

Minutes of the regular meeting of the Syracuse City Council held on March 9, 2021 at 6:00 p.m., held virtually via Zoom, meeting ID 862 4224 1827, 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. Pursuant to written determination by the Mayor finding that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present due to infections and potentially dangerous nature of Infectious Disease COVID-19 Novel Coronavirus.

Present: Councilmembers: Lisa W. Bingham  
Corinne N. Bolduc  
Dave Maughan  
Jordan Savage  
W. Seth Teague

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

City Employees Present:

Administrative Services Director Steve Marshall  
City Attorney Paul Roberts  
Police Chief Garret Atkin  
Fire Chief Aaron Byington  
Parks and Recreation Director Kresta Robinson  
Public Works Director Robert Whiteley  
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 Maughan provided an invocation and Councilmember Bolduc led the audience in the Pledge of Allegiance.

COUNCILMEMBER MOVED TO ADOPT THE AGENDA. COUNCILMEMBER SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Public comment:

Mayor Gailey stated that tonight's meeting agenda provided instructions for residents to email their public comments to City Recorder Brown by 5:00 p.m. tonight in order for them to be read into the record of the meeting. He indicated no written public comments were submitted to Ms. Brown prior to the deadline.

Mayor Gailey then invited Zoom participants to provide public comments.

Alicia Johnson stated she has sent a request to the City for consideration of selling a portion of unused land at Rock Creek Park to her and her husband so that they may build a home there. She noted the email she sent to the City Recorder, which was forwarded to the entire Council, included photos of the property in its present condition. She and her husband found the lot when they were driving through the area and they researched the history of the property; they learned it was purchased using grant funds and so she obtained a copy of the grant that was written for Rock Creek Park. The grant application indicates the land was given as a donation from the Rock Creek Subdivision, which is contrary to the information she had received indicating it was purchased using grant funds. Additionally, the grant was intended to fund the first phase of the park, which is the west half of the park, and the lot she is interested in is actually located on the eastern portion of the park. This was exciting to her as she felt the City might have the ability to sell the land and use the money from the sale to improve other areas of the park land. She shared her screen to identify the location of the subject property and to highlight the text from the grant that she interprets to mean that the City can sell land with no repercussions associated with the grant for the project.

Mayor Gailey stated that there are many who share Ms. Johnson's opinion that selling the land for a residential purpose would be a good thing for both the buyer and the City alike but proceeding in that direction is somewhat problematic given the use of grant funds for the project. He invited City Attorney Roberts to speak to that issue. Mr. Roberts stated that the State of Utah has a 6F boundary map that was used when determining the eligibility of the project for grant funds; that map does include the property mentioned by Ms. Johnson as being part of the park for which grant funds were allocated. While the property has not been improved, it is part of the park boundary. If the Council chooses to proceed with separating the property from the rest of the park, it would be necessary to pursue a conversion process. There are some expenses associated with this process and it could take some time to proceed, but it is an option. He suggested that this item be noticed on a future agenda to allow for more detailed discussion among the Council and Ms. Johnson. The Council agreed to discuss the item in their next work session meeting.

Councilmember Maughan noted that this issue has been discussed in the past; there are plans to improve the property and build a parking area there. Councilmember Bolduc agreed.

There were no additional public comments.

3. Approval of minutes.

The following minutes were reviewed by the City Council: City Council Work Session, Special City Council Business Meeting, and Special Municipal Building Authority (MBA) Meetings of February 23, 2021.

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

4a. Common consent: Final Plat, Still Water Phase 10, located at approximately 2000 W. Parkview Drive.

