

Minutes of the Regular meeting of the Syracuse City Council held on May 14, 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. Police Chief Atkin provided the thought in observance of Peace Officers Week, 2019. A local Boy Scout led the audience in the Pledge of Allegiance.

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

2. Public comment.

Parks and Recreation Director Robinson approached and introduced two members of the Syracuse Lion's Club, Sandra John and Jim Rentmeister, who were present to provide the Council with a check for the funds they have raised to be contributed to the City's new Interactive Water Feature. Ms. John stated that the Lion's Club has enjoyed a wonderful partnership with Syracuse City and they have aided in fundraising to support Chloe's Sunshine Playground as well as the new Interactive Water Feature; tonight, the Club presents to the City \$25,594 to be used for the erection of a shade structure at the new Interactive Water Feature.

Keith Warren stated he lives in the Trailside development and is the Vice President of the Homeowners Association (HOA) for that community. He stated the developer who is seeking approval of a project adjacent to Trailside has spent time working with the residents of Trailside in order to address the concerns they have raised. He indicated he personally does not have an objection to the developer building his project adjacent to Trailside, but the developer is not able to address the major concern the residents of Trailside have expressed, which is the fact that the main road in Trailside will become a main thoroughfare for residents of two new developments; this road will eventually connect to West Davis Corridor and it is absurd to consider allowing such a high level of traffic through a 55-and-older neighborhood. He noted that if it were possible for the developer to run a frontage road south and west of Trailside that would allow traffic to flow to the West Davis Corridor interchange, that would solve the problem, but that is up to the City to determine tonight. He stated he is hopeful the Council will take this safety concern into account this evening. In the immediate future, the situation may not be as dire, but in four years when the West Davis Corridor is constructed, that road will be the fastest route for residents of the two new developments to get to the West Davis Corridor and that will be too much traffic for Trailside to handle.

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

West Davis Chamber of Commerce President, Keith Kennington noted both youth receiving the award for April 2019 were nominated by the staff of the Syracuse Elementary School.

Dandara Crabtree:

Dandara Crabtree is an amazing student with an infectious smile and bright personality. She is an excellent example at Syracuse Elementary. Dandara came to the United States 2 years ago, when she was adopted by her parents. At the time she did not speak any English but since then has learned it fluently. She truly wants to be successful and knows she can do so with her education. Dandara is involved in Soccer, Jr. Jazz and Young Women (LDS church group). She is very kind, polite, and cares about her friends and other students. Dandara is a peer tutor to one of the 2nd graders at Syracuse Elementary. Although she sometimes struggles with certain subjects and concepts, she has never given up; Dandara works hard to be successful in her life.

Porter Smith:

Porter is very respectful and kind to everyone around him, and always does what he is asked. Despite missing class Porter has managed to complete his work. This year he has participated in Syracuse Elementary Robotic club and will start baseball this spring. Porter enjoys mechanics and would one day like to own his own business. Porter is very motivated to fix things, like small engines and is always looking to make his own money, he is very independent. He excels in STEM and science activities.

4. Recognition of Community Emergency Response Team (CERT) graduates.

A staff memo from Fire Chief Byington explained the Fire Department recently hosted a Community Emergency Response Team (CERT) Course, which is an eight-week program that prepares participants to be able to help themselves, their family and their neighbors in the event of a disaster. Not only do CERT teams support emergency responders during a disaster, they also help the community year-round by assisting with emergency plans, neighborhood exercises, preparedness outreach, and workplace safety. Tonight, the Fire Department would like to recognize the community members who have recently completed this training. Completion certificates will be presented to: Lisa Bingham, Ashley Gates, LueAnn Gunnell, Martin Gunnell, Craig Harris, Jan Hicken, Steve Hicken, Amy Hughes, Dave Karling, Martha Karling, Lisa King, Eduardo Lara, Richard Moore, Ashley Reid, Jerry Rice and Lynette Sant.

Chief Byington reviewed the memo and presented the completion certificates to the community members listed above.

