

Minutes of the Work Session meeting of the Syracuse City Council held on October 9, 2012, at 5:00 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
Larry D. Shingleton

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

City Employees Present:

City Attorney Will Carlson
Community Development Director Michael Eggett
Parks and Recreation Director Kresta Robinson
Police Chief Brian Wallace
Fire Chief Eric Froerer
Public Works Director Robert Whiteley
Detective Corey Rowley
Planner Noah Steel

The purpose of the Work Session was for the Governing Body to review the agenda for the business meeting scheduled for 7:00 p.m.; receive a presentation regarding the Syracuse City Pumpkin Walk; review agenda items six, seven, eight, nine, ten, eleven, and twelve on the regular Council meeting agenda; review the Joint Development Agreement between Syracuse City and Ninigret; and discuss Council Business.

Presentation regarding Syracuse City Pumpkin Walk

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Parks and Recreation Director Robinson provided a brief presentation regarding the upcoming Pumpkin Walk.

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Mayor Nagle asked if the Pumpkin Walk could start earlier than 7:00 p.m. Ms. Robinson stated that it is not dark enough before 7:00 p.m. to see the pumpkins when they are lit up. She stated a lot of people start arriving around 6:00 p.m., but the lights will not be turned on until 7:00 p.m.

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Councilmember Johnson suggested adding a food drive to the event and listing an advertisement on the flier encouraging people to bring a can of food with them. Mayor Nagle stated that sounds like a great task for the volunteer committee to be assigned. Ms. Robinson stated she could add a note to her flier encouraging people to bring food to the event.

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Councilmember Peterson stated that the City ordered seasonal banners to hang on light poles in the City center and the banner currently hanging referenced Pumpkin Days and he asked if the name of the Pumpkin Walk has changed. Community Development Director Eggett explained that when staff was directed to order the signs there was a discussion about the language that should be included on different banners and that was the wording that was decided upon for the fall season banners.

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Mayor Nagle stated Ms. Robinson has done a great job expanding the event and she and her staff have done a great job organizing it.

Discussion regarding agenda item seven – Proposed Ordinance 12-27 adopting the rewrite of Title Seven of the Syracuse City Code.

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A staff memo from the City Attorney explained some sections of Title Seven have not been updated for over forty years. Based on the request of the Fire Chief and comparison to alternative ordinances, the city administration presents the

attached re-codification of Title Seven (Title VII) as a proposal for the City Council's consideration. The memo highlighted the changes to the document from the September 25 draft version as follows:

1. The "Health Department" chapter, formerly chapter 1, has been entirely deleted. Utah Code §26A-1-103 now directs each county to create and maintain a health department for all incorporated and unincorporated areas in the county.
2. Uniform severability clauses were added at the end of each chapter.
3. "Inspection of Buildings" was amended to clarify that it applies exclusively to "premises not used as a private dwelling."
4. "Entry During Fires" was amended to clarify that the Fire Chief or his designee may perform investigations.
5. Criminal Penalties- The level of offense for violating the title was amended to a tier based system with criminally negligent violations being infractions and intentional violations being class B misdemeanors. The only exception was to the Open Burning chapter, a violation of which is already identified as a class B misdemeanor under state law. *See* UCA §65A-8-211(6)(b).
6. Sections involving "Social Officer" and "Rules and Regulations to Fire Department" were deleted.
7. The section "Apparatus for City Use- Exceptions" was deleted.
8. "Permissible Burning- Without Permit" was amended to clarify that burning fence lines does not require a permit, although it does require notice, and that burning on snow covered ground outside the closed fire season does not require a permit.
9. "Open Burning of Brush, Leaves, and Grass Clippings" was amended to allow open burning in agricultural zones, on properties containing twenty or more trees, and on lots larger than two acres.
10. Several minor technical revisions were made.

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City Attorney Carlson summarized his staff memo. He noted he spoke with Councilmember Duncan regarding his concerns about criminal penalties for violation of the Title and they have come to an agreement regarding the types of penalties that should be included. There was a short discussion led by Councilmember Duncan and Mr. Carlson regarding the penalty clause of the Title.

