

Minutes of the Work Session meeting of the Syracuse City Council held on October 13, 2015, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Corinne N. Bolduc
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: Mike Brescilli Randy Elliott Kevin Homer
Andrea Anderson Andrew Sherman Charlotte Duncan
Boy Scout Troop 585 Jessica Hull Afton Barlow
Becca Goff

The purpose of the Work Session was to review the agenda for the business meeting to begin at 7:00 p.m.; Discuss agenda item 6, Justice Court Recertification; receive the Justice Court Annual Report from Judge Hoskins; discuss potential amendments to Title Six of the Syracuse Code pertaining to code enforcement procedures and appeal hearings; review the following 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; Proposed rezone from R-1 Residential to Neighborhood Services the parcel of property located at approximately 1317 S. 2000 W.; Final Subdivision Plan Approval, Keller Crossing Phase 1, located at approximately 1475 W. 2000 S.; Discuss proposed amendments to Syracuse City parking regulations; review and discuss City Council public comment policy; receive an update regarding State Road 108 (2000 West) project; 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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Discuss agenda item 6, Justice Court Recertification.

A staff memo from City Attorney Roberts explained every four years, a municipality which operates a justice court is required to demonstrate that its court meets minimum requirements established by the legislature and the Utah Supreme Court. Failure to do so may result in the Judicial Council's declination or revocation of a justice court's certification. The Justice Court Standards Committee has promulgated minimum standards by which justice courts are measured. Rather than recite these requirements, I have attached them as an addendum.

The Committee has required an attorney opinion letter both informing the City Council of the requirements for operating a justice court, and expressing an opinion on the feasibility of maintaining our Justice Court. As I have attached a copy of the standards by which our court is measured, I will make myself available for consultation regarding any of the requirements about which you may have questions or concerns. The remainder of this memorandum will address justice court feasibility.

If it wishes to recertify the justice court, the Council will be required to pass a resolution making this request and submit it to the Administrative Office of Courts by October 30, 2015. A copy of such a resolution is attached as an addendum to this Memorandum.

Benefits of Operating a Municipal Justice Court

The natural point to begin a discussion of feasibility is to discuss the court's desirability and its ability to provide service to our community.

The primary benefit to establishing a justice court is to provide easy access to our citizens in order to address routine traffic and criminal violations, as well as a venue to file small claims actions. By locating a justice court within our municipality, our City has avoided the need for all of these actions to be heard in Second District Court, most likely the Farmington Division. In the absence of a municipal justice court, all class B misdemeanors, class C misdemeanors, and Infraction level offenses would be heard in district court on a criminal calendar. The same would be true of small claims. It is far more onerous to travel to district court in order to resolve a traffic ticket. Additionally, city police officers and prosecutors would be required to travel to Farmington in order to address those criminal cases, resulting in increased time and cost for each case.

Another benefit to justice court is the light docket which can be maintained here. After reviewing the number of the Syracuse City Justice Court's total filings, it has maintained its Class III status under the state's operational standards. As a result of this smaller number of filings, docket management is enhanced. Cases are consolidated into a once-weekly combined calendar, during which arraignments, pre-trial conferences, review hearings, suppression hearings, bench trials, and small claims cases may all be heard. Additionally, individuals are given specific appointments to reduce their total amount of time spent in court, and to keep the volume of cases smoothly flowing. This leads to a more satisfactory experience for the litigant and a less stressful environment for the prosecution. Having come from a Class I court and experiencing the alternative - a full calendar every day with dozens of defendants all summoned to court at the same time, resulting in several hours of waiting for the prosecutor to become available - I can say that the experience in this Justice Court is more conducive to meaningful discussions.

Locally-run courts are also more responsive to the community's needs and priorities. In district courts, which are located outside of our jurisdiction and which staff judges who handle cases of varying type and severity, individual jurisdictions are not given individualized attention. In a municipal justice court, on the other hand, the court can respond to trends in crime patterns and establish a standard of justice in its community. Some defendants become familiar with the court, and the judge is able to tailor consequences for certain behavior to fit the defendant before her. Defendants who leave court know that if they commit crimes in Syracuse again, they will have to face the same judge and explain their behavior.

Appeals

Appeals from the justice court are saddled with one unfortunate component; defendants who are convicted - even if by a jury - are entitled to *de novo* proceedings in the district court. A *de novo* review restarts the entire criminal justice process; pre-trial conferences, suppression hearings, and even a second jury trial. This is not problematic for many cases; it is easy to call an officer in to testify a second time in a case involving a traffic accident. In cases of domestic abuse, on the other hand, testifying in trial is often a harrowing experience for the crime victim. Testifying in a second trial and facing the possibility that the abuser may escape conviction - despite having been once convicted by a jury - is an extremely stressful situation. However, it represents one impact of establishing a justice court.

