

Minutes of the Regular meeting of the Syracuse City Council held on February 12, 2019 at 6:00 p.m., in the Council Chambers, 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:

City Attorney Paul Roberts
Finance Director Steve Marshall
Public Works Director Robert Whiteley
Police Chief Garret Atkin
Fire Chief Aaron Byington
Community and Economic Development Director Noah Steele

1. Meeting Called to Order/Adopt Agenda

Mayor Gailey called the meeting to order at 6:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Councilmember Bingham provided an invocation and a local Boy Scout led the audience in the Pledge of Allegiance.

COUNCILMEMBER PETERSON MOVED TO ADOPT THE AGENDA AS AMENDED. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Public comment.

There were no public comments.

3. Presentation of Syracuse City and Syracuse Chamber of Commerce "Award for Excellence" for the month of February 2019.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with the Syracuse Chamber of Commerce, present the recipients for the "Syracuse City & Chamber of Commerce Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and the City's website.

Mayor Gailey noted both youth receiving the award for February 2019 were nominated by the staff of Bluff Ridge Elementary.

London Barnes:

London is an amazing well-rounded student. She excels in academics, but she is also a wonderful leader at Bluff Ridge Elementary. London exhibits a positive outlook and attitude that sets a great example for other students. She is an enthusiastic learner, and her enthusiasm spreads to others in the school. She is responsible and reflective. London is unique because she is "The whole package" she is bright, intelligent, kind, caring, thoughtful, proactive and helpful. London uses every opportunity to seek new challenges to improve her learning. She strives to reach her full potential. London is very involved in ballet. She goes to the Clytie Adams ballet school three times a week. She is also a member of the Student Council. She has been a member of the Hope Squad. London has helped with our school recycling program. She is very involved with her church. She participated in the Martin Luther King Jr. Speech contest. She auditioned for a special part in the Nutcracker. London has achieved the 6th grade 40 book goal. She also earned the "Think 30" TTM math club award. She has won the school spelling bee. She won a special award for the Martin Luther King Jr. Speech contest. She maintains excellent grades.

Preston Haney:

Preston is one of the best role models Bluff Ridge Elementary has at school. He is not only an example in the classroom, but also in the community. In the class room Preston continually gives one hundred percent for every assignment or project that is given to him. His attitude towards his education is always positive and he always wants to better himself. Preston's positivity and perseverance makes him a unique student. He expects the best of himself and continues to work hard until he reaches his goals. He never lets a setback get in his way, he has excellent problem-solving skills to overcome any challenges that comes his way. Preston has been a member and leader of the Bluff Ridge Elementary Hope Squad for the last two years. He is also a player for the Syracuse Storm Football team, and his leadership from the class room is present as a leader on the football team he plays for. As a leader of the Bluff Ridge Elementary Hope Squad Preston has created campaigns and opportunities for all students to participate in acts of kindness around the school, as well as supporting other students being kind to each other. In the community Preston is an active member of his church. Preston's academic achievements include Imagine Math Think 30 Cub and placing 2nd in the 2018 Bluff Ridge STEM fair.

4. Presentation of the Utah Supervisory Fire Officer Designation to Deputy Chief Jo Hamblin.

A staff memo from Fire Chief Byington explained Deputy Chief Hamblin has been awarded the Utah Supervisory Fire Officer Designation as outlined by the International Association of Fire Chiefs and adopted by the Utah Commission on Fire Officer Designation. Deputy Chief Hamblin has combined hundreds of hours of training, education and experience to meet the requirements for this designation. His hard work and commitment to this process shows his dedication to not only the Utah State Fire Service but to Syracuse City and our department as well. Please join me in congratulating Deputy Chief Hamblin for attaining this designation.

Chief Byington reviewed his staff memo and presented Deputy Chief Hamblin with his Utah Supervisory Fire Officer Designation.

5. Approval of minutes.

The following minutes were reviewed by the City Council: Business Meeting and Work Session of December 11, 2018 and Business Meeting of January 8, 2019.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS AMENDED. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

6a. Common consent: Proposed Resolution R19-03 appointing City Councilmembers to various committee positions and assignments.

Councilmember Maughan removed this item from the common consent agenda.

An administrative staff memo explained at the beginning of each calendar year, the City Council reviews the list of appointments and assignments and makes changes according to recent election results or other determining factors. The Council reviewed the resolution during their January 22 work session meeting and directed staff to prepare an updated document to reflect the position assignments discussed during that meeting.

