

Minutes of the regular meeting of the Syracuse City Council held on April 13, 2021 at 6:00 p.m., held virtually via Zoom, meeting ID 841 2480 7501, 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 Savage led the audience in the Pledge of Allegiance.

COUNCILMEMBER MAUGHAN MOVED TO ADOPT THE AGENDA. COUNCILMEMBER SAVAGE 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.

Matthew Eccles thanked the Council for discussing Rock Creek Park during their last meeting; he lives across the street from it and has some concerns about parking associated with the Park. The last several years there was not a major issue, but now that the Park is being revitalized and more events are occurring there, parking problems have increased. He would like for the City to remove some of the signs on the west side of St. Andrews Drive to allow legal on-street parking on the west side of the road as this is directly adjacent to the park. However, when people park on 700 South, they block the lane of travel and this causes great safety concerns. He would like for the City to install 'no parking' signs in that area to keep pedestrians and motorists safe.

Mayor Gailey advised Mr. Eccles to reach out to Public Works Director Whiteley and Parks and Recreation Director Robinson to discuss his ideas with them.

Gina Rowe stated she is a resident and also a realtor in the Davis and Weber County area; she wanted to offer her support for the proposed residential development of the old R.C. Willey site. She commented on the dramatic spike in housing prices and stated there is a real need for affordable housing options in the community.

Joe Olsen referenced the proclamation on tonight's agenda regarding osteoporosis awareness; he and his wife, as well as his brother and his wife, operate Osteo Strong in Syracuse and their main objective is spreading the word about osteoporosis and the treatment options his business offers. They would like for May 22 to be named Osteogenic Loading Day in Syracuse City. His business is the first Osteo Strong location in Utah and the treatment has a big impact in preventing or treating osteoporosis. He stated he is grateful for the City's support.

Mayor Gailey noted that there is a proclamation on the agenda to designate May 22 as osteoporosis awareness day, but the City cannot endorse a specific business, which is why the proclamation does not specifically reference Osteogenic Loading or Osteo Strong.

3. Approval of minutes.

The following minutes were reviewed by the City Council: Special City Council Business Meeting and Special Redevelopment Agency (RDA) Meetings of March 9, 2021, and City Council Work Session and Special Business Meeting of March 23, 2021.

City Recorder Brown indicated the agenda included the incorrect dates for minutes that have been submitted for approval; she recommended tabling approval of the minutes until the next business meeting.

COUNCILMEMBER MAUGHAN MADE A MOTION TO TABLE APPROVAL OF THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

4a. Common consent: Proposed Ordinance 2021-06 amending the Syracuse City Zoning Map from R-2 to R-1 for property located at 939 S. 3150 S.

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

Location: 939 W. 3150 S.  
 Current General Plan: Low Density Residential  
 Current Zoning: R-1 (Single-family residential at 2.3 units per acre) and R-2 (Single-family residential at 3 units per acre).  
 Proposed Zoning: R-1 (Single-family residential at 2.3 units per acre)  
 Acreage: 2.5 Acres

Steven Scharp recently amended lot 2 of the Harmony Flats Subdivision by aggregating approximately one acre of land to the rear of his existing home and lot. He purchased the land from his backyard neighbor. The land around where his home is located is zoned r-2 but the land that he added is zoned r-1. The main differences between r-1 and r-2 zoning are the allowance of farm animals in the r-1 zone. In order to avoid a split zoning situation (one parcel, two different zones) and to preserve the ability to keep farm animals on the property, it is proposed that the front home portion of the lot be rezoned to r-1 matching the rear. Unfortunately, this will result in a legal, non-conforming lot since the existing lot width of the parcel is only 97 feet, but the r-1 zone minimum lot width is 100'. Legal non-conforming lots may continue without correction as long as the non-conforming use does not become more 'non-conforming'. The benefits of 'cleaning up' a split zoning parcel on the zoning map and maintaining the farm rights on the land outweigh the inconvenience of a legal non-conforming use in staff opinion. Planning Commission also reviewed the item on March 2, 2021 and is recommending approval of this item.