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Councilmember Duncan stated there was some discussion in the past about the definition of required permits and he would like to see that definition included in the document. Fire Chief Froerer stated that the permit is not an actual document that will be issued. Mr. Carlson stated that in most cases people are required to simply notify the Fire Chief and that they are not required to obtain a permit; in the cases when a person is required to obtain a permit, that permit is issued by the County rather than the City. Councilmember Duncan stated he would still like to see a definition of permit included in the Title. Mr. Carlson suggested changing the word permit to permission. Mayor Nagle stated she felt that would resolve the concerns.

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Councilmember Shingleton suggested a change to section 7.05.030, the Authority of Local Fire Official to Issue Orders, by changing the term "year" to "period of time". Mayor Nagle stated that makes more sense.

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Councilmember Lisonbee pointed out another section of the Code that references permits that should be changed to include the term "permission". Mr. Carlson stated he will make that change throughout the document.

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Councilmember Johnson stated that he has one additional recommendation for a change to the document. Mayor Nagle stated that the time allotted for this agenda item has expired. Mr. Carlson noted discussion regarding the item can continue during the business meeting. Mayor Nagle reminded the Council they have the authority to contact staff to recommend changes to these types of items and Mr. Carlson can then be prepared to discuss those changes with the entire Council during the meeting; that would speed up the process.

Discussion regarding agenda item six – Proposed Resolution R12-24 adjusting the budget for the Fiscal Year ending June 30, 2012.

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A staff memo from the Finance Director explained the Council and staff discussed the budget opening and potential funding options for the general fund at the last Council meeting. After that meeting he updated the PowerPoint presentation to reflect the changes that were recommended. The changes that were made are highlighted in red. He also included in the

packet a budget spreadsheet that itemizes the proposed changes by fund. There are a few additional items that are on the spreadsheet that were not discussed at the last Council meeting. They include the following:

- o **Street Light Fund:** Street light capital expense of \$515,000. This budget request is a carryover from FY2012 because the conversion project was not completed by the end of FY2012. These funds came from the capital lease that was approved in the prior fiscal year.
- o **Class C Roads Fund:** In addition to the \$320,955 transfer to the Class C roads fund from the general fund, we also have available in the Class C roads an additional \$166,520 from fund balance. This would increase our total capital project expense to \$1,320,955 for FY2013.
- o **Sewer Fund:** This budget request is a carryover from FY2012. We ordered the camera during FY2012, and just received it this week.

The memo concluded by noting the Council was provided with the capital projects listing that was discussed at the last Council meeting. This recommendation would increase the City's capital project expenses across various funds from \$3,888,349 to \$6,702,214; the funds are available in cash and would not require any additional debt to complete.

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Finance Director Marshall briefly summarized his staff memo.

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Councilmember Lisonbee inquired about the excess money to be used in operations. Mr. Marshall explained that is use of fund balance. He explained when the budget was prepared for the current fiscal year, the revenues were equal to expenditures, hence the City has a balanced budget. He noted this budget opening entails using \$300,000 of the fund balance, which is over and above the City's revenues.

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Councilmember Lisonbee stated there was a reference to increasing the budget for capital projects from \$3 million to over \$6 million and she asked for an explanation of that increase. Mr. Marshall reviewed the proposed capital projects budget. Mayor Nagle noted that bottom line is not just money from the general fund; rather, it includes money from all funds including restricted funds that can only be used for certain purposes. Councilmember Lisonbee stated Mr. Marshall sent the Council a fund balance sheet that is not included in the packet and it referenced a deficit of \$327,000 in the Road Impact Fee account and she asked for an explanation for that. Mr. Marshall explained that there was a project budgeted for \$460,000 and the expected revenues for that account were only \$130,000 so the negative \$327,000 was the starting balance. He explained that a fund balance of up to \$1.267 million will be used and effectively most of the money in the Impact Fee fund will be used. City Manager Rice added that the fund balance at the end of the year will not be negative and he referred Councilmember Lisonbee to the spreadsheet including bottom line amounts for all funds and he noted there is only one fund that will be negative at the end of the year in the amount of \$2,800. Mr. Marshall stated he tried to show the estimated revenues along with the estimated cash balance less the expenditures for the year and the bottom line is the estimated cash balance in each of the funds. He stated that even with the use of all of the money in the Road Impact Fee fund there will still be around \$100,000 in the account at the end of the year. Mr. Rice stated that the projects will be bid over the winter months when prices are the best, so the estimates are likely higher than the actual project amount will be. He added that if bids for any given project are higher than the estimate, the City will not do the project at this time.