Councilmember Maughan expressed his concern that Councilmember appointments to the City's Parks Advisory Committee have been made to run concurrent with the appointees' terms on the City Council. He asked that the Council have the opportunity to review the ordinance governing appointments to the Parks Advisory Committee as well as the resolution that was adopted to formalize the appointments. He stated he is willing to proceed with action on all other assignments included in the resolution, but only if the appointments to the Parks Advisory Committee are removed from the resolution. The Council participated in high level discussion and debate of Councilmember Maughan's concerns and reached consensus to remove the Parks Advisory Committee assignments from proposed Resolution R19-03 and approve with that change.

COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R19-03 APPOINTING CITY COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS, WITH ONE CHANGE TO THE RESOLUTION THAT THE APPOINTMENTS TO THE PARKS ADVISORY COMMITTEE BE REMOVED FROM THE RESOLUTION. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6b. Common consent: Proposed Ordinance 19-03 amending Chapter 2.45 of the Syracuse City Municipal Code pertaining to appointment procedures.

An administrative staff memo explained based upon comments received from the Council during the work session on January 8, the accompanying ordinance does the following, as it relates to council appointments of vacant positions:

1. Those receiving zero votes in the first round do not advance to the next, no matter what
2. If two or more candidates receive two or more votes in the first round, then they advance, while those who only received one vote do not.
3. If only one candidate received greater than one vote, then a run-off occurs among the single-vote-getters that reduces the overall number of candidates to at most 33% of the original pool.

The other provisions of the section remain unchanged. It appeared that there was unanimous support for the ordinance with the proposed changes; as such we have placed the item on the Consent Agenda. If there is need for further discussion or revisions, then a single councilmember may move the item onto the regular agenda for discussion.

COUNCILMEMBER MAUGHAN MOVED TO ADOPT ORDINANCE 19-03 AMENDING CHAPTER 2.45 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO APPOINTMENT PROCEDURES. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Public hearing – Proposed Ordinance 19-02 amending an Impact Fee Facilities Plan and Impact Fee Analysis for Storm Water; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the sale; and other related matters

A staff memo Administrative Services Director Marshall explained we are currently in the process of evaluating and updating our impact fee plans for Syracuse City. The City has recently made updates to the storm drain master plans. This document replaces the 2007 storm drain master plan. The Impact Fee Facility Plan (IFFP) was created and is used to perform an Impact Fee Analysis (IFA). The IFFP and IFA should not be older than approximately ten years and are required by State Code (11-36a) to impose or update impact fees. The draft IFFP and IFA were presented to city council at the work session on January 22, 2019 for review and discussion.

Here is a comparative of our current storm impact fee compared to the proposed fee. The biggest change is that we will charge a universal rate for all developments as opposed to a different rate based upon the zoning since all development detains and discharges the same rate regardless of what zone it is in, it is not necessary to differentiate between zones when collecting impact fees.

Current Fee

Sewer - Storm (ENR Construction Index)	Existing Impact Fee				
	R1	\$4,748.00	per acre or 0.109 sf	NA	NA
	R2	\$5,053.00	per acre or 0.116 sf	NA	NA
	R3	\$5,532.00	per acre or 0.127 sf	NA	NA
	R4	\$6,316.00	per acre or 0.145 sf	NA	NA
	PRD	\$6,011.00	per acre or 0.138 sf	NA	NA
	GC	\$11,369.00	per acre or 0.261 sf	NA	NA
	C2	\$10,716.00	per acre or 0.246 sf	NA	NA
	I1	\$11,369.00	per acre or 0.261 sf	NA	NA
	A1	\$3,006.00	per acre or 0.069 sf	NA	NA
	PO	\$11,369.00	per acre or 0.261 sf	NA	NA

Proposed Fee

Storm Impact Fee = \$7,488.65 per acre or 0.172 per square foot.

This fee will change each year since A credit is made for the new capital projects that will benefit existing development. See the Storm Water IFA Plan for further details.

