse City Council to approve the attached resolution, which will approve an amendment to the 2002 contract. The proposed amendment would change the expiration date from 2031 to the latter of:

1. 2062; OR
2. Five years after the NDS has fully paid or discharged all bonds; OR
3. Five years after the NDS has abandoned or transferred all interest in its facilities and improvements; OR
4. Five years after the facilities and improvements are no longer useful in providing sewer service.

Other than the extension, all other terms and conditions of the 2002 contract will remain the same. Approving the amendment will increase the time that Syracuse is obligated to work with the NDS for sewer services. Denying the amendment may affect the NDS's bond rating and the interest the NDS (and thus taxpayers) must pay on bonds. Three Appendices follow: the proposed resolution, the 2002 contract, and the NDS's proposed Amendment.

Mr. Carlson reviewed his staff memo.

[9:09:24 PM](#)

COUNCILMEMBER DUCAN MADE A MOTION TO TABLE CONSIDERATION OF PROPOSED RESOLUTION R13-10 AUTHORIZING AND APPROVING AN AMENDMENT TO THE TREATMENT CONTRACT WITH NORTH DAVIS SEWER DISTRICT (NDS) AND PROVIDING FOR AN EFFECTIVE DATE. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER PETERSON. Councilmember Shingleton was not present when this vote was taken.

[9:09:45 PM](#)

City Manager Rice stated staff will invite representatives from the NDS to the next work session to address the concerns of the City Council relative to this proposed agreement amendment. Councilmember Duncan stated his biggest concern is what the absolute needs of the NDS are.

[9:10:34 PM](#)

12. Proposed Ordinance 13-04 amending the existing zoning map of

Title 10, Syracuse City Zoning Ordinance, by changing from Agriculture 1 (A-1) Zone to Residential 1 (R-1) Zone the parcel(s) of property located at approximately 700 South 3000 West.

A memo from Community Development Director Christensen explained the Planning Commission held a public hearing on May 7, 2013 for the Lakeview Farms LCC rezone request. No public comment was provided during the hearing. The Planning Commission reviewed the request and agreed that the property as proposed is established as R-1 Residential on the General Plan Map and this rezone request is in conformance with the General Plan. On May 7, 2013, the Syracuse City Planning Commission unanimously recommended that the Syracuse City Council approve the rezone request from Lakeview Farms LLC to rezone property located at 700 South and 3000 West from the A-1 (Agriculture) to R-1 (Residential) Zone, with a finding that the property is designated in the City General Plan for said land use of R-1 Residential. No concerns were raised by the Planning Commission or members of the public. The Syracuse City Planning Commission hereby recommends that the City Council adopt Ordinance 13-04 and approve the rezone request from Lakeview Farms LLC to rezone property located at 700 South & 3000 West from the A-1 (Agriculture) to R-1 (Residential), with a finding that the property is designated in the City General Plan for said land use as R-1 Residential.

Ms. Christensen reviewed her staff memo.

[9:11:22 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 13-04 AMENDING THE EXISTING ZONING MAP OF TITLE 10, SYRACUSE CITY ZONING ORDINANCE, BY CHANGING FROM AGRICULTURE 1 (A-1) ZONE TO RESIDENTIAL 1 (R-1) ZONE THE PARCELS OF PROPERTY LOCATED AT APPROXIMATELY 700 SOUTH 3000 WEST. COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

[9:11:42 PM](#)

13. Proposed Ordinance 13-05 amending the existing zoning map of Title 10, Syracuse City Zoning Ordinance, by changing from Residential 2 (R-2) Zone to Residential 3 (R-3) Zone the parcel(s) of property located at approximately 2150 South 1070 West

A memo from Community Development Director Christensen explained the Planning Commission held a public hearing on May 7, 2013 for the THR Investments rezone request. No public comment was provided during the hearing. The Planning Commission reviewed the request and agreed that the property as proposed is established as R-3 Residential on the General Plan Map and this rezone request is in conformance with the General Plan. On May 7, 2013, the Syracuse City Planning Commission unanimously recommended that the Syracuse City Council approve the rezone request from THR Investments to rezone property located at 2150 South and 1070 West from the R-2 (Residential) to R-3 (Residential) Zone, with a finding that the property is designated in the City General Plan for said land use of R-3 Residential. No concerns were raised by the Planning Commission or members of the public. The Syracuse City Planning Commission hereby recommends that the City Council adopt Ordinance 13-05 and approve the rezone request from THR Investments to rezone property located at 2150 South & 1070 West from the R-2 (Residential) to R-3 (Residential), with a finding that the property is designated in the City General Plan for said land use as R-3 Residential.

Ms. Christensen reviewed her staff memo.