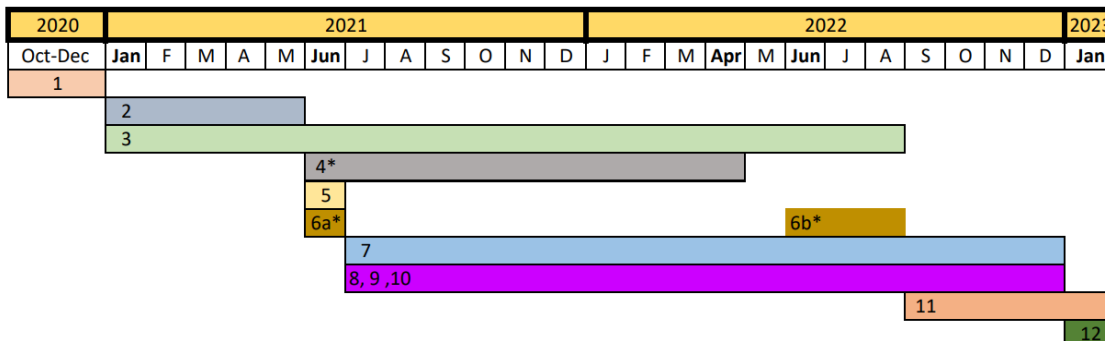
COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 2021-06 AMENDING THE SYRACUSE CITY ZONING MAP FROM R-2 TO R-1 FOR PROPERTY LOCATED AT 939 S. 3150 S. COUNCILMEMBER TEAGUE THE MOTION; ALL VOTED IN FAVOR.

4b. Common consent: Authorize Administration to execute Multi-Jurisdictional Interlocal Agreement for paramedic services.

A staff memo from the City Manager explained the Council has discussed the issue of paramedic services on a number of occasions, specifically regarding the transition of paramedic services from Davis County to the municipalities. In preparation for this transfer, the city managers, fire chiefs, and county officials, including county commissioners, County Clerk/Auditor, and the County Sheriff, have been working on the foundational administrative tools that will need to be in place for a transition to occur. This discussion will be focused on the interlocal agreement needed for a county-wide paramedics system to be operated by municipalities. The memo offered background information as follows:

County Paramedic Services. Davis County has indicated that by January 1, 2023 they will be phased out of providing county-wide paramedic services in Davis County. The historical model of a combined law enforcement/paramedic department is no longer viable in the modern, more urbanized community that has evolved in the County today. The cities, with already established fire departments, are the natural and best equipped place to house paramedic services throughout the county.

Timeline. The county group described above has spent the last year working through the logistics and timeline of how a transition could safely take place. Below is representation of how that timeline might look:



Timeline Milestones

1. Discussion with City Councils
2. Adopt interlocal agreement with County and other Cities.
3. Public information effort.

4. Formation or merging of cities and service districts where needed.
5. County eliminates the county paramedic tax levy.
6. 'a' and 'b': Cities adjust tax rates to take on additional costs.
7. Cities continue to pay County for paramedic service.
8. Departments apply for and receive license for paramedic service.
9. Departments hire and train new personnel.
10. Departments purchase necessary equipment and vehicles.
11. Cities begin providing paramedic services.
12. County eliminates county paramedic services.

Interlocal Agreement. In #2 above, the interlocal agreement will need to be adopted by the cities, fire districts, and the County in order for the process to move forward. The draft agreement is summarized below.

County Tax Levy. Of particular note is #5 above. The County plans to eliminate the county paramedic tax levy this summer. In order for the County to proceed, the interlocal agreement will need to be in place.

The memo offered a summary of the draft Interlocal Agreement:

