

Minutes of the Special meeting of the Syracuse City Council held on July 23, 2019 at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

Excused: Councilmember Doug Peterson

City Employees Present:

Administrative Services Director Steve Marshall
City Attorney Paul Roberts
Public Works Director Robert Whiteley
Parks and Recreation Director Kresta Robinson
Fire Chief Aaron Byington
Police Chief Garret Atkin
Community and Economic Development Director Noah Steele

1. Meeting Called to Order.

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

2. Approval of minutes.

The following minutes were reviewed by the City Council: Work Session and Special Meeting of June 23, 2019 and Business Meeting and Work Session of July 9, 2019.

COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE. Councilmember Peterson was not present when this vote was taken.

3. Proposed Resolution R19-30 approving the use of eminent domain to acquire parcel 12-106-0023 from the Bessy T. Jensen Trust.

A staff member from City Attorney Roberts explained this matter was discussed during the June 25, 2019 Work Session. City Administration still has had no contact from anyone representing the Bessy T. Jensen Trust. Even though the property is located entirely within an established right of way, and by state law has therefore been dedicated to the public use for right-of-way purposes (*See* UCA 72-5-104), UDOT is required to have the ownership listed as the City before authorizing bids for construction. In the absence of a voluntary arrangement, the City will be forced to undertake an action in quiet title or eminent domain. Eminent domain actions are generally faster than quiet title actions in gaining occupancy of the parcel for construction purposes. The City will also be asserting that the entire parcel is dedicated to the City by virtue of state code. The next step will be to file suit in district court. The memo concluded the action items before the Council tonight are to conduct a hearing that provides the public or property owner an opportunity to address the Council on the issue of whether to commence eminent domain proceedings and decide whether to authorize the use of eminent domain to transfer the parcel to the City.

Mr. Roberts reviewed his staff memo.

Mayor Gailey opened the public hearing at 6:05 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER BOLDUC MADE A MOTION TO ADOPT RESOLUTION R19-30 APPROVING THE USE OF EMINENT DOMAIN TO ACQUIRE PARCEL 12-106-0023 FROM THE BESSY T. JENSEN TRUST. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

4. Proposed Resolution R19-31 appointing Gretchen Ivy Ruelan to the Syracuse City Planning Commission.

An administrative staff memo explained that due to the recent untimely death of Planning Commissioner Ralph Vaughan, there is a vacancy on the body. Gretchen Ivy Ruelan has been serving in the Planning Commission alternate position and was recently re-appointed to that position for a four-year term. She has indicated she would like to be appointed to fill the

rest of Commissioner Vaughan's term, which would have expired June 30, 2020. Accordingly, Mayor Gailey is seeking the advice and consent of the Council for this appointment. If approved, Ms. Ruelan's alternate position will be vacated. The Mayor has advertised this vacancy and he will proceed with a screening process to select an individual to be presented to the Council for their consideration of appointment to the Planning Commission alternate position.

Mayor Gailey reviewed the memo and asked for Council support for his recommended appointment of Ms. Ruelan to fill the vacancy on the Planning Commission. He stated that he will follow a formal interview process to fill the alternate position she currently holds.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT RESOLUTION R19-31 APPOINTING GRETCHEN IVY RUELAN TO THE SYRACUSE CITY PLANNING COMMISSION. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

5. Authorize Administration to award bid for bond financing for culinary water tank project.

Administrative Services Director Marshall reviewed the process City Administration and the Council have followed to get to this point of consideration of awarding the bid for the bond financing of the City's culinary water tank project. He noted all bids were received earlier today and there were seven total bidders. He presented a bid summary sheet and indicated that J.P. Morgan Chase was the low bidder and they provided three different interest options: first is a 1.59 percent interest rate for the 10-year bond term with no prepayment option; second is an option to pay off or refinance the bond after five years and the interest rate would be 2.05 percent (this option would result in an additional \$35,000 in interest payments over the life of the bond unless it is paid off early); the third option is similar to the second option, with the difference being that the City has the option to repay the bond debt after seven years. The interest rate for the third option would be 1.98 percent and would result in \$10,000 in increased interest costs for a 10-year term. However, if the bond were paid off after year seven, the City would realize a \$70,000 saving in interest. Mr. Marshall stated it is his recommendation that the Council choose the third option. He invited input from the City's Financial Advisors from Zion's Bank Public Finance. Mark Anderson, Zion's Bank Public Finance, stated that the third option will provide the City with some flexibility in considering early payment of the bond or refinancing the bond to consider additional needed projects in the City.