5. Approval of minutes.

The following minutes were reviewed by the City Council: Work Session of March 26, 2019 and Business Meeting of April 9, 2019.

Councilmember Bolduc cited a content error in the minutes of the April 9, 2019 Business Meeting minutes; the error was on page nine, line 20 and included the statement that City representatives were in favor of certain pieces of State legislation. The statement was corrected to read that the representatives were not in favor of the legislation discussed.

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 R19-14 approving amendment to the Disaster Preparedness Committee bylaws.

A staff memo from City Manager Bovero provided a summary of the major amendments to the Disaster Preparedness Committee (DPC) bylaws:

- **Membership, A-3:** If a committee member is a District Leader, that member may designate an Assistant District Leader to vote in the absence of District Leader. The Assistant District Leader must be approved by City Council.
- **Organization, C:** If the District Leader is absent, their approved Assistant District Leader may vote on their behalf.

COUNCILMEMBER BOLDUC MOVED TO ADOPT RESOLUTION R19-14 APPROVING AMENDMENTS TO THE DISASTER PREPAREDNESS COMMITTEE BYLAWS. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6b. Common consent: Proposed Resolution R19-13 appointing Councilmembers to the Parks Advisory Committee.

An administrative staff memo explained during the April 9, 2019 business meeting, the City Council amended the City Code to dictate that members of the City Council who are appointed to the Parks Advisory Committee will be appointed or re-appointed to the committee on an annual basis. Councilmembers Bolduc and Peterson are the current appointees; Councilmember Peterson has indicated he would like to continue his assignment, while Councilmember Bolduc has indicated her willingness to be replaced. The proposed resolution, if adopted, would re-appoint Councilmember Peterson to the Committee and replace Councilmember Bolduc with Councilmember Savage.

COUNCILMEMBER BOLDUC MOVED TO ADOPT RESOLUTION R19-13 APPOINTING COUNCILMEMBERS TO THE PARKS ADVISORY COMMITTEE. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6c. Common consent: Proposed Resolution R19-12 authorizing the Syracuse Police Department to participate in the Law Enforcement Support Office (LESO) Program with the State of Utah.

A staff memo from the City Attorney explained the City has previously participated in the Law Enforcement Support Office (LESO) Program, offered by the United States Department of Defense, and administered through the State of Utah. The LESO program allows local law enforcement agencies access to certain items of “excess” equipment that the DoD determines to be suitable for use by law enforcement agencies. A Memorandum of Understanding (MOU) that was sent by the State requires a certification that the City Council has authorized our participation in the LESO program. This resolution provides that authorization. The resolution is designed to be perpetual and renewing, until a Council decides to revoke the authorization. Based upon discussion at the recent Work Session, this item has been placed on the consent agenda. Any councilmember wishing to further discuss the item during the meeting may ask that the consent agenda item be placed on the agenda as a regular discussion item.

COUNCILMEMBER BOLDUC MOVED TO ADOPT RESOLUTION R19-12 AUTHORIZING THE SYRACUSE POLICE DEPARTMENT TO PARTICIPATE IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) PROGRAM WITH THE STATE OF UTAH. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6d. Common consent: Authorize Administration to execute 2019-2020 Interlocal Cooperation Agreement with Davis County Sheriff’s Office for Dispatch Services.

A staff memo from the City Manager provided a summary of the annual agreement between Syracuse City and the Davis County Sheriff’s Office (DCSO) regarding dispatch services are as follows:

- Services:
 - The County, through DCSO and the dispatch center, shall provide dispatch services and emergency dispatch services to the City for police, fire, and EMS services twenty-four hours per day, seven days per week, and three-hundred-sixty-five days per year.
 - These services shall include dispatching appropriate response units to and from an incident, acting as the central point of ordering and dispatching resources, and providing accurate incident reports.
- Compensation:
 - Syracuse City will compensate Davis County \$29,947.61 for Fire Department fees. (average of \$30.59 per call, based on the five-year average of calls received.)
 - Additionally, Syracuse City will compensate Davis County \$54,165.00 for Police Department fees. (Amount is calculated per police officer which results in \$2,355.00 per officer)
 - Total amount paid will be \$84,112.61.
 - Total amount shall be paid in equal monthly payments during the fiscal year (1 July 2019 to 30 June 2020).