- a. **Cessation of County Services:** By December 31, 2022, the County will cease the provision of paramedic services. It will stop assessing the county tax levy by June 30, 2021.
- b. **City's Plan for Paramedics:** By June 1, 2021 the City will provide a plan to the other entities explaining the specific means by which it will provide paramedic services in the City by no later than December 31, 2022.
- c. **Coordinated Response Model:** The entities agree to send the closest available unit after local agency's resources are exhausted.
- d. **Funding and Responsibility:** Each agency agrees to properly administer and fund their local paramedic services.
- e. **Funding County Services During Transition:** Each agency agrees to make quarterly payments, with a total equivalent of their normal county paramedic tax levy, to the County for the duration of the transition period in order to continue County paramedic services.
- f. **Administrative Board:** An Administrative Board, consisting of the city managers from each city, chairs of the North and South Davis Fire Districts, and on County Commissioner would be created to adopt and administrate rules and procedures on compensation of extra-jurisdictional response, definitions of level of service, and other governance issues as they may arise.
- g. **Service Levels:** A paramedic unit will be available, in addition to regular non-paramedic staffing. GPS technology will be used by dispatch for a borderless, closest unit response. Consistency of level of service across the County is paramount, and changes to level of service can only be made by at least 2/3 of the Administrative Board.
- h. **No New Entity:** The agreement does not create a new entity, nor does any property become jointly held.
- i. **Term of the Agreement:** The agreement is for 50 years but can be terminated or amended by mutual agreement of the parties, or effect of law.
- j. **Effective Date:** June 1, 2021

The memo concluded the item before the Council is an action item; the Council should determine whether to vote to approve the multi-jurisdictional interlocal agreement for paramedic services in Davis County.

COUNCILMEMBER BOLDUC MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE MULTI-JURISDICTIONAL INTERLOCAL AGREEMENT FOR PARAMEDIC SERVICES. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

#### 4c. Common consent: Joint Proclamation 21-03 declaring May 22, 2021 as Syracuse City Osteoporosis Awareness Day.

An administrative staff memo explained the City has received a request from a local business to promote awareness of osteoporosis, which affects millions of Americans. While all ages can suffer from osteoporosis, those over age fifty are particularly vulnerable. However, as prevalent as the disease is, through proper diet and exercise, much of its effects can be prevented or ameliorated. Regular exercise, a balanced diet with appropriate levels of calcium and vitamin D, and avoiding smoking are some of the ways that individuals can safeguard against the disease. The proclamation has no legal effect – it is designed to bring awareness to the disease and encourage our residents to engage in healthy lifestyle choices. The memo concluded this is an action item and the Council should vote whether to issue the Joint Proclamation.

COUNCILMEMBER BOLDUC MADE A MOTION TO ADOPT JOINT PROCLAMATION 21-03 DECLARING MAY 22, 2021 AS SYRACUSE CITY OSTEOPOROSIS AWARENESS DAY. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

#### 5a. Proposed Resolution R21-12 appointing Lon Hunter and Kyler Mecham to the Syracuse City Planning Commission.

An administrative staff memo explained there is currently a vacant Planning Commission Alternate Member position on the Planning Commission due to the former alternate being promoted to a full position. Mayor Gailey has recommended

that Lonn Hunter be appointed to fill this vacancy. Additionally, current Planning Commissioner Larry Johnson has notified the City that he intends to resign his position at the end of his current term, which ends June 30, 2021. Mayor Gailey has recommended that Kyler Mecham be appointed to fill this vacancy and that his term begin July 1, 2021. The memo concluded Mayor Gailey recommends the Council adopt the proposed resolution formalizing the appointments of the individuals named above.

COUNCILMEMBER BINGHAM MOVED TO ADOPT RESOLUTION R21-12 APPOINTING LONN HUNTER AND KYLER MECHAM TO THE SYRACUSE CITY PLANNING COMMISSION. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

5b. Proposed Resolution R21-13 appointing Shawn Gilbert to the Syracuse City Board of Adjustments.

An administrative staff memo explained there is currently a vacant position on the City's Board of Adjustment; the City has advertised the vacancy and solicited letters of interest from residents who meet the requirements of the position. Mayor Gailey has vetted and interviewed the applicants and recommends the appointment of Shawn Gilbert, which his term to expire June 30, 2025. The memo concluded Mayor Gailey recommends the adoption of the proposed resolution formalizing the appointment of Mr. Gilbert.

COUNCILMEMBER BOLDUC MOVED TO ADOPT RESOLUTION R21-13 APPOINTING SHAWN GILBERT TO THE SYRACUSE CITY BOARD OF ADJUSTMENTS. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

5c. Proposed Resolution R21-14 appointing Jennifer Eagle to the Syracuse City Disaster Preparedness Committee.

