

Minutes of the Work Session meeting of the Syracuse City Council held on September 26, 2017 at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

City Employees Present:

Finance Director Steve Marshall
City Attorney Paul Roberts
Community and Economic Development (CED) Director Brigham Mellor
Public Works Director Robert Whiteley
Police Chief Garret Atkin
Fire Chief Eric Froerer

The purpose of the Work Session was to receive public comments; review the Recreation, Arts, Park (RAP) Tax Ballot Proposition Voter Information Pamphlet; review proposed amendments to Syracuse City Code Section 10.30.010(C) pertaining to accessory structures; review a request to amend the General Plan from A-1 to R-1 for property located at approximately 2700 S. 3800 W.; discuss fees associated with civil parking violations; discuss the City's electronic meeting policy; conduct the biennial market review for the Police Department; hear public comments; and discuss Council business.

A local Boy Scout led the audience in the Pledge of Allegiance. Council member Gailey provided an invocation.

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Public comments

David Stenbrcker referenced agenda item E and stated he understands there is a proposal to construct an additional ski lakes development on the property subject to the agenda item; he is concerned about the soil in that area being used to construct homes upon. The soil is hard on the top, but six inches down it is very soft and squishy. He knows that some testing of the ground has been done, but he asked that the City Engineer be directed to more thoroughly investigate the area and the proposed project.

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**Recreation, Arts, Park (RAP) Tax Ballot Proposition
Voter Information Pamphlet, final review.**

A staff memo from the City Recorder explained the preparation of a Voter Information Pamphlet for this type of ballot question is mandated and regulated by Utah Code Sections 20A-7-402 and 59-1-1604: https://le.utah.gov/xcode/Title20A/Chapter7/20A-7-S402.html?v=C20A-7-402_2017050920170509 and https://le.utah.gov/xcode/Title59/Chapter1/59-1-S1604.html?v=C59-1-S1604_2016051020160510.

The memo referenced an attached draft version of the Voter Information Pamphlet as well as the draft version of the Governing Body's statement in support of the RAP tax proposition as prepared by Councilmember Maughan.

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City Recorder Brown reviewed her staff memo and facilitated a review of the draft version of the voter information pamphlet as well as the Governing Body's supporting statement provided by Councilmember Maughan. The other Councilmembers offered corrections of grammatical errors and suggestions for rewording various sections of the supporting statement. The discussion concluded with the Council and Mayor agreeing to collectively work to update the supporting statement before placing it in the pamphlet for distribution to all households in the City.

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Proposed amendments to Syracuse City Code Section 10.30.010(C) pertaining to accessory structures.

A staff memo from the Community and Economic Development (CED) Department explained that following the guidance provided by the City Council, the Planning Commission has been working on an amendment to the ordinance concerning accessory structures for the last several months. The intent of the amendment is to address existing non-conforming accessory structures, re-examine setback requirements, and clarify the regulations for other structures such as pergolas and temporary car ports. The Planning Commission voted on September 19 to forward the proposed ordinance to the City Council for consideration.

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CED Director Mellor reviewed the staff memo and facilitated a review of the proposed ordinance recommended for adoption by the Planning Commission; throughout the review there was a focus on matters such as grandfathering existing accessory structures that may not comply with the updated ordinance, setbacks for accessory structures, and potential conflicts between the proposed ordinance and the International Fire Code (IFC).

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Councilmember Maughan emphasized his greatest concern about the proposed ordinance is the City's willingness or ability to enforce the provisions of the ordinance; he feels the lack of enforcement is what caused the issue that led to the City's review of the ordinance and he does not want that problem to continue. Mayor Palmer stated that he feels that more discussion about the proposed ordinance is needed and there is not sufficient time for continued discussion tonight; he recommended that the Council continue their review of the ordinance independently and discuss their concerns with Mr. Mellor in advance of the next review/discussion of the proposed ordinance.

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Request to amend the General Plan from A-1 to R-1, for property located at approximately 2700 S. 3800 W.

