

Minutes of the Work Session meeting of the Syracuse City Council held on August 25, 2015, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

City Employees Present:

City Attorney Paul Roberts  
Finance Director Steve Marshall  
Public Works Director Robert Whiteley  
Community and Economic Development Director Brigham Mellor  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson

Visitors Present:

Ralph Vaughan	Josh Yeates	Chris Keime
Mason Hamblin	Helene VanNatter	Bryan DeGrange
Jordan Savage	Ray Zaugg	Pat Zaugg
Andrea Anderson	Ed Gertge	Kevin Homer
Howard Davidson	Dena Kammeyer	Kathy Thomas
Stephen Thomas	Patrice Rupert	Jerry Guffey
Janet Davidson		

The purpose of the Work Session was to receive public comments; hear a presentation from Davis School District re: upcoming bond election; discuss the Davis County proposal regarding Animal Care and Control services; receive a report on the results of the Park Survey for Parks Master Plan; discuss Policy and Procedures Manual amendments; discuss a potential RDA tax rebate payment to Syracuse Family Fun Center, aka The Rush Funplex; discuss the process for filling a City Council vacancy; review items forwarded by the Planning Commission:

- Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.
- Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.

and discuss Council business.

6:01:40 PM

Councilmember Gailey offered an invocation; Boy Scout Ben Bowen led the audience in the pledge of allegiance.

6:04:18 PM

**Presentation from Davis School District re: upcoming bond election**

An administrative staff memo explained representatives of Davis School District requested time on the City Council agenda to address the Council and provide information regarding the upcoming school bond election that will be held in conjunction with the City's General Election on November 3, 2015.

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Davis School District (DSD) Elementary School Director Helene Van Natter and Business Manager Craig Carter used the aid of a video and PowerPoint presentation to provide the Council and audience with information regarding the purpose of the General Obligation Bond that will be submitted to the voters during a special election (held jointly with the City's Municipal Election) on November 3, 2015.

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There was a brief general discussion between the Mayor, Council, and DSD representatives, with a focus on the total possible financial impact to an average resident in the District, which is \$7.49 per year for a \$240,000 residence (considered the average home value within the District).

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**Public comments**

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Dave Maughan referenced the item on the agenda to discuss the results of the Parks Survey and he urged the Council to consider the entire survey as it would be easy to isolate a single question and feel there is an isolated answer to all of the questions. He stated that when he looked at the results he noticed a theme to certain things that people wanted repeatedly, but it is necessary to look at the total package. He stated that a theory must be proven using several factors rather than isolation of one issue. He encouraged the Council do a very thorough analysis before jumping to any conclusion.

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Brian Degrange stated he is present this evening to show support for the rezone application for the property on 1700 South to allow for the type of businesses permitted in the City's Business Park Zone; he noted he has a home business and it has grown to the point that he needs office and warehousing space and he would prefer to build his business on the subject property rather than seek suitable space in another city, such as Layton.

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Pat Zaugg suggested that item "f" on the agenda be moved to the bottom of the agenda so that those present to hear discussions on other items are not forced to sit through the discussion on that item.

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Ray Zaugg stated that he noticed the agenda item regarding Animal Control services in the City; he is concerned about the County's proposal to pass an increased cost on to Syracuse City and he wondered if the City should be looking at alternative options.

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Jared Yates stated he owns property in the City; he appreciated the Council having the pledge of allegiance this evening as it prompted him to choose his words a little differently. He added he does not appreciate being here to begin with; he has been jerked around for far too long. He stated a City is a corporation and it has plenty of means to generate revenue and take care of itself rather than dipping into others' pockets. He indicated he feels the City Council has been good and fair to him, but staff has been much different. He noted he understands there is a property rights ombudsman that renders decisions and he has spoken with that individual before approaching the City asking again for what he is seeking; to say that he has experienced unfair treatment compared to anyone else that has developed or built in the area would be an understatement. He noted the way he has been dealt with regarding road cuts is the definition of punitive, but it is not lost on him that the ombudsman does not have authority over either him or the City. He concluded he wanted to say he has been treated unfairly to say the least and it needs to come to an end one way or another; the Mayor and Council may want to intervene or maybe not, but he asked them to consider his comments as putting them on notice of his complaint.

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The Council then determined to amend the agenda by moving item "f" to the last item above Council business.