An administrative staff memo explained there is a currently a vacancy on the Disaster Preparedness Committee due to the resignation of Terry Palmer; his resignation is effective at the end of his term, which ends June 30, 2021. Mayor Gailey recommends the appointment of Jennifer Eagle to fill the vacancy; her appointment will be effective July 1, 2021.

COUNCILMEMBER TEAGUE MOVED TO ADOPT RESOLUTION R21-13 APPOINTING SHAWN GILBERT TO THE SYRACUSE CITY BOARD OF ADJUSTMENTS. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Public hearing: Proposed Resolution R21-09 adjusting the Syracuse City budget for Fiscal Year ending June 30, 2021.

A staff memo from the Administrative Services Director referenced a detailed **capital projects** listing attached summarizing recommended changes. In this budget opening, Administration is proposing new line items and updates to approved projects as follows:

- New Project – 2200 West Retaining Wall - \$112,000.
- New Project – Pickleball lights at Founder's Park - \$95,000
- New Project – Regional Park Engineering - \$160,000
- Revised project – 500 West extension phase 1 – increase to \$292,000.
- Revised project – Bluff & Gentile project – include federal grant revenues and expenses for the project.
- Revised project – Founders Park west parking lot - \$531,000.
- Revised project – Founders Park playground, restroom, and pickle ball courts - \$517,000.
  - Revised project – Bluff Road 18" transmission line - \$965,000.

Changes to **operational budgets** include:

**General Fund – major changes**

- Sales Tax increase - \$798,000.
- Franchise Tax decrease – \$(60,000).
- Building Permit revenue increase - \$265,000.
- Plan Check Fee increase - \$100,000
- Wildland Revenue increase - \$45,000.
- Court Fine Revenue decrease - \$(130,000).
- Interest Income decrease - \$(50,000).
- Rent Income increase - \$26,000.
- Park Reservations decrease - \$(31,000).
- Passport revenue decrease - \$(55,000).
- Community center rental and user fee decrease - \$(28,000).
- Fire OT wages increase - \$15,000.
- Fingerprint Scanner Machine - \$6,500
- Parks & Rec wages and benefit increase - \$73,000.00 - this was due to 25k in benefit election changes, 36k in part time wages with having full staff for seasonal lawn care, 5k in overtimes, and 7k in turnover costs.
- Estimated \$560,000 in savings in all department costs and additional revenues increases.

- o Transfer to other fund increase - \$1,500,000 for surplus to the capital projects fund.

**All Other Funds – Significant Changes**

- o RAP Tax Fund - \$54,500 in increase revenues from RAP Tax.
- o Various Funds – Decrease in interest income.
- o Various Funds – Increase in impact fee revenues, and connection fees.
- o Street Light Fund – increase in new street light installation and reimbursement - \$100,000.
- o Various Funds – Increase in depreciation expense.
- o Secondary Water Fund – Increase in source of supply by \$27,000. Additional shares and purchase of rental shares.
- o Culinary Water Fund – increase in system maintenance with installation of meters for new homes.
- o CDA Fund – 1<sup>st</sup> year of increment with setup cost transfer back to RDA.
- o RDA & EDA Funds – changes with revised final numbers from calendar year 2020.
- o MBA Fund – Added refunding for 2016 bonds.

Administrative Services Director Marshall reviewed the staff memo.

Mayor Gailey opened the public hearing at 6:22 p.m. There were no persons appearing to heard and the public hearing was closed.

Council member Bingham suggested some type of public awareness campaign to communicate to residents the manner in which City funds are being spent to respond to vandalism of City property.

City Manager Bovero highlighted that the budget adjustments associated with the refinance of the City’s Municipal Building Authority (MBA) bond; the City secured an interest rate of 0.6 percent and he thanked Mr. Marshall for his work on that issue, which will lead to significant savings.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT RESOLUTION R21-09 ADJUSTING THE SYRACUSE CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2021. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE.