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

Location:	2000 W. Parkview Drive
Current General Plan:	Medium Density Residential
Current Zoning:	Residential Planned Community (RPC)
Acreage:	6.8 Acres
Number of Lots:	25

The applicant is requesting approval of a residential subdivision plat called Still Water Phase 10. This phase is relatively small in comparison to previous phases in the same subdivision and is composed of moderate to large single-family lots. All dwellings will be required to comply with the Still Water Development Agreement and RPC Zoning Ordinance. All staff comments have been addressed and the proposed plat meets the requirements in the City Code. The memo concluded the Planning Commission reviewed the item on February 2, 2021 and is forwarding a recommendation for approval.

COUNCILMEMBER TEAGUE MOVED TO GRANT FINAL PLAT APPROVAL, STILL WATER PHASE 10, LOCATED AT APPROXIMATELY 2000 WEST PARKVIEW DRIVE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

4b. Common consent: Final Plat, Still Water Phase 11, located at approximately 2000 W. Parkview Drive.

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

Location:	2000 W. Parkview Drive
Current General Plan:	Medium Density Residential
Current Zoning:	Residential Planned Community (RPC)
Acreage:	7.45 Acres
Number of Lots:	32

The applicant is requesting approval of a residential subdivision plat called Still Water Phase 11. This is the final phase in the Still Water subdivision and is composed of moderate to large single-family lots with six of the smallest lot sizes. All dwellings will be required to comply with the Still Water Development Agreement and RPC Zoning Ordinance. All staff comments have been addressed and the proposed plat meets the requirements in the City Code. The memo concluded the Planning Commission reviewed the item on February 2, 2021 and is forwarding a recommendation for approval.

COUNCILMEMBER TEAGUE MOVED TO GRANT FINAL PLAT APPROVAL, STILL WATER PHASE 11, LOCATED AT APPROXIMATELY 2000 WEST PARKVIEW DRIVE. COUNCILMEMBER BOLDUC THE MOTION; ALL VOTED IN FAVOR.

4c. Common consent: Proposed Ordinance 2021-03, text amendment potential text amendment relating to the preliminary and final plat approval process.

A staff memo from the Community and Economic Development (CED) Department explained that currently Preliminary and Final plats are seen before the Planning Commission and City Council. However, plat approvals are purely administrative, and relate exclusively to the code in existence at the time of the application. There is no legislative deference given to such decisions. The Council requested that staff move preliminary and final plat approvals back to the Planning Commission in order to keep the Council's attention focused upon legislative matters. Please find attached the existing ordinance with proposed revisions to accomplish this goal. Ordinances chapters to be revised include: 8.25 Preliminary Subdivision Review, 8.30 Final Subdivision Review, 10.20.140 Land Use Decisions and Appeal Process. Planning Commission reviewed the item on December 15th and is forwarding a recommendation for approval. As discussed at the previous business meeting, clarifying amendments were in order to preserve the Council's land use authority designation for PRC and PRD preliminary plats, which are approved simultaneously with a concurrent zoning application. Those amendments are included in this iteration. The memo concluded the goals of this discussion are to review the proposed changes and place the item on a future business meeting agenda for consideration.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT ORDINANCE 2021-03, TEXT AMENDMENT RELATING TO THE PRELIMINARY AND FINAL PLAT APPROVAL PROCESS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

4d. Common consent: Authorize Administration to execute contract for election services with Davis County Clerk's Office.

A staff memo from the City Recorder explained work is underway between the City Recorder's Office and the Davis County Clerk/Auditor's Office to prepare for the 2021 Municipal Election. For the Council's consideration is an agreement between Syracuse City and Davis County that specifies the services that will be provided by the County and the duties that will be handled by the City Recorder. Davis County has asked that the contract be acted upon by the end of March in order for them to proceed with planning for the number of cities they will be assisting. Administration is seeking authorization to place an action item on the March 9 agenda for approval of the agreement. Though the election format may be influenced by legislation currently being considered by the State Legislature, the City and County plan to jointly administer a By-Mail Election. The County will provide a by mail ballot to all active registered voters and will also tabulate all ballots that are returned. Voters will have the option of dropping their ballot at City Hall or other drop boxes located throughout the County rather than paying return postage. Additionally, one polling location will be provided for in-person voting on Election Day.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE CONTRACT FOR ELECTION SERVICES WITH DAVIS COUNTY CLERK'S OFFICE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

4e. Common consent: Authorize Administration to execute amendment to agreement with Clearfield City regarding grant matching funds for 500 West project.