The memo concluded the term of this agreement is from 1 July 2019 to 30 June 2020.

COUNCILMEMBER BOLDUC MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE 2019-2020 INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY SHERIFF'S OFFICE FOR DISPATCH SERVICES. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6e. Common consent: Final Plat approval, Sunset View Estates Phase 4, located at approximately 2474 W. 2175 S.

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

Location:	2474 West 2175 South
Current Zoning:	R-2
General Plan:	R-2
Total Subdivision Area:	0.808 Acres
Number of Lots:	3

The applicant has requested approval of a three-lot final subdivision called West Sunset View Estates Phase 4. This splits one lot into three and is the final phase of the West Sunset View subdivision. This subdivision has been approved in 2008 in a very similar format the what is shown here. All lots meet the minimum lot standards for the R-2 Zone and all staff comments have been addressed and the Planning Commission is forwarding a recommendation for approval.

COUNCILMEMBER BOLDUC MOVED TO GRANT FINAL PLAT APPROVAL FOR SUNSET VIEW ESTATES PHASE 4, LOCATED AT APPROXIMATELY 2474 W. 2175S. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6f. Common consent: Proposed ordinance 2019-08 amending Chapter 10.80 of the Syracuse City Code pertaining to the Cluster Subdivision Zone.

A staff memo from the Community and Economic Development (CED) Department explained the City Council has expressed desire to change the R-1 Cluster land use from a major conditional use permit to a freestanding zone. An ordinance has been drafted that incorporates comments and recommendations forwarded by the Planning Commission on March 19, 2019. The Planning Commission voted to forward a recommendation for approval of the ordinance.

COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 2019-08 AMENDING CHAPTER 10.80 OF THE SYRACUSE CITY CODE PERTAINING TO THE CLUSTER SUBDIVISION ZONE. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Final Plat approval, Legend Point Subdivision, located at approximately 3695 W. 900 S.

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

Location:	3695 West 900 South
Current Zoning:	R-2
General Plan:	R-2
Total Subdivision Area:	12.95 Acres
Number of Lots:	29

The applicant has requested approval of a 29-lot final plat called Legend Pointe. This name was changed from Hunter's Glen which preliminary plat was previously approved. This will be the western-most phase of this subdivision.

Planning Commission recommended conditional approval of this item. The conditions of approval were to extend the temporary fire access to Dunes Drive rather than install a temporary fire turnaround. The applicant agreed to pave said access drive after two years if the subsequent phase of development has not occurred. The plans have been modified to reflect these changes. Also, there was mention of an existing septic tank that will need to be removed, and two wells on site that need to be capped. These items will need to be addressed prior to construction.

CED Director Steele reviewed the staff memo.

Councilmember Bingham indicated this application was discussed during the last City Council work session meeting and she is comfortable approving with the understanding that the applicant will not be allowed to proceed with the project

until all conditions of approval have been met. Mr. Steele stated that the developer's plan has not changed, but that the developer has been working to satisfy the conditions of approval.

Councilmember Savage referenced the secondary outlet for the cul-de-sac in the development, which appears to be a temporary road; he asked if the road is paved or is still dirt. Mr. Bingham stated the outlet will be constructed in accordance with the Fire Marshall's requirements for the project, which he believes is 10 inches of road base; it will be a prepared surface that can support the load of fire apparatus.

COUNCILMEMBER PETERSON MOVED TO GRANT FINAL PLAT APPROVAL OF THE LEGEND POINT SUBDIVISION, LOCATED AT APPROXIMATELY 3695 W. 900 S., BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Proposed Ordinance 2019-09 amending the Syracuse City General Plan Map for property located at 2921 South Bluff Road.

