

Minutes of the Work Session of the Syracuse City Council, held on January 25, 2022 at 8:10 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 816 0784 1519, in-person in the City Council Conference Room at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

Present: Councilmembers: Lisa W. Bingham
Dave Maughan
Jordan Savage
W. Seth Teague
Paul Watson

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
Parks and Recreation Director Kresta Robinson
Fire Chief Aaron Byington
Police Chief Garret Atkin
Community and Economic Development Director Noah Steele

The purpose of the Work Session was to review noise ordinance and truck brake regulations; discuss proposed purchasing policy amendments; discuss proposed “Outgoing Elected Official Policy”; discuss milestones for funding, bidding, and construction of new secondary water reservoir; review Secondary Water Share In-Lieu ordinance; discuss the following planning items:

1. Application for zone change from Residential (R-1) and Agriculture (A-1) to General Commercial (GC) for property located at approximately 3329 S. 2000 W.
2. Application for zone change from Residential (R-1) to Residential (R-3) for property located at approximately 2383 W. 2700 S

Review and discuss Mayor/Councilmember assignments and appointments; discuss City Council appointments to Special Service Districts; and perform the Fire Department biennial review.

Review/discussion of noise ordinance and truck brake regulations.

An administrative staff memo explained a resident has indicated that construction trucks have been needlessly using their engine brakes, and the Council requested a review of our current noise ordinance with an aim of amending it as appropriate. The City adopted a noise ordinance in 2018 that govern the use of engine brakes. Section 6.40.030(H) prohibits the use of these braking systems between the hours of 11:00 pm and 7:00 am. The City does not prohibit their use during the other 16 hours of the day. The ordinances of nearby jurisdictions may be helpful because it establishes a reasonable expectation of drivers who are traveling through North Davis County. A survey of nearby jurisdictions in our county reveals the following ordinances governing this issue:

- Clearfield City: Prohibited at all times (CCC § 7-4-5)
- Layton City: Prohibited at all times (LMC § 10.98.020)
- Clinton City: Not addressed
- West Point: Prohibited at all times (OWPC § 10.05.110)
- Sunset: Not addressed
- Kaysville: Prohibited at all times (OKC § 6-2-11)
- South Weber: Not addressed
- Fruit Heights: Prohibited at all times (FHMC § 6-1-6)
- Farmington: Not addressed

All of the jurisdictions that prohibit the use of engine brakes make an exception for cases of emergency, as does our code. Among these neighbors, five expressly prohibit engine braking at all times, and four do not prohibit it. Syracuse is alone in our region in only prohibiting engine brake use during night-time hours. The Council should be aware that UDOT has some special exemptions for nighttime highway construction noise under state law. See Utah Code Ann. § 72-6-112.5.

They may or may not apply, depending upon the specific project. It does not apply to private construction projects. If the council does not wish to amend the ordinance, it could also consider requesting that public works post additional signage to educate drivers of our local ordinance. This will be accompanied by a budgetary impact. The memo concluded the goal of this discussion are to

1. Review the noise ordinance and determine whether to modify it.
2. If desired, request a draft amendment and place the item on a regular meeting agenda for vote.

City Attorney Roberts reviewed his staff memo and facilitated discussion among the Council regarding the regulations in place in other communities; the implications of a potential code amendment in Syracuse City; and the ability of the City to enforce any increased truck brake restrictions/nuisance regulations. They concluded to remove the 'daytime allowance' language from the existing ordinance and to pursue increased signage to advertise truck brake regulations. Mr. Roberts indicated he will utilize the feedback from the Council to craft a draft ordinance amendment for the Council to consider at their next business meeting.

Discussion regarding proposed purchasing policy amendments.

A staff memo from the City Manager explained the current purchasing policy was last revised in 2014. The proposed revisions of the policy are redlined in the attached draft. The intent of the proposed revisions is to streamline the processes for staff and maintain the overall goals of the policy for purchases and service contracts. The memo summarized the following proposed changes:

- Use the same purchasing limits for purchase and service contracts. Currently there are only purchasing limits outside of sealed bids for purchases, but not service contracts. These only apply to service contracts of one year or less.
- Allow the City to use other governmental cooperative purchasing contracts in order to take advantage of competitive bidding processes and economies of scale.
- Non-substantive clean up items.