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Councilmember Johnson asked about the \$150,000 budgeted for employee merit increases. He asked if that amount is for the six months remaining in the current fiscal year. Mr. Marshall stated that the \$150,000 will cover an entire year and it will be ongoing. He stated the amount spent this year will be less than \$150,000 because there are only eight months left in the fiscal year.

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Councilmember Duncan stated that there are some discrepancies in the information that was provided; most of the salaries ranges in the City seem to be comparable with other cities while actual salaries are either high or low depending on the position. He asked if the proposal is to adjust the range or simply adjust the amount being paid within the range. Mayor Nagle stated the salaries will be adjusted, but the ranges will not be adjusted. Councilmember Shingleton stated that for the most part he thinks that the pay ranges for the City are in line for the size of Syracuse City. Mayor Nagle stated she would advise against adjusting the ranges without a comprehensive benchmark study.

Discussion regarding agenda item eight – Proposed Ordinance 12-28 amending Title 9 of the Syracuse City Code.

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A staff memo from the Fire Chief explained the fire department is requesting an amendment to Title IX Chapter 1-3 "Fees." On large or complex projects we will send the plans out for third-party engineering review to ensure engineering of the sprinkler design meets code. The fee for this service will be assessed to the project applicant/coordinator, rather than to Syracuse City. This was not specifically stated in the 1997 version of the City Code.

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City Attorney Carlson briefly reviewed the staff memo.

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Mayor Nagle provided an explanation of an experience she had at her personal employment that relates to this topic. She explained there was an emergency in the area of her office and some of the buildings located in the area have no emergency evacuation options, but the business met all of the codes in the State and the Fire Marshall approved the buildings. She stated the State has said it should have been up to the City to make sure there were appropriate emergency exits and she asked if Syracuse has that in place so something like that could not happen here. Chief Froerer stated that it should have been up to the city to determine that it was appropriate to allow a propane company to locate at the end of the street knowing that if there were an emergency it would block the egress and access to the rest of the cul-de-sac. He stated for larger commercial occupancies, there may be secondary emergency access points required and he has required that on certain projects.

Discussion regarding agenda item nine – Proposed Resolution R12-25 amending the Syracuse City Fee Schedule.

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A brief staff memo from the Finance Director explained staff is recommending several changes to the fee schedule that are considered necessary.

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Mr. Marshall reviewed and summarized the staff memo and highlighted the changes to the fee schedule. The Council asked questions about some of the minor changes to the document.

Discussion regarding agenda item 10 – Proposed Ordinance 12-25 amending various provisions of Title 8, the Subdivision Ordinance, relating to exaction of water shares.

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A staff memo from the City Attorney explained that recently a concern was brought to the attention of City Staff relative to the exaction of water shares for development within the City. Upon review of the current City ordinance regarding the acquisition of irrigation water shares upon non-residential developments by the City Attorney, the CED Director and Public Works Director, it was determined that the current ordinance does not adequately address State requirements for irrigation water. Therefore, the City Attorney in working with the Public Works Department and the CED Department, crafted an update irrigation water section (regarding water shares) of the City Code and presented it for review by the Planning Commission on September 18, 2012. The Planning Commission held a public hearing on September 18, 2012 to review the proposed amendment language. For Council use and review, the proposed language changes to the Municipal Code, Title VIII, reflects the combined efforts of the City Attorney, Public Works Department and the CED Department to provide a mechanism that equitably requires irrigation water shares be transferred to the City for both residential and non-residential developments.