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

Location:	approx. 2900 S Bluff Rd.
Current Zoning:	A-1
General Plan:	R-1
Proposed General Plan:	PRD
Acres:	20.24

Mike Bastian has requested to amend the General Plan and Zoning Map from R-1 to PRD. The General Plan map amendment will be considered first. The application was received within the open application period consistent with Ordinance 10.20.060. The open amendment period is Jan. 1 to Jan 31 on odd numbered years.

The property's general plan map designation is R-1. The applicant has expressed a desire to develop one and two story twin homes and townhomes below a density of 6 units per acre, and 20% common space as allowed in the PRD zone. The property is located adjacent to vacant land that recently was rezoned to PRD, the future West Davis Corridor freeway, the 55+ Trailside community, and Bluff Road arterial that has single family and duplex homes fronting onto it.

Planning Commission held a public hearing on 2/19/19. Around 40 residents attended the meeting and shared comments and concerns about the change to PRD. Many comments were centered around not wanting traffic from the development cutting through their neighborhood. They also were opposed to 'high density'. Other suggestions included providing landscape buffering between the two neighborhoods. The commission voted 6-0 to recommend denial of the amendment to the General Plan Map.

The memo concluded the City Council discussed this item on February 26, at which time it was tabled for further discussion. The Council discussed this item on March 26 and, again, it was tabled again for further discussion.

CED Director Steele reviewed the staff memo. He referenced the comment made during the public comment period about the option of constructing a frontage road that would allow for the diversion of traffic around the Trailside community and ultimately to the West Davis Corridor interchange. He noted this is not an option that the Utah Department of Transportation (UDOT) would consider as they have indicated it would be unsafe and would restrict the amount of space available for the corridor interchange. Discussion among the Council and Mr. Steele centered on the available traffic paths for vehicle seeking to exit the proposed development as well as the additional new development that is scheduled for adjacent property and Mr. Steele identified the ingress/egress points using the aid of an aerial map of the subject property.

Councilmember Bolduc began Council discussion of the item by communicating her support for approving the application based on the fact that the applicant has made considerable efforts to adjust the plan for his project in response to community concerns that have been expressed.

Councilmember Maughan addressed Public Works Director Whiteley and noted that in the past the Council has been advised to deny a development application when proposed connection roads do not align with existing connection roads on the opposite side of an existing street. He asked Mr. Whiteley to address this issue. Mr. Whiteley stated that City ordinance regulates the spacing of intersections based upon State standards. There are many factors that are considered, including speed limits on the pertinent roads and street classifications. Councilmember Maughan stated he is concerned about the alignment with the proposed ingress/egress point for the subject property and the fact that it does not line up with the stub road into the R.C. Willey property across the street. Mr. Whiteley stated that is a private driveway and not a public road so the regulation

would not apply in this situation. Councilmember Maughan noted he is concerned about approving a plan that would create safety concerns relating to traffic routing through the subject property and through the Trailside community. He is also concerned about the possibility of preserving wetlands and whether the developer can count wetlands towards the amount of required open space. Mr. Whiteley stated that staff always evaluates traffic issues in any project that is being considered and the Council has the option of requiring a traffic study for the project. Councilmember Maughan stated he would like to require a traffic study. He then again addressed Mr. Steele and expressed his concern that some of the building products that are being proposed by Mr. Bastian do not comply with the design standards for PRD developments. Mr. Steele stated that is an issue that will be evaluated as the project moves through the development review phase. Councilmember Maughan asked if the Council is being asked to approve a concept plan tonight. City Attorney Roberts stated that any land use application will be evaluated based upon the land use ordinances at the time the application is filed; the recent amendments to the PRD ordinance do not apply to this application as it was filed before those amendments were approved. If the applicant receives approval of the General Plan amendment, they will then move to zoning of the property and design of the project. Approval of the concept plan is not before the Council this evening. Councilmember Maughan concluded that he does not believe he can support the application given his own concerns about the project as well as the concerns that have been expressed by residents and the City's own Planning Commission.