COUNCILMEMBER SAVAGE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO AWARD BID FOR BOND FINANCING FOR CULINARY WATER TANK PROJECT, CHOOSING OPTION THREE FROM J.P. MORGAN CHASE. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

6. Recess and convene in work session.

Mayor Gailey declared the meeting as recessed at 6:13 p.m. The meeting reconvened at 9:41 p.m.

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

COUNCILMEMBER MAUGHAN MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

The closed session began at 9:43 p.m.

The meeting reconvened at 10:13 p.m.

At 10:13 P.M. COUNCILMEMBER MAUGHAN MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

City Council Special Meeting
July 23, 2019

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: August 13, 2019

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The purpose of the Work Session was to receive public comments; discuss the following Planning items: proposed amendment to Criddle Farms Subdivision development agreement, proposed amendments to Planning Commission bylaws, and continued review of General Plan/Vision 2050 Recommendation from Planning Commission; discuss the following budget issues: options for allocating additional tax revenue associated with maintaining certified tax rate, and discussion of additional Fiscal Year 2020 budget related items; receive an update regarding latest design for West Davis Corridor (WDC) project, widening of Antelope Drive, and the extension of State Road 193; consider accepting Weber Basin Water Conservancy (WBWC) District 3 secondary water shares for development within Syracuse City; discuss Syracuse City culinary water disconnection procedures; discussion proposed amendments to the Syracuse City Transportation Impact Fee Analysis Plan; review City Council Rules of Order and Procedure and Councilmember Maughan's request regarding time limits on agenda items; participate in continued discussion regarding practice and equipment storage space for Syracuse City Orchestra; receive public comments; and discuss future agenda items/Council announcements.

Public comments

Todd Stoker, 1625 Melanie Lane, stated he and several of his neighbors are present this evening to discuss the issues they have encountered with flooding in their neighborhood. In April of 2019, several residents started experiencing heavy flooding in their basements; this went on for several weeks and his next-door neighbor paid thousands of dollars to have a sump pump installed and it ran for two months straight. The neighbor ended up hiring a plumber to investigate the situation and he found the problem was with a water line in the roadway. There was a sinkhole in the road that was filled in by the City and shortly after it was filled, another sinkhole developed approximately six to eight feet away in the middle of the road. City employees have visited the neighborhood as has the same plumber and the discovery was made that land lines are completely plugged from the west end of Melanie Drive to Stoker Lane. Neighbors thought the issue would be resolved, but later noticed the City filling the area in and asphaltting the area. He has reached out multiple times to City officials and he has not received responses; on June 25, City Manager Bovero returned his call and left a message telling him that the City was aware of the issue and that a meeting had been scheduled to discuss the issue. He stated the neighbors are seeking a resolution to stop the flooding; the new asphalt is now sinking, and he provided photographs of the conditions on the street.

Mayor Gailey stated that he will ask Public Works Director Whiteley to meet with the residents outside of this meeting.

Wayne Hansen, 1611 Melanie Lane, stated that his home had the most significant flooding issues; he had the water tested and they found chlorine in it, which proved that it was not groundwater. He is concerned that until the water source is identified, and the issue corrected, that the road may collapse, and further property damage will occur.

Brent Gardner corrected Mr. Stoker's comment that the landlines were plugged; the infrastructure that is impacted is the City's culinary water lines.

Paul Richard stated he also lives on Melanie Lane and he added his concern that since the issue was raised, City employees have spent a significant amount of money to seal the road; the road will need to be torn up again to fix the underground problem, meaning that the money that has been spent was simply wasted. He added that the water lines were just installed last year, and it could be that the company that performed that work could be at fault and the City may be able to seek recourse. The time to fix the problem is now before any more money is spent.

