

Minutes of the Work Session meeting of the Syracuse City Council held on December 9, 2014, at 6:05 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan  
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  
Police Chief Garret Atkin  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson

The purpose of the Work Session was to review the agenda for the business meeting to begin at 7:00 p.m.; receive the annual audit report; hear a request to be on the agenda from Steven Cook regarding Cook Quarters Subdivision development standards; hear a request to be on the agenda from Matt Gertge regarding impact fees for Rain Tree Assisted Living Center on 1900 South; discuss agenda item 14, proposed resolution encouraging legislation regarding comprehensive transportation funding; discuss a Police Department budget request for body cameras; review items forwarded by the Planning Commission; receive an update regarding the City ice rink 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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**Audit report**

A staff memo from Finance Director Marshall explained Tyson Beck, Audit Manager from Keddington & Christensen, would be in attendance to provide a detailed presentation about this year's audit and will be able to answer any questions that you may have. The memo also asked the Council to review the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2014. It provides very good information on the financial position of the City. The City has been awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting for the four previous years. I will be submitting this CAFR for the award again this year with the expectation that the City will be awarded that same recognition. A lot of hard work has gone into the preparation of this report and I want to thank all the departments for their collaborative efforts.

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Mr. Marshall reviewed his staff report.

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Mr. Beck then proceeded with his presentation regarding the City's annual audit. There was miscellaneous discussion throughout the presentation and at the conclusion of Mr. Beck's presentation the Council thanked him for the information shared.

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**Request to be on the agenda: Steven Cook regarding Cook Quarters Subdivision development standards**

A memo from the Community and Economic Development Director explained Steven Cook has requested a discussion item with the City Council regarding the submittal of water shares and buffer yard requirements. Located at 2600

West 700 South. Mr. Cook received final plat approval for a two lot subdivision, Cooks Quarters, on October 14, 2014. As part of the approval Mr. Cook is required to submit 3 acre feet of water (1/2 share Davis & Weber) for the provision of secondary water service. Mr. Cook is also required to provide a buffer on the North boundary of the subdivision between his property and the Agricultural Zone in accordance with City Code. Mr. Cook has made a request to record the final plat and obtain a building permit prior to submitting the water share. He has indicated that the property was purchase from an owner that does have one share (6 acre feet) of Davis & Weber, but in order to have the water transferred to him, that owner must go through a probate process to obtain the right to transfer the share. The expected time frame is 4 months. The City Code does not provide an exception for the transfer of water. Staff suggested that perhaps we would accept a bond, in the amount equivalent to the purchase price of ½ share of Davis & Weber to ensure the transaction would occur and protect the City’s interest. Mr. Cook has stated that he cannot afford to do so. Mr. Cook’s second request is to negate the requirement for a fence along the north boundary in accord with the requirement of the City Code Buffer Table. He has stated that the cost of doing so is prohibitive and the property owner to the North does not care if the fence is built. The code does not allow for an exception to this requirement, regardless of subdivision size and has been enforced on all other subdivisions regardless of size or cost. The memo provided a review of City ordinances that pertain to Mr. Cook’s request as follows:

**8.10.090 Irrigation water.**

In the City, each acre of irrigable property requires roughly four acre feet (four a.f.) of water annually during normal water years.

- (A) Residential Subdivisions. A developer shall convey to the City water rights that have been customarily used on the property to be developed that are usable by and acceptable to the City to provide three a.f. for each acre or part thereof within a residential subdivision. In the event there are no owner water rights on property to be developed, the developer shall obtain and convey water rights acceptable and usable by the City.

**10.30.080 Buffer yards.**

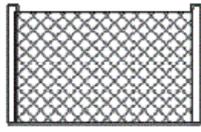
(B) Location of Buffer Yards. Buffer yards shall be located on the outer perimeter of a lot or parcel adjacent to a different use and shall extend along the entire boundary of the property adjacent to that use. Fencing associated with buffer yards shall be located on property lines except as described in subsection (G) of this section.

