

Minutes of the Work Session meeting of the Syracuse City Council held on September 8, 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:

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

Visitors Present:

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|-----------------|------------------|----------------|
| 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 review the agenda for the business meeting to begin at 7:00 p.m.; review agenda item 13, Proposed Resolution re: Policy and Procedures Manual amendments; review the following items forwarded by the Planning Commission: Proposed Ordinance 2015-18 amending the existing zoning map of Title Ten by changing from Residential R-2 to Residential R-2 the parcel of property located at 2121 S. 1000 W.; Final Subdivision Plan Approval, Keller Crossing Phase 1, located at approximately 1475 W. 2000 S.; Proposed Ordinance 2015-19 amending various sections of Title VIII of the Syracuse City Municipal Code pertaining to ; performance securities; Potential Reconsideration of 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.

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Agenda review

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

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Review agenda item 13, Proposed Resolution re: Policy and Procedures Manual amendments.

A staff memo from Finance Director Marshall explained this is the 3rd 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.

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Mr. Marshall reviewed his staff memo and facilitated a brief discussion regarding the feedback he has received from a few Councilmembers regarding minor changes to be made to the document. He indicated he will make the appropriate changes and suggested that a motion to adopt the resolution reference the changes discussed tonight.

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**Review items forwarded by the Planning Commission:
Proposed Ordinance 2015-18 amending the existing
zoning map of Title Ten by changing from Residential R-
2 to Residential R-1 the parcel of property located at
2121 S. 1000 W.**

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

Location: 2121 S 1000 W
Current Zoning: R-2 Residential
General Plan: R-2 Residential
Requested Zoning: R-1 Residential
Total Area: 2.27 Acres
Density Allowed: 2.9

This property, measuring 2.27 acres, is currently landlocked with not potential for development at this time. The property has recently been listed for sale and the potential buyer would like to have the ability to restore farm animals to the lot. The two adjacent properties to the south currently have farm animals grandfathered in. City staff has only received comment from two neighbors, both in favor of this request. City staff has no issues with the downzone of this property.

The Planning Commission moved to recommend approval to rezone the property located at 2121 S 1000 W from R-2 to R-1 Residential, subject to all applicable requirements of the City's municipal codes on September 1, 2015 with a unanimous vote.

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CED Director Mellor reviewed the staff memo.

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**Review items forwarded by the Planning Commission:
Final Subdivision Plan Approval, Keller Crossing Phase
1, located at approximately 1475 W. 2000 S.**

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

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|--------------------------------|-----------------|
| Address: | 1475 W 2000 S |
| Zone: | R-2 Residential |
| Applicant: | Nilson Homes |
| Total Acreage | 6.774 acres |
| Net Developable Acres: | 5.419 acres |
| Allowed Lots (5.44 units/acre) | 20 |
| Proposed Lots | 17 |

The memo also reviewed the public meeting outline for the application:

| | |
|----------------------------------|-------------------|
| General Plan and Rezone Approval | |
| Planning Commission | May 5, 2015 |
| City Council | May 12, 2015 |
| Concept Plan Staff Review | April 29, 2015 |
| Preliminary Plan Review | |
| Planning Commission | June 2, 2015 |
| City Council | June 9, 2015 |
| Final Plan Review | |
| Planning Commission | September 1, 2015 |

This request is for phase one of two phases for the Keller Crossing Subdivision. This phase is on the west end of the development and will complete 1475 West. This phase is surrounded by single family residential development. The developer has opted for the low volume local street standard. The developer has been sent the city staff reports and is currently amending the drawings to reflect any outstanding items.

The Planning Commission moved to recommend approval of the final subdivision plan for Keller Crossing Phase I, located at 1475 W. 2000 S. R-2 zone, subject to all applicable requirements of the City's municipal codes and city staff reviews on September 1, 2015 with a unanimous vote.

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CED Director Mellor reviewed the staff memo. He noted that the developer has asked that the approval be effective September 22, 2015, but if the application cannot comply with certain conditions of approval, it will be brought back to the October 13, 2015 meeting for additional consideration and/or action.