A staff memo from the Community and Economic Development (CED) Director provided the following information about the property:

Size:	117 acres
Current zoning:	not zoned because it is not annexed into the City.
Current General Plan land use designation:	A-1 and open space.
Proposed General Plan land use designation:	R-1
Development scenarios:	A-1 density=58 units; R-1 density=approximately 200 units.

The property is located south-east of the North Davis sewer plant. The applicant's land is currently being farmed as the soils and low valley elevation near the lake are prime for agriculture. The southern edges of the property are wetlands and fall within flood hazard maps. Development will be very limited south of the property as the lake levels fluctuate and ground water is high. There is a sewer line in 2700 South that the project would drain north to. In order to service the entire property with sewer, the southern portion of the land would have to be built up to maintain the right slope for sewer. Otherwise, development would be limited to the extent that gravity sewer could be provided. The additional utilities required for development are found in 2700 South, a county road. This portion of road does not have curb gutter or sidewalk and is two lanes.

The 117 acres is included in our annexation declaration. Approximately 57 acres of the current request includes land that was part of a previously filed annexation petition by David George. This was known as the Seifert Annexation as they were the land owners. The annexation was filed with the city recorder in June 2014. The applicant desired to construct a residential subdivision but due to concerns over wetlands, sewer fall, farm lands and the financial ramifications of the development for the city, the petition was tabled. That item had never returned to City Council and is essentially a pending item. The conditions of the site remain unchanged from 2014. In April 2017, David George along with Stevan Vasic submitted a new petition, now expanded to 117 acres. The City Council chose to accept the request to consider the annexation on April 25, 2017. The next steps include a recommendation from Planning Commission and decision whether or not to approve the annexation plat by the City Council.

As a precursor to the annexation, the developer has applied for a General Plan amendment of the property. The city council chose to open the general plan map to consider this amendment on June 13th, 2017. He desires the R-1 zone to build homes and a ski lake. The specifics of the subdivision design are not under review by this body at this time. This application

is strictly concerning whether or not this body recommends a residential use with R-1 densities at this time and at this location.

The memo concluded the Planning Commission reviewed this item in their meeting on July 18, 2017 and unanimously voted to forward a recommendation for denial. The findings for denial discussed included concerns over the isolated nature of the property, cost ramifications surrounding the maintenance of taking over 2700 South from the County, the amount of fill that would need to be brought in in order to service the property with sewer, the desire to follow the general plan, and concern over wetlands. The general sentiment was that at this time they recommend that that area of the City be maintained as A-1. It was discussed that R-1 would be appropriate once the infrastructure is bolstered with surrounding development.

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CED Director Mellor reviewed the staff memo.

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Petitioner David George stated that he understands that the most recent decision the Council made regarding his requested annexation, but he would like to understand if that decision was based upon concerns about the proposed density of the project.

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Mayor Palmer stated that the City has heard from others who own property in the vicinity of the subject property and they are concerned about the amount of fill dirt that would be placed on the property to make it developable; they are also concerned about the impact the project would have on their ability to continue to farm their properties. Mr. George stated the development should not have any impact on the ability of other property owners to farm their property; the elevation of the ski lake on the property would be just slightly above the current elevation of the existing roadway; the property naturally falls about 10 to 12 feet from the street to the rear property line. Mayor Palmer stated that another property owner in the area had indicated that it would be necessary to build up the property about 18 to 20 feet to facilitate the development. Mr. George stated that is not correct; the property will only be built up enough to provide proper slope for the sewer infrastructure, which is closer to eight feet. Mayor Palmer then inquired as to the percentage of the property that would be acquired by the Utah Department of Transportation (UDOT) for the West Davis Corridor project. Mr. Mellor identified the subject property on an aerial photograph and highlighted the portion of the property that has been designated as mitigated wetlands that would be acquired by UDOT and replaced elsewhere in the City. Mr. George stated that UDOT has not made a final decision relative to the mitigation of wetlands on his property and from his discussions with them he has learned that they are six months to a year away from making the decision regarding whether his property will be needed for the West Davis Corridor project. He clarified that he has talked with UDOT Project Manager Randy Jeffries about his desire to develop the property and the conceptual layout of the project would not have any impact on UDOT's project.