**Table 2**  
**Buffer Classification Requirements**

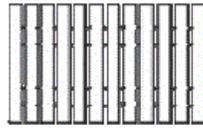
Proposed Land Use	Buffer Classification Requirements*	EXISTING LAND USE CLASSIFICATION					
		1	2	3	4	5	6
	Industrial	---	E	E	E	E	---
	Business Park	---	D	D	D	D	---
	Neighborhood Services	---	C	C	C	C	---
	General Commercial	A	D	D	D	D	---
	Agriculture		---	A	A	B	C
	R-1 Residential	A	---	---	A	B	C
	R-2 Residential	A	---		---	C	D
	R-3 Residential	A	---		---	C	E
	Private Residential Development	A	C	D	---	D	E
	Professional Office	C	D	D	D	---	
	Research Park	C	D	E	E	E	E

\* Refer to minimum lot standards associated with each zone for minimum yard setback requirements. NOTE: Any residential use abutting agriculture or farm industry must have a five-foot non-climbable fence.

**BUFFER TABLE A**



5' Chain Link Fence



5' Wood Stockade Fence



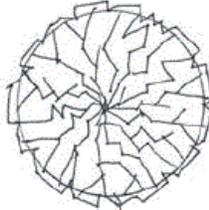
5' Wood Rail Fence



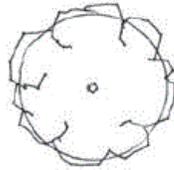
5' Vinyl Fence

AND

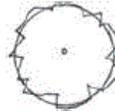
**Required Plat Units/100'**



(0.6) Canopy Tree



(1) Understory Tree

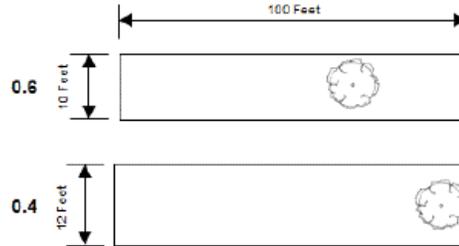
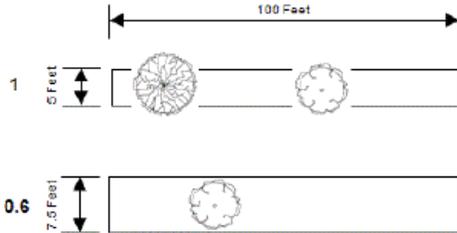


Shrub



Evergreens/Conifers

**Plant Multiplier**



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Ms. Christensen reviewed her staff memo.

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Councilmember Lisonbee stated she understands the fencing and planting requirements in the buffer table, but would not be opposed to waiving that requirement; however, she would be concerned about allowing the plat to be recorded without requiring the dedication of the required water shares.

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Councilmember Peterson stated he is not inclined to approve either of Mr. Cook's request.

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Councilmember Duncan stated that he feels it is most appropriate to amend the City's ordinance to allow for an exception to some of the requirements of the development process. He stated that simply granting an exception without the ability to do so is a violation of the City's ordinance.

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Councilmember Johnson asked if there are fences around the properties to the east and west. Ms. Christensen stated those are residential properties and they may not have been subdivided through the City's subdivision ordinance. Councilmember Johnson stated that he recalls the City has provided an exception to the buffer ordinance; he is aware of two properties with differing land uses that have no fence inbetween them. He noted the claim that no exception has ever been granted is not accurate. Ms. Christensen stated that she is not sure when the buffer ordinance was initially implemented and the property referenced by Councilmember Johnson may have been subdivided before the buffer ordinance was put into effect.

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Council discussion ensued regarding the appropriateness of granting a exemption to the City's ordinances versus considering ordinance amendments.

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Mr. Cook stated he is in a unique situation; he is being treated as a developer, yet he will reside in the City upon the completion of his project. He stated he is a first time homebuilder and has found it costs a lot of money up front to get approval to subdivide a parcel of property. He stated he would like to negotiate an outcome with the City that will allow him to proceed with his project that will give him additional time to provide the water share; he would also like for the requirement for a fence at the back of his property to be waived because he does not have \$4,000 to pay for such a fence.