The memo concluded the goals of this discussion are to provide comment and guidance to staff on proposed changes and decide whether to put the revised policy on the Feb 8th agenda for a vote.

Mr. Bovero reviewed his staff memo and facilitated brief discussion of the proposed amendments. At the conclusion of the discussion, the Council indicated they are comfortable with the proposed amendments and Mayor Maughan directed staff to include an item on the consent calendar of the February 8 meeting to allow for action on the proposal.

Discussion of "Outgoing Elected Official Policy".

An administrative staff memo explained Mayor Maughan is proposing that the Council consider a policy that prohibits the Council from taking action on any major zone change or significant policy during the time period between the election and the swearing in of incoming elected officials.

An outgoing elected official policy, also known as a Lamé Duck Policy, can be viewed in one of two ways. One viewpoint is that it shows the public that the council respects the known or perceived agenda of an incoming Mayor/Council. The main factor here is that the election results are final, and it can be argued that "the people have spoken" through the election. This is a valid point. The counter argument, and the other viewpoint of the public, is that elected officials are given four full years to carry out their responsibilities. This viewpoint essentially says "an elected official has the right to act in whatever they feel is in the best interest of the city until their term comes to an end." Also, a valid point. Of course, the council is likely to be criticized on either side depending on which side of the coin is more popular with the public. From a policy standpoint, this type of rule is feasible as long as the terms "major zone change" and "significant policy" can be clearly defined. If they are not clearly defined, it would create a situation ripe for fierce disagreement amongst the council and the public, since these issues tend to have high stakes. In that case, this could become very divisive for the entire City. It would be important to carefully draw the line over which a mayor/council cannot cross. For instance, on the question of what constitutes a major zone change? The line could be drawn by acreage - say, any project exceeding five acres as an example. But it would be a shame if a rapidly evolving large commercial development that all councilmembers acknowledged was a good idea was scuttled by the policy. One way to address this would be to make the rule similar to the consent calendar. If all councilmembers agree that an item should be considered, then it could appear for consideration during the lame duck time period. But relying exclusively upon a consent-type-decision brings with it unpredictability - a proposer would never know whether their application would be considered fair play or not. And anytime that we leave matters to the discretion of individuals, there is a possibility that such discretion will be abused. So, the council could consider a combination of both parameters of eligibility and ways to override, in order to give some measure of predictability. It could be a shifting presumption: certain items are off limits based upon objective factors (acreage, budgetary impact, immediately policy effect) while preserving in the council the ability to override that presumption by a certain threshold (either unanimous or a super-majority, perhaps) - essentially stating that the matter is not controversial or contrary to future Council agendas. Finally, any such policy can be overturned by the majority of the council at the time, depending on which side of issue they are on. By enacting this policy, however, it forces the council to take a deliberate action if they want to overturn it, which opens the door for public scrutiny, which can deter the council from going through with it.

The memo summarized legal considerations; it appears State Code does not explicitly prohibit this type of policy from being adopted by the City. It could be implemented by an ordinance amendment or bylaw. If done through bylaw it would be more flexible but could also be suspended by a majority of the council without prior notice. To override the

ordinance would require notice and a vote, and the removal would be final. But neither route would be permanent; both an ordinance and bylaw could be amended in a single business meeting, if a council wanted to do so. The amendment essentially would be a statement of the current council as to what it deems to be an appropriate restriction on their own power. One state-law impediment to this policy could arguably infringe on the mayoral power to "recommend for council consideration any measure that the mayor considers to be in the best interests of the municipality." UCA 10-3b-104(1)(C)(i). This is because the policy would prohibit the mayor from bringing an item for council consideration, or at least prevent the Council from acting on a measure brought by the mayor. However, even if that was the case, an ordinance that is either supported by a unanimous council or the majority with the consent of the mayor may modify those powers. An ordinance enacting this policy could name that as a potential issue and go through the process to ensure that it would meet the criteria of state law. There are also certain matters that are required to be addressed within a certain time period. For instance, state code requires consideration of filling vacancies on the council within a certain timeframe. UCA 20A-1-510. Agricultural protection area applications also have a 45-day maximum time limit to be considered by the council. SMC 10.30.090(C). There are almost certainly others like this, scattered throughout state and city code. However, this could be addressed by an acknowledgement within this policy that any matter which is required to be heard by the council within a certain number of days by another provision of law is not affected by the policy.

