

Minutes of the Work Session meeting of the Syracuse City Council held on September 24, 2019 at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Lisa W. Bingham
Corinne N. Bolduc
Dave Maughan
Doug Peterson
Jordan Savage

Mayor Mike Gailey
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Administrative Services Director Steve Marshall
City Attorney Paul Roberts
Public Works Director Robert Whiteley
Police Chief Garret Atkin
Fire Chief Aaron Byington
Parks and Recreation Director Kresta Robinson
Community and Economic Development Director Noah Steele

The purpose of the Work Session was to receive public comments; receive a presentation from the Utah Transit Authority (UTA) regarding services provided within Syracuse City; discuss landscaping regulations and request to reduce water rates for xeriscaping of private property; participate in continued discussion of accepting District Three Water Shares for development within Syracuse City; hear a request from Still Water Lake Estates Homeowners Association (HOA) regarding surplus of Still Water Drive and Lakeview Way and transfer to the HOA; discuss a Police Department staffing proposal; discuss the following Planning items: proposed creation of a mixed-use zone, Edgewater Park Subdivision preliminary plat, and a petition to amend Section 5.20.200 of the Syracuse City Code pertaining to beer licensing regulations; continue discussion of potential modifications to the City Public Works Facility access points; discuss various Personnel Policy Manual amendments; discuss voter participation areas; discuss Justice Court recertification, and conduct the Fire Department Biennial Review.

Councilmember Bolduc offered an invocation, after which Councilmember Peterson led the audience in the Pledge of Allegiance.

Public comments

Keith Bourgeois stated that since the last time he addressed the City, he conducted additional research regarding the Vision 2050/General Plan document. A lot of good research has been done to determine the issues the City will face related to future growth, but the solutions seem to counter the previous General Plan by combining incompatible uses into one land use designation and placing them next to one another in areas that are currently undeveloped. An example is that the Shoreline project was going to be one of the densest developments in the City, but according to the General Plan, it was considered low density. He stated he has been asked to support amendments to the Shoreline plans, but he wants to ensure that there is clarity in the General Plan document for future housing developments.

Donna King discussed the agenda item dealing with landscape regulations; she is new to Syracuse and she is interested in using xeriscaping methods on her property. She was previously a landscape designer and she is supportive of reducing unnecessary water usage. A few residents in the Still Water Subdivision chose to xeriscape their properties and they would like to understand if there is an opportunity for them to discontinue paying for secondary water or receiving a lower rate than those that have used traditional landscaping methods.

Juan Solorzano stated he did not know he needed a permit to build a carport on his property because it was not attached to his home. He was contacted about his carport because it does not comply with the City's size and height regulations and it also does not conform with setback standards. He asked when the City's building code changed; he has had his carport for 19 years, but he has been told he needs to take it down because it no longer complies.

Mayor Gailey asked Community and Economic Development (CED) Director Steele to discuss this issue with Mr. Solorzano.

Request to be on the agenda: Utah Transit Authority (UTA) re: services provided within Syracuse City.

An administrative staff memo explained Utah Transit Authority (UTA) Board Trustee Holbrook has requested time on the meeting agenda to provide the Council with a presentation regarding UTA service provided in Syracuse City and to discuss the partnership between the City and UTA in general. The service summary and map have been included in the meeting packet and Trustee Holbrook will use a PowerPoint presentation to facilitate her report during the meeting.

City Recorder Brown reviewed the staff memo and invited UTA Board Trustee Holbrook.

Ms. Holbrook used the aid of a PowerPoint presentation to provide the Council with information about UTA services provided within Syracuse City. This included ridership data about the bus route that is available in Syracuse City and she reviewed a map illustrating the path the route follows in the City. She then discussed a concept developed by UTA called 'Service Choices'; this community engagement and service planning process is:

1. **Asking** the public to prioritize how bus service resources should be distributed.
2. **Gathering** the public's feedback through surveys, public events, and community leader workshops to form a clear view on the public's priorities for bus service.
3. **Developing** a bus network plan which incorporates the public's priorities from the engagement process.

The timeline for the 'Service Choices' model includes development of a Draft Network Plan in the fall of 2019, public outreach for the Plan in the winter of 2019-2020, refinement of the plan and beginning implementation planning in 2020, and implementation of the Plan in the fall of 2021. Key choices for UTA and stakeholders to consider include prioritizing the many different goals of UTA, some of which are:

- Stimulate development in urban centers;
- Manage and reduce traffic congestion;
- Serve every community;
- Lower the cost per rider;
- Reduce emissions and improve air quality;
- Provide a transportation alternative to driving;
- Serve rural, suburban and developing areas;
- Serve dense urban areas; and
- Serve people in need.

The many different goals of transit service can be sorted into two major categories: ridership and coverage. Ridership means attracting as many riders as possible while coverage means being available in as many places as possible, even if not many people ride.

Ridership service works to achieve goals like:

- Compete more effectively with cars, so that more people can travel down a busy road.
- Collect more fare revenue, increasing the share of our budget paid for by fares, assuming that fares don't change.
- Make more efficient use of tax dollars by reducing the cost to provide each ride.

Coverage service works to achieve goals like:

- Access for people without other travel options. This can include low income people, elderly people, and disabled people, among others.
- Providing some service to everyone who pays taxes to support UTA.
- Support for lower density development, such as new low-density suburbs around the edge of the region.

The ridership goal focuses on service that generates the most ridership at the least cost; it also concentrates very high-frequency on the places where the most people can use it, but only in areas that have the characteristics to support high ridership. The coverage goal is focused on ensuring access to the transit system is available to all residents of the town. Spreading service out means spreading it thin. When planning transit, ridership considerations include service and land use; this relates directly to the density of the City and walkability. Coverage considerations include serving people with no transportation alternative, responding to growth, and directly serving everyone who pays taxes. Several different models have been considered for Davis County and leaders from this area have suggested a 60 percent ridership/40 percent coverage model. This is an adjustment from the current model for Davis County and would be implemented in the fall of 2021.

Council discussion centered on the impact that the West Davis Corridor project will have on future public transit plans for Davis County and whether Davis County is ready for a model adjustment; the majority of Syracuse City has little to no coverage and it may not be appropriate to reduce the coverage percentage of the model. Councilmember Savage stated that he is concerned that an increased focus on ridership may decrease the ability to service outlying areas. Ms. Holbrook

stated she understands that concern, but noted that ridership models also take into consideration projected growth of communities. Population along the Wasatch Front will almost double in the next 30 years and there must be a shift to focus on strategic planning that matches community planning and can accommodate the needs of changing demographics.

Councilmember Bingham asked Ms. Holbrook if UTA has considered using smaller buses to provide adequate coverage in communities where ridership may be lower. Ms. Holbrook stated that the average bus on the road today is 40 feet long; the biggest cost associated with each bus is its operator, so a smaller bus would not be as efficient as a larger bus, which can be relied upon during peak times or special circumstances. However, there are flex routes, such as paratransit routes and the buses used for those routes are smaller.

Councilmember Maughan stated his only thought relates to identifying an obvious route to cover the areas of the City that are denser. Ms. Holbrook stated that issue can be considered in the strategic planning process that is part of the development of the Network Plan.