A staff memo from the Public Works Director explained that due to residential development adjacent to the Public Works Shop and a concern for security of the city's equipment, an 8' high concrete wall was proposed and approved in this year's budget. The purpose is to reduce visual and noise nuisance from the Public Works Shop to the new residential development along with increasing security. This will ensure the city maintains compliance with 10.30.080 Buffer Yards, which requires an 8-foot-tall pre-cast concrete privacy between residential and industrial uses. This subject was discussed in work session August 27, 2019 and at the Council retreat April 17, 2020. It was also presented in council retreat on January 8, 2021. The existing chain link fence on the east side of the public works property will remain as is without a concrete wall, because at this point there is no development plans along that border. The construction will begin immediately if approved and be complete by summer 2021. Bids were opened on January 5, 2021. There were 5 plan holders, and one bid was received. The bidder was Wasatch West Contracting with a total bid amount of \$198,166.00. This bid only includes the cost of the installation of the concrete fence. The storm drain outfall and the culinary main loop has already been done at the developers cost. The sign, lighting, landscape, RV dump, and water fill station will be done separate from this bid. Additional money may be needed to complete these items.

Fund	Scope	Currently Budgeted
Facility Maintenance	Sign, Lighting, Landscape	\$ 30,000
Sewer	RV Dump, Fence	\$ 75,000
Storm Drain	Outfall, Fence	\$ 30,000
Culinary Water	Water fill station, Loop main, Fence	\$ 35,000
Class C	Fence	\$ 25,000
Secondary Water	Fence	\$ 25,000
<b>Total Budget</b>		<b>\$ 220,000</b>

There are a couple of items that will reduce the overall cost. Woodside Homes had planned to install a 6-foot-tall vinyl fence along the border of their subdivision. They are willing to pay the city the amount that would have been spent on the fence. Wasatch West was willing to reduce some of the costs if the city would provide the labor related to traffic control, survey, and site cleanup.

Woodside Homes	payment in lieu of vinyl fence	\$ 9,200
Wasatch West	reduction in lieu of city labor	\$ 9,800
<b>Reimbursement/reduction</b>		<b>\$ 19,000</b>

To complete the remaining items, approximately \$54,000 additional is estimated. This could be covered by cost savings from other projects and can be reconciled in the next budget opening.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AMENDMENT TO AGREEMENT WITH CLEARFIELD CITY REGARDING GRANT MATCHING FUNDS FOR 500 WEST PROJECT. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

5. Joint Proclamation 21-01 of Mayor Gailey and the City Council designating the last Friday in March as International Social and Emotional Learning Day and expressing support for the everyday strong program.

A staff memo from the City Attorney explained Syracuse High School has requested that Syracuse City participate in International Social and Emotional Learning (SEL) Day by issuing a proclamation declaring March 26 as SEL Day. Social and Emotional Learning teaches empathy and helps people to form healthy relationships. The City also had a request from Davis Behavioral Health to express support for the Everyday Strong program, which is connected to SEL by helping adults, parents and caregivers to provide a healthy emotional environment in which children can thrive.

Mayor Gailey reviewed the memo; he has asked that Councilmembers Bingham and Bolduc reach out to local schools through their assignment to the Communities that Care (CTC) organization for northern Davis County. They have found that the proclamation is intended to bring awareness to SEL programs, and they are supportive of adopting the proclamation.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT JOINT PROCLAMATION 21-01 DESIGNATING THE LAST FRIDAY IN MARCH AS INTERNATIONAL SOCIAL AND EMOTIONAL LEARNING DAY AND EXPRESSING SUPPORT FOR THE EVERYDAY STRONG PROGRAM. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE.