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Mayor Palmer stated he was under the impression that there is a water share associated with the property but it cannot be accessed at this time. Mr. Cook stated that is correct; the previous owner of the property cannot locate the certificate of ownership for the water share and she must go through a probate process to get a new copy of the water share certificate. That process may take some time and in order to proceed with the project now he would need to purchase a water share from someone else for approximately \$8,000. He stated it will take the previous owner approximately six months to go through the probate process, but after that amount of time his construction loan will have expired. Ms. Christensen stated staff's position is that the City can not proceed with approval of the subdivision without a water share secured based on a commitment that one will eventually be provided because there is no way to call upon that commitment and require Mr. Cook to provide the water. Councilmember Johnson suggested the use of an agreement that offers recourse to the City in the event that the water share is not provided. Councilmember Peterson suggested that a lien be placed on the property. Councilmember Duncan stated a lien would be problematic for the Cooks at the time they try to refinance from a construction loan to a traditional home loan. Councilmember Lisonbee agreed with Councilmember Johnson that it would be more appropriate to craft an agreement allowing for the water share to be provided at a later date. City Attorney Drake stated that is an option, but the amount of time and effort the City would expend trying to collect the water share upon default of the agreement would likely not be worth the value of the water share. Council discussion regarding options for addressing the Cooks situation continued. Mayor Palmer stated he feels additional discussion will be necessary and he encouraged staff to continue to work with the Cooks. He asked that the City Council consider the issue further for continued discussion at a future meeting. Councilmember Duncan reiterated he feels it is important to consider an ordinance amendment rather than offering an exemption to the current ordinance.

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Public Works Director Whiteley noted the Cooks have been good to work with; the City has also made other concessions on the project to save them money on their development relative to land drainage at the subject property.

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**Request to be on the agenda: Matt Gertge regarding impact fees for Rain Tree Assisted Living Center on 1900 South.**

A memo from the Community and Economic Development Director explained Matt Gertge is requesting consideration to waive the park impact fees for the Rain Tree Assisted Living Center on 1900 South. Staff met with Mr. Gertge on December 1, 2014 to review the calculations of the impact fees as part of the building permit approval process. Attending this meeting were the Building Official, CED Director, Public Works Director, City Engineer, Finance Director and City Manager. The two impact fees in question were the Traffic Impact Fee and the Park Impact Fee. The Fee Schedule for each impact fee is as follows:

Residential Transportation	Single Family Residence	\$1,131.00 per Unit
Residential Transportation	All other types/units	\$705 per Unit
Commercial Transportation		
General Commercial		\$2,326.00 per 1,000 sf of GFA
Office/Institutional		\$2,428.00 per 1,000 sf of GFA
Industrial		\$668.00 per 1,000 sf of GFA
Parks, Trails & Recreation		\$2393.56 per Household

The initial fee was calculated as an Institutional Commercial Use, the revised fee was calculated as a Residential Use.

	<b>Initial Fee:</b> based upon total area of Phase 1 & 2 using the Institutional Rate under the Commercial Impact Fee	<b>Adjusted Fee:</b> the fee was recalculated under the “All other types/units” fee for Residential Transportation Impact Fee
Transportation Impact Fee	30,906 sq. x \$2,428 = \$75,268	Ph. 1 28 units x \$705 = \$19,740 Ph. 2 33 units x \$705 = \$23,265

The Park Impact Fee was calculated by determining the equivalent household units the assisted living would house. The creation of the Park Impact Fee Plan used the Cities median household size of 3.71 persons per household. Staff reviewed the number of residents in the facility and divided it by 3.71 to determine the multiplication factor.