Councilmember Savage asked if UTA has examined new transportation technology that does not need an operator. Ms. Holbrook stated that the automated vehicle (AV) is in pilot testing; it is designed to be 'first and last mile', is completely operator-less, and relies upon data programming. It travels 11 miles per hour, so it is not designed to move quickly, but it is designed to move people within a smaller area to get people from their residence or business to a transit stop. For larger transit vehicles, operator-less technology is much farther down the road; technology is moving so fast and technology investments are so expensive, so UTA is more involved in pilot programs that are not as costly. She stated there will be many opportunities in the future for individuals or larger entities to participate in pilot programs focused on reducing traffic congestion and emissions and she noted that she will take into consideration the feedback provided by the Council as UTA moves forward with development of their draft Network Plan.

Discuss landscaping regulations and request to reduce water rates for xeriscaping of private property.

A staff memo from the Community and Economic Development (CED) Department summarized the City's current regulations regarding landscaping and use of irrigation water:

8.10.090 Irrigation water.(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-acre foot for each acre or part thereof within a residential subdivision.

8.10.120 Mandatory use of City water, secondary water and sewer systems. All subdivisions located within the corporate boundaries of the City of Syracuse shall be required to connect to the water and sewer systems of the City

10.30.050 Lot and yard regulations. (G) Installation of Landscaping. Within 18 months of final inspection and/or the issuance of a certificate of occupancy, front and side yard landscaping shall be substantially complete upon all residential lots.

10.10.040 Definitions. "Landscaping" means the design and placement of ornamental fixtures such as fountains, ornamental walls, fences, or benches along with the planting of vegetative materials, trees, shrubs, grass, flowers, etc.

10.40.060 Access to off-street parking and loading spaces (A)(1) Residential driveway approaches shall have a maximum width of 50 percent of the lot width.

10.40.030 Prohibited Locations (C)(4) No one shall pave or improve any portion of a required front yard, other than approved parking and driveways leading directly to or adjacent to a garage, so as to encourage or make possible the parking of vehicles therein.

6.10.030 (C) Weed Control Specifications.(1) Except as otherwise provided in subsection (C)(2) of this section, weeds and grasses shall be maintained at a height of not more than six inches at all times, and the cuttings shall be promptly cleared and removed from the premises; provided, however, that this subsection shall not be applicable to any ornamental grass so long as it is used and maintained solely, or in combination with any other ornamental grass or grasses, as a supplement to an overall landscaping plan.

A few residents have requested a waiver in their secondary water bill if they install a landscape that does not use water. Webster defines xeric as: characterized by, relating to, or requiring only a small amount of moisture. Most xeriscaping landscapes still require supplementary secondary water to survive. Zero-scaping is a landscape that does not have plants and would be a violation of ordinance 10.30.050. Most homes have a 3/4 " secondary line which costs \$16.61 per month

CED Director Steele reviewed his staff memo and noted the objectives of this discussion are for the Council to decide if the City should amend the fee schedule to allow for a fee waiver if a yard is landscaped a certain way. If the Council supports that option, staff will draft ordinance language for the Council to consider at a future work session. Otherwise, current fees will continue for residents that have xeriscaped their yards. Staff would also like direction from the Council

regarding whether they should continue to explore whether the City should invest in ways to encourage residents to conserve water or reward residents already conserving water.

Council discussion of the matter centered on the City's ability to regulate water use without a secondary water meter in place. Councilmember Savage stated he would be supportive of waiving secondary water fees for properties that are xeriscaped so long as a meter is placed on the property. Councilmember Peterson agreed, but noted he may also be supportive of a fee waiver if it were possible to cap or lock a secondary water line on a property. Councilmember Bolduc stated she also agrees, but noted that even xeriscaped lots will need some water so if a secondary water line is capped, the homeowner will need to use culinary water and she is not supportive of increased culinary water use, especially when considering potential future growth of the City. City Manager Bovero agreed and stated the City's culinary water system can not handle large-scale outdoor watering. This led to higher level discussion about the City's ability to enforce the options that have been discussed. The Council discussed options for installing water meters on properties for which the owner would like to pursue xeriscaping.

Mayor Gailey accepted input from the two individuals who requested this item.

Donna King suggested that the City promote other watering options for residents that choose to xeriscape their yard, including rain barrels, or only planting plants that can be entirely sustained by rainwater.

Kathy Hansen stated that she does not believe that anyone would purchase her house in the future with the intention of converting the landscaping to traditional landscaping; if they were, they would need to dig through a lot of rock to get to the soil. Also, many people use culinary water for potted plants on their porches. She cannot understand why that would be something for the Council to consider. She and Ms. King then submitted a flash drive with photographs of their xeriscaping.

Mayor Gailey thanked Ms. King and Ms. Hansen for their input. He noted the intent for this agenda item was to discuss the issue at hand, but not make a decision. Further discussion will take place in the future before a decision is made.

Continued discussion regarding accepting District Three water shares for development within Syracuse City.