Mr. George then briefly reviewed the conceptual layout of the project he would like to build on the property if the annexation were to be approved.

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Discussion then centered on density of the proposed project; Mr. George stated he would be willing to enter into an annexation agreement with the City to provide for a certain density and amount of open space, keeping in mind that if UDOT does take a portion of the property, the density ratio would change. Mayor Palmer stated that is his concern; if there is a potential for UDOT to take a portion of the property, he does not want to approve a density that could potentially become more intense after UDOT makes their final decision regarding the West Davis Corridor project. Mr. George stated the opposite is true; if the City were to originally approve 100 units on the property and UDOT decided to take 40 percent of the property for wetland mitigation, the number of units would also reduce by 40 percent, or equal 60. He stated this could be specified in the annexation agreement to provide some flexibility and control over the project and any impacts made by UDOT. Mayor Palmer reiterated he would prefer to wait until UDOT makes a final decision regarding their need for the property. Councilmember Anderson agreed; she added that the Council is desirous that the development of the City have a natural flow and allowing a higher density development in the middle of acres and acres of raw ground may not be most appropriate. She stated the Planning Commission shared the same concern as the City Council. Mr. George stated that he is asking for the same zoning and density as has been assigned or is called for in the General Plan for all other properties in the area; additionally, if the property remained in Davis County, he could secure a zoning designation that would allow the same density that he is requesting. Councilmember Maughan stated that some property in the vicinity of Mr. George's property has developed and carries the R-1 zoning designation, but properties abutting the subject property on three sides are still undeveloped and the property directly to the north will never be developed as it is owned by the North Davis Sewer District (NDS) and is intended to serve as a buffer between the sewer plant and nearby residential development. He added he is

concerned about the cost to maintain utilities and roadway infrastructure that would be needed to serve the property. Mr. George stated those costs would be offset by the amount of property tax the property owners in the development will pay to the City. He stated that he needs to know how the Council feels about zoning and density of the project in order to determine if that density is feasible and if he should continue to pursue the annexation. Councilmember Anderson reiterated that she would like to wait for a final decision from UDOT regarding their potential need for a portion of the property for wetland mitigation. Mr. George stated he does not want to wait that long; he inquired as to what City services he could access if he were to develop his property while it remains part of Davis County. Mayor Palmer stated that is another discussion for a future date and he recommended that Mr. George continue to work with Mr. Mellor regarding his project.

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Councilmember Savage concluded he feels there are still too many unknown variables and indicated he has concerns about the proposed density. Councilmember Bolduc agreed.

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Mr. Mellor asked for direction for staff as they continue their discussions with Mr. George. Mayor Palmer stated that the City needs more information about UDOT's need for property for wetland mitigation and how that would impact the proposed density of the project. He stated he would support R-1 development without inclusion of ski lakes; he is concerned about the ability to provide appropriate fall for the sewer lines in the development. Councilmember Maughan agreed.

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Discussion regarding fees associated with civil parking violations.

A staff memo from the Finance Director explained during the September 12, 2017 Council business meeting, the City Council requested the opportunity for additional discussion regarding civil parking fees to be assessed in conjunction with our parking ordinance. City staff has benchmarked with other cities from the surrounding area to provide additional information about fees and collection schedules. Fines assessed in these other cities range from \$15 to \$270. Most of the fees escalate in amount based on when they are paid. The range in terms of days of the fee escalation was between 7 days to 30+ days. If the City Council set civil parking fees according to the average of other cities, the schedule may be similar to the following breakdown:

- Parking Violation Penalty Fee:
 - paid within 14 days of issuance: \$30
 - paid within 15 and 30 days of issuance: \$50
 - paid after 31 days of issuance: \$70, plus costs of collections, if applicable
- Parking Violation Appeal Hearing Fee: \$25