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Mr. Carlson reviewed and summarized the staff memo.

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Councilmember Duncan asked if this item deals with secondary water only. Mr. Carlson answered yes.

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Public Works Director Whiteley reiterated Mr. Carlson's comments.

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There was a brief conversation between Councilmember Duncan and Mr. Carlson regarding the use of the secondary water. Mr. Carlson explained this item is considered at the time that a developer is asking for subdivision approval and it may be a little premature to determine how much water individual user will use, but it is an estimate based on average usage and demand in an area. Mr. Whiteley noted this does not change the exaction for residential development; it only provides a definition for non-residential, which was not previously defined.

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Councilmember Lisonbee stated that the Council will be reviewing the proposed Joint Development Agreement with Ninigret later in the meeting and she wondered how the City will rectify a discrepancy created by a development agreement that defines areas covered by concrete as non-irrigable acreage. Mr. Carlson stated that Property Reserve Inc., who sold their property to Ninigret, was the entity that brought this problem to the attention of the City and the Ninigret development is caught between an unenforceable ordinance and a new ordinance the staff is recommending. He stated that the joint development agreement still includes the dedication of 60 acre-feet of water, which is appropriate for an industrial development because 20 percent of such a development is considered irrigable.

Discussion regarding agenda item 11 – Proposed Ordinance 12-26
changing the zoning on property located at approximately 2463 W. 1700 S.

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A staff memo from the Community Development Department explained the Planning Commission held a public hearing on October 2, 2012 for the Brighton Bank 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 Professional Office on the General Plan Map and this rezone request is in conformance with the General Plan. The Planning Commission unanimously recommended that the Syracuse City Council approve the rezone request from Brighton Bank to rezone property located at 2463 West 1700 South from the R-2 (Residential) Zone to Professional Office, with a finding that the property is designated in the City General Plan for said land use as Professional Office. No concerns were raised by the Planning Commission or members of the public. The CED Staff hereby recommend that the City Council adopt Ordinance 12-26 and approve the rezone request from Brighton Bank to rezone property located at 2463 West 1700 South from the R-2 (Residential) Zone to Professional Office, with a finding that the property is designated in the City General Plan for said land use as Professional Office.

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Community Development Director Mike Eggett summarized the staff memo.

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Councilmember Duncan asked if this rezone is consistent with the General Plan, to which Mr. Eggett answered yes.

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Mayor Nagle asked if there is an imminent project planned for the subject property. Mr. Eggett stated that he is not aware of an imminent project, but the owner wants to be able to appropriately market the property.

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Councilmember Peterson asked if there is a potential for a traffic signal to be installed near the subject property. Mr. Eggett stated it will be interesting to see how the complexion of the area will change as it develops. Mr. Rice added that the City has been doing traffic counts in the area. Mr. Whiteley noted there are significant traffic numbers that could support a traffic signal in the future, but it may be related to the route chosen for the West Davis Corridor.

Discussion regarding agenda item 12

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A staff memo from the Community Development Department explained the Planning Commission held a public meeting on October 2, 2012 for approval of a Cluster Subdivision and recommendation for Final Plat approval of this final phase of Trailside Park Subdivision. All items noted in staff reports have been addressed by the Planning Commission. Subsequently, on October 2, 2012, the Planning Commission recommended this subdivision to the City Council for approval. The Planning Commission also approved the conditional use to allow Trailside Park Phase 3 to be developed as a cluster subdivision subject to Chapter 10-16 "Cluster Subdivision" of the Municipal Code. This proposed development is the final phase of the Trailside Park Subdivision, a 55+ Adult single family dwelling cluster development. Phase 1 of the project included the dedication of 5.43 acres of park space to the City, with additional common open space dedicated within Phase 1 & 2. The overall permitted density of the cluster development, based upon bonus through open space and various amenities is 4.35 dwelling units per acre. The total density for the project is 3.41 d.u./acre. On October 2, 2012, the Syracuse City Planning Commission recommended that the Syracuse City Council approve the Trailside Park Subdivision, Phase 3 Final Plans, subject to development agreement and the City staff reviews dated September 20 & 28, 2012, with the stipulation for the City Engineer to review the tributary area for the storm water catch basin to the North, and any necessary recommendations and updates be made to the developer. CED Staff hereby recommend that the City Council approve the