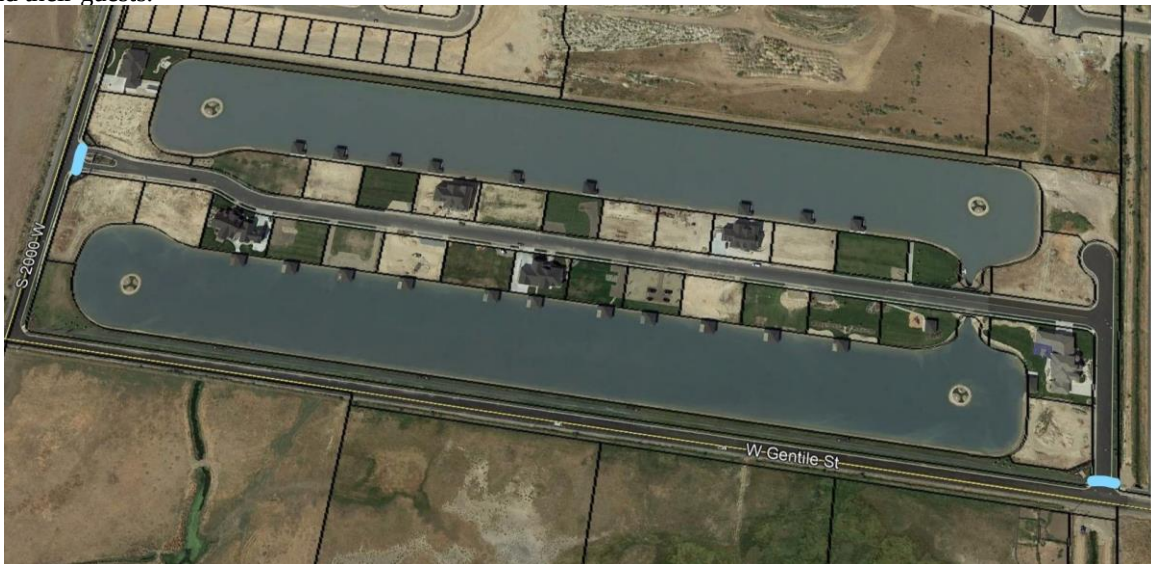
A staff memo from the City Attorney explained the Syracuse City Code currently requires a developer to provide water shares to the City for its use in the secondary water system (SMC § 8.10.090(A)). Acquiring water shares or rights from water companies is increasingly difficult; however, there is ample secondary water available from Weber Basin Water Conservancy District. As such, the City is required to entertain other options for development – it cannot simply impose an impossible regulation. Such a requirement could be found to be an unconstitutional regulatory taking of those properties. Weber Basin water is used on a contract basis, and users are charged an annual assessment that is based upon the District project from which the secondary water is derived. They are required to assess fees to repay certain costs of construction related to each project and to maintain the system. These fees are due annually and will be paid perpetually by the water users. Nearly all of the water shares that have been dedicated to the City entitle the holder to District 1 water, which is assessed at a lower rate than subsequent Districts. Currently, Weber Basin is offering District 3 water, which is about seven times as expensive each year than District 1 water. Once District 3 water is gone, they will begin selling District 4 water, which will be even more expensive than District 3. One major concern deals with existing users of our secondary system. Our current citizens have developed largely using less expensive water, and raises a question of equity – should existing residents be required to bear costs associated with more expensive water needed for new residential development? The attached ordinance attempts to address all of these concerns. It permits new development to provide a fee in lieu of water shares/rights, which will be used by the City to acquire secondary water for that development – with an understanding that it will have to pay higher annual assessments overall. The fee would include any lump sums owed to the District up front under the contract, as well as the difference between assessments paid by the rest of the city and the increased assessments. The fee would cover those increased assessments for a period of 10 years. At the conclusion of the 10 years, those whose properties came in under more expensive water will be assessed a higher secondary water bill than those who came in under less expensive water. This will be implemented by assessing a higher monthly fee for new users than old users. The City has consulted outside counsel with water expertise on this issue. He has reviewed and edited the attached ordinance, and also provided guidance generally. We are confident that the in-lieu-fee is an appropriate way to provide water for future development and may be appropriately assessed, that the increased fees for District 3 or 4 water users is lawful, and that attempting to limit development by requiring compliance with an impossible regulation is a legally precarious position in which to place the city. Before enactment of this ordinance, staff will be required to coordinate with Weber Basin and ensure that the mechanism to acquire wholesale secondary water is adequate for these purposes. If it is not, then we would need to create a new agreement, which could take some time.

City Manager Bovero and City Attorney Roberts reviewed the memo and asked that the Council give staff direction regarding whether to move forward with discussions with Weber Basin and whether to bring a proposed ordinance back to the Council after doing so. The Council discussed the limitations on different water sources, the burdens placed on City staff to track the dedication of different water sources, and the market drivers and costs that are leading developers to propose the acceptance of District Three water shares; the Council ultimately concluded that the fees associated with accepting higher cost water should not be spread throughout the entire City. They directed staff to explore the costs associated with conducting a feasibility study to determine the locations in the City for which District Three shares are needed in order to accommodate growth.

Request from Still Water Lake Estates Homeowners Association (HOA) re: surplus of Still Water Drive and Lakeview Way and transfer to HOA.

A staff memo from the City Attorney explained that in the 2014 development agreement for Still Water Estates, Section 4.20 provides the following: “On the ski lake portion of the Subject Area, Owner shall have the option to convert to a private street designation in the future with approval from City Engineer and Planning Commission, which approval shall not be unreasonably withheld.”

The Still Water Lake Estates HOA is requesting that the City Council convert the main portions of Still Water Drive and Lakeview Way to a private street. They intend to gate the community and limit use of the roads to residents of those roads, and their guests.



1 - Lines in Still Water Drive and Lakeview Way designate the approximate location of the area where the private drive would begin.

The roads sought to be converted to private use are chiefly used by the residents of those roads. No other developments access those areas or are dependent upon it for ingress or egress. The trail on the South side of the southern lake will remain in public hands, for recreational use. The City’s investment in these roads has been minimal, as they are relatively new and were built by the developer. The HOA proposes assuming all maintenance and replacement responsibilities for the road, and the City would retain easements for water, sewer, etc. Easements for all public utilities (power, gas, communication, etc.) would also remain in place. The HOA would install a device on its gates that would allow public safety vehicles to enter the gates without a card or contacting an individual to open them. If the Council supports the decision, staff believes it likely would be best accomplished using the City’s Surplus Policy. The parcels sought qualify as insignificant properties under the policy and may be conveyed to the HOA. The policy contemplates that an agreement from the HOA to provide for the perpetual maintenance, repair and replacement of the road constitutes sufficient value to surplus without additional compensation. The City will need to coordinate with the County and ensure that plats or conveyance documents will be acceptable to the County Recorder. The request would remove approximately 0.5 miles of road in Still Water Drive, and 0.1 miles of Lakeview Way. This will relieve the City of its obligation to repair and replace the street in the future. The cost to replace the asphalt of a 0.6 mile stretch of a local road today would cost between \$420,000 and \$750,000.

Such costs do not go down as time passes, and considering the pavement's age, it would likely be another 20 years before that would be incurred.

Mr. Roberts reviewed his staff memo and asked for Council direction relative to the request to surplus property for the identified areas; this would entail drafting an agreement for the HOA to provide maintenance and replacement for the road. The Council briefly discussed the proposal and indicated they are comfortable with moving forward so long as the applicant agrees to preserve any easements for the City to access in-ground infrastructure. Councilmember Maughan added he would also like to ensure that emergency responders can gain access to any property within the HOA given that the roads will be gated.

Applicant Mark Thayne stated he is comfortable with the proposed easements and preservation of emergency access to the homes in the development. He would like to work closely with Mr. Roberts to determine an appropriate agreement that addresses the concerns that have been raised tonight. Mr. Roberts stated that he will work on the agreement with Mr. Thayne and staff will advertise a public hearing to allow for the Council to take action on surplussing the roads.

Discussion regarding Police Department staffing proposal.

A staff memo from the Police Chief explained in 2018 the Council was informed that Officer Whatcott would be deployed from approximately July 2018 to July 2019. At that time, the Department was authorized 23 full-time sworn officers; additionally, the Council authorized the Department to hire a new officer to backfill for the vacancy created by Officer Whatcott's deployment. The Council decided that if there were no vacancies when Officer Whatcott returned, that the Department would be able to maintain an authorized full-time sworn staffing level of 24 officers. Lieutenant Jensen retired in the spring of 2019 and the Department did not back fill his position based on Officer Whatcott's anticipated return. Officer Whatcott returned to in September 2019. With his return, the Department is again at the pre-deployment staffing level of 23 officers. The salary, benefits, and vehicle costs associated with hiring another officer are currently in the Department's approved FY20 budget.

City Manager Bovero and Chief Atkin reviewed the staff memo. The Council discussed the logistics of the proposal and the assignments that would be given to the additional full-time sworn officer. Councilmember Maughan stated he is concerned about the best utilization of the funding that would be allocated to this proposal and he indicated he would rather wait until the next fiscal year to hire an additional Officer. Councilmembers Bingham, Bolduc, and Peterson were supportive of the staffing level increase now. Councilmember Savage stated he is undecided; if a Police Officer Three can be hired, he is supportive of the increase in staffing levels; however, if the Department is only able to hire a Police Officer One, he would rather wait until the next budget year.