Comparative to Other Cities

Total Impact Fees:	Single Family Dwelling (1/4 acre)
Orem SW 100%	\$2,578.90
Syracuse (Proposed 2019)	\$1,872.16
West Jordan	\$1,791.25
American Fork	\$1,672.70
South Jordan	\$1,619.50
Pleasant Grove	\$1,417.94
Taylorsville	\$1,406.01
Syracuse (Current*)	\$1,353.06
Layton	\$1,093.07
Sandy	\$937.00
Provo	\$890.00
Lindon	\$799.00
Springville	\$630.18
St. George	\$512.00
Saratoga Springs	\$444.00
Salt Lake City	\$374.00
West Valley	\$372.75
Orem Citywide	\$365.97
Lehi	\$347.75
Spanish Fork	\$132.86

*Average of Sewer – Storm R1-R4 categories found in the Syracuse City Consolidated Fee Schedule effective July 1, 2018

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

11-36a-401. Impact fee enactment.

- (1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*
- (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*
- (2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

The impact fee enactment is attached as Ordinance 19-02 and is accompanied by, Exhibit A – impact fee facilities plan, and Exhibit B – impact fee analysis. This ordinance can both be approved tonight along with the resolution for the consolidated fee schedule; there is a 90-day protest period before the ordinances and fee schedule can take effect. The effective date will be May 13, 2019.

Administrative Services Director Marshall and Public Works Director Whiteley reviewed the information contained in the staff memo.

Mayor Gailey opened the public hearing at 6:30 p.m. There were no persons appearing to be heard and the public hearing was closed.

Discussion among Council and staff centered on the format of the fee schedule for storm water impact fees and the fact that fees are based upon property acreage and land use, with Councilmember Maughan expressing concern that the fees do not reflect the greater impact a large parcel of property may have on the City when compared to a ¼ acre lot. City Manager Bovero clarified that the ‘flat’ fee in the fee schedule is per acre, not per property, so any parcel over one acre in size will pay a greater fee. He added that typically lower impact properties, such as residential and agricultural properties, will be assessed lower fees than commercial or industrial properties, but the manner in which this fee proposal has been crafted provides a blended rate to cover the impact of development on the City no matter a property’s land use. Mr. Whiteley stated that is correct and noted that historically, the manner in which the City’s fees were formulated did not contemplate regional storm drain detention efforts.

Discussion then shifted to opportunities available to the City to vary from the blended fee formula, with City Attorney Roberts noting the State of Utah Impact Fee Act allows states to deviate from current fees, but it may be more appropriate to direct the City’s Financial Advisory to make adjustments to the fee formula to address any concerns the Council may have regarding the manner in which a fee is calculated for a specific property based upon land use and the intensity of the impact of that land use. The Council indicated they are comfortable with a blended rate for lower impact uses, but may want to consider a different formula for commercial or industrial uses that have a greater amount of hard surface area, which increases water runoff.

COUNCILMEMBER SAVAGE MOVED TO CONTINUE UNTIL MARCH 12, 2019 THE PUBLIC HEARING REGARDING ORDINANCE 19-02 AMENDING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR STORM WATER; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SALE; AND OTHER RELATED MATTERS. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Public hearing – Proposed Resolution R19-04 amending the Syracuse City Consolidated Fee Schedule by making adjustments throughout.

A staff memo Administrative Services Director Marshall referenced a list of proposed changes to the consolidated fee schedule. Further down is a detailed explanation of the fire fee changes:

Effective 2/12/2019:

- Changes to Fire Fees – see fee schedule and explanation below.
- Change in description for sex offender / **child abuse** registration. This minor modification is based on a new registry, created by statute, for felony child abusers.

Effective 5/13/2019:

- Changes to Storm Water impact fees. Increase to \$7,488.65 or .172 per square foot. See details on storm water impact fee agenda item.

Consolidated Fee Schedule Narrative (Fire Department)

The following fee schedule updates are based upon discussion from the budget retreat. All fees have been compared with surrounding cities and evaluated by Brody Bovero, Aaron Byington and Stephen Marshall.