Councilmember Savage stated that he would like for a traffic study to be completed before the Council considers formal approval of the project. He then inquired as to the amount of green space in the project that is improved wetland property versus actual usable park space. Mr. Bastian stated the concept plan includes 5.18 to 4.88 acres of open space; 1.8 acres of that property is classified as wetland area based upon a study from the Army Corps of Engineers. The total amount of property he owns is approximately 20 acres; he owns the ground that the trail is on, as well as the bluff and he will deed that property to the City though he will not include that space in his open space calculation. Councilmember Savage revisited the subject of the amount of open space included in the project and noted he is concerned about the appearance of the wetland area that will be included in the calculation of open space. Mr. Bastian stated the wetland area must be left natural and the residents of the Trailside community are pleased that space will remain native in nature. The wetland is not considered an amenity in the project, but it is considered to be part of the open space required. Councilmember Maughan stated that he does not believe that the wetland space can be counted as an amenity in the project and Mr. Bastian agreed that is not his intent. Councilmember Savage then stated that he applauds Mr. Bastian for his work on the project in response to the concerns that have been raised by residents; however, in the last three months leading up to tonight's discussion, he has only heard resistance and opposition from residents and tonight is the first time he has heard from a resident who supports the project. He stated he came to tonight's meeting feeling that he would vote to deny the petition, but he asked if any other residents have communicated support for the project. Mr. Bastian shared an email that was sent by a member of the Trailside HOA; the individual noted that she attended the last work session meeting and learned of the adjustments that have been made to the concept plan for the project. She commented that she and her husband feel efforts have been made to meet the needs of the Trailside community and they are now in agreement with the project. She communicated that she and her husband would ultimately prefer for the current conditions on the property to remain, but they understand change is inevitable; they feel that the project can proceed so long as the logistics of water run-off and traffic can be addressed. Mr. Bastian stated he is happy to perform a traffic study and he would complete that before proceeding. Councilmember Savage stated his biggest concerns too relate to water run-off, preservation of the wetlands, and traffic; he would like for studies to be performed to explore the issues that have been raised.

Councilmember Bingham stated that she appreciates Mr. Bastian's willingness to perform a traffic study. She recalled the time that she and her husband built their home, their property was adjacent to a large open field with mature trees and if someone had come to her and asked if she would have approved higher density on that property as well as streets that would connect her neighborhood to other areas of the City, she would have said no. It is human nature to desire for things to remain as they are, but she now has higher density adjacent to her property in the form of a 55-and-older community and there is also commercial and industrial land use nearby. There is also increased traffic associated with the increase in residents in the area and connectivity of road throughout the different neighborhoods and she is fine. She has a hard time saying that she should have been allowed to build her house, but that no one else should have been allowed to build after her. It is not right, in her opinion, to try to prevent additional development; there is a need for this type of project, and it is desired by many in the community. This type of product will allow future generations of Syracuse residents to remain the community that they know and love. She is comfortable with a project that will mirror the existing development while remaining medium density in nature. She indicated she feels Mr. Bastian has gone out of his way to be transparent and respond to the concerns that have

been raised by the community. She also emphasized that this is no longer the same project application that was considered and ultimately denied by the Planning Commission and she believes most community members understand that this development will be very similar to the existing development in the area. She stated she is confident that the plan can be improved upon to address the traffic concerns.

Councilmember Peterson stated he is also pleased with the adjustments that have been made to the plan, though he is still concerned about traffic through Trailside. He wondered if a traffic study can truly evaluate the traffic that will occur if the project is approved. Mr. Whiteley stated that a traffic engineer will utilize existing density as well as proposed increases to density and use a model to evaluate how those changes will impact the current traffic levels in the area. A traffic study will never be perfect, but the outcome based upon simulated data is fairly accurate. Councilmember Peterson stated he is also concerned about the possibility of a road crossing the trail and he asked what can be done to preserve the trail. Mr. Whiteley stated that trail crossings are not entirely uncommon and if the trail crossing onto Bluff Road were to be approved, signage would be required to advertise the presence of pedestrian traffic and vehicular traffic. The intersection will also be striped and truncated domes will be installed on both sides of the crossing. He referenced the trail crossing on 700 South at St. Andrews Drive as an example of how the intersection will look. Councilmember Peterson stated that he feels that the traffic issue can be carefully considered and evaluated and based on the information that has been presented tonight, he is supportive of the General Plan Map amendment.