Planning item: Edgewater Park Subdivision Preliminary Plat, located at approximately 2950 S. Bluff Road.

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

Location:	2950 South Bluff Road
Current zoning:	PRD
General Plan:	PRD
Total Subdivision Area:	12.3 acres
Number of Lots proposed:	51
Number of Lots Allowed by Zone:	73

The General Plan was amended to PRD on this property on October 9, 2018 on a three to two vote; the zoning was amended to PRD on this property on November 27, 2018, also on a three to two vote. The Planning Commission reviewed this item on September 17, 2019 and is unanimously (seven to zero) recommending approval of this plan with the following two recommendations:

- Staff Comments to be addressed prior to approval; as of the date of this memo, there are seven relatively minor items
 - Hydrant moved to neck of cul-de-sac;
 - 28' turning radius of temporary access road at Bluff;
 - Updated Rendered landscape plan with new lot configuration;
 - Updated Fencing plan with new lot configuration;
 - Add trail crossing signs

- Add fire lane signs;
- Add 'theme' elevations from builder that comply with ordinance.
- Permanent secondary fire access is provided within two years of occupancy of the 31st house in the development- this means the 'temporary secondary access gravel driveway would have to be upgraded to a full width asphalt road. (Most likely development to the west will complete a permanent secondary access into the project, but want to cover our bases just in case).

CED Director Steele reviewed his staff memo.

Councilmember Maughan asked if the cul-de-sac conforms with City regulations; it appears to be too long. Applicant Alan Prince stated that he has measured the cul-de-sac numerous times and its length does not exceed the 500-foot maximum length. He then referenced the previous discussion about water shares for a development and noted that this project has adequate water. Additionally, lots in the development have been widened to address concerns about other projects in the City with narrow lots and side-yard setbacks. This resulted in a unit reduction of five.

Councilmember Bolduc asked if the number of pickleball courts in the development has been reduced. Mr. Prince stated that there is a permanent easement for a trail connection directly through the area where the second pickleball court was intended. This led to examination of the plat to identify the areas of preserved open space in the project. Councilmember Savage stated he would like to ensure that the wetlands areas of the subdivision are properly maintained so that they do not become an eyesore for the area. Mr. Prince stated that the HOA will maintain the wetlands in accordance with Army Corps of Engineers standards.

Councilmember Bingham complimented Mr. Prince on the quality of the design for the development. Mr. Prince thanked Councilmember Bingham for that feedback and noted that the density of the development will be 1.5 units per acre less than the six units per acre allowed according to the zoning of the property.

Councilmember Bolduc stated that if the requirement for the easement and trail access is eliminated at some point in the future, she would like for the HOA to construct a second pickleball court. This led to discussion about whether the easement must be preserved to provide for secondary access, even if the road is unpaved. If the access were eliminated, the homes would be left without a secondary access. City Attorney Roberts indicated that matter could be addressed in the development agreement for the project.

Planning item: Petition to amend Section 5.20.200 of the Syracuse City Code pertaining to beer licensing regulations.

A staff memo from the Community and Economic Development (CED) Department explained Maverik gas station has submitted an application and fee to the City requesting to amend ordinance 5.20.200 so that they can sell beer at their store located on the corner of 2000 West and 1700 South. The Maverik license would be considered an 'off premise beer retailer' which is the same kind of license that Smith's or Walmart has. Our ordinance had duplicated text from prior state law concerning proximity limitations to 'community locations' such as parks, schools and churches. State law has changed in recent years to remove such restrictions for 'off-premise beer retailers,' and allows cities to impose proximity requirements. Proximity requirements still apply under state law for other alcohol licenses. The City code is prohibiting them from getting a local consent to sell beer on site because of the proximity to Centennial Park; state code would not prohibit it. The City is free to change its proximity requirements.

Mr. Steele reviewed the staff memo. The Council briefly discussed the proposed amendment and concluded to proceed with the ordinance adjustment to bring the City's ordinances in line with State Code regulations for off-premise beer retailers.

Planning item: Proposed creation of Mixed-Use Zone.

A staff memo from the Community and Economic Development (CED) Department explained the City Council directed the Planning Commission to work with staff to create a new Mixed-Use Development Zone. The goal of the zone is to entice additional economic development by allowing higher density housing to be built only in conjunction with desired commercial uses or within close proximity to existing commercial buildings. The zone focuses heavily on the architectural form of the buildings. The architecture will be required to be of high-quality design and materials. The height of the buildings will be limited to encourage context sensitive design. This zone is envisioned to be applied judiciously only along major corridors and near shopping centers.

The Planning Commission engaged in extensive conversation and debate over multiple meetings about desired zone language. They expressed concern about high density housing but felt that if the commercial component of the project, the

architectural design was high quality, and the building heights were not looming over existing homes, it would be appropriate along major corridors. They voted in favor 5-1 recommending adoption of the draft ordinance language included in this report.

Mr. Steele reviewed his staff memo and facilitated discussion among the Council regarding the appropriate components of a mixed-use zone; this included topics such as tapering of densities and the requirement for a defined percentage of commercial use in each mixed-use development. Mayor Gailey concluded that an item will be included on the October 8 business meeting agenda for continued discussion and possible action to adopt an ordinance providing for a mixed-use zone.

Continued discussion of potential modifications to City Public Works Facility access points.

A staff memo from the Public Works Director explained the proposed Fields Subdivision will construct 2400 West Street which is shown on the City's Master Transportation Plan as a collector road. The construction of this road will require modifications to the City's Public Works Facility to continue operations. Public Works is recommending a future road just north of the Public Works Facility to access the unimproved land to the east. The recommendation is to construct just the intersection at 2400 West now and build the remainder of the road in the future. This will allow semi-trucks and Fire Department Apparatus to continue using the existing gravel road to access the Public Works facility and the fueling station. The existing Public Works storm drain outfalls into a ditch on private property. This ditch requires frequent maintenance to keep clear. The recommendation is to tie the outfall into the new storm drain in 2400 West. Recommend looping the dead-end culinary water main back through to 2400 West Street. The functionality of the existing RV dump location currently has the following issues:

- Trailers have difficulty maneuvering through the parking lot
- On Sundays significant queuing occurs for trailers waiting to dump
- This queueing blocks Public Works access to the gate in the event of an emergency

The RV dump will no longer function in its current location and to reduce the existing issues with the RV dump, Public Works is proposing to move the RV dump north, with access off 2400 West Street, and add a second dump station. 2400 West will ultimately have a connection from Gentile to 2700 South which will provide good access for trailers without trying to weave through residential neighborhoods. When future funding is available, Phase 2 of the modifications would recommend constructing an eight-foot concrete wall around the Public Works Facility to increase security and reduce noise complaints. Consideration should be given to the potential of the Parks Maintenance Facility being constructed in this area.

Public Works Director Whiteley reviewed his staff memo and asked for Council feedback regarding the recommendations included therein. The Council indicated support for the projects listed in the memo, with Councilmember Maughan expressing concern about financial implications of the projects. Mr. Whiteley stated that the projects do not need to be completed immediately. He added that there are funding sources available for the projects in various impact fee revenue accounts. The only project for which there is not presently funding available is the eight-foot concrete wall around the Facility.