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**Review items forwarded by the Planning Commission:
Proposed Ordinance 2015-19 amending various sections
of Title VIII of the Syracuse City Municipal Code
pertaining to performance securities.**

A staff memo from the Community and Economic Development (CED) Department explained City staff has done due diligence as a result of various guarantee requests from developers. We have found the proposed options to be low risk for performance security of required development improvements. The city would like to accept these low risk options for guaranteeing development improvements to prevent the need for future special approval on certain developments. In addition, as the economy improves, financial institutions have begun to ease up on restrictions and limitations for irrevocable letters of credit which acts as a bond for entities viewed as low risk borrowers in the eyes of credible lending institutions. As the city expands and creates more RDA's to encourage development, the RDA component will help facilitate different options to utilize tax increment to facilitate development.

The Planning Commission moved to recommend approval to the City Council of the code amendments to Title 8.30.30 (E) pertaining to Performance Securities on September 1, 2015 with a unanimous vote.

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CED Director Mellor reviewed the staff memo. Councilmember Lisonbee inquired as to the risk the City would be assuming by allowing the recommended type of performance security. Mr. Mellor stated that it is his understanding that irrevocable lines of credit are only offered to developers that meet certain criteria; the only risk to the City would be if the bank offering the line of credit were to close making it impossible for the City to draw on the money. Councilmember Lisonbee asked if other cities are offering this type of performance security to developers, to which Mr. Mellor answered he is unsure, but could do additional research.

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**Review items forwarded by the Planning Commission:
Potential Reconsideration of 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 proposed application:

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|-------------------------|---------------------|
| 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. Since our last council meeting the applicant has worked with staff to create a development agreement for council to review prior to approval of the zone change. This agreement has been discussed with residents who were concerned with the development and they are aware of the details. Two council members and the mayor participated in the discussion on drafting the development agreement herein. All parties involved have come to middle ground on this issue.

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 reviewed the staff memo.

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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 (CED) Department provided the following information regarding the proposed application: explained

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

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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 reviewed the staff memo and City Attorney Roberts provided a summary of the development agreement that has been negotiated between the City and the applicant.

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Discuss agenda item eight, Proposed Resolution appointing Doug Peterson to the North Davis Sewer District (NDSD) Board of Trustees.

An administrative staff memo explained The City has the opportunity to appoint one of its members to serve on the North Davis Sewer District (NDS) Board of Trustees. Mayor Palmer has recommended that Councilmember Peterson be appointed to fill the position.

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Councilmember Lisonbee stated that in the past the Council has tried to be very conscientious of procedure; she was reminded by a resident that this is not a Mayoral appointment and, instead, it is a Legislative Body appointment. She is concerned that this action will be taken by a partial Legislative Body rather than an entire contingent and she preferred that the item be moved to the end of the meeting so that a full Council will have the opportunity to make this decision. Mayor Palmer asked City Attorney Roberts to respond to Councilmember Lisonbee's comment about the appointment being one for the Legislative Body to make. Mr. Roberts indicated that according to Utah Code the Council is the appointing body for the District's Board of Trustees; Title 10 of the State Code discusses the powers of members in a six Councilmember form of government, and the Mayor is part of the Council. He added the State Code, however, does not give clear indication whether this appointment is one for the Mayor to make with advice and consent of the Council or if it is a Council appointment, but there are certain powers vested in the Mayor according to the Syracuse City Code, and one of those powers is that the Mayor has the authority to remove or appoint members to Boards of Commissions with the advice and consent of the Council. He noted the Council has the authority to provide for filling any vacancy in an elective or appointive office. He stated that if this is an issue that arises regularly in the City, it would be best to create a specific section in the City Code that discusses appointments to boards, specifically those independent of the City. He stated it is his opinion that the appointment of a person to a board is subject to advice and consent of the City Council.

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Councilmember Peterson asked Mr. Roberts for his definition of advice and consent. Mr. Roberts stated that the name of an appointee would be submitted by the Mayor and the Council has the opportunity to offer advice and consent via a vote.

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Councilmember Lisonbee provided the history of 17B-405 of the Utah Code, noting that it applies to just one sewer district in the State of Utah, which is not the North Davis Sewer District. The reason the remaining sections of the Utah Code indicate that legislative bodies have the authority to make appointments to other district boards is because they are representative bodies of the residents. She stated that she will not argue with Mr. Roberts' interpretation of State and City Code, but she wanted to offer the opinion she received from the Association of Special District's Attorney who wrote the State Code regarding this issue. She stated this is a matter of whether the Council wants to make this decision with a partial body or a full body regardless of whether the appointment is made by the Mayor with advice and consent from the Council. She reiterated she would prefer that the item were moved to the end of the agenda.