The memo concluded the goals of the discussion are to review issues of interest regarding the proposed policy and give direction to the Administration on whether to draft language in a formal policy.

City Manager Bovero reviewed the memo and facilitated discussion among the Council regarding the implications of the subject matter; the Council vigorously discussed whether elected members of the City Council should be restricted from taking certain actions in the last two months of their term in office if they do not win re-election to their seat or choose not to run for re-election. There was not clear consensus on the direction the Council would take, and Mayor Maughan directed staff to include an item on the February 8 business meeting agenda to allow for continued discussion and possible action on the potential policy. Mr. Bovero added that there are two different mechanisms the Council can use to implement the type of policy recommended by Mayor Maughan: a formal policy adopted via an ordinance and included in the City Code, or a clause in the Council's Rules of Order and Procedure governing the matter.

Discussion regarding milestones for funding, bidding, and construction of new secondary water reservoir.

A staff memo from the Public Works Director explained Bluff Pond will be in operation one last season this year prior to being relocated and expanded for build-out conditions. The existing pond will be converted to a detention basin to handle the storm flows from the widening of Antelope Drive. To minimize risks in the disruption in secondary service, careful forethought is necessary to transition water storage and pumping facilities. A proposed milestone schedule is included to keep the project on track. It is anticipated that construction will take 12 to 15 months.

Priority	Activity	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23
1	Design supporting reservoir utilities	x	x																				
2	Bid / Award supporting reservoir utilities			x																			
3	Construction of reservoir supporting utilities			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x				
4	Design reservoir and pump station	x	x	x	x	x	x	x															
5	Watersmart grant \$2M				x			x															
6	Bond				x	x	x																
7	Contractor prequalification					x	x																
8	UDOT excavate reservoir					x	x	x															
9	Bid/Award reservoir and pump station							x															
10	Update secondary water IFFP							x	x	x													
11	Construct reservoir and pump station							x	x	x	x	x	x	x	x	x	x	x	x				
12	Bluff Pond out of service										x	x	x	x	x	x	x	x	x	x	x	x	x
13	Trailside Reservoir in service																		x	x	x	x	x

This schedule allows a portion (Phase 1) of the project to begin this March to install the supporting reservoir utilities along 2700 South (between 2000 West and 2400 West), including secondary water transmission main and storm drain to drain the reservoir. Draining surface water from the reservoir as it is excavated requires the storm drain to be in place. As an option for Council to consider, there is a significant amount of property already developed along 2700 South Street with houses. Some have sidewalk and curb, others do not. Since the utility trenches in the road must be paved, Class C funding could be allocated to connect the unimproved sections with curb, gutter, and sidewalk and realize some future cost savings. It is not essential to the secondary reservoir construction, so it could be deferred to a later date, the costs could be removed from the Phase 1 cost (\$340k). The benefits of completing this project now are the existing asphalt will be impacted by utility installation and it will improve pedestrian walkability in this area. Probable costs of Phase 1 are estimated as follows:

- Secondary Impact \$579,102

- Class C \$418,162
- Storm Impact \$345,929
- Culinary Water \$79,569
- Storm Drain \$78,205
- Total \$1,500,967

Existing funds can cover these costs. They would just need to be approved with a budget opening at the time the bid award is approved. Syracuse is in a good position for a possible \$2M grant from USBR for drought resiliency. Grant awards are announced in March/April then funds become available in July. It will be necessary for Syracuse to get a bond for any remaining amounts that can't be covered by grants and existing funds. The entire project (including Phase 1) is anticipated to cost \$11.4M.

The memo concluded the goals of the discussion are to determine if the Council supports the plan and proposed timeline for moving forward and if they favor proceeding with Phase 1.