Councilmember Bingham disconnected from the meeting at 8:49 p.m.

Fire Department Biennial Review.

A staff memo from the Fire Chief explained the goals of this discussion include review of the Fire Department Vision Statements, review of 2017 and 2018 Department statistics, efficiency measures, new technology, and future challenges/considerations.

Chief Byington reviewed the staff memo and used the aid of a PowerPoint presentation to conduct the Biennial Review. The Mission Statement for the Department reads as follows: "*As professional firefighters, we will respond to serve and assist the citizens of our community in their time of need with **courage, conviction and compassion.***" The Department has several vision statements; vision statement number one is "Syracuse firefighters and EMS providers are professional, well trained, and courteous". In response to this Vision Statement, Chief Byington reported Syracuse firefighters are trained to respond on a multitude of emergencies which result in the need to be proficient in skills such as; emergency medical services, mass casualty incidents, hazardous materials, apparatus maintenance and operation, fire inspections and investigations, public education, rope rescue, confined space rescue, trench and structural collapse rescue, vehicle extrication, ice rescue, structural and wildland firefighting, and any other unexpected emergency. The Department's fully trained

firefighters carry up to 17 or more professional certifications and licenses which require more than 200 hours of continuing education each year to maintain. Entry level firefighters are required to have the following credentials:

- Firefighter I
- Firefighter II
- Hazardous Materials Awareness
- Hazardous Materials Operations
- Advanced Emergency Medical Technician
- NIMS IS-706, ICS-100, ICS-200
- Wildland Firefighter I (within one year of employment)
- Ice Rescue Tech (within one year of employment)

In addition to the entry level requirements, Engineers are required to have the following credentials:

- Apparatus Driver Operator Pumper
- Apparatus Driver Operator Aerial
- Commercial Driver's License with Tanker Endorsement
- Command Training Phase I
- Fire Instructor I
- Fire Inspector I
- Fire Officer I

In addition to the entry level and Engineer requirements, Captains are required to have the following credentials:

- Incident Safety Officer
- Technical Rescue
- Command Training Phase II
- NIMS ICS 300 and 400

In addition to all the previously mentioned requirements, Chief Officers are required to have the following credentials:

- Associate degree in Fire Science or related field (bachelor's degree preferred)
- Utah State Fire Officer Designation
- Fire Officer II
- Fire Instructor II
- NIMS IS-701 and IS-702

To maintain certifications and licenses, each firefighter is required to provide proof of the following continuing education hours annually: 192 firefighter training hours for ISO requirements; 50 hours EMS training for National Registry requirements; and 36 hours Specialty training for Utah Fire and Rescue Academy.

Syracuse firefighters have made it a habit to continually go above and beyond for their customers. Examples include; shoveling driveways and changing smoke detector batteries for the elderly, following up with patients needing special services, attending church and business safety fairs when available. The fire department administration has both a formal and non-formal plan for employee and team recognition. This includes one on one recognition, group recognition, nominations for City employee recognition, and formal recognition at our annual awards banquet. Formal recognition includes:

- Full-Time Firefighter of the Year (Colt Cottrell)
- Part-Time Firefighter of the Year (Golden Barrett)
- Rookie of the Year (Will Fenton)
- Above and Beyond Award (Aaron Shupe & Doug Robinson)
- Special Recognition
- Years of Service and Longevity

Vision statement number two is "the Syracuse Fire Department has the equipment, training, and personnel to respond quickly.

Response Times:

Syracuse fire department prides themselves on a quick response to emergencies within the community. We track call response times and continually work at finding ways to improve. To help achieve this goal, the following tracking systems and methods are in place:

- Daily report logs of all incidents and times
- Weekly quality assurance of incident reports

- Monthly reporting to the State Fire Marshal's Office
- Monthly meetings with Captains to identify ways to improve response
- Quarterly meetings with Davis County Dispatch

Staffing:

The fire department maintains 24-hour staffing with 5 assigned firefighters per day to respond on emergency incidents and other duties as assigned. In addition to emergency incidents, daily assignments include:

- equipment checks and maintenance
- continuing education training
- physical fitness
- station tours
- hydrant testing
- pre-plans
- fire safety inspections
- station maintenance.

The fire department tests City owned hydrants on a 4-year rotation to ensure proper working condition, using seasonal employees to paint hydrants as needed.

The fire department conducts annual fire safety inspections on all businesses within the City, using on duty crews to help as their availability allows. With the addition of the 5th person to our daily staffing, we have been able to keep apparatus in service which provides an added benefit to the city all while improving firefighter safety when working on emergency incidents.

Training:

The fire department conducts crew training daily as well as department wide training monthly. Training objectives meet the continuing education standards for firefighters to maintain certification and licensure. Training is also built to be specific to the needs of our City and to prepare for professional responses to emergency incidents.

Peer Support:

As a volunteer, Retired Firefighter Doug Robison oversees our department peer support program. With the help of Firefighters Troy Jamison and Joel Crawmer, this program has reached county wide and is quite successful.

Apparatus and Equipment:

Syracuse fire department uses daily, weekly and monthly checks to ensure our equipment is in proper working condition. It is our goal to complete preventative maintenance and routine checks to prolong the life of our equipment and save the community money.

To fulfill the vision, the fire department has an apparatus and equipment replacement schedule. The following apparatus and large equipment items are assigned to the fire department and are used regularly to accomplish our mission:

- 1995 Smeal Fire Truck (to be retired)
- 2002 Pierce Ladder Truck
- 2007 Horton 465 Ambulance
- 2008 Pierce Transport Engine
- 2009 GMC Sierra 4500 Type 6 Brush Truck
- 2009 Polaris Ranger
- 2011 Kenworth Water Tender
- 2013 Ford F150 (Deputy Fire Chief)
- 2013 Chevy Silverado (Fire Marshal)
- 2015 Horton F-350 Ambulance
- 2016 Ford F-550 Type 6 Brush Truck
- 2018 Pierce Transport Engine (Due November 2019)
- 2019 Ford F-150 (Fire Chief)
- Fire Investigation Trailer

Wildland Program:

The fire department wildland program allows us to fulfill the vision through training and real-life experience for our personnel which offers us the opportunity to be better prepared for large scale wildfire incidents in our jurisdiction. In addition, the wildland program creates a revenue source which assists in funding long-term maintenance of equipment, training and personnel.

Future Planning:

The fire department works closely with City Administration to plan for emergency service needs in relation to the current and projected growth of Syracuse. Working with other City departments, call response surveys have been completed to help us project the best area for a second station when the time arises.

Insurance Services Office

Syracuse Fire Department is proud to announce that Syracuse City will receive the ISO (Insurance Services Office) Class 3 public protection rating, effective February 1, 2019. This is a huge improvement from our last ISO survey in which we were assigned a Class 4 rating.

ISO is a third-party independent agency that evaluates and classifies over 46,000 fire protection areas across the United States, and as of 2017 there have only been 3,456 communities issued a Class 3 rating for public protection. Classifications are based upon an evaluation system which rates fire department response capabilities, water supply and communications.