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Councilmember Johnson indicated he also has some concerns regarding the appointment process. He asked what would happen if the Council were to vote in opposition to the appointment with the hopes of appointing someone else. Mr. Roberts stated that the Council could choose to not consent to the appointment and the Mayor would then need to offer another candidate for the appointment. Councilmember Johnson asked if the Council can select the appointee. Mr. Roberts answered no. Mayor Palmer noted previously when the Wasatch Integrated Waste Management District (WIWMD) position was filled it was done on a recommendation by him with the advice and consent of the Council. He stated he considers this appointment to be similar. Councilmember Lisonbee noted that 17B-404 of the Utah Code is specific to sewer districts and does not apply to the WIWMD Board. She stated that when the North Davis Sewer District position was last filled the Council was provided with a blank resolution and the Council decided who should be appointed to fill the vacancy. She stated she feels that set a precedent for making appointments to the position. Mayor Palmer stated he feels that was a more controversial situation and he does not believe the City Code was reviewed prior to making the decision. Councilmember Lisonbee pointed out that Mayor Palmer had sent her an email asking her to forward her information to the former City Attorney who researched the issue prior to the appointment being made. She stated she is simply asking that the intent of the State Code be considered; this is a legislative appointment and she feels a full City Council should make the decision. Councilmember Johnson agreed and stated the timing is poor considering that there is a vacancy on the Council. He stated he feels this action is premature. Mayor Palmer stated there is a quorum and he asked if what Councilmember Johnson is saying is that no item should be considered when only four Councilmembers are present. He stated there is a purpose for a quorum. Councilmember Lisonbee stated there is also a purpose for having a full Council especially when considering appointing someone that will represent the citizenry on such a small representative body.

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Councilmember Gailey stated he supports appointing Councilmember Peterson to the position; he feels Councilmember Peterson can ‘hit the ground running’ and even if his service is only for a short term pending the outcome of the General Election, he will be effective while serving in that capacity. Councilmember Lisonbee stated she could support an interim appointment, but she cannot support an ongoing appointment without knowing the results of the upcoming election. She stated she has had conversations with other members of the District board and is very up to speed on the issues they are facing and she would be just as viable a candidate. She stated if the decision is made to appoint Councilmember Peterson, she would prefer that appointment be until the end of the year to give the Council the opportunity to revisit the issue in January when all appointments and assignments are considered.

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Councilmember Peterson stated he appreciates the Mayor nominating him for the appointment; he feels he could step into the position easily. Since he has been off of the board he has still be actively reading meeting packets and has even attended three meetings. He added he knows the board would appreciate him being a member; they have a budget meeting this Saturday and a meeting Thursday. Mayor Palmer stated that is why he wanted to make the appointment tonight as it is important to have representation at those meetings. He stated he will move forward with the appointment as planned. Councilmember Lisonbee stated that she is opposed to a four-year appointment as indicated in the resolution; she suggested the appointment be strictly interim. Councilmember Gailey stated he would be willing to revisit the appointment in January 2016. Councilmember Peterson stated this discussion is inconsistent with the argument members of the Council used previously when removing him from the position he was appointed to in order to complete a previous appointees term; if he is appointed to fill Councilmember Duncan’s term, it should be for a minimum of two years. Councilmember Lisonbee stated she is suggesting that the appointment be an interim appointment because no one knows the outcome of the election. Mayor Palmer suggested that the Council appoint Councilmember Peterson to complete former Councilmember Duncan’s term on the board with the knowledge that if Councilmember Peterson is not reelected to the Council the appointment will be interim by default. City Recorder Brown suggested that the language in the motion to appoint include specific details regarding the length of the appointment, whether that is to fill Councilmember Duncan’s term or not. She stated she will confer with the District regarding the length of time left on Syracuse City’s current term on the board.

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Council business

Councilmembers then provided brief reports regarding the activities they have participated in since the last City Council meeting.

The meeting adjourned at 6:55 p.m.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: September 22, 2015