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**Davis County proposal regarding Animal Care and Control services**

A staff memo from the City Manager explained that as of 2015 cities in Davis County pay for 37% of all animal control service fees and Davis County pays for the other 63%. The cumulative amount of money budgeted for all Davis County cities was \$654,575, and the portion budgeted for the County was a total of \$1,105,743. Of the \$654,775 budgeted for the cities in Davis County for 2015 \$46,998 belonged to Syracuse City. 7.23% of calls for service in 2014 belonged to Syracuse City. The County proposes that the County and its cities near the end of the 2015 calendar year to amend the current contracts for animal care and control services, in such a way that the County and cities will equally share the costs at a 50/50 ratio. The County also proposes that the County and its cities between now and the end of the 2016 calendar year to engage in further dialogue regarding this matter, with the goal of reaching a long term resolution for the 2017 calendar year and

beyond. It is projected that the County would like to transfer more of the cost of paying for animal control fees to its cities with each calendar year. Eventually reaching the point in calendar year 2020 where there would be a city/county ratio of 90/10. Once cities are paying for 90% of yearly animal control fees, the total expenditure of all cities in Davis County in 2020 would be \$1,887,270. If Syracuse City's percent average (7.18 %) remains consistent the 2020 amount it would pay of the required animal service fees would be \$135,506. However, Syracuse is an expanding city, and its portion of annual animal control service needs will most likely increase as well. The city managers in Davis County met in July to discuss this matter and concluded that we would recommend to our councils that if we are willing to consider a shift in cost sharing, the following would need to occur:

- We would honor the existing contract, which runs through 2017
- We agree to look at the shelter fees to ensure they are charging enough for users of the service.
- We have a serious discussion about levels of service, specifically:
  - What constitutes a call for service
  - What services can be provided by cities or are duplicative
  - Whether animal control staffing levels are appropriate
- What portion of costs should be borne county-wide (county property tax) vs paid by cities. In essence, is animal control primarily a county operation, or should decisions be made by the cities (cost = ownership of the service).

The memo concluded the purpose of the discussion is to alert the Council of the County's proposal and discuss the potential impacts on Syracuse City.

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City Manager Bovero reviewed his staff memo.

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The Council engaged in discussion with staff with a focus on options available to the City that differ from the County's proposal, such as possibly bringing Animal Control services in-house, partnering with other cities similarly impacted by the County's proposal, contracting with private or non-profit Animal Control service providers, or creating a special service district to cover the cost of Animal Control. Mr. Bovero indicated staff will continue to investigate options that would provide the greatest efficiency without negatively impacting the current level of service. Mayor Palmer added that he will ask the Davis County Council of Governments (COG) to add an item to a future agenda to allow all Mayors to discuss this issue with County representatives.

[6:42:06 PM](#)

### **Report on results of Park Survey for Parks Master Plan**

A staff memo from the City Manager explained that as an important public participation element of the Parks Master Plan, the City contracted with JUB Engineers and The Langdon Group to conduct a city-wide survey on park and recreation services. The raw survey results were included in the Council packet with plans for JUB to present a synopsis of the results during the council meeting. The survey results are scheduled to be presented to the Parks Advisory Committee at their August 20<sup>th</sup> meeting. They will utilize the input received by the survey to draft the Parks Master Plan, with the assistance of JUB. The purpose of the presentation to the Council is to provide an update on the progress of the master plan process, and share the survey results.

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Mr. Bovero reviewed his staff memo and introduced Greg Graves, JUB representative, who has been the lead on the Parks Master Plan project. Mr. Graves used the aid of a PowerPoint presentation to provide the Council and audience with a high level overview of the results of the survey.

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### **Discuss RDA tax rebate payment to Syracuse Family Fun Center, aka The Rush Funplex**

A staff memo from the Community and Economic Development (CED) Director explained the Rush would like to accelerate the payout schedule for the tax increment they are allotted to receive. An accelerated payment schedule doled out through RDA's as part of an agreement is a common practice. Often time's reimbursement is tied to interest rates for late or delayed payments to a developer providing a mechanism to encourage faster payout from the agency. The Rush Funplex is a

new retail product in this part of Davis County; it should be expected that the first years are the thinnest as the brand develops and people learn that it is here. The Rush has provided financial information to the city and has shown that sales are improving – and the expectation that the coming fall months will be the biggest struggle for the facility regarding operating cash is a realistic concern – as expressed by the funplex ownership. The new agreement would end in 2024. The Rush has not pledged tax increment to a bank as collateral. If the company goes out of business the deal ends and no more tax increment is paid out. The formula for the payout is as follows:

Year	Calculation for amount
2016	<i>pre agreed to \$ amount + NPV (of incentive 2024)</i>
2017	<i>pre agreed to \$ amount + NPV (of incentive 2025)</i>
2018	<i>pre agreed to \$ amount + NPV (of incentive 2026)</i>
2019	<i>pre agreed to \$ amount + NPV (of incentive 2027)</i>
2020	<i>pre agreed to \$ amount + NPV (of incentive 2028)</i>
2021	<i>pre agreed to \$ amount + NPV (of incentive 2029)</i>
2022	<i>pre agreed to \$ amount + NPV (of incentive 2030)</i>
2023	<i>pre agreed to \$ amount + NPV (of incentive 2031)</i>
2024	<i>NPV (of incentive 2032)</i>