EMT or Firefighter with basic equipment (no ambulance) Four Firefighter Engine Company Two Firefighter Brush Truck <ul style="list-style-type: none">• For use when asked to provide stand-by services for private events (i.e. triathlons, fireworks, controlled burns, etc.)
Fireworks Sales Permit (in addition to business license) <ul style="list-style-type: none">• For use during times when businesses set up for fireworks sales. This fee includes the initial inspection and one follow up inspection.
Miscellaneous Inspections <ul style="list-style-type: none">• For use when businesses require an inspection not covered under fees charged through the business license or building permit process (i.e. commercial fire hood testing, high pile

<p>storage inspection, hazardous materials storage inspection, etc.)</p> <ul style="list-style-type: none"> • For use when private events require review and inspection (i.e. fireworks, fire dancers, large gathering, temporary structures, etc.)
<p>Additional Inspections (after first follow-up / no show)</p> <ul style="list-style-type: none"> • For use when businesses fail to remedy fire and life safety insufficiencies after their first follow up inspection. • For use when businesses make an appointment for a fire inspection and fail to show without cause.
<p>Fire Sprinkler and Alarm System Reviews</p> <ul style="list-style-type: none"> • For use when utilizing outside consultants to evaluate plans reviews, currently \$85.00 to \$95.00 per hour. • For use when utilizing the fire marshal to evaluate plans reviews in-house. These reviews are less complex than those requiring outside consulting.
<p>False Alarm Fees Commercial</p> <ul style="list-style-type: none"> • For use when businesses fail to remedy the cause of false alarms which has resulted in multiple responses from the fire department and mutual aid companies.

Mr. Marshall reviewed his staff memo and noted that it would be appropriate to remove the changes to the storm drain impact fee from the fee schedule at this time and consider it again once the Council has taken final action on the impact fee ordinance.

Mayor Gailey opened the public hearing at 6:48 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER MAUGHAN MOVED TO REMOVE THE FEE ADJUSTMENTS FOR STORM DRAIN IMPACT FEES FROM THE RESOLUTION AND ADOPT RESOLUTION R19-04 AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS THROUGHOUT. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

9. Proposed Resolution R19-05 authorizing the extension of the City's garbage hauling contract with Robinson Waste.

A staff memo from Administrative Services Director Marshall explained the City's current garbage hauling contract is due to expire on March 31, 2019. The Council reviewed and discussed the current contract and decided to approve a contract extension for garbage hauling services with Robinson Waste. The proposed extension would be for a 3-year term with the following rate structure:

- Year 1 – rate hold
- Year 2 – increase by CPI*
- Year 3 – increase by CPI*

City Administration proposes to use the CPI index rate from the bureau of labor statistics -<https://www.bls.gov/cpi/>. The City would use the 12 month – not seasonally adjusted – rate for all items.

Mr. Marshall reviewed his staff memo.

Discussion and debate among the Council centered upon differing philosophies relative to the best course of action for this type of contract; Councilmembers Maughan and Savage supported foregoing the extension of the agreement in favor of proceeding with a request for proposals (RFP) for providing this service for City residents. Councilmembers Bingham and Bolduc expressed sentiment regarding the value the City realizes by doing business with someone who has gone through the RFP process within the last five years and has provided a valuable and cost-effective service to the residents. Councilmember

Peterson stated he agrees with both schools of thought, but he is comfortable proceeding with the contract extension based upon the fact that the current contract was negotiated between the City and the contractor and it allows for this type of extension; his understanding is that once this three-year extension has passed, there will be no additional opportunities for extension and the City will be required to proceed through the RFP process. The Council indicated that if there is any ambiguity relative to whether an RFP will be required once the three-year extension has lapsed, they would prefer that the City publish the RFP.

COUNCILMEMBER PETERSON MOVED TO ADOPT RESOLUTION R19-05 AUTHORIZING THE EXTENSION OF THE CITY’S GARBAGE HAULING CONTRACT WITH ROBINSON WASTE. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN WHO VOTED IN OPPOSITION.

Councilmember Maughan stated his opposing vote is no reflection on Robinson Waste and is based only upon the fact that he would have preferred the City undertake an RFP process for this contract.

10. Public comments.

There were no public comments.

11. Mayor/Council announcements and discussion of future agenda items.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement.

12. Recess to convene in work session in large conference room of City Hall.

Mayor Gailey recessed the business meeting at 7:12 p.m. to allow the Council to convene in a work session in the large conference room of City Hall.

The meeting reconvened at 9:08 p.m.

13. Reconvene and consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (if necessary).

COUNCILMEMBER MAUGHAN MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 9:08 p.m.

The meeting reconvened at 10:00 p.m.

At 10:00 p.m. COUNCILMEMBER BOLDUC MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: February 26, 2019