On the other hand, once an appeal has been heard in the district court, this represents the breadth of a defendant's appeal rights. With few exceptions, there is no appeal to the Court of Appeals. Municipalities which have not established justice courts are required to defend all appeals in the Court of Appeals, which is a much more expensive and time-consuming endeavor than a *de novo* appeal. And while the appellant is much less likely to succeed on such an appeal/ the additional costs are nevertheless incurred by the municipality.

Overall, appeals are relatively rare in our justice court. As such, the type of appeal has little weight in our analysis of the court's feasibility.

Financial Viability

Justice courts are not established to generate revenue for the municipality they serve. But attention should be paid to ensure that the costs associated with the benefits of justice courts are not too much to bear, just like any other service provided to our community. The following financial information was provided to my office, which includes actual budget expenditures during FY 2015, as well as amounts budgeted for FY 2016

Syracuse Justice Court Actual Budget	Actual FY2015	Budget FY2016
<u>Revenue:</u>	\$ 220,507.95	\$ 220,000.00
<u>Expenses:</u>		
Salaries, Wages/ & Benefits	\$ 163,622.66	\$149,228.00
City Atty (20% of time)	\$11,060.50	\$ 20,526.60
Bailiff (1 of 5 shifts)	\$4,477.20	\$ 4,477.20
Books/ Sub./ Memberships	\$75.00	\$100.00
Travel & Training	\$1,564.83	\$3,000.00
Office Supplies	\$2,876.16	\$3,500.00
Prof. & Technical	\$20,487.97	\$11,000.00
Juror & Witness Costs	\$-	\$4,000.00
Total Expenses	\$ 204,174.32	\$195,831.80
 <u>Total</u>	 \$16,333.63	 \$24,168.20

Excluding its portion of overhead costs, such as administrative support (like payroll/human resources, and receipting), IT resources, and the use of the City's facility, the Justice Court is operating at a net gain. The City is able to absorb these overhead costs without significant difficulty, due to its economy of scale. As such, the court is financially viable.

Prosecution

Prosecution of class Band C misdemeanors and infractions which are committed within our municipal boundaries are a statutory responsibility of the City Attorney? Thus, even if the justice court was not in operation, a prosecutor would need to attend district court proceedings on the City's behalf for these filings. Housing the court within City Hall makes prosecution much more convenient; information may be more easily retrieved, and I am able to conduct city business during lulls in court proceedings or during small claims proceedings. Simply put, maintaining a justice court makes prosecution in our city much more efficient.

Facilities & Staffing

The City has adequate facilities, technology and staffing levels in order to accommodate the justice court. Currently, court is held in the Council chamber, which is equipped with required sound recording systems, and which has ample space to grow. Payments are conveniently taken in the same location as those for utility bills or other city fees. Staffing is provided so that we provide court coverage for the public during regular business hours. Dedicated office space is provided for court staff and the judge. Even as our justice court docket expands with our population, I do not anticipate that these facilities will ever be inadequate to house the justice court.

Opinion of Feasibility

Taking all of the circumstances into consideration, the continued operation of a justice court is feasible.

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Mr. Roberts referred to his staff memo and expressed his willingness to answer any questions about the agenda item; there were no questions.

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Justice Court Annual Report provided by Judge Hoskins.

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Syracuse City Justice Court Judge Hoskins used the aid of a PowerPoint presentation to provide the Council with the annual report for the Justice Court.

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Councilmember Peterson referred to case statistics in the presentation and stated it is his understanding the Justice Court hears 40 cases per week. Judge Hoskins stated that is the average number of cases the court hears in a week, but some

Hearing Officer concept, staff can prepare an analysis of costs versus the current cost situation. This item was added to the agenda for the Council to consider the merits of modifying the processes for the City's administrative appeals.

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City Manager Bovero and City Attorney Roberts reviewed the staff memo.