Councilmember Maughan stated that he has heard a consensus among the Council about the concerns relating to traffic and he asked the Council to delay taking action on this application until a traffic study can be completed. Councilmember Bolduc stated that the General Plan Map amendment can proceed tonight, and the traffic study can then be completed. Councilmembers Bingham and Peterson agreed.

COUNCILMEMBER BINGHAM MOVED TO ADOPT ORDINANCE 2019-09 AMENDING THE SYRACUSE CITY GENERAL PLAN MAP FOR PROPERTY LOCATED AT 2921 SOUTH BLUFF ROAD. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

9. Public hearing – Public Hearing: declare as surplus property the real property located at 2228 S. 1660 W.

A staff memo from the Community and Economic Development (CED) Department provided the following information regarding the property to be declared as surplus:

Location:	2228 S. 1660 W.
Current Zoning:	R-2
General Plan:	Open Space
Total Area:	1.97 acres
Parcel ID:	12-396-0001
Legal description:	All of Lot 1, Harvey Subdivision

The City owns this land for stormwater detention purposes, but the detention basin is no longer needed. City Administration desires to surplus this land to sell jointly with the adjacent Church of Jesus Christ of Latter Day Saints (LDS) property.

Mr. Steele reviewed the staff memo.

Mayor Gailey opened the public hearing at 7:16 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER MAUGHAN MOVED TO DECLARE AS SURPLUS PROPERTY THE REAL PROPERTY LOCATED AT 2228 S. 1660 W. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

10. Public Hearing – authorize Administration to execute an Exclusive Perpetual Easement Agreement with American Tower.

A staff memo from the City Manager explained Syracuse City owns and manages leases on a cellular tower located at 3151 South 2400 West. American Tower is a cellular tower management company that proposes to buy an exclusive perpetual easement for the lease rights of the tower for a sum of \$475,000. Included in the proposal is a non-exclusive easement to the access and utility easements. All risks associated with the tower are shifted to American Tower. All protections of the existing lease agreement remain with the City.

Mr. Bovero reviewed his staff memo.

Mayor Gailey opened the public hearing at 7:19 p.m. There were no persons appearing to be heard and the public hearing was closed.

Councilmember Peterson led discussion by communicating his comfort with selling this easement; while he takes the sale of an asset very seriously, he is comforted by the fact that the City has four other leases at its disposal. Councilmember Bolduc shared Councilmember Peterson's concern and indicated that she desires to proceed in a more cautious manner; at this time she is not supportive of selling the easement. She added she understands the revenue generated by the sale would be utilized for the Parks Maintenance Facility, which the City desperately needs, but she is not comfortable proceeding at this time.

Councilmember Maughan stated he would like to separate the issue of the sale from the manner in which the revenues generated by the sale will be used; he would like this decision to be based on what is ultimately best for the City. He noted that this tower is located in an area of the City that is experiencing growth and there is a possibility that the City will be able to lease additional space on the tower and increase the annual lease revenue. Selling the entire tower to one company will allow them to capture those increased revenues. He views the tower as perpetual revenue for the City and he is not supportive of selling it at this time.

Councilmember Savage indicated he believes that newer technologies will actually place a greater demand on cell tower infrastructure; he is not supportive of selling the tower at this time as it would eliminate an ongoing revenue source for the City that only has the potential of increasing in future years.

Councilmember Bingham stated she could support either direction; she understands that there will continue to be a need for cell towers, but that the concept of selling the tower was a means of providing a funding source for another need in the City. She would like to continue to evaluate funding options for the Parks Maintenance Facility over the coming months and she would be in favor or considering the sale of the cell tower in the future; however, at this time she is supportive of not selling the tower.