NPV + agree to amount for given year starting with year 2024 / (1+R)^T

Where:

R=.03 (for inflation)

T=8 (for the # of years we are bumping payment)

Year	New Amount	Old amount
2016	\$134,026	\$96,096
2017	\$128,607	\$96,096
2018	\$128,607	\$96,096
2019	\$123,189	\$96,096
2020	\$82,005	\$54,912
2021	\$78,573	\$51,480
2022	\$73,154	\$51,480
2023	\$69,722	\$48,048
2024	\$13,546	\$48,048
2025	\$0	\$41,184
2026	\$0	\$41,184
2027	\$0	\$34,320
2028	\$0	\$34,320
2029	\$0	\$34,320
2030	\$0	\$27,456
2031	\$0	\$27,456
2032	\$0	\$17,160
<b>Total Payout Overall</b>	<b>\$1,327,627</b>	<b>\$1,391,952</b>

The memo concluded Administration recommends that the RDA board consider increasing the rate payment.

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Mr. Mellor and Finance Director Marshall reviewed the staff memo.

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The Council briefly discussed the request from Mr. Gertge, owner of the The Rush, as well as the information provided by staff and indicated they were comfortable proceeding with approving an amendment to the agreement to accelerate the Redevelopment Agency (RDA) incentive provided to the business.

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**Discuss the process for filling a City Council vacancy**

A staff memo from the City Recorder explained Councilmember Brian Duncan resigned his position on the City Council effective Friday, August 14, 2015. The City Council has 30 days to fill the vacancy and staff is recommending that the process to select a new Councilmember be carried out during the regularly scheduled business meeting of September 8, 2015. A notice has been published in the Standard-Examiner as well as on the City's website, Facebook, and Twitter feeds. The deadline for applicants to submit their materials is Monday, August 31, 2015. Mayor Palmer has indicated he would like to provide applicants with a list of questions to be answered prior to the interview process on September 8. A draft list of questions has been included in the packet for review and discussion.

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City Recorder Brown reviewed her staff memo, after which she and the Council engaged in a brief discussion about the questions to be provided to each of the Council vacancy applicants, ultimately concluding to change question two to ask candidates their perception of the time commitment for a City Council member and add a question asking candidates what issues would be most important to them as a Councilmember. Ms. Brown indicated she will amend the list of questions and provide them to the candidates asking them to provide their answers in advance of the meeting in order for that information to be available in print for the Council and Mayor's review. The Council also engaged in a discussion regarding law changes that require the Council to deliberate regarding the person that should be appointed to fill the vacancy in an open meeting rather than convening in a closed session to hold such deliberations, with a focus on potentially considering a motion to narrow the field of candidates to a certain number for more discussion after the conclusion of presentations.

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**Review items forwarded by the Planning Commission:  
Proposed Resolution R15-24 amending the Syracuse  
City General Plan Land Use Map adopted in 1976, as  
amended, by changing the land use designation for  
property located at approximately 3600 W. 1700 S. from  
Professional Office to Business Park.**

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

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property. The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

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CED Director Mellor and City Planner Steele reviewed the staff memo. Mr. Steele distributed copies of the sections of the Syracuse City Code regarding the regulations and permitted use in the Business Park Zone; he reviewed the architectural requirements and emphasized the Business Park Zone is not intended to house industrial or warehousing/storage uses. He noted he did not feel the appearance of a building would look very similar whether it is the Professional Office or Business Park Zone. Mr. Mellor agreed and noted that the reason the applicant desires and the Planning Commission supports the request for the Business Park Zoning is simply based upon the greater range of uses that are permitted in the Business Park Zone. He added the applicant has marketed the property as professional office property for a lengthy period of time and has been unable to attract tenants due to

its location. He noted that the applicant has indicated that the type of tenants that would likely locate on the property if it were zoned Business Park would not have a retail draw, although it may be possible to locate retail uses on the property or in the vicinity in the future.

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Council discussion regarding the application then ensued, with Councilmember Lisonbee noting that property owners should expect to be able to rely upon the City's General Plan and zoning of a property when they move to the City; however, when a property owner requests a change to the zoning, the City must analyze the impact that proposed change may bring. The major change in this case relates to the uses permitted in the Business Park Zone and there are some uses that could be more impactful on the residents in the area. She indicated she has heard from many concerned residents in the area and she wants to be responsible in balancing those concerns with the interests of the property owner. Councilmember Johnson agreed and stated he is concerned about the types of uses that would be permitted in a primarily residential area.