Mr. Whiteley reviewed his staff memo and asked if the Council is comfortable with him proceeding with a Request for Proposal (RFP) for phase one. The Council and Mayor briefly discussed the project and communicated to Mr. Whiteley that he can proceed with the RFP.

Review of Secondary Water Share In-Lieu ordinance.

A staff memo from the City Attorney explained approximately two years ago, the Council enacted a subsection of Syracuse code allowing up to 50% of water required to be dedicated to the City to be provided via an in-lieu fee. The fee was designed to cover the cost of acquiring and paying for secondary water from the District. The fee must cover 12 years of anticipated assessments from the District, which is determined based upon the prior years' increases in rates. Since that date, the City has acquired 265.13-acre feet of water from the District from these fees. It has received 873.57-acre feet of water in the form of water certificates. So, the City has received about 77% of the water for these projects in the form of the more desirable shares, while receiving about 23 percent of the required water in the form of in lieu fees. When the Council set the threshold for in lieu water at 50%, it was unsure as to whether that was a reasonable number, too strict, or too relaxed. Based upon the data over the past two years, it appears that it would be reasonable to require a higher percentage of water, if the Council finds that it is in the public interest to do so. The rates for water provided through "Project" water are significantly lower than those rates related to "District 3" water, which is the water available for purchase currently. Once District 3 water is gone, the next tier will be "District 4," which will be even more expensive. The administration has prepared a draft amendment of the ordinance that decreases the amount of water that can be provided via in lieu fee to 33% of the shares or rights. This remains within the threshold established over the past two years. The law still requires all water associated with land to be transferred to the City in order to qualify for the in-lieu fee benefit. Due to the anticipated difficulties that ongoing development would face if these rules are changed mid-stream and in consideration of notions of fair play, the administration also recommends that these changes take effect at the end of February, and that any project for which preliminary plat or commercial site plan approval was received prior to February 28, 2022 still have the benefit of the 50 percent rule. The goal of the discussion is to discuss the matter and give general direction to staff for further amendments and, if desired, place the item on a future regular council agenda. The memo concluded by listing projects that have been approved since the passage of the 2020 in-lieu fee ordinance; some projects are ongoing, and this does not necessarily constitute the final count for the named project.

Project	AF in Cert shares	AF In lieu shares
Legend Point	39	32.346
Still Water	335	99.1
Distant Serenade	10	8.5
Shoreline	176	98.334
Village @ Bluff	36	13
Criddle Farms	171	0.576
Rampton Medical	3.57	0
Harmony Flats Amendment	0.5	0
Ninigret North 3	0.5	0
Arlo Apartments	24	0
Antelope's Edge	9	0.27
Edgewater Park	30	0
West Davis Self Storage	3	0
Village @ the Bluff	36	13
TOTALS	873.57	265.126

City Manager Bovero reviewed the staff memo and facilitated discussion among the Council to gauge their position on the proposed ordinance amendments; the Council voiced support for the adjustments and Mayor Maughan directed staff to include an action item on a future business meeting agenda to approve the amendment.

Planning item: Application for zone change from Residential (R-1) and Agriculture (A-1) to General Commercial (GC) for property located at approximately 3329 S. 2000 W.

A staff memo from the Community and Economic Development Department explained the applicant is requesting approval of a rezone from R-1 and A-1 to GC to accommodate a church and potential coffee drive-through. Both churches and retail trade are permitted uses in the GC Zone. Churches are actually permitted in all zones, the only reason for the rezone is the drive through food component. This area is designated Commercial in the General Plan as it is adjacent to the West Davis Corridor interchange planned for 2000 West. This property is just south of a planned park-and ride lot and directly abuts the Corridor on the northeast. A rezone to GC would allow for any of the permitted or conditional uses in the zone to be established. If the church and coffee shop do not come to fruition, other permitted uses such as shopping centers and restaurants, tunnel car washes, automotive retail and gas stations would be legal. The Planning Commission reviewed the item on December 17, 2021 and is forwarding a unanimous recommendation for approval. A properly noticed public hearing was also held during the meeting. After rezone approval and prior to construction, the project will be required to go through site plan review with Planning Commission and the building permit review process with the Building Department.