[9:12:07 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 13-05 AMENDING THE EXISTING ZONING MAP OF TITLE 10, SYRACUSE CITY ZONING ORDINANCE, BY CHANGING FROM RESIDENTIAL 2 (R-2) TO RESIDENTIAL 3 (R-3) ZONE THE PARCEL(S) OF PROPERTY LOCATED AT APPROXIMATELY 2150 SOUTH 1070 WEST. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[9:12:29 PM](#)

Councilmember Duncan stated it is important to note for the record the reasons the Council is approving this ordinance. Councilmember Johnson stated the discussion took place during the work session and both proposed rezones considered this evening are in accordance with the General Plan of the City. Councilmember Duncan stated he likes for that information to be on the record. Mr. Carlson stated staff includes information in each ordinance that provides reasons for adopting the ordinance itself, so that creates a case record every time an ordinance is adopted.

[9:13:45 PM](#)

Mayor Nagle stated there has been a motion and second to adopt the proclamation and she called for a vote. ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

[9:13:48 PM](#)

14. Vote to direct the staff's course of action regarding the Arts Council.

A staff memo from City Attorney Carlson explained Syracuse Arts Council has asked for city staff to help negotiate an agreement with the Syracuse Arts Academy and draft a general contract for volunteers. Syracuse Code §3.09.050 allows the Arts Council to use City employees as long as it is first "approved by a majority vote of the City Council." The City Attorney also recently received bylaws which were apparently adopted by the Arts Council. In reviewing Chapter 9 of Title 3, the City Attorney has identified some inconsistencies between the practices of the Arts Council and the requirements of City Code. Following are three examples:

1. City code states the Arts Council Board consists of an employee of the Recreation Department and at least five other members appointed by the Mayor with advice and consent of the City Council. Municipal Code §3.09.020(A). In contrast, the Arts Council bylaws grant membership to anyone who pays dues and creates a board of directors consisting of four people. Arts Council Bylaws Article III, §1 & Article IV, §1.
2. Removal of officers is also addressed differently in the Bylaws and the Code. See Municipal Code §3.09.020.D & Bylaws Article IV, §3.
3. City code requires the Arts Council to provide an annual report to the City Council and a long range plan for approval by the City Council. Municipal Code §3.09.040(A-C)

The contradictions between municipal code and the practices of the Arts Council merit attention. The City Attorney recommends the City Council select one of three options: 1- Edit municipal code to comply with the general practices of the Arts Council, 2- Direct the Arts Council to adjust its practices to comply with municipal code, or 3- repeal Chapter 9 of Title 3 with a commitment to provide future support to the Arts Council as a separate entity that collaborates with the City rather than as a committee of the City. Regardless of the course of action selected by the City Council, the status quo relationship between the City and the Arts Council is unsustainable. Any of the above options will require staff time and potentially a public hearing. Accordingly, to comply with Municipal Code §3.09.050, the City Attorney recommends that the City Council vote on whatever course of action it directs the staff to pursue.

Mr. Carlson reviewed his staff memo.

[9:14:59 PM](#)

Council discussion regarding the issue commenced with the Council directing staff to invite the Chair of the Arts Council to attend a future Council meeting to discuss the relevant issues.

[9:17:17 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO GIVE THE CITY ATTORNEY THE AUTHORITY TO PROVIDE OPEN AND PUBLIC MEETINGS ACT TRAINING TO THE ARTS COUNCIL AND ASSIST IN NEGOTIATION OF CONTRACTS. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Shingleton was not present when this vote was taken.

[9:17:41 PM](#)

15. Councilmember Reports

Councilmember Johnson's report began at [9:17:45 PM](#). He was followed by Councilmembers Duncan, Lisonbee, and Peterson.

[9:25:49 PM](#)

16. Mayor's report.

Mayor Nagle's report began at [9:25:49 PM](#).

[9:29:36 PM](#)

17. City Manager's Report.

City Manager Rice's stated he had nothing to report.

[9:29:55 PM](#)

18. Consideration of adjourning into Closed Executive Session

City Council Regular Meeting
May 14, 2013

pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of a strategy session to discuss the sale of real property, including water rights or water shares directly south of Jensen Park.

9:29:54 PM

COUNCILMEMBER DUNCAN MOVED THE COUNCIL ADJOURN INTO A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, INCLUDING WATER RIGHTS OR WATER SHARES DIRECTLY SOUTH OF JENSEN PARK. COUNCILMEMBER PETERSON SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, AND PETERSON. VOTING "NO" – NONE. Councilmember Shingleton was not present when this vote was taken.

The meeting adjourned into Closed Executive Session at 9:30:00 PM p.m.

The meeting reconvened at 10:40 p.m.

At 10:41 p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: May 28, 2013