COUNCILMEMBER MAUGHAN MOVED TO DENY ADMINISTRATION AUTHORIZATION TO EXECUTE AN EXCLUSIVE PERPETUAL EASEMENT AGREEMENT WITH AMERICAN TOWER. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER PETERSON, WHO VOTED IN OPPOSITION.

11. Authorize Administration to award Culinary Water Tank project.

A staff memo from the Public Works Department explained this three-million-gallon tank would add two-million gallons of water storage to our existing system. It is replacing our existing one-million-gallon tank. Syracuse City's Culinary Water Master Plan indicates a need to have an additional one million gallons of storage by 2020 and another one million gallons of storage by 2024. This is based upon the Utah Administrative Code R309-510 requirements for water storage. The tank is anticipated to be in operation in 2021.

The memo concluded there were two bids for the project; the low bidder on this project is Landmark with a bid price of \$5,445,000.00.

Public Works Director Whiteley reviewed his staff memo.

Council discussion of the project centered on the wide difference between the two bids received by the City, after which Administrative Services Director Marshall discussed funding options for the project, with a brief focus on repayment of debt; given that the cost of the project is higher than was estimated, the debt repayment terms will be longer than initially anticipated.

Councilmember Bolduc asked if it will still be necessary to build another culinary water tank in the future to meet the demands of the City's population at build out. Mr. Whiteley stated that the City's Master Plan does call for another four-million gallons of culinary water at projected City build-out population of 60,000 residents. There is room on the site of this proposed tank to accommodate that size of tank; however, there are options for consolidating storage with other water suppliers to satisfy the need for additional water.

Mr. Marshall then noted he has reached out to the City's financial advisor to determine if it is possible to amend the Culinary Water Impact Fee Facilities Plan, which would allow for adjustment of impact fees to increase revenue to aid in funding the culinary water tank projects. The Council discussed this option and indicated they were supportive of proceeding with the amendments.

COUNCILMEMBER SAVAGE MOVED TO AUTHORIZE ADMINISTRATION TO AWARD CULINARY WATER TANK PROJECT CONTRACT TO LANDMARK. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

12. Proposed Resolution R19-09 affirming the Syracuse City Council's review of the Municipal Wastewater Planning Program and annual self-assessment.

A staff memo from the Public Works Department 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.

The memo concluded this resolution acknowledges that the city council has received and reviewed the annual report prior to its submittal.

Mr. Whiteley reviewed his staff memo.

COUNCILMEMBER BINGHAM MOVED TO ADOPT RESOLUTION R19-09 AFFIRMING THE SYRACUSE CITY COUNCIL'S REVIEW OF THE MUNICIPAL WASTEWATER PLANNING PROGRAM AND ANNUAL SELF-ASSESSMENT. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

13. Accept tentative budget and set public hearing for consideration of final budget for June 11, 2019.

A staff memo from the Administrative Services Director explained that as required by Utah Code Annotated 10-6-111, the City Budget Officer is required to prepare and file with the governing body a tentative budget for consideration. Each tentative budget shall be reviewed and tentatively adopted during any regular City Council meeting on or before the last meeting in May.

As required by Utah Code Annotated 10-6-112, each tentative budget adopted by the governing body and all supporting schedules and data shall be a public record in the office of the city auditor or the city recorder, available for public inspection for a period of at least 10 days prior to the adoption of a final budget.

As required by Utah Code Annotated 10-6-113, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the public hearing. The City Council should set a public hearing for June 11, 2019 to consider adoption of the final budget.

Mr. Marshall reviewed his staff memo.

Mayor Gailey noted that before the Council tonight is acceptance of a tentative budget; there will be opportunities to engage in a more in-depth review of the budget during upcoming work session meetings.