**7. Public hearing: Proposed Resolution R21-10 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the Public Safety Impact Fee and Notary Fee.**

A staff memo the Administrative Services Director explained proposed amendments to the Syracuse City Consolidated Fee Schedule includes amending the Public Safety Impact Fee based upon the City’s Public Safety Impact Fee Analysis Plan. The fee will increase from \$273.00 to \$302.00 per application. Commercial would increase from \$0.19 to \$0.21 per square foot of building space. Additionally, the notary fee increase from \$5.00 to \$10.00 in accordance with state law 46-1-12.

Administrative Services Director Marshall reviewed the staff memo.

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

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R21-10 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE PUBLIC SAFETY IMPACT FEE AND NOTARY FEE. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

**8. Proposed Ordinance 2021-07 amending the Syracuse City General Plan Map for property located at approximately 1693 W. 2700 S., Commercial/Low Density Residential to Medium Density Residential**

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

Location:	1693 W. 2700 S.
Current General Plan:	Commercial, Low Density Residential, Medium Density Residential
Desired General Plan:	Medium Density Residential
Current Zoning:	R-a, G.C., A-1
Acreage:	Approx. 25 acres
Site Acreage:	General Plan is 7.5-acre medium density, 8.05 commercial, 9.45 acres low density.
Breakdown:	Proposed is 9.4 acres medium density, zero commercial, and 15.6 acres low density.

The applicant Psion Homes is requesting approval to amend the General Plan Map. This is in preparation to build a proposed townhome and single-family PRD development. A concept plan is required to be provided simultaneously with the application. The developer has worked to acquire the land from multiple landowners to create one cohesive design. One item of attention is that the plan's open space came up a little short of the required 20 percent so the developer is requesting to pay the in-lieu fee that would be used for improvements to the nearby Jensen Nature Park and Emigrant trail. Even with the fee, there are multiple amenities provided on site. More details on architecture and site plan would be provided in the future should

the applicant be allowed to continue on with the rezone/preliminary plat process. Please review the attached concept plan, staff reviews, and application to decide if the item is harmonious with the general plan and land use ordinances for PRD developments. City Council reviewed the project on January 26 and tabled it after asking the applicant to reduce density and expressing concerns about the townhome use on the site in general. After the January 26 meeting, the applicant revised the plans to reduce density and add open space. They removed eight townhomes but added two single family units, with a net loss of six units. They also added about 3,000 square feet of common space. At the February 23 meeting, the City Council requested a traffic study which has been provided and attached in this report. The Council reviewed the traffic report during their March 23, 2021 work session. The memo concluded the Planning Commission reviewed the item on January 19, 2021 and is forwarding a conditional recommendation for approval. Conditions are that the north row of townhomes be replaced with single family lots facing the cul-de-sac and that 10 percent of the townhome units be removed because they felt the ratio of townhomes to single family homes was a little high. The latest amendment removes the north row of townhomes but comes a little short of the 10 percent townhome reduction.

CED Director Steele reviewed the staff memo.

Councilmember Bingham referenced the public comments provided earlier tonight regarding the need for affordable housing types and she is comfortable with the development proposal for this project; she believes the people who will live here will make a positive contribution to the community. Councilmember Teague agreed, but asked for the price point of the townhomes in the project. The applicant, Blake Smithing, stated that townhome prices will be in the low \$300,000 and single family homes will be in the low \$400,000 price range. He stated that the construction of the units will be high quality in nature and he believes the project will make a positive contribution to the community. Councilmember Teague stated it is a challenge to strike a balance between requiring a high-quality project while allowing for housing affordability. He thanked the applicant for their efforts to that end.

Councilmember Bolduc thanked the applicant for undertaking a traffic study for the project and for their willingness to adjust the project plan responsive to concerns expressed by the community and the Council. Councilmember Savage echoed that gratitude; while he would like to see more R-2 lots on the project plan, he appreciates the changes that have been made.

Councilmember Maughan stated he is still concerned about the project and will be voting in opposition.

Councilmember Teague asked if the required amount of open space has been provided on-site or if the applicant will pay a fee in lieu of providing the required open space. Mr. Steele stated the exact details of the open space will be finalized at the time of the zone change; just a concept plan has been provided tonight along with the General Plan amendment. He stated that the concept plan indicates that the amount of open space is short of what is required, but he is unsure what the final in-lieu fee will be for this project. City Attorney Roberts added that Mr. Steele is correct; the only item before the Council tonight is the General Plan amendment; the concept plan is not a vesting document for the project and the applicant is seeking feedback that will inform their application for the zone change and preliminary plat.

COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 2021-07 AMENDING THE SYRACUSE CITY GENERAL PLAN MAP FOR PROPERTY LOCATED AT APPROXIMATELY 1693 W. 2700 S., COMMERCIAL/LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

#### 9. Authorize Administration to award contract for grounds maintenance services

A staff memo from the Public Works Department explained a request for Proposal was issued for grounds maintenance services for City Hall, Police, Museum, and three grass detention basins. Two bids were submitted for consideration on March 22, 2021. The low bidder is Franklin Sprinkler Repair and Lawn Care. The bid tabulation is shown.

Bidder	Monthly	Sprinkler Repair/hr	Mulch/cy
Franklin Lawn Care	2100	35	44
Evergreen Lawn Care	2240	55	84

The season is an eight-month duration. \$2,100 x 8 = \$16,800 annual cost. The budget is \$15,000 from Facility Maintenance for city campus and \$6,000 from Storm Water for the detention basins. This proposal fits in the established budget.

Public Works Director Whiteley reviewed the staff memo.

COUNCILMEMBER SAVAGE MOVED TO AUTHORIZE ADMINISTRATION TO AWARD CONTRACT FOR GROUNDS MAINTENANCE SERVICES. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 10. Proposed Resolution R21-15 restricting and regulating the use of pressure-irrigation water during 2021

A staff memo from the Public Works Department explained Governor Spencer Cox issued Executive Order 2021-7 regarding drought conditions throughout Utah this year. Echo reservoir is 43% full as of April 7<sup>th</sup>. East Canyon is 69% full. Typically, they are at 100% full at this time of year. Water suppliers have decided to end the irrigation season October 1. Water suppliers have incorporated drought reduction volumes. Weber Basin will deliver 20% less, Davis Weber will deliver 50% less than last year. Based on water volumes from each supplier, this averages to an overall 39% reduction of water delivered to

Syracuse. Last year Syracuse used on overall of 96% of the supply allotment for secondary water. Last year Syracuse used 100% of the allotment for indoor culinary water. This is 10% more than the year before. Although water conservation is important for indoor culinary water use, there is no reductions in place on culinary water this year. Water measurements are only taken at the point of delivery from canal company turnouts that flow into conveyances directed toward Syracuse reservoirs. Last year water suppliers began delivering stored water June 15 after runoff water ended. This year it is anticipated to be sometime in the first or second week of May. Water suppliers are doing public education to follow water conservation programs in place from the Division of Water Resources, such as “slow the flow”, low-water landscapes, and the weekly watering guide. It is common to see dirtier water in low-water years. Less canal flushing occurs to reduce waste. Lower water levels require pumps to pick up larger volumes of sediment from the reservoir floor. This year will have noticeable dirty water. Syracuse City Code 4.25.130 describes measures that the council can establish during drought conditions. SCC 4.25.140 describes water conservation plans from large property owners. Public information could be handled by: Utility bill notice, Magazine article, Website article. Weekly watering guide from the Division of Water Resources could be shared by social media. Watering only between 6:00 PM and 10:00 AM, with exceptions to establish new plantings, attended spot watering with a hose, and sprinkler system maintenance. Excess watering due to water pooling on neighbor properties, streets and storm drains is prohibited. Neglect of repairs 15 days after notification can be enforced. Escalating enforcement can be initiated, which includes 1. Notification, 2. \$100 fine, 3. \$250 fine, 4. Termination for remainder of the season. Water conservation plans can be required each year from large-area properties (3 acres or greater). This would typically include schools, parks, churches, businesses, and HOA’s. Because agriculture, sewer district, and the golf course does not receive water from Syracuse City’s pressurized system, they are excluded from this requirement. The memo concluded the action item before the Council tonight is to determine whether to approve a resolution supporting water conservation as described in City Code.

Mr. Whiteley reviewed his staff memo.