6. Proposed Resolution R21-07, affirming the Syracuse City Council's review of the Municipal Wastewater Planning Program (MWPP) Annual Self-Assessment.

A staff memo from the Public Works Director explained the Utah Department of Environmental Quality, Division of Water Quality has established the Utah Sanitary Sewer Management Program for the purpose of monitoring wastewater facilities throughout the State. The State requires that the City submit an annual Municipal Wastewater Planning Program Report. This resolution acknowledges that the city council has received and reviewed the annual report prior to its submittal. It is due by April 15<sup>th</sup>.

Public Works Director Whiteley reviewed the staff memo.

Councilmember Savage stated he was unaware that there were zero wastewater backups last year; that is something Public Works crews should be commended for, especially during the early stages of the pandemic when residents were flushing paper towels down their systems. Councilmember Bolduc agreed and echoed the kudos given to the Public Works Department.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT RESOLUTION R21-07, AFFIRMING THE SYRACUSE CITY COUNCIL'S REVIEW OF THE MUNICIPAL WASTEWATER PLANNING PROGRAM (MWPP) ANNUAL SELF ASSESSMENT. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

7. Discussion and/or action on request for authorization to begin the request for qualifications (RFQ) process related to an Administrative Hearing Officer.

A staff memo from the City Attorney referenced a memo from July 2020, during which the Council and Administration discussed this matter. At the conclusion of that discussion, staff and the Mayor were directed to continue searching for replacement board members and to forego an administrative hearing officer. Advertisements to fill two vacancies in the Board of Adjustment have not produced any candidates. A third board position is due to be either filled or re-appointed this Summer. With two absences on the five-member Board, the Board needs all three of its members to be present in order to transact any business; a single absence renders their board without a quorum. It is crucial that when we receive variance requests, we provide due process for the applicant, which includes a timely hearing on the issue. That ability is jeopardized when we lack a full board. Administration is requesting direction from the Council on whether to prepare a Request for Qualifications to solicit individuals who would be interested in serving as the Administrative Hearing Officer for the City. We do not wish to waste staff resources or the time and attention of applicants if the Council is categorically against the proposal, however. The RFQ process would likely take several weeks or months, and it would culminate in an appointment by the Mayor with advice and consent of the City Council. Additional ordinance work would also accompany the appointment, moving variances (and any other administrative appeal items the Council wishes to assign to the AHO) to the hearing officer's purview. As part of the discussion, staff would like to know which appeals the Council would like to assign to a Hearing Officer, if they decide to support the change. The following items outline the actions to be taken:

1. Determine whether to provide support for the RFQ process in a search for an administrative hearing officer that would hear variances.
2. If yes to 1, determine the scope of the AHO's proposed authority.

Mayor Gailey introduced the item; he acknowledged this matter has been discussed with the Council in the past and a decision was made, but he would like the Council to reconsider their decision as it has been difficult to fill vacancies to appointed positions and, thus, the City's level of service is not what it should be.

Mr. Roberts then reviewed his memo, after which he and Mayor Gailey facilitated discussion among the Council regarding the concept of hiring a hearing officer rather than utilizing a Board of Adjustments for certain land use decision appeals. There was a focus on the number of variance applications the City typically receives in a given year; whether the City

could revert back to a Board of Adjustment after utilizing a hearing officer for a certain amount of time; whether fees can be adjusted to cover the cost of hiring a hearing officer; the methods the City has used to advertise vacancies on certain City boards and committees; the types of qualifications the City would be looking for in a hearing officer; and the training that an appointee to the Board of Adjustment is required to undergo in order to be prepared to handle a variance application. The Council concluded they would like to increase efforts at advertising vacancies and that they would utilize their own social media accounts to solicit applications for various openings before making a decision on whether to publish a RFQ and hire a hearing officer. They asked that the Mayor or City Manager send them a list of committee positions for which the City is soliciting applications and the responsibilities/duties of each position.