	Methodology	Initial Fee:	Requested Fee:
Phase 1: 28 units	$28 \div 3.71 = 7.547$	$7.547 \times \$2,393 = \$18,060$	\$0
Phase 2: 33 units	$33 \div 3.71 = 8.895$	$8.895 \times \$2,393 = \$21,285$	\$0

Staff interpretation of the Impact Fee Ordinance is that if the use is residential and impact fee for Transportation is based upon a residential schedule then the park impact should be assessed. The facility is a Type 1 Care Facility, in which the residents are ambulatory and must be able to self-evacuate in the event of an emergency. It is plausible that residents may have use of city park and recreation facilities during group outings, family outings, or at senior citizen activities at the community center. Staff recognizes that the level of use by the residents would be less than that of an average household and therefore a reduction of fee is appropriate. The proposed fee from staff equals a 75% discount over the per unit fee charged for the Transportation Impact Fee unit size. The Syracuse City Parks, Trails & Recreation Impact Fee Analysis, page 18, in accordance with State Code states the following:

*The standard impact fee can also be decreased to respond to unusual circumstances in specific cases in order to ensure that impact fees are imposed fairly. In certain cases, a developer may submit studies and data that clearly show a need for adjustment.*

*At the discretion of the City, impact fees may be modified for low-income housing, although alternate sources of funding must be identified.*

It is the discretion of the City Council to waive or modify the impact fees to be assessed. Mr. Gertge has requested a total park impact fee waiver. His request has been attached with his justification. No data was submitted that clearly demonstrates a need for adjustment.

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Mayor Palmer noted Mr. Gertge is not present and he moved to the next item on the agenda.

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**Discuss agenda item 14 – proposed resolution encouraging legislation regarding comprehensive transportation funding.**

A staff memo from the City Manager explained several cities, in conjunction with the Utah League of Cities and Towns (ULCT), have been working with state legislators over the last year address the pressing transportation needs throughout the State. The State, Counties, and Cities typically struggle to keep up with road resurfacing, bridge maintenance, provision and maintenance of trails and other bike/pedestrian routes, and sidewalks. The Gas Tax as a revenue source for maintaining our transportation system has not been changed since 1997. The Gas Tax is not indexed, so the real purchasing power of Gas Tax revenue has decreased 45% since 1997. In addition, due to fuel efficient engines, the consumption of gas has slowed down on a per vehicle basis. This proposed resolution is in support of the State Legislature studying and considering a \$0.0025 local option sales tax ear-marked for transportation needs. The resolution also supports expanding the eligible uses of this revenue source to include other transportation expenses, such as trails, sidewalks, traffic calming, lighting, and other comprehensive transportation infrastructure. The current Gas Tax revenue can only be used toward road-related expenses. The proposed resolution also supports the Unified Transportation Plan adopted by the State. I encourage you to look through UDOT’s website at <http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:207>, which has a wealth of information on the State’s long-range transportation plans. Toward the bottom of the page you can download and view the Unified Transportation Plan. I have attached pages from the UTP that pertain to Davis County. Also attached is a Deseret

News article from February 2014 written by Natalie Gochnour who is an Associate Dean at the Eccles School of Business at the University of Utah, and Chief Economist for the Salt Lake Chamber. She presents some interesting arguments, and recommends an increase to the Gas Tax as the means to funding the state's transportation needs. This article was published prior to the sales tax alternative being discussed. Also attached is the City's 5-yr Capital Improvement Plan. The Plan shows an estimated \$6.1million in capital needs related to roads. The unseen savings in road maintenance is the cost for rehabilitation and reconstruction. It is well documented that maintenance is cheaper than repair or replacement when it comes to roads. With this understanding, the City would likely save money in the long run if it were better equipped to maintain existing roads over their lifetimes. Also attached is a suggested resolution drafted by the ULCT. The Council can adopt, amend and adopt, or choose not to adopt.

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Mr. Bovero reviewed his staff memo.

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Council discussion regarding the item ensued, with the Council ultimately concluded they are not supportive of adopting a proposed resolution encouraging the State Legislature to conduct the requested study and ultimately raise taxes. The Council indicated the State Legislature needs to make the decision on their own without asking for support from cities and towns throughout the State.

