

Minutes of the Work Session meeting of the Syracuse City Council held on May 14, 2013, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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 Garrett Atkin
Community Development Director Sherrie Christensen

The purpose of the Work Session was for the Governing Body to hear a presentation from Davis Weber Canal Company re: 2013 water shortage; review agenda item 11, resolution amending treatment agreement with North Davis Sewer District (NDS); discuss the proposed Fiscal Year (FY) 2014 budget – specifically the COPS grant; discuss agenda items 12 and 13, proposed ordinances re: rezone requests; discuss the Syracuse Arts Council; and discuss Council business.

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Presentation from Davis Weber Canal Company re: 2013 water shortage

Ivan Ray, General Manager, and Kent Spencer, Superintendent of Secondary Water Operations, provided the Council with a presentation regarding the anticipated 2013 water shortage for the Davis Weber Canal Company.

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Council discussion regarding the presentation then commenced.

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City Attorney Carlson summarized his staff memo regarding the recommendation to adopt an ordinance imposing watering restrictions. 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.

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Council discussion regarding a proposed ordinance then commenced. The outcome was to continue discussion during the business meeting and determine whether to set a public hearing regarding the proposed ordinance.

[6:30:04 PM](#)

Review agenda item 11, resolution amending treatment agreement with North Davis Sewer District (NDS)

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.

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Council discussion regarding the issue commenced. The outcome was to invite the NDS to a future Council meeting to discuss the issue with them and determine the best way to move forward with the agreement.

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Discuss proposed FY 2014 budget – COPS grant

A staff memo from Police Chief Atkin explained he would like to ask for Council approval to submit an application for the COPS hiring grant offered through the U.S. Department of Justice/Office of Community Oriented Policing Services (COPS). The purpose of this grant is to enhance law enforcement’s capacity to prevent, solve, and control crime by providing funds for the hiring of additional officers. Based on the size of Syracuse Police Department, the grant would allow him to apply for one additional police officer. The grant funds provide 75 percent of the new officer’s salary and benefits for three years; however, the maximum federal funding is \$125,000. The City would be responsible for the remaining amount and for guaranteeing that the position will be fully funded for 12 months after expiration of the grant. The following table, which assumes a five percent annual increase, shows the cost breakdown over three years.

	Year 1	Year 2	Year 3	Total
COPS grant	\$50,861.00	\$53,404.00	\$20,735.00	\$125,000.00
City funding	\$16,954.00	\$17,801.00	\$54,030.00	\$88,785.00
Totals	\$67,815.00	\$71,205.00	\$74,765.00	\$213,785.00

The City would have approximately \$45,000 in initial equipment costs, which includes an equipped vehicle, for the new officer. Over the life of the grant, the City would be responsible for approximately \$134,000 in salary, benefits, and equipment; that amount is approximately 52 percent of what it would cost the City to fund this officer out of the City budget.

Chief Atkin reviewed his staff memo.

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Council discussion regarding the item commenced. The outcome was to delay hiring a new police officer at the beginning of the Fiscal Year 2013-2014 budget year in favor of waiting to see if COPS grant funding is awarded. If grant funding is awarded the officer will be hired using that funding and if no funding is awarded the original proposal to hire a new officer in the upcoming budget year will be carried out.

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Discuss agenda items 12 and 13 re: rezone requests

The following staff memos came before the Council for consideration:

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.

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.

Community Development Director Christensen reviewed the staff memos.

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Discuss Syracuse 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.

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Council discussion regarding the item commenced. The outcome was to continue the discussion during the business meeting in order to give staff direction regarding how to proceed.

The meeting adjourned at [7:00:06 PM](#).

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 28, 2013