Councilmember Savage inquired as to the impact of delaying the secondary water season until May 1 rather than April 15. Mr. Whiteley stated that delay would not impact farmers in need of secondary water, but it would make it possible to conserve some water that would otherwise be used on residential properties. This led to high level discussion of the benefits and downsides of delaying the secondary water system as well as ending the secondary water season two weeks early on October 1. There was also philosophical debate regarding other water restrictions that could or should be implemented and whether the City has the ability to effectively enforce additional restrictions. Councilmember Savage stated that water will always be a problem in Utah and he would like to consider policies or programs that could incentivize xeriscaping in the City in order to further conserve water. Councilmember Bingham stated that it is difficult to incentivize xeriscaping because the City needs to maintain its vital infrastructure and the costs to do so are spread across the entire City; some resident may feel it unfair if some residents are allowed to opt out of paying those costs if they choose to xeriscape their property. Councilmember Maughan agreed; he is willing to consider allowing xeriscaping options, but feels it would be appropriate to continue to charge a base fee for all residents in order to cover the costs of maintaining water infrastructure.

The discussion recentered on the topic of the proposed resolution; the Council supported delaying charging the secondary water system until May 1. Mayor Gailey stated it is important to begin education efforts to inform residents of the reasons behind this decision. This led to continued discussion of the importance of pursuing water conservation while not being ‘heavy handed’ by imposing unnecessary regulations. The Mayor and Council concluded to adjust the proposed resolution to communicate that the City will enforce the ordinance currently enrolled, which addresses watering during a state of drought. They also supported an amendment to the resolution that accomplishes delaying the secondary water season until May 1.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R21-15 RESTRICTING AND REGULATING THE USE OF PRESSURE-IRRIGATION WATER DURING 2021, WITH THE FOLLOWING CHANGES:

- POSTPONING PRESSURIZATION OF THE SECONDARY WATER SYSTEM UNTIL MAY 1, 2021.

COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 11. Authorize Administration to execute Real Estate Purchase Contract (REPC) for property at 1150 S. 1000 W.

A staff memo from the City Manager explained the City Council previously authorized the surplus and sale of approximately 12 acres of land located at 1150 South 1000 West. The method of sale authorized was through competitive bid. On March 15, 2021 the City held a public bid opening determine the apparent winner of the sale. The results of the bid opening were as follows:

- Fieldstone Homes \$4,335,000
- Nilson Homes \$3,351,000
- CW Urban, LLC \$2,500,000
- Psion Homes \$2,000,000
- Stillwater Construction Group \$1,105,000

The following outline generally describes the terms of the agreement:

- Purchase Price: \$4,335,000
- Escrow will be posted shortly after signing.
- Settlement will occur either when the conditions of sale are completed, or 6 months from the posting of Escrow, whichever is sooner.

- In addition, Fieldstone will be eligible for two 30-day extensions to this deadline by paying \$20,000 non-refundable money for each extension, which will go toward the purchase if they finalize.
- The conditions of sale include:
  - Fieldstone receives final plat approval from Clearfield City.
  - Fieldstone receives approval of at least 51 lots in their subdivision.
  - The City and Fieldstone work out an easement agreement for cemetery access to 1000 West.

Below is a table with the expected timeline:

Execution of Agreement	Effective Date (Day 0)
Earnest Money Deposited	Day 5 - \$35k Soft Money
Escrow Opening	~ Day 5
Feasibility Period Ends	Day 30 - <b>\$50k becomes hard money (\$15k from bid opening, \$35k earnest money)</b>
Closing Conditions Met?	~ 4 - 5 months
Date Certain	~ 6 months
Maximum Extensions (2 mo)	~ 8 months ( <b>\$20k Hard Money Each</b> )
Close of Escrow	~ 5 – 8 months total

The memo concluded the action to be taken is a vote on whether to authorize the Administration to enter into a sales agreement to sell the land at 1150 South 1000 West outlined in the attached agreement.

Mr. Bovero reviewed his staff memo.