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Council discussion regarding the item commenced, with a focus on the City's Board of Adjustment. Mayor Palmer explained he would prefer citizen involvement on a body such as the Board of Adjustment, but after advertisements of available positions, no citizens have applied. Councilmember Gailey added that he had to appear before the Board of Adjustment in the past and he can attest to the fact that it can be very difficult for residents to sit on such a board when considering an application from a neighbor or friend. He stated he likes the idea of appointing an Administrative Hearing Officer that would consider such applications. Councilmember Lisonbee stated that appeal opportunities are limited after an issue has been heard by an Administrative Hearing Officer. Mr. Roberts stated that is correct; any appeal of an Officer's decision would be heard by the District Court and they generally review the record of hearing proceedings to ensure that the Officer followed principles of due process. Councilmember Lisonbee noted that according to City Code such appeals are also heard by the District Court, but she wondered if they are treated similarly or if they are de novo cases. Mr. Roberts stated that an appeal of a decision made by the Board of Adjustment would be similar to a review of a Hearing Officer's ruling; the Court would determine whether there was enough evidence to allow the Board to make the decision they made. He noted that any Justice Court case appealed to the District Court would be a de novo case and appellants would get a new case entirely. Councilmember Bolduc inquired as to how often that happens, to which Mr. Roberts stated appeals of Justice Court decisions are fairly infrequent. He added that the District Court is the appeal authority for any appeal of a City Council decision. Councilmember Lisonbee expressed her concerns regarding moving to an Administrative Hearing Officer as opposed to a Board of Adjustment, specifically that it may be more costly for an appellant to appeal to an Administrative Hearing Officer. Councilmember Peterson agreed and wondered if an employee that would have previously appealed to the Employee Appeal Board would not be required to pay a fee to appeal the an Administrative Hearing Officer. Mr. Roberts stated that is a policy decision that would be decided upon by the City Council. Mr. Bovero added that staff can perform an analysis of fees to be charged for appeals to an Administrative Hearing Officer, but noted that there are also costs associated with maintaining a well-trained Board of Adjustment. He stated it is necessary to keep the appeal process affordable for residents. Mayor Palmer stated he would like for staff to complete an analysis of the appropriate fees to be charged for an appeal to an Administrative Hearing Officer. Councilmember Lisonbee stated she would prefer an analysis of the costs as well as an analysis of the types of issues a resident would be appealing to an Administrative Hearing Officer and whether they have the best access to as many appeal authorities as possible; she wants to make sure the City is being fair to the residents. Councilmember Peterson stated that when he attended the Utah League of Cities and Towns (ULCT) Conference last spring, there was a session regarding this issue and the State Property Rights Ombudsman recommended against using a Board of Adjustment in favor of using an Administrative Hearing Officer; he noted he has heard the same advice from ULCT Counsel, David Church as well.

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**Review items forwarded by the Planning Commission:
Review agenda item 10, 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.

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CED Director Mellor reviewed the staff memo.

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**Review items forwarded by the Planning Commission:
Review agenda item 7, proposed rezone from R-1
Residential to Neighborhood Services the parcel of
property located at approximately 1317 S. 2000 W.**

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

Location:	1317 S. 2000 W.
Current Zoning:	R-1 Residential
Requested Zoning:	Neighborhood Services
General Plan:	Neighborhood Services
Total Area:	0.98 acres

The applicant intends to move his financial planning office from the current location in the old Mia Design to a new location at 1317 S 2000 W. The zoning for the new location is R-1 which does not allow offices. The General Plan is Neighborhood Services which does allow the office use. The applicant would like to rezone the current zoning to Neighborhood Services. The applicant plans on converting the house into an office. Possibly in the future, he will build a new office building.

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CED Director Mellor reviewed the staff memo.

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There was brief Council discussion regarding this item; Councilmember Lisonbee inquired as to whether any residents living near the subject property expressed concerns regarding the application during the Planning Commission's public hearing. Mr. Mellor explained there were a few residents that were concerned that the applicant would tear down the existing building on the property and build something that would have a negative impact on the community, but once they were informed that the applicant plans to remodel the existing building they were comfortable with the application. Mayor Palmer noted there is plenty of parking on the property to accommodate the business use. Mr. Mellor agreed.

Councilmember Peterson stated he appreciates that a business owner wants to stay in Syracuse and is looking to relocate from one property to another.

Councilmember Gailey added that the Planning Commission's public hearing for this application as spread over two meetings due to some noticing issues; therefore, residents had two opportunities to address the body regarding this matter.

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**Review items forwarded by the Planning Commission:
Review agenda item 8, Final Subdivision Plan Approval,
Keller Crossing Phase 1, located at approximately 1475
W. 2000 S.**

This item was removed from the agenda at the request of the applicant

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**Discuss agenda item 11, proposed amendments to
Syracuse City parking regulations.**

A staff memo from the Police Chief explained he is requesting the adoption of an additional parking ordinance. The purpose of this proposed ordinance is to allow the Department to better address parking concerns of residents and to provide increased safety. This ordinance would be added to Chapter 11 Section 20.