Councilmember Bolduc inquired as to why the supplies line-item in the Community and Economic Development Department (CED) budget is increasing so dramatically. Mr. Marshall stated that the City's iWorq permitting system is being charged to that account; there was an increased fee for that permitting system. Additionally, the City is investigating electronic permitting options. Councilmember Bolduc asked if there are any opportunities for decreasing public noticing costs in the CED budget. Mr. Marshall stated that those costs are based upon the number of development applications the CED Department handles. City Manager Bovero added that the application fee paid by an applicant is intended to cover the cost of any application driven public notice.

Councilmember Maughan noted that the budget document includes funding for a new website; however, that project was completed this year and that line item should be adjusted to reflect ongoing maintenance costs only. He then expressed his concern about the lack of Council involvement in the development of the budget; the Council is being asked to vote on a budget that they had no involvement in preparing. In past years, the Council has been a more active party in preparing the budget. Mayor Gailey reiterated that the action tonight is acceptance of a tentative budget and there will be additional opportunities for the Council to participate in discussion and review of the budget before final adoption is considered.

Councilmember Savage stated that he has a few small items that he would like to discuss in the coming work session meetings; one of the items is funding for the pavilion at Bluff Ridge Park. Mr. Marshall stated that issue was discussed in a recent work session meeting, but he did not feel there was consensus among the Council to remove it from the budget. The Council briefly discussed the issue and reached consensus to remove the project from the budget for 2019-2020, but indicated they would like to consider the project in future years.

COUNCILMEMBER PETERSON MOVED TO ACCEPT THE TENTATIVE BUDGET AND SET PUBLIC HEARING FOR CONSIDERATION OF FINAL BUDGET FOR JUNE 11, 2019. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

14. Proposed Resolution R19-15 adopting the Syracuse City Athletic Field Usage Policy.

A staff memo from the Parks and Recreation Department explained at the April 23, 2019 City Council Work Session, staff brought to the Council the Athletic Field Usage Agreement Draft. Council and staff discussed the rules and regulations in the policy and fees associated with the usage. Council asked staff to combine the Baseball/Softball Rental Fee and the Multi-Sport Field Rental Fee to make things less complicated. Council also asked staff to include a fee schedule option with a fee break after 40 hours of usage. Staff has made the changes to the Athletic Field Policy council requested in the April 23, 2019 work session and included the 40 hours of usage fee schedule option. Mr. Marshall reviewed his staff memo.

Parks and Recreation Director Robinson reviewed the staff memo and highlighted the changes that have been made in the policy document in response to the feedback provided by the Council in their last work session meeting. She indicated she feels that the option two relating to fees charged to users will be sufficient to cover the City's cost of facilitating use of an athletic field.

Councilmember Savage asked if the \$100 fine for violation of the policy is sufficient to deter any violation. Ms. Robinson stated the Council has the authority to increase the fine, but noted that along with the fine she can prevent a violator from using the City's athletic fields for a one-year period. Additionally, if a user damages a City athletic field, the City can pursue legal action to collect the amount of money needed to repair the damages. Councilmember Savage indicated he feels that should be defined in the policy. City Attorney Roberts indicated he can craft language to communicate that penalty to the reader of the policy. The Council was supportive of the addition of that language. However, Councilmember Maughan stated he feels the penalty for violation of the policy should be increased to \$200 or \$250 in order to more effectively deter violations.

COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R19-15 ADOPTING THE SYRACUSE CITY ATHLETIC FIELD USAGE POLICY, ELECTING FOR OPTION 'B' FOR THE FEES ASSOCIATED WITH ATHLETIC FIELD USAGE AND ADDING LANGUAGE INDICATING THAT ANY USER WHO DAMAGES A FIELD WILL BE RESPONSIBLE FOR THE COST OF REPAIRING THAT DAMAGE ALONG WITH A \$250 FINE FOR VIOLATION OF THE POLICY. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

15. Public comments.

There were no public comments.

16. 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.

The meeting recessed at 8:14 p.m. to allow the Council to convene in a work session meeting.

The meeting reconvened at 9:04

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 (if necessary).

COUNCILMEMBER PETERSON 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 9:04 p.m.

The meeting reconvened at 9:15 p.m.

At 9:16 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: June 11, 2019