Councilmember Gailey asked if the Planning Commission heard from concerned residents during their public hearing. Mr. Steele answered yes and noted that the majority of the concerns were geared towards the uses that would be permitted on the property as it was their understanding that industrial or storage uses would be permitted, but he clarified that is not the case. Councilmember Gailey stated that as a homeowner he would think a business park development would be quieter than uses allowed in other zones. Councilmember Peterson agreed and noted it is not always possible to make everyone happy. He referenced the photographs included in the packet of materials provided by Mr. Steele and stated he would not have a problem with a building appearing in those photographs close to his home. General discussion then ensued with a continued focus on the uses permitted in the Business Park Zone, with brief discussions regarding buffering requirements, parking requirements, landscaping requirements, and architectural standards.

Mayor Palmer asked City Attorney Roberts to provide the Council with a synopsis of the options available to them tonight regarding this application. Mr. Roberts noted that the Council always has the option of denying this type of application, but if the General Plan amendment and zone change are approved, the applicant would have the right to develop his property according to the defined uses and standards listed in the City's Code. However, if the biggest concern is based on the uses permitted in the Business Park Zone, the Council could table these actions and consider amending the City Code to change the uses permitted in the Zone. He added the Council also has the option of considering a development agreement that the zone change would be conditioned upon; the Developer would make concessions, such as limiting the uses permitted on the property or adhering to stricter design standards. Discussion then centered on the makeup of a development agreement and how binding such an agreement is for either party, with Mr. Roberts noting a development agreement is recorded against the property and follows that property regardless of ownership until it is amended upon agreement by both parties. Councilmember Gailey asked applicant Michael McBride if he would be willing to enter into a development agreement. Mr. McBride stated he would enter into agreement if that were required of him. He then added there will be no vehicles parked in the back of the buildings to be built on the property as it will be reserved as a driveway and emergency access.

Mayor Palmer then stated that his biggest concern is that some of the information provided by Mr. McBride regarding his development plans for the subject property seem to indicate that he may have future plans to develop the Glenn Eagle Golf Course; that is somewhat bothersome to him and he inquired as to Mr. McBride's commitment level relative to ensuring the Golf Course will not be developed. Mr. McBride stated the golf course has never generated revenue; the only revenue has come from the residential development surrounding it and if he is not allowed to develop his commercial property to subsidize the golf course with a steady revenue stream, the golf course could possibly be taken by the bank and he will lose all control of it. He stated that his lifetime has been spent on the golf course, but he has partners who have encouraged him to develop it. He has committed that will not happen as long as he is alive, but he needs a way to generate an income stream to continue to operate. He reiterated he has marketed the subject property as professional office space and has not been able to attract tenants there. Mayor Palmer stated that there are many options for future development of surrounding properties in the area and he asked Mr. McBride if he is personally willing to keep the golf course operational though other development opportunities may be more profitable. Mr. McBride answered yes as long as he can develop his other commercial property in the City. He stated he understands that many people that live in homes surrounding the golf course paid a premium for their property and he wants to maintain the golf course as that is what attracted them to the area; he noted he wants to maintain that for them. Discussion continued regarding the future of the golf course, with Mr. McBride noting that he and other partners have invested up to \$8 million in the golf course and he wants to keep it in operation, but reiterated he needs a revenue stream to do so.

**Review items forwarded by the Planning Commission:  
Proposed Ordinance 2015-16 amending the existing  
zoning map of Title Ten by changing from Professional**

**Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.**

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
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This item was discussed concurrently with the previous item.

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**Policy and Procedures Manual amendments**

A staff memo from the Finance Director explained this is the third comprehensive review of the policy manual by the city council. This review covers a comprehensive review of chapter 18 and minor changes throughout the other chapters of the policy manual. Below is a summary list of changes that staff is recommending to the city council. Comprehensive changes to chapter 18. Changes include defining prohibited personal use of a city vehicle, authorized passengers, take home rules and allowance, documentation, and qualified non-personal use.

- Chapter 4 – changes to employee definitions.
- Chapter 5 – Position adjustments & Emergency call back changes.
- Chapter 6 – Work hours for employees that are 14-15 years old.
- Chapter 7 - Eligibility for Group Health Coverage under the Affordable Care Act (ACA).
- Chapter 7 – Retirement programs amendments to include new tier II information.
- Chapter 8 – FMLA changes to consider make up time for employees on FMLA.
- Chapter 8 –Funeral leave clarifications.
- Chapter 10 –Updating definitions in the harassment section.
- Chapter 14 –Updating policy on severity of accidents claims and return to work restrictions.

This item was tabled until the September 8, 2015 work session and business meetings.

**Council business**

There was no Council business.

The meeting adjourned at 8:08 p.m.

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Terry Palmer  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: September 8, 2015