Most U.S. insurers use this information in their decision-making process when deciding what coverages to offer or premiums to charge for personal or commercial property insurance. Our improvement from a Class 4 to a Class 3 rating may result in more competitive insurance premiums for residences and businesses in our community.

Vision statement number three is "Syracuse firefighters and EMS providers are part of the community and respected by the public." To fulfill this vision statement, the fire department is heavily involved in citizen interaction with programs and events such as:

- Boy Scout first aid classes for merit badge requirements (as scheduled)
- Station tours (weekly as scheduled)
- Community CPR classes (several times per year as scheduled)
- Annual Open House for Fire Prevention Week
- City Sponsored Events (Heritage Days, Pumpkin Walk, etc....)
- City / Department Sponsored Charity Fundraisers
- Sporting Event Standbys
- Annual Santa Run
- Smoke Detector Batteries for Elderly
- Residential and Commercial Fire Safety Inspections
- Davis Technical College Internship Program
- High School Internship Program

Chief Byington then reviewed the history of the Fire Department, dating back to 1965 when the Department was first organized. Syracuse Fire Department, Station 31 is the primary responding agency to approximately 9.5 square miles of Syracuse City, 4 square miles of unincorporated Davis County, and 44 square miles of Antelope Island State Park. We provide both fire and ambulance services to our residents, our transient population, as well as mutual aid to our neighboring cities.

Prior to 1955 the only fire [protection](#) for Syracuse City came from Davis County. Because this coverage was inadequate, Syracuse City and Davis County jointly hired Clearfield Fire Department to service the calls at a shared cost of \$50.00 per call. In April of 1955 the county discontinued their share and Clearfield increased the cost to \$100 per call. Layton City Fire Department offered their services for \$50 per call, however, the distance and response time made this impractical.

In December of 1964, Clearfield City declared that they would no longer give fire protection to Syracuse. On June 23, 1965, Councilmember Lawrence Briggs proposed that if Syracuse had their own department, fire [insurance](#) rates would decrease. A joint meeting between West Point and Syracuse City Council took place almost immediately and the Syracuse Fire Department was established. A 1946 Ford Pumper was purchased and by September, a small fire station was built, a siren was ordered (believed to be the same one used today), and volunteer firefighters were trained by Mr. Tanner, State Fire Marshal. Keith West was selected as the first fire chief of Syracuse, resigning in December 1965 because of extended hours in his regular job. Chief West passed away on March 14, 2014 at the age of 97.

On January 5, 1966, Roy Miya was appointed by the city council as the new fire chief with Val Cook being elected by the volunteer firefighters to serve as his assistant. The fire department had twenty-five volunteers who provided fire protection to Syracuse and West Point Cities, and for \$500.00 per year also provided fire protection to the unincorporated area belonging to Davis County.

In January of 1968 the city council with the recommendation of the fire department decided to purchase a larger fire truck and build a meeting room for the firefighters. The chief received \$25.00 a month and volunteers received \$2.00 for each meeting. For fire responses, firefighters received \$3.00 for the first hour and \$2.00 an hour after that. Roy Miya served faithfully for 19 years, retiring the last day of December 1984. Chief Miya passed away September 4, 1998.

On January 1, 1985, Thomas Jensen was appointed by the city council as the new fire chief with Gary Hamblin being elected by volunteer firefighters to serve as his assistant. With better water pressure from newly installed water mains and fire hydrants placed throughout the city at key places, fire insurance did go down. A new grass fire truck was purchased in January of 1986 for \$14,120. The fire department moved into a new 3 bay fire station that was constructed during the winter of 1993-94. This was a much-needed facility to keep up with the demands of the ever-growing city. Chief Jensen served the community for 13 years, resigning in 1998.

Following Chief Jensen's resignation in 1998, Dale Snyder was appointed by the city council as the new fire chief with Kevin Hansen serving as his deputy chief and Bruce Peterson serving as his assistant. In 2002 Syracuse City purchased two ambulances (one used) and began providing ambulance service to its residents; a service that was previously provided by the Davis County Sheriff's office. To staff the ambulance, Syracuse City hired its first full-time firefighters and in August of 2002 began staffing the fire station 24 hours, with 4 firefighters during the day and 3 firefighters throughout the night. During this time, Syracuse City also purchased its first ladder truck; a 75' Quint from Pierce Manufacturing in Appleton, Wisconsin. Chief Snyder was involved in managing the rapidly changing needs of the fire department for eight years, resigning in 2006.

On February 6, 2007, Craig Cottrell was appointed by the city council as the new fire chief with Bruce Peterson serving as his assistant. Syracuse was still seeing explosive growth when Chief Cottrell was appointed. Syracuse purchased a new ambulance and plans were made to move the fire department to a new fire station that would serve both the current needs of the city as well as the future needs when the city reaches its build out population.

In 2008, a transport engine (Combination Fire Engine/Ambulance) was purchased from Pierce Manufacturing in Appleton Wisconsin. In January of 2009, the fire department moved to its new home at 1869 South 3000 West, where it is currently located. This station includes an integrated training space, a large training room as well as offices and living quarters for the firefighters.

During his tenure, Chief Cottrell worked with firefighters to create a wildland program which would allow our resources to help the Northern Utah Interagency Fire Center (NUIFC) and National Wildfire Coordinating Group (NWCG) on larger incidents throughout the Western United States. This revenue generating program has created an invaluable training and experience opportunity for our firefighters, strengthening the response capabilities in our community. Chief Cottrell led the fire department for 5 years, resigning in December 2011.

On February 2, 2012, Eric Froerer was appointed by the city council as the new fire chief. Chief Froerer was responsible for maintaining the great service Syracuse City was used to as our economy was slowly recovering from a recession. During his tenure, Chief Froerer worked with the city council to approve funding for the department's first full time deputy chief who would also fill the responsibilities of the fire marshal. Captain Jo Hamblin would be promoted to fill this new position.

In 2015, a new Horton F-350 Ambulance was purchased and in 2016 a Type 6 Brush Truck was assembled in-house by the firefighters to help cover the needs within the city as well as Antelope Island and other mutual aid wildland fires we would be called to assist with. In 2017, a transport engine was purchased and is due to be delivered in the Fall of 2018.

Chief Froerer laid the groundwork for new equipment and additional staffing, resigning in 2017 after 5 years of service.

On November 14, 2017, Aaron Byington was appointed by the city council as the new fire chief with Jo Hamblin serving as his deputy chief. In July of 2018 the city council approved additional part-time staffing to increase the level of service to the growing demands of the City. The Syracuse Fire Department is currently staffed 24 hours a day with 5 full-time and part-time firefighters who respond to both medical and fire emergencies within our city limits, unincorporated Davis County and Antelope Island State Park.

Syracuse Fire Department and Syracuse City commits to finding new ways in which to improve their service to our community. We have an insurance rating (ISO) of 3 within the city limits and 9 in the county areas we cover. The fire department personnel are trained as Advanced EMT's and Paramedics with specialty training in Ice Rescue, Hazardous Materials and Technical Rescue skills.

There have been many people who have helped Syracuse Fire Department become what it is today. We would like to thank everyone who has supported our fire department in the past, the present and into the future as we continue to achieve our goals of providing the best customer service possible.