final plans and amended development agreement for the Trailside Park Cluster Subdivision, Phases 3 , located at approximately 2950 South 2000 West, subject to meeting all requirements of the City's Municipal Codes and City staff reviews dated September 20 and 28, 2012, with the stipulation for the City Engineer to review the tributary area for the storm water catch basin to the North, and any necessary recommendations and updates be made to the developer.

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Community Development Director Mike Eggett summarized the staff memo.

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Councilmember Shingleton inquired as to the difference in density of the area. The developer, Brad Frost, explained the density of the development has not been changed. Mr. Eggett clarified that 25 units are being added to the development for a total of 56 units. There was then a short discussion regarding open and green space at the development.

Presentation regarding proposed Joint Development Agreement between Syracuse City and Ninigret.

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City Attorney Carlson noted the City enlisted outside counsel from Ballard Spahr to assist in the negotiation of the development agreement. He turned the time over to Randy Larsen from Ballard Spahr.

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Randy Larsen provided a brief history of the work that his firm has done for the City and a synopsis of the work he has done on development agreements for other entities in the State of Utah. He also provided an explanation of the process that he and the other players followed to develop the proposed agreement.

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Councilmember Duncan stated there are many exhibits referenced in the agreement and he asked if the Council will get to see those exhibits. Mr. Carlson stated two of the exhibits have been provided but the others are a little less fluid. He then provided additional information regarding the project area plan and the freezing of the land use ordinances of the City.

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The Council took a brief break.

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The meeting reconvened. Mr. Larsen provided a brief overview of the agreement and the process that he and Ninigret representatives have followed to reach the draft agreement.

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Council review and discussion of the agreement began. The discussion concluded at [6:27:50 PM](#)

Council business.

[6:27:48 PM](#)

Councilmember Peterson suggested the Council continue its discussion about agenda item C regarding the rewrite of Title Seven.

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Councilmember Johnson stated his concern was related to section 7.04.060, which governs open burning. He stated he would like to add the term "crop stubble". He added that paragraph says "20 or more trees and properties at least two acres in size" and he believed the 'and' should be changed to 'or'. The Council had a discussion about this issue and

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Councilmember Johnson then stated in section 7.04.050(5) should be corrected to include the correct code reference. Mr. Carlson stated he will make that change.

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Mayor Nagle explained interviews for the Police Chief position will take place in the next couple of weeks; the practice has been to include two members of the Council in the interview process and she encouraged the Council to have a discussion about which Councilmembers will attend. The discussion took place and the Mayor concluded that she would keep the Council apprised of the schedule and final decisions can be made once the dates for the interviews are determined.

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Mayor Nagle stated she was notified that the Davis County Gala raised \$30,000 in proceeds to be donated to Chloe's Park. She stated it was a great night and event.

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Councilmember Johnson stated the Council was invited to a dinner by Zion's Bank on October 23. Mayor Nagle stated the bank holds this event every year and everyone is invited. Councilmember Johnson stated that the Council cannot attend because there is a Council meeting that night. Mayor Nagle stated it may not look good to cancel a Council meeting to attend a free dinner. Councilmember Johnson stated it is not about the dinner; it is about meeting with the people that will be in attendance.

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Councilmember Shingleton stated he would like to get the volunteer committee up and going, but he has not received references from the rest of the Councilmembers regarding who they think would be good for the committee. He then apologized for not attending the last Council meeting; his wife's mother passed away and he was attending her services.

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Councilmember Duncan stated he would like to discuss what can be done to have Council packets published earlier than the Friday before the meeting. He stated the packet for this meeting contained a ton of information and it was difficult for him to review in a busy weekend. The Council and staff had a discussion about the topic.

The meeting adjourned at [6:58:05 PM](#) .

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: October 23, 2012