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**Discuss Police Department budgetary request re: body cameras**

A staff memo from the Police Chief explained the purpose of this memo is to outline a request for the Syracuse City Council to approve the purchase of 15 Taser Axon Flex body cameras for the police department. The Department currently deploys MUVI brand cameras on patrol officers. The cameras are mounted on an officer's chest. Currently the video from these cameras is manually downloaded by the individual officer onto a City server managed by the IT Department. The following points justify this purchase:

- Taser is currently offering a one for one trade in allowance until December 31, 2014. We would send Taser 15 of our current cameras (approximately value of \$280.00 each); in return, we would receive 15 Taser Axon Flex cameras with multiple mounting options (approximate retail value of \$800.00 each).
- The Taser cameras are designed to provide officer point of view footage by placing the cameras on the officers' shoulder area or head (recommended by Syracuse City Attorney).
- 15 Taser Axon Flex cameras will equip all patrol officers, the two SROs assigned to schools, and allow two for detective use.
- SLCPD deploys these cameras on all patrol officers. They recently had an officer involved shooting where witnesses reported seeing things that did not occur. SLCPD credits this system with being able to provide the evidence necessary to show the officer's actions were justified and appropriate. (Associated Press October 3, 2014)
- TJ sat in a presentation made to us by SLCPD. According to information gained during this presentation and his calculations regarding our current server capacity, we could expect to purchase a new server every 8 months at a cost of \$20,000.00 each.

Financial Implications:

- Trade in program requires a three year commitment to the Evidence.com system.
- Evidence.com allows quick access and search capabilities to our video files. We can set parameters for various call types and Evidence.com will store the videos until they reach the set time limits. The system automatically deletes the videos as appropriate.
- Licensing and storage with Evidence.com was quoted to us at \$4833.00 per year. That is essentially ¼ of what it would cost us to purchase a server each year.
- Need to purchase two 6 unit docking stations at a total cost of \$1999.90. Docking stations are used to charge the units and allow for automatic download into Evidence.com.

Program year	Cost
1	\$6,882.85*
2	\$4,833.00

3	\$4,833.00
Total	\$16,548.85

\*First year price is higher because of \$49.95 shipping and handling and \$1,999.90 for docking stations.

If the Council wishes, I believe I can pay for the first year using funds from the Department's vehicle maintenance account. If that is the desired course of action, I would be asking the Council to fund the amounts in years 2 and 3. Additional research information is available if requested.

Research Information

[SLCPD Officer Involved Shooting Article](#)

[DOJ Study On Implementing A Body Worn Camera Program](#)

[DOJ Body Worn Cameras For Criminal Justice Market Survey](#)

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Chief Atkin reviewed his staff memo.

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The Council indicated they are comfortable with the proposal to swap current cameras for new body cameras. Chief Atkin also provided a brief summary of how the body cameras work and how the data recorded on the cameras will be stored and retained by the City.

**Review items forwarded to City Council by Planning Commission: Site Plan Approval, Residential Facility for Persons with a Disability, located at approximately 2075 S. Bluff Road.**

A memo from the Community and Economic Development Director explained the Planning Commission held a public hearing on December 2, 2014 for Site Plan recommendation. All items noted in staff report have been addressed by the Planning Commission. Site Plans for Residential Facilities for Disabled individuals under City Code are approved by the Council after Planning Commission recommendation. It is a permitted use in the R-2 zone and a protected use under the Americans with Disabilities Act. The home is located on 0.58 Acres, and will be a Type1 Assisted Living for 10-12 residents with developmental disabilities. The main floor is wheelchair accessible, making 50% of the structure ADA compliant. The International Building Code requires 10% of the facility to be ADA compliant. The Syracuse City Planning Commission hereby recommends that the City Council approve the site plan for the Andreasen Assisted Living facility, located at 2075 S Bluff Road subject to meeting all requirements of the City's Municipal Codes and City staff reviews.

Mayor Palmer reported there was insufficient time to discuss this item.