COUNCILMEMBER TEAGUE MOVED TO TABLE UNTIL APRIL 13 ACTION ON THE REQUEST FOR AUTHORIZATION TO BEGIN THE REQUEST FOR QUALIFICATIONS (RFQ) PROCESS RELATED TO AN ADMINISTRATIVE HEARING OFFICER. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mr. Roberts asked that the Council thoroughly review the memo he included in the Council packet and be prepared to make a decision next month on the types of land use matters that they would like to refer to a hearing officer, should they choose to proceed in the direction of hiring a hearing officer. This led to brief high-level review of the types of matters that are currently listed in the Syracuse City Code as those that can be referred to an administrative hearing officer.

#### 8. Public comment.

There were no public comments.

#### 9. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement. The Council also discussed requests for future agenda items.

Mayor Gailey also invited City Manager Bovero to make any necessary announcements.

Councilmember Bingham asked that the following statement be included in the record of this meeting.

“For two years I have read, listened and been apprised of accusations and slanderous statements about me, our staff, and other elected officials that have circulated on social media. Although some are created by citizens of this city, those I speak of today are instigated and perpetuated by one council member, Mr. Maughan. There are several troubling aspects about these accusations—one most concerning is that they are presented and discussed in the court of public opinion and public comment, wherein the elected officials who have been accused, have no ability to counter or defend themselves because of our Open and Public meetings act, which only allows two members of council to interact. This means only one elected official is allowed to defend publicly or privately regarding the accusations and slander, which means the rest must remain silent. In the past I’ve tried to clarify my own position and had my response removed by Mr. Maughan, stating that I was not allowed to engage because another council member had already weighed in. This makes it very clear that Mr. Maughan knows the rules and uses them to his advantage in speaking from a social media platform.

Mr. Maughan has never approached me personally or privately about an issue on which we don’t agree in order to discuss, understand or clarify positions. Most often I don’t even realize we have opposing views until I am falsely accused before an audience of thousands and my name, integrity and reputation are intentionally slandered. Many times, I have chosen not to speak up in my own defense, or that of the hard working, ethical staff and elected leaders who are also maligned, because I am acutely aware that our actions and words reflect on this city and all of those who work so hard to create this exceptional space to live, work and raise our families. I will, on occasion, roll my eyes in a public meeting when I’m falsely accused of corruption, but for the most part I prefer not to stir the pot and stay silent believing that eventually the furor will die down.

After two years of this treatment and the most recent episode of being publicly accused of breaking the law and intentionally keeping secrets from our constituents, I have chosen to speak publicly in opposition to Mr. Maughan’s tactics.

Mr. Maughan, I will not be silent as lies are told. We all have a responsibility to work with the people who have been elected and appointed, even if we disagree, without resorting to lies, slander and accusations. Refusing to cooperate and allow differing opinions without resorting to one sided character assassination and slander on social media is self-serving at best and illegal at worst. It diminishes our efforts and intentions as well as the unity of our citizens. I hope you will consider this as a call to use professionalism, integrity and maturity as you go forward in your position as a representative of our city, as well as the people you serve with.”

#### 10. Recess to convene in Special Redevelopment Agency (RDA) Meeting.

The Mayor recessed the City Council business meeting at 7:06 p.m. to allow the Councilmembers to convene in the Special Redevelopment Agency (RDA) Meeting.

The meeting reconvened at 7:08 p.m.

City Council Regular Meeting  
March 9, 2021

11. 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.

COUNCILMEMBER SAVAGE 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 BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 7:11 p.m.

The meeting reconvened at 7:52 p.m.

At 7:52 P.M. COUNCILMEMBER SAVAGE MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Mike Gailey  
Mayor

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Cassie Z. Brown, MMC  
City Recorder

Date approved: May 11, 2021