Chief Byington presented a current organization chart for the Department, noting it has a combination of full-time and part-time/paid on-call Firefighters/AEMTs. There are a total of 37 employees; 9 full-time firefighters, 24 part-time firefighters, a fire chief, deputy fire chief, fire marshal and administrative assistant. Three shifts (A, B and C) are scheduled on a 48/96 type schedule (48 hours on shift, and 96 hours off) which allow for 24-hour station manning, 365 days a year. The station is manned daily with 5 firefighters (3 full-time and 2 part-time). In 2017, the Department responded to 993 calls,

with that number increasing to 1,015 in 2018. He then presented charts and graphs illustrating the fluctuation in incidents month to month for years 2017 and 2018, call volume by the day of the week, and call volume by time of day. An additional graph provided a comparison of call volume for Syracuse with call volume for other cities and districts operating within Davis County. He then discussed mutual aid efforts; in 2017, Syracuse received mutual aid 38 times and gave mutual aid 54 times. In 2018, aid received was 40 and aid given was 52. In 2018, there was an increase in overlapping calls covered by Syracuse fire as well as a decrease in mutual aid transports; these positive changes are directly related to the increase in daily staffing approved by the Council in Fiscal Year 2018. Call response times have also improved in the same time frame; the National Fire Protection Association (NFPA) provides a standard for organization and deployment of fire suppression operations of a one-minute turnout and four-minute response times. Agencies must be compliant with these standards 90 percent of the time. In 2017, the City's average response time was 5.34 minutes and that improved to 5.17 minutes in 2018. The Department is always working to improve their turnout and response times; increasing traffic and overlapping calls are unpredictable challenges the Department faces with response times throughout the City. Chief Byington provided a graph comparing response times for Syracuse with other fire agencies. He then moved to comparison of operational budgets for Syracuse and other fire agencies; this information was used to determine the cost per service per every 1,000 residents and Syracuse ranked the lowest among nine agencies in Davis County. He then presented a graph comparing ambulance and wildland fire revenues for the Department for years 2017 through 2019; the large increase in wildland revenues in 2019 was due to two factors: fifth person staffing allowed the Department to deploy more resources than previous years and the fire season started earlier than normal, with more fires across the Great Basin area than in years past.

Chief Byington then discussed technology available to firefighters and EMS professionals

AutoPulse Machine

This machine provides high-quality automated CPR to victims of sudden cardiac arrest. AutoPulse squeezes the patient's chest to improve blood flow to the heart and brain and has shown improved outcomes in numerous clinical trials. Using automatic CPR machines reduce responder fatigue and injury.

Auto Load System

The auto load system removes the "lifting" part of loading a patient into the ambulance. This device drastically reduces back injuries to responders.

Drone Technology

- **Firefighting** = provides aerial view during fireground operations and allows incident commanders to see the incident globally
- **Wildland Firefighting** = provides a quicker view of larger areas to identify spot fires and areas needing additional resources
- **Search and Rescue** = drones equipped with infrared cameras to find lost individuals in large areas
- **Disaster Response** = used to help determine need for immediate support and to examine areas of damage
- **Law Enforcement** = used for accident re-creation and aerial scene pictures

PulsePoint

Free app that notifies CPR trained community members when there is a cardiac arrest event in their vicinity. This increases the chance of the victim receiving by-stander CPR prior to EMS arrival thus increasing chances of survival. This app can also give locations of public AEDs.

Chief Byington then reported that in 2017, working with the CED department, maps were created for 2015 and 2016 responses to determine areas needing improved service in relation to response times. It was determined that all areas East of 1000 West and areas East of Bluff Road and South of 2700 South, consistently had response times greater than six minutes and as high 10 – 13 minutes. Maps for 2017 and 2018 are currently being created. It is expected that the results will be similar. He presented a map illustrating the overlap of coverage areas for the Clinton station, North Davis Stations 41 and 42, the Syracuse Station, and the Layton Station. He stated there will eventually be a need for a second station in Syracuse City and he has identified City owned land next to Legacy Park as a viable option. A station in this area would decrease call response and improve service in the areas East of 1000 West and to the South East portion of Syracuse.

He then noted that future considerations for the Fire Department and City Council relate to implications of the West Davis Corridor project. The new road will increase response times to areas east of the West Davis Corridor route, decrease response times to the northwest area of Syracuse, and increase the emergency incident call volume. Additionally, there will be demands for increased wildland deployment. Deploying on a wildland incident requires a firefighter to be away from home for up to 16 days at a time. For the Department to send units on a wildland incident, it typically requires a minimum of two people, one of which must be a certified engine boss. Currently, the only two certified engine bosses are Captain Bybee and Engineer Holman. More engine bosses and firefighters willing to deploy on wildland incidents will be needed in the near future to ensure the continuation of the wildland program. Another future consideration relates to priorities for paramedic

services that are equal to or better than what is currently provided. Syracuse should have the opportunity to choose who they contract paramedic services with and the mill levy distribution for this service must be fair. Dispatch service must be coordinated appropriately. Sheriff Sparks and the County Commissioners along with City Officials have discussed the paramedic services in the County and whether it would be more efficient if the paramedic service was operated by the fire departments. County Commissioners are looking into a study to determine the efficiency of moving paramedic services into the fire departments. The final future consideration relates to employee recruitment and retention; job markets are making it more difficult to hire and maintain qualified part-time staff. Layton City and South Davis Metro Fire no longer use part-time staffing. Full-time staffing will be needed for possible paramedic service, increased call volumes and wildland program sustainability. Chief Byington presented organizational charts depicting what full-time staffing would look like with a second station; the chart identifies current full-time and part-time staff and needs for future staffing increases to maintain service levels. This led to high level discussion among the Council and Chief Byington regarding the number of firefighters that are working multiple full-time or a full-time and part-time job and the impacts that workload has on an individual's performance and well-being.

Finally, Chief Byington reviewed discussions regarding potential consolidation of dispatch services. Multi-jurisdictional dispatching has proven to be problematic within the fire service in Davis County. These issues have occasionally caused a delay in responses to both medical and fire incidents within the Northern part of the county, making some sort of consolidation a priority. All of the City's neighboring communities (Layton, West Point and Clearfield) have separate dispatch centers which can cause communication issues when working on mutual aid incidents. Syracuse currently contracts with Davis County Dispatch. The equipment used is roughly 40 years old with fire paging systems running on a two-tone analog platform.

Mayor Gailey and Councilmembers thanked Chief Byington for the thorough nature of his presentation and for his service to the City.

Discussion regarding various Personnel Policy Manual amendments.

A staff memo from the Administrative Services Director explained the proposed policy manual amendments were presented to the City Council for a first read on August 27, 2019. Staff would like to discuss the proposed amendments in anticipation of a vote during the October 8 business meeting.