**Review items forwarded to City Council by Planning Commission: Proposed ordinance amending Title Ten relative to kitchens and landscaping.**

A memo from the Community and Economic Development Director explained staff has requested the proposed revisions to the City Code Title 10 regarding administrative issues regarding: second kitchens, not part of an accessory dwelling unit and a requirement for landscaping to be installed within 1 year of occupancy of a dwelling. Staff has requested this amendment to allow home owners to construct second kitchens in their homes without requiring a conditional use permit for an accessory dwelling unit. Many people wish to have a second kitchen in their basements for entertaining or canning purposes. The Building Code and the Zoning Code currently require that be viewed as a second living unit and as such require additional permitting and expensive construction for fire walls, utility access, etc. The proposed amendment would allow homeowners to build a second kitchen, file a notice on the property that the kitchen is not approved as a second living unit, until such time that appropriate permits are obtained. This protects future home buyers who will receive notice prior to closing on the home that they cannot rent the basement as an apartment until it is brought up to code and has a permit issued. A draft Second Kitchen Agreement has been created to demonstrate how the ordinance would be administered. The agreement would be recorded and would only be binding until such time that permits were obtained to use the kitchen as part of an accessory dwelling unit. This is a common method used in many cities, examples can be found in Draper, Herriman, Hurricane, Murray, Pleasant Grove, Salt Lake City, Provo, and West Point. Also in the packet are excerpts from the International Building Codes. Under these codes the Building Inspector would still need to treat a kitchen as a second dwelling unit, unless the agreement noted above was recorded for assurance. The second part of the requested amendment is a requirement that landscaping be installed within 1 year of issuance of a certificate of occupancy. This will give

homeowners at least one summer season to complete landscaping regardless of the month the home is completed. The Planning Commission held public hearings on the proposed amendments on October 21, 2014. At a public meeting on November 18, 2014 the Planning Commission recommended to the City Council the adoption of the proposed amendments. In making determination on Code amendments the City Council should review the City Municipal Code, Section 10-4-070(E)(1), which states the following:

(E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider: (Ord. 10-02)

1. Whether it would be is consistent with goals, objectives and policies of the City's General Plan; (Ord. 10-02)

The Syracuse City Planning Commission hereby recommends that the City Council approve the adoption of Ordinance 14-xx, Amending Title X.

Mayor Palmer reported there was insufficient time to discuss this item.

**Review items forwarded to City Council by Planning Commission: Preliminary Plat Approval, Ninigret North Subdivision Phase 2, located at approximately 1550 W 200 South, applicant Ninigret LLC.**

A memo from the Community and Economic Development Director explained that relative to concept plan for this application, staff met with the applicant for review on November 19. Due to the amended November Council Schedule, notice of the concept review via work session was not feasible prior to the Preliminary Application. The Planning Commission held a public hearing on December 2, 2014 for Preliminary Plan recommendation. All items noted in staff report have been addressed by the Planning Commission. The Planning Commission discussed the extension of 1550 West to Monterey Estates with the developer. The proposal was to install the of site utilities and install road base, such that lot 1 would have a secondary access to the site for the school site. The fire marshal stated this would be adequate to alleviate his concerns. UPDATE: City Engineer, Brian Bloemen spoke with the developer on Wednesday and with the release of the bond from Ninigret North, Phase 1, the developer is willing to pave the entirety of the road from SR-193 to Monterey Estates. The city will need a minor development agreement to ensure the road completion outside the boundaries of this subdivision. The Syracuse City Planning Commission hereby recommends that the City Council approve the preliminary plat for the Ninigret North II Subdivision, located at approximately 1550 W 200 South subject to meeting all requirements of the City's Municipal Codes and City staff reviews.

Mayor Palmer reported there was insufficient time to discuss this item.

**Update regarding City ice rink project**

City Manager Bovero noted he would provide the update regarding the City's ice rink project during the business meeting.

**Council business**

There was no Council business.

The meeting adjourned at 7:00 p.m.

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Terry Palmer  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: January 13, 2015