CED Director Steele reviewed his staff memo.

Council discussion of the application centered on whether the proposed commercial use of the property will generate any sales tax revenue or if the business will be exempt from paying sales tax since the property is under the ownership of a church. Mr. Steele indicated he will need to research that issue and provide a response to the Council at a later date. Mayor Maughan directed him to have the information available for continued discussion during the February 8 meeting; if the Council is satisfied with the information, they will have the option to vote on the application that night.

Planning item: Application for zone change from Residential (R-1) to Residential (R-3) for property located at approximately 2383 W. 2700 S.

A staff memo from the Community and Economic Development Department provided the following information about the application:

Location:	2383 W 2700 South
Current General Plan:	Medium Density Residential
Current Zoning:	R-1 (Single-Family Residential at 2.3 units per acre)
Proposed Zoning:	R-3 (Single-Family Residential at 4 units per acre)
Acreage:	0.63

The applicant is requesting approval of a rezone from R-1 to R-3 to accommodate a subdivision of the original lot that has already been illegally split in two. The R-1 zone has a minimum lot size and also a maximum units per acre. The lot sizes for the two lots are 12,196 and 15,246. The minimum lot size in R-1 is 12,000 sf. The maximum units per acre in R-1 is 2.3. .63 acre would net only 1.45 lots in the R-1. The next zone up is R-2, which allows 3 units per acre. 3 units per acre on .63 acre would net 1.89 lots, so again less than the desired 2 lots. The R-3 zone allows 4 units per acre, and at that density, .63 acres would net 2.52 lots. For that reason, the R-3 zone is needed. This rezone request is in conformance with the general plan which has designated this area as future medium density. R-3 is an anticipated zone within the medium density designation. The Planning Commission reviewed the item and held a public hearing on January 18, 2022 and voted unanimously to forward a unanimous recommendation for approval. The goal of this discussion is to decide if the item is ready for a vote on the next business meeting scheduled for February 8.

CED Director Steele reviewed his staff memo.

Councilmember Carver stated she visited the subject property and found that the sign advertising the public hearing regarding the application was actually placed on the wrong property. City Attorney Roberts stated it is important for the City to correct any such errors and one remedy for correcting the improper placement of a public hearing advertisement is for the Council to hold an additional public hearing that is properly noticed.

Review and discussion of Mayor/Councilmember assignments and appointments.

A memo from the Mayor explained when a new council is formed it is a good time to consider balancing the council auxiliary assignments. It is important that we share the load and also not over burden anyone. Over time things seem to get out of balance so he is making the following suggestion. He has divided the assignments into groups so that no one Councilmember has all the load in any one category. It has been difficult for example to make it to all the community

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councils when assigned to various councils that meet at the same time, or to accept the burden of all one category. My suggestion as Mayor is council members accept assignments from the following groupings.

Group A - School Point of contacts (2 each council member)

- Community Council, Bluff Ridge Elementary
- Community Council, Buffalo Point
- Community Council, Clearfield High School
- Community Council, Cook Elementary
- Community Council, Legacy Junior High
- Community Council, Syracuse Elementary
- Community Council, Syracuse High School
- Community Council, Syracuse Junior High School
- Liaison to Syracuse Arts Academy (counts as 2 covering all 3 campuses)

Group B – 1 employee board and 1 ULCT if available (ULCT is filled in with city employees if not enough council members are available for legislative policy meetings.

- Employee Appeals Board alternate member (2)
- Employee Appeals Board member (2)
- Voting member of the Utah League of Cities and Towns (ULCT) Legislative Policy Committee (3)
- Non-voting member of the Utah League of Cities and Towns (ULCT) Legislative Policy Committee (traditionally a City employee) (2)

Group C- 2 each Citizen Committee assignments

- Architectural Review Board
- Arts Council Liaison (mayor to continue)
- Davis Chamber of Commerce Liaison
- Emergency Preparedness Committee Liaison
- Museum Board Advisor
- North Davis Communities that Care (CTC) Coalition City representative
- Parks Advisory Committee Liaison
- Planning Commission Liaison
- Youth Court Liaison
- Youth City Council Liaison
- Miss Syracuse Pageant Liaison
- West Davis Chamber

Group D – Major Public Facing Events (1 Each)

The memo further noted the Mayor would like each council member to accept the assignment to get involved with the planning group and assist as possible with these great events that are put on each year for our citizens.