Councilmember Savage referenced the duration of the purchase contract; the potential buyer has asked for a due diligence period of four to five months, but up to eight months if extensions are needed. Closing would occur within five to eight months from now. He stated he feels that is too long a due diligence period. Mr. Bovero stated that time frame is based upon the potential buyer’s perception of the length of time it will take for them to move through Clearfield City’s zone change process. Councilmember Teague stated he understands but believes a 90-day due diligence period would be adequate. Councilmember Bolduc agreed and noted that Clearfield City has communicated their support for the type of zoning the buyer will seek to secure and she does not believe it will take them six to eight months to get the zoning changed. This led to high level discussion regarding possible issues that could arise that could lead to a delay in the applicant receiving the requested zoning from Clearfield City, with Mr. Steele noting that it would not be unheard of for a zone change and subdivision approval process to take up to six months; he does not feel that the buyer’s request is unreasonable. Councilmember Bolduc suggested shortening the due diligence period, with maximum extensions, to a total of four months. Councilmembers Bingham and Savage stated they can support four months, with the option to extend to a maximum of six months.

COUNCILMEMBER SAVAGE MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE REAL ESTATE PURCHASE CONTRACT (REPC) FOR PROPERTY AT 1150 S. 1000 W., MODIFYING THE CLOSING DEADLINE TO 120 DAYS WITH ADDITIONAL EXTENSIONS AS OUTLINED IN THE PACKET, AND HOLDING THE WATER RIGHTS AND REDUCING THE PURCHASE PRICE ACCORDINGLY. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

12. Proposed Resolution R21-11 adopting a policy governing youth program overnight trips.

City Attorney Roberts indicated that the supporting materials for this agenda item do not include the latest iteration of the policy including the changes recommended by the Council during their last work session meeting. He recommended that the Council table action on this item until the May 11 business meeting.

COUNCILMEMBER MAUGHAN MOVED TO TABLE ADOPTION OF PROPOSED RESOLUTION R12-11 ADOPTING A POLICY GOVERNING YOUTH PROGRAM OVERNIGHT TRIPS. COUNCILMEMBER \_\_\_\_\_ SECONDED THE MOTION; ALL VOTED IN FAVOR.

13. Request for authorization to begin the request for qualifications (RFQ) process related to an Administrative Hearing Officer - continued from April 9, 2021.

A staff memo from the City Attorney explained that during the March business meeting, the Council considered whether to transfer certain administrative decision-making authority to an administrative hearing officer, who would be selected after the advice and consent process. Appearing earlier on this evening’s agenda, you considered appointments of candidates who came forward to serve on the Planning Commission, Architectural Review Committee, and Board of Adjustment (BOA). This has removed some of the urgency of our predicament, which largely stemmed from difficulty in filling the BOA. So becomes the question: To AHO or not to AHO? If the Council wishes to continue functioning without an administrative hearing officer, there are a few sections of code that we recommend amending; they will require the Council to select an administrative appeal authority:

- Fire Marshal Orders
- Appeals of cost recovery for fire response.



- Public Works Inspections
- ADA Land Use Accommodations Requests
- Contract Bid Appeals

Failing to designate an appeal authority or provide process may result in a direct action against the City in district court. If the Council would like to go down the path of appointing an administrative hearing officer, then we would like direction on which types of appeals you would like to bring to the officer, and we will proceed with the RFQ.

Mr. Roberts reviewed his staff memo.

The Council indicated they would like to continue utilizing the BOA for land use decision appeals, but they debated whether to hire a AHO for other matters referenced in the staff memo. Mayor Gailey suggested that the Council deny the request to proceed with a RFQ for an AHO, but direct staff to come before the Council in future work sessions to further discuss options for considering different types of appeal options for the five items referenced in the staff memo.

COUNCILMEMBER MAUGHAN MOVED TO DENY 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.

#### 14. Annual Training.

Mr. Roberts used the aid of a PowerPoint presentation to provide the annually required training regarding the Open and Public Meetings Act (OPMA) and the Municipal Officers Ethics Act.

City Recorder Brown also facilitated a review of the Council Rules of Order and Procedure.

#### 15. Public comment.

There were no public comments.

#### 16. 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.

#### 17. 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 BINGHAM 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 IMMEDIATE LITIGATION. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 9:12 p.m.

The meeting reconvened at 10:10 p.m.

At 10:11 P.M. COUNCILMEMBER SAVAGE MADE A MOTION TO ADJOURN. COUNCILMEMBER TEAGUE 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