Debra Frandsen, 1611 Melanie Lane, stated that she was informed last week that a third sink hole has developed, and she has taken photos of it.

Councilmember Maughan stated this is very concerning because he was of the understanding that Melanie Lane had been fixed.

Mr. Stoker stated that the most concerning thing is that the City Engineer came to the site, poked the ground a couple of times with a shovel, and instructed the workers to fill up the hole and hope for the best. He stated the residents are at a point that their hands are tied, and they need help from the City.

Mayor Gailey asked Mr. Whiteley to step out and meet with the residents in another conference room of City Hall.

Con Wilcox stated he is present to represent the Wilcox family on the Criddle Farms agenda item and he will be available to answer any questions about the project and the artesian well that will be located within the project area.

Planning item: Proposed amendment to Criddle Farms Subdivision development agreement.

An administrative staff memo explained in June 2017, the City entered into an annexation and development agreement for the Criddle Farms Subdivision, located at approximately 4000 West and 2000 South. The agreement anticipated the creation of a small (approximately one-acre) park to be developed with the subdivision. The agreement states that the developer will build the park, and the City will own and maintain it. The concept plan includes a playground, grassy area, and a well water drinking fountain. The developer has built the parking lot and is currently working on finalizing the design for the rest of the park. While looking at the design, the developer felt that the addition of a private HOA swimming pool would be desirable for the residents of this community. However, having the City maintaining and owning a private swimming pool with public tax dollars presents a dilemma. This presents the City with some options for the park development. Option one is to 'stick with the plan' which is for the developer to build the park and for the City to own and maintain it. Option two is for the developer to build the park, including the private pool, and the HOA would own and maintain it all. Regardless of which option is chosen, the developer is committed to building a park on the parcel. One scenario, the City owns and maintains it, the other, the HOA does.

The memo concluded the goals of tonight's discussion are for the Council to decide the open space scenario that is most beneficial for the City and determine whether they are comfortable moving forward with consideration of an amendment to the development agreement during a future business meeting if option two is selected.

Community and Economic Development (CED) Director Steele reviewed the staff memo and he provided information about test results of the water coming from the artesian well within the project; all tests have been successful, but the well has not yet been certified by the Utah Division of Drinking Water. Both scenarios available for Council consideration do involve the artesian well since it would be considered a public amenity. He indicated he has developed draft language for amending the development agreement to facilitate option two and to safeguard the City against responsibility for an artesian well that cannot be certified by the State of Utah.

Councilmember Savage stated that artesian wells seem to be very popular and he would prefer to have a well of this type along the City's trail system, but if it is not possible for the well to be certified for public consumption, he would like to require the developer to install a drinking fountain.

Councilmember Bingham stated that she has heard rumor that the City could potentially become responsible for the swimming pool in this development and that is concerning to her. Mayor Gailey stated that rumor is incorrect and the matter before the Council tonight is to determine whether to enforce the original development agreement, which calls for a pocket park in the development that would be maintained by the City, or allow the developer to build a private pool in conjunction with the park and require the HOA to be responsible for ongoing maintenance of both amenities. He noted that a final decision cannot be made about the artesian well until there is a clear answer regarding whether it can be certified by the State of Utah.

The Council discussed the options as explained by Mayor Gailey and concluded to support the latter option, after which Councilmember Savage indicated that in addition to the well or water fountain along the trail, he would like to see some benches that could be used by people visiting the area.

Planning item: Proposed amendments to Planning Commission bylaws.

A staff memo from the City Attorney explained the Planning Commission has been discussing potential amendments to their bylaws; the bylaws had not addressed the addition of an alternate member in its bylaws, so the amendment chiefly deals with the Alternate’s participation in the meeting and voting. Revisions related to the Alternate are in red underlined text, on pages six, seven, and nine of the draft bylaws. The other amendment clarifies a provision related to the Chair and Vice-Chair. It indicates that a replacement Chair due to resignation or removal results in a new chair being selected by the Commission to fill the remainder of the old chair’s term – rather than starting a one-year term mid-year. It also solidifies the notion that a Vice Chair must be selected from among Planning Commissioners, rather than non-Commissioners.

City Attorney Roberts reviewed the staff memo and facilitated a review of the proposed amendments to the bylaws document.

Councilmember Maughan stated it was his understanding that the practice of including alternate positions on the Planning Commission was temporary and was going to be evaluated by the Council after a certain amount of time; however, this version of the bylaws appears to make the positions permanent. He worried that creating permanent alternate positions will promote absenteeism among other Commissioners. Mr. Roberts indicated that the positions have been included in the bylaws before this proposed amendment. He added that there has not been significant absenteeism among the regular Commission members as a result, but the alternate positions are utilized when one or two members are absent from a meeting. The Council briefly debated the value of the alternate positions and ultimately concluded to support the current City Code and Planning Commission Bylaws, which provide for up to two alternate Commissioner positions.

Councilmember Bingham inquired as to the compensation received by Planning Commissioners, to which Mr. Steele answered \$50 per meeting.

Planning item: Continued review of General Plan/Vision 2050 recommendation from Planning Commission.

A staff memo from the Community and Economic Development (CED) Department explained the General Plan and General Plan Map are advisory documents that provide general guidance on the preferred growth strategies of the city. If an application is received in the future that petitions to change the current zoning map to something shown on the general plan map, the City is not obligated to approve the change, and can make legislative decisions independently.

The Planning Commission voted four to one on June 18, 2019 to recommend approval of the attached General Plan document. This document encapsulates the majority opinions and findings of a visioning committee that met six times from January 24 to March 14 and of the Planning Commission that worked on the document from April 2 to June 18. The City Council has reviewed this item on June 25 and July 9 and staff has implemented changes requested by the body.

The memo concluded the goals of tonight’s discussion are to review the Draft Vision 2050 General Plan document, provide input to staff of any desired changes to the document if any, and decide if document is ready to be forwarded to the business meeting on July 9 for adoption.

Mr. Steele reviewed his staff memo and commenced with providing an overview of the General Plan document to identify the changes he has made since the Council’s last review of this item.

Mayor Gailey invited Council discussion of the Plan. Discussion focused on the changes that have been made to the document – and specifically the General Plan Map – responsive to feedback provided by the Council during the last work session meeting. Councilmember Savage noted that following the last work session, he sent an email to City Administration indicating his position regarding the land use of the nine-acre Ninigret on State Road 193 parcel had changed. He asked if other Councilmembers had changed their position or if the parcel should still carry the high-density residential land use designation. Mayor Gailey indicated that Councilmember Peterson provided his input in writing given that he would be absent for this meeting and that he supported the high-density land use designation. Councilmember Bingham stated that after further consideration of the matter, she has also changed her position and would support commercial use of the property rather than high-density residential. Mr. Steele stated that he will adjust the land use assignment for the parcel.

Continued discussion centered on strict guidelines for architectural designs and branding of development in the community and the Council concluded to remove photographs illustrating architectural guidelines in order to provide a more general and flexible direction regarding the type of development desired in specific areas of the City. Discussion then shifted to the affordable housing component of the Plan; Councilmember Savage stated he interprets the Plan as a directive to build more affordable housing in the community. He would like for everyone to be able to build a home in Syracuse, but he does not want to invite more developers to build smaller homes in the City. Councilmember Maughan agreed and stated he does

not feel the Plan should be a case for that type of development and, rather, the Council should consider each project on a case-by-case basis as applications for such project are filed. Mr. Steele stated the Plan is not meant to make a case for affordable housing, but State Law requires that the document include a housing analysis. Councilmember Savage stated that he is willing to comply with the Law, but he does not want to develop a Plan that convinces developers that they need to build affordable housing in Syracuse. City Attorney Roberts summarized the City's statutory requirements relative to affordable housing opportunities in the City; the City does not need to solicit affordable or moderate-income housing, but the Plan can not be a barrier to that type of development. He indicated he can develop a document that will clearly communicate to the Council the requirements of the State Law and send it to them at a later date. Mayor Gailey stated that information can be discussed in a future work session meeting.

Discussion then shifted back to the General Plan Map and properties that are identified for preservation as open space of park land. Councilmember Maughan stated that if the amount of open space or park land is going to be reduced as a result of the West Davis Corridor project or other projects, the City needs a plan for replacing that space elsewhere in the City. The Council supported this concept and Mayor Gailey stated that will be another point of discussion in a future work session meeting. General high-level discussion centered on the land use designation for other properties included in the map and Mr. Steele stated he will adjust the map in response to the feedback provided and it will be presented to the Council for further consideration at the next work session meeting.

In closing, there was a brief discussion about the market trends in commercial development and whether the amount of commercially designated properties in the City may be too great; the Council determined that given the wide range of uses allowed within the City's commercial zoning category, the amount of commercial space on the current version of the General Plan Map is not too great.

Budget discussion: options for allocating additional tax revenue associated with maintaining certified tax rate.

A staff memo from the Administrative Services Director explained if the Council decides to maintain the current certified tax rate, this action would provide an additional \$162,000 of ongoing revenue in the budget. The Mayor has asked staff to provide a recommended allocation scenario for these additional revenues. Priorities from previous budget discussions included Emergency Operations Center (EOC) improvements, West Davis Corridor (WDC) betterments, increasing compensation for elected officials, hiring an additional full-time park maintenance worker, and proceeding with the Park Maintenance Facility construction project. Below is a recommended scenario for allocation of the \$162,000.

- Hire new full-time park maintenance worker - \$45,000
- Remainder to EOC improvements - \$117,000 plus \$20,000 carryover from FY2019 capital budget plus \$8,000 from capital fund surplus = \$145,000. This would complete phase 1 and 2 of the EOC.
 - EOC phase 1 = \$90,000 for generator
 - EOC phase 2 = \$55,000 for physical improvements (electrical, etc.)
 - EOC phase 3 - \$50,000 for IT upgrades (possibly FY2021)
- Council Pay – see next agenda item.
- WDC improvements – wait for future years budget.
- Park Maintenance Facility – see next agenda item.

Mr. Marshall reviewed his staff memo and facilitated discussion among the Council regarding their funding priorities for the allocation of additional property tax revenues if the decision is made to maintain the current certified tax rate. There was a focus on the capacity of the EOC in its current state compared to the capacity that would be available if phases one and two of the project were completed. Additionally, there was a focus on the Parks Maintenance Facility project and Councilmember Maughan presented an alternate proposal to what has been previously presented by Administration; he suggested phasing the project over several budget years and starting with a steel structure that would contain bays for equipment storage with plans to add a brick and mortar structure to accommodate office space in future years. Parks and Recreation Director Robinson stated she is concerned about phasing the project because a future City Council may change that phasing plan and decide against building the needed office space. Councilmember Savage stated that with that feedback, he would recommend deferring the project until next year when the City should have sufficient funding to complete the entire project at one time. Mr. Marshall reviewed the funding mechanisms discussed in the past that would be utilized to complete the project in whole.

Discussion then refocused on the EOC project and the WDC betterments. Mr. Bovero stated that Administration would like to discuss the WDC betterments and opportunities for branding the City with that project, but the Utah

Department of Transportation (UDOT) has not determine what the baseline improvements will be for the project. Councilmember Maughan stated he would prefer to wait to discuss betterments until UDOT makes their decision.

Mr. Marshall then referenced the data in his memo regarding the Parks Maintenance Worker, which would cost \$45,000 in the coming fiscal year. He added that the City had \$20,000 of unspent EOC funding in the FY2018-2019 budget; that could be carried over to augment the portion of the increased tax revenue that would be available for EOC funding. The Council determined to support the creation of the full-time Parks Maintenance Worker position and phases one and two of the EOC project.

Councilmember Savage stated that he would also like to fund the pay increase for City Council positions. Councilmember Maughan agreed and noted that the City should have followed its recruitment and retention policy for City Council positions just as has been done for all other Departments in the City; the Policy calls for scheduled benchmarking for all employment positions in the City. Councilmember Savage stated he feels the low wage for City Council and Mayor positions has contributed to the low participation rates in the last two election cycles; for the 2019 Municipal Election, there are four candidates for three seats. The Council discussed the timing of implementing pay increases for elected positions, and ultimately concluded to defer the increase until the beginning of the 2020 calendar year. They also offered support for benchmarking elected positions on a regular basis to prevent this situation from occurring again in the near future.

Budget discussion: additional Fiscal Year 2020 budget related items.

A staff memo from the Administrative Services Director explained summarized previous discussions about various budgetary items as follows:

- The Council had brief discussion in the June work session to place the park maintenance on hold and discuss in the November goals retreat. Had discussion about using surplus money and money from the sale of land to build with cash on hand instead of debt.
- Councilmember Maughan also sent an email to the Council after the June work session wanting to discuss interim solutions to the Parks Maintenance Facility project.
- The Council has discussed wages and market comparisons for elected officials. Staff has provided benchmark comparisons. The City has a savings of \$20,000 in the election budget due to the fact that no primary election is needed this year. This money could be used to bring council wages close to the market rate. The total adjustment needed would be \$3,810 per City Councilmember and \$4,896 for the Mayor for a total of \$23,946. Comments were also made about possibly making this effective in January 2020. That would reduce the total increase in FY2020 to \$11,973.
- Administration and the City Council has discussed a proposal to convert a part-time Passport Agent/Deputy Recorder position to full-time. The passport program continues to grow rapidly year over year as illustrated below:
 - FY2016 - \$1,705 (one month)
 - FY2017 - \$46,764
 - FY2018 - \$67,769
 - FY2019 - \$89,280
 - FY2020 – Budget of \$90,000, but actual revenues will most likely exceed this total.

Converting this position to full-time would cost an additional \$40,000. If we recognize the increase in revenues year over year, we would propose to increase the revenue budget by \$20,000. This would leave a net total increase in expense of \$20,000. Possible ideas of funding would include some of the savings from the elections expense discussed above. Another idea would be to have this position go full-time later in the fiscal year. This would reduce the cost for FY2020.

Mr. Marshall reviewed his staff memo and facilitated discussion among the Council regarding the items listed in his memo. The Council concluded to support the conversion of the part-time Passport Agent/Deputy Recorder position to full-time in addition to the decisions made regarding the priorities for use of potential increased property tax revenue associated with maintaining the certified property tax rate. (see previous agenda item).

Update regarding latest design for West Davis Corridor (WDC) project, widening of Antelope Drive, and the extension of State Road 193.

An administrative staff memo explained the Utah Department of Transportation (UDOT) has been meeting with entities located throughout the West Davis Corridor (WDC) alignment to focus in on the actual design of the highway. UDOT has also been holding community meetings related to the environmental study of the Antelope Drive widening project between 2000 West and 3000 West., and the extension of State Road (SR) 193 from 3000 West to the new highway. While all three projects are separate and independent, UDOT is coordinating them to come together at approximately the same time. The WDC project is expected to go out to bid in April 2020, with construction beginning that summer. Completion would be expected sometime in 2023. UDOT has called several meetings with City staff to discuss design details, particularly engineering-related issues. Public Works Director Robert Whiteley is obtaining drawings from UDOT's consultants in order to present the latest design concept to the Council, particularly for the WDC project. These drawings will be presented at the work session.

The memo concluded the goals of tonight's discussion include a thorough review of UDOT's latest design for the WDC project and to answer questions or address concerns about the subject matter.

City Manager Bovero reviewed the staff memo and he reviewed the conceptual layout for the corridor and identified opportunities for constructing trails along the sides of the freeway. Council discussion of the layout focused on the types of trails that will be constructed and whether the crossings of WDC will be over the freeway or under. Mr. Bovero indicated that he will use the feedback provided by the Council in future continued discussions with UDOT. He also noted the WDC project will eliminate the City's trailhead at 3000 West and Bluff Road and UDOT will replace the trailhead in another location; the new trailhead will have an associated parking lot and other improvements.

Consideration of accepting Weber Basin Water Conservancy (WBWC) District 3 secondary water shares for development within Syracuse City.

A staff memo from the City Manager and Public Works Director explained City Code currently requires a developer to provide water shares to the City for