City staff has reviewed various sections of the Personnel Policies and Procedures manual and would like to recommend changes as noted in the red line edits on the attached PDF document. Below is a summary of significant changes:

- Policy Manual Cover - Changed the City Mission Statement to match what was adopted by City Council.
- 1.090. – Added ADA language addressing that the City shall provide reasonable accommodations to the public.
- 3.040 – Added what the law states regarding when minors are able to work.
- 3.080 – Changed to match how job postings are sent to employees.
- 5.080 (e) & (f) – Added that interim appointments become effective at the beginning of a pay period. Also added that an employee may request to voluntarily demote.
- 5.100 (b) – Took out that the City Manager can allow employees to accrue more than 80 hours of comp. time. And changed how an employee's comp time is handled when moving from non-exempt to exempt.
- 5.150 – Separated special programs, outside overtime & wildland fire program since they are truly different & how the leave time must be used for special programs.
- 5.160 – Defined outside overtime and how an employee will be paid for such.
- 5.170 – Separated wildland fire program from Special Programs since it's truly different and needed to be handled differently.
- 6.060 – Changed how employees can access paystubs to match how it's being done currently. And added that direct deposit changes must be done in person to avoid fraud attempts.
- 8.070 (d) – Added language to this section that matches language in 8.030 (c) Leave Procedures since many look in this section for this language.
- 9.100 – Added that the outside employment form is only needed for Full Time employees.
- 9.190 – Added policy regarding soliciting.
- 10.020 – Added policy regarding sexual abuse at the recommendation of our insurance company.
- 11.100 (c) (1) – Added/changed job titles that need to be in the random drug screen pool.

- 11.100 (d) (3) (b) – Added facility to use and number to call for post-accident drug screens.
- 12.130 (a) – removed title that doesn't have a CDL and isn't required to have CDL.
- 13.010 (g) – Added/changed titles of those that need to have annual background checks done.
- 13.030 – Added timeline of when MVR violations will be considered.
- 14.110 (c) – Made changes to match the process for post-accident drug and alcohol screening outlined in Chapter 11.
- 14.150 – Added the Safety Incentive Program that the Safety Committee implemented.
- 17.010 (g) (2) – Changed dinner per diem to match what state is doing.
- 18.030 – Added language to allow employees under 18 to operate mower and OHV.
- Chapter 19 – changed a good portion to better reflect office equipment and devices used today.
- 19.010 – Defined city office equipment and language regarding theft and damage. And deleted 19.030.
- 19.040 – Added language regarding personal use of office equipment due to new law.
- 19.060 – Added language on when an employee is expected to answer City cell phones.
- 19.070 – Added language on when an employee is expected to answer personal cell phones & how to handle lost, stolen, damaged equipment.
- 22.060 – Changed language so that SIRs didn't have to be signed by the employee & HR.
- 22.120 & 22.130 – Typo
- 22.140 – Added Full-Time to policy to be clear that Part-Time, Seasonal & Temporary employees do not have appeals rights.

Administrative Services Director Marshall reviewed the staff memo and facilitated brief review of the proposed amendments to the Policy Manual. There was a brief discussion about an employee's responsibility to report harassment to a supervisor of a member of the City's Human Resources Division. Additionally, Councilmember Savage indicated that given current ongoing discussions about medicinal marijuana, it will likely be necessary to consider amendments to the Policy Manual in the future to address that matter.

Discuss voter participation areas.

A staff memo from the City Recorder explained the Utah State Legislature passed House Bill (HB) 119 during the 2019 session; this bill requires counties and cities of the first, second, third, and fourth class to establish voter participation areas. This action must be taken by January 1, 2020. Voter participation areas will be used during local initiatives and referendums to calculate the number of valid signatures needed. The Davis County GIS Department has developed eight voter participation areas for the County and they also developed a proposal for each city in Davis County as well. The law requires these areas to be contiguous and compact and be of substantially equal population.

City Recorder Brown reviewed her staff memo.

Councilmember Savage referenced the map illustrating the proposed voter participation areas and indicated that areas in other cities have fewer numbers of residents and he asked for information about the difference between the proposed voter participation areas for Syracuse and other cities. Ms. Brown stated that the law indicates that voter participation areas must be contiguous, compact, and of substantially equal population; the Davis County GIS division developed voter participation areas for each city based on that criteria. Councilmember Savage stated it is his understanding that the driving force behind this legislation is to ensure that any referendum or initiative that would result in a matter being submitted to voters will be representative of the entire City and not just a specific area. Ms. Brown stated that is correct. The Council communicate their support for including an action item on the consent calendar for the next business meeting agenda to approve the voter participation areas.

Discuss Justice Court recertification.

A staff memo from the City Attorney 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.¹ 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 standards³ by which justice courts are measured. Rather than recite these requirements, they are included in the Council packet 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. I am available to discuss any of the requirements about which you may have questions. 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, 2019. City staff will prepare a resolution for your consideration at the October 9 business meeting.

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, which would be placed on a small claims calendar in district court. It is far more onerous to travel to district court in order to resolve a traffic ticket. Additionally, city police officers, victim advocate and prosecutor would be required to travel to Farmington in order to address those criminal cases, resulting in increased time and cost for each case. And the revenues would drop significantly if we prosecuted in district court; part of the calculation provides a share of the revenue to the location where court is conducted.

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.⁴ 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.⁵ 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. District court is often packed and there is little time for individual attention; additionally, we would have no control over the scheduling, so the City might be expected to appear in court more than one day per week.

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 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. I have had one appeal during the four years that I have been prosecuting in Syracuse. 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 2019, as well as amounts budgeted for FY 2020:

Syracuse Justice Court	Actual FY2019	Budget FY2020
Revenue:	\$ 240,359.28	\$ 230,000.00
Expenses		

Salaries, Wages, & Benefits	\$ 159,244.02	\$ 181,344.00
Prosecution	\$ 32,984.55	\$ 32,818.65
Books, Subscriptions, Memberships	\$25.00	\$100.00
Travel & Training	\$2,271.97	\$2,000.00
Office Supplies	\$1,818.42	\$2,300.00
Professional & Technical	\$13,135.00	\$15,000.00
Juror & Witness Costs	\$204.64	\$500.00
Total Expenses	\$ 209,683.60	\$234,062.65
Net Total	\$ 30,675.68	(\$ 4,062.65)

Excluding its portion of overhead costs, such as administrative support (like payroll, human resources, & receipting), IT resources, and the use of the City's facility, the Justice Court has been operating at a net gain, and even covers all costs of prosecution. And although we have budgeted for less revenue and greater expenses in FY2020, we generally do so in order to be fiscally conservative; I do not anticipate that the budget will exceed revenues this fiscal year. Indeed, revenue has been slightly trending upward over the past few years. As such, roughly speaking, the court is financially viable.

Prosecution

Prosecution of class B and C misdemeanors and infractions which are committed within our municipal boundaries are a statutory responsibility of the City Attorney.⁸ 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 Council chambers, 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 if 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.

Public comments

There were no public comments.

Discussion of future agenda items/Council announcements

Mayor Gailey and members of the City Council briefly discussed needed future Council agenda items. Mayor Gailey also discussed the calendar for regularly scheduled Council meetings for the remainder of the year; he recommended that meetings be consolidated in November and December in order to cancel regularly scheduled meetings the week of Thanksgiving and on Christmas Eve. The Council supported this idea in theory, noting that if there is a pressing need for a special meeting, they were willing to convene.

The meeting adjourned at 9:54 p.m.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: November 12, 2019