- Pumpkin Walk Liaison
- Easter Celebration liaison
- Heritage Days Liaison
- Fire Open House
- Night out against crime

Group E

- Mayor Pro-Tem
- Mayor Pro-Tem, Second
- Mayor Pro-Tem, Third

Canal Board representation has traditionally been covered by PW and individual stakeholders.

- Davis and Weber Canal Board. (PW Director has been elected to this position)
- Layton Canal Board – City Representative (traditionally the PW Director).

Mayor Maughan reviewed his memo and facilitated discussion among the Council to determine the assignments they are interested in. Staff will utilize the feedback provided during that discussion to develop a resolution for adoption during the February 8 meeting.

Discussion of City Council appointments to Special Service Districts.

A memo from the Mayor explained that as a City, Syracuse has two service district appointments that need to be made and quickly so we will have representation at these meetings. The Mayor has proposed to appoint Councilmember Savage the Syracuse City representative to the Wasatch Integrated Waste Board. It has been discussed over multiple years that Councilmember Savage has interest in this position. The previous Mayor promised he would leave this seat were he still

elected this year and suggested he vacate the seat to give Councilmember Savage a chance to serve. The Mayor is supportive of going forward with this appointment, Council willing.

Further, the Mayor proposes to appointment Councilmember Carver as the Syracuse City representative to the Mosquito Abatement Board. Over several years the Council has listened to reports not only on human health risks, but animal risk concerns, and the work this Board does to try and curb that risk. Specifically mentioned every year is the specific risk to horses. Councilmember Carver is the only member of the Council who currently owns and attends to horses daily and could be an asset to this board.

Mayor Maughan reviewed his staff memo and asked for Council support of the recommended Special Service District appointments; upon receiving requested support, he indicated a public hearing will be held during the February 8 business meeting, after which resolutions can be adopted formalizing the appointments.

Fire Department Biennial Review.

A staff memo from the City Manager explained this agenda item will consist of a four-year review of department goals, statistics and future concerns regarding growth and service needs. A benchmark study to address comparative wages within the fire department will be addressed. This item is on the agenda for discussion, and for the Administration to receive guidance from the Council. Per the Recruitment and Retention Policy, the Administration also needs direction from the Council on implementing market adjustments.

Fire Chief Byington used the aid of a PowerPoint presentation to conduct the biennial review of his Department; the presentation covered Department expectations, Department statistics, efficiency measures, and future considerations. He also provided an update on the transition of paramedic services from Davis County to each city in the County, noting that his Department is still in the hiring/training process while pursuing licensure through the State of Utah. He is also awaiting equipment delivery for the paramedic response vehicle. Paramedic services were initially planned to commence on July 1, 2022, but he is hoping it will be possible to launch service in April or May. He summarized call volume for the Department and provided a comparison of Syracuse's Fire Department budget with the budgets of Layton, Kaysville, Clinton, Farmington, and North Davis/South Davis Special Service Districts, ultimately concluding that Syracuse's costs per 1,000 residents are the lowest among those comparison entities. He provided a report of Department revenues for ambulance and wildland services, indicating the revenue has increased each year since 2018. Future considerations include increased traffic due to the West Davis Corridor project, increased population due to development trends, increased commercial uses, and the addition of a hospital with emergency room in Syracuse City. The Department will experience increased call volume, which could result in increased response times, especially if changes are not implemented in his Department responsive to growth.

City Manager Bovero then reviewed benchmark data for wages in the Fire Department. The Council indicated they are comfortable with the benchmark data and the potential fiscal implications associated with subsequent wage adjustments in the upcoming Fiscal Year (FY).

The meeting adjourned at 9:58 p.m.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: March 8, 2022