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Chief Atkin reviewed his staff memo.

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Council discussion regarding the item ensued with a focus on making an effort to locate all parking restrictions in the City within one section of the City Code. Councilmember Lisonbee discussed the section of the proposed ordinance that

would allow for a private driveway to be blocked for one hour; she would like to remove that language and insert language indicating that any blockage of a private driveway must be coordinated with the home owner or business owner so that those individuals have the ability to move their vehicles outside of their driveway. Councilmember Bolduc stated she would support that amendment.

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Review and discuss City Council public comment policy.

An administrative staff memo explained that during the September 22 work session meeting, Councilmember Lisonbee indicated she would like to review the City Council's public comment policy included in the Council's Rules of Order and Procedure. The section dealing with public comments reads as follows:

Content. Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentation by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council. Individuals addressing the Council during the public comment period of the meeting or during a public hearing shall be given a time limit of not less than three minutes. Groups desiring to address the Council will be asked to select a spokesperson for this purpose and the Mayor may also impose a time limit on said spokesperson. A group shall be defined as an assembly of five or more people in attendance with similar viewpoints on a given issue. The names of each member of the group shall be provided to the City Recorder as well as the name of the spokesperson of the group. This information must be provided prior to the spokesperson being allowed to address the Governing Body for a minimum of five minutes. Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise, may be removed at the direction of the Mayor.

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Mr. Bovero reviewed the staff memo.

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Council discussion regarding the issue commenced, with Councilmember Johnson noting he would like to remove the language from the policy that governs comments being made by a group. After a short Council discussion, the Council supported that recommendation. Discussion also centered on potentially eliminating the three-minute time period for public comments, with Councilmember Peterson noting that according to the language in the policy the Mayor currently has the authority to allow an individual to speak for longer than three-minutes. Mayor Palmer stated that he likes the three-minute rule because in most cases it is possible for a person to communicate their thoughts in three-minutes. Councilmember Lisonbee stated she would like to include language that allows each speaker a specific amount of time to speak depending on the number of people that are present to make public comments that night. She added she would like to maintain the language allowing the Mayor to alter the amount of time a person is given to speak. She noted she would also like to allow public comment at the conclusion of a meeting.

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Mayor Palmer noted that the City Council has heard from residents that they would like to have the opportunity to get an answer to any question they may ask during public comments before they leave the meeting. He stated that he feels it should be possible to refer residents to the person most qualified to answer their question before they leave the meeting. Councilmember Peterson stated he feels that is appropriate.

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Councilmember Johnson noted the policy does not differentiate between public comments in work sessions and business meetings; it is his recollection that work sessions are to be more informal than business meetings and there should be an opportunity for dialogue between residents and the City Council. City Recorder Brown noted that she is aware of other cities that, during extended work session meetings, allow for public input on each item listed on the agenda rather than simply limiting public comment to the beginning or end of a meeting. Mayor Palmer stated that he would prefer a more controlled format; he would like to allow a few minutes of public input at the conclusion of the Council's discussion of each item in an extended work session meeting. Councilmember Lisonbee noted it is important to emphasize that work session meetings are public meetings. After a final brief discussion the City Council concluded they are supportive of adding an additional public comment section to the end of business meeting agendas with language on the agenda indicating that

comments should center on items discussed or acted upon during the business meeting rather than a repetition of comments made during the initial public comment section of the meeting.

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Update regarding State Road 108 (2000 West) project.

A staff memo from the City Manager explained UDOT has officially begun the 2000 West widening project and has contacted residents along 2000 West who will be displaced due to the project. UDOT has met with staff to outline the scope and timing of the project. Construction is expected to commence in 2017 with completion in 2018. The public involvement agents for UDOT on this project are Dave Asay and Dez Ragan and can be contacted at 2000west@utah.gov or (844) 200-0937.

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Mr. Bovero reviewed his staff memo. There was brief Council discussion, with a focus on timing of the project and potential future land use of properties to be vacated upon home demolition associated with the project. Mr. Bovero noted the City has been asked for input regarding how to use the beautification budget for the project; this funding is typically used for landscaping or other beautification efforts, such as stamped or colored concrete at intersections.

Council business

There was not sufficient time for Council business.

The meeting adjourned at 7:03 p.m.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: November 10, 2015