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Councilmember Maughan stated that during the most recent discussion of this issue the Council indicated they do not want to heavily penalize first offenders of a civil parking ordinance; to that end he has developed an alternate penalty schedule: for the first offense, the penalty would be \$50, but the offender will be given the ability to appeal for \$25 and the remainder of the penalty could be forgiven if the offender comes to the City within the first 15 days and acknowledges understanding of the law and their willingness to abide by the law in the future. He stated this would serve as a forced education process for violators. The Council engaged in philosophical discussion and debate regarding Councilmember Maughan's recommendation as well as an appropriate penalty schedule with escalated fines and potential towing/impoundment of a vehicle for continued violations. City Attorney Roberts and Mr. Marshall indicated they will adjust the penalty schedule to include escalating fees referenced in Mr. Marshall's memo as well as Councilmember Maughan's suggestion for the adjustment of the penalty for the first offense once the owner acknowledges understanding of the law within a certain period of time after receiving the citation.

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Discussion regarding electronic meeting policy.

A staff memo from the City Recorder explained Councilmember Maughan asked for review and discussion of the Council's electronic meeting policy; more specifically, he would like for the Council to consider an amendment to the policy that would prohibit electronic participation in meetings closed in accordance with the Open and Public Meetings Act.

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City Recorder Brown reviewed her staff memo. The Council concluded they are supportive of the proposed amendment and Ms. Brown indicated she will include an action item on the next business meeting agenda to provide for the amendment.

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Police Department Quadrennial Market Review.

A staff memo from the Police Department and City Manager explained that per City policy, the City will examine the market changes in compensation for each position every four years. It has been decided that the market review will be conducted for one department at a time. As part of the review, the City will examine and compare the wage scales of benchmark cities for each position. The market review shows the following changes in wage scales (changes are approximate):

- Police Chief: No Change
- Asst Chief: +3.2%
- Lieutenants: +3.8%
- Sergeants: +2.5%
- PO3: No Change
- PO2: No Change
- PO1: No Change
- Admin Professional +9%
- Admin Asst (PT) 3%
- Crossing Guards: +9.5%

Based on the market changes, an equivalent adjustment in wages would result in a \$48,700 change to the budget. This assumes the change in compensation level stated below for Crossing Guards. In addition to market changes, City policy allows for wage compression to be addressed. Specific employees that will be considered for wage compression will be provided to the Council and discussed in a closed session. However, it should be noted that wage compression considerations are estimated to be approximately \$15,000-\$17,000.

The memo discussed potential changes to the wage scale for crossing guards. Per City policy, wages will not be paid below the 50th percentile of the market, as defined by the benchmark cities. By default, the City pays at the 60th percentile and the Council has the discretion to move wage levels to a higher or lower percentile, based on ability to attract and retain qualified applicants. Based on that policy, it is proposed that the City's Crossing Guard position be paid at the 50th percentile for the following reasons:

1. This position is not career-oriented, which means competition for excellent candidates is not a challenge.
2. The nature of this position appeals more toward applicants that work in the name of service, or for extra income with minimal time commitment.
3. Ability to attract quality applicants has not been difficult.
4. Even at the 50th percentile, the Crossing Guard wage scale is scheduled to increase by approximately 9.5% due to changes in the market since the previous adjustment.

If this wage scale were to remain at the 60th percentile, an additional \$3,000 would be needed in the budget for the market adjustment.

The memo concluded that, per City policy, the discussion will be focused on the appropriate action needed to ensure the City's compensation rate remains competitive with benchmark cities so that quality employees are attracted and retained in the Police Department.

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Mr. Bovero reviewed his staff memo and clarified that the actual budget impact would be closer to \$53,000, which is slightly higher than the amount referenced in his memo. He briefly reviewed the supporting documentation for the potential budget adjustments and noted that an algorithm has been developed to determine appropriate wage increases based upon market data and wage compression. He stated that detailed wage information for individual employees can be discussed during a closed session of the Council.

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High level discussion among the Council centered on the benefits of providing salary or hourly pay for employees of the Department, pay rates for crossing guard positions, wage compression for those employees in the Police Officer Three position, comparable market data for administrative professional positions in the Department, and recruitment efforts of the Department that results in attracting high quality employment candidates.

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Public comments

There were no public comments.

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Council business

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

The meeting adjourned at 8:30 p.m.

Terry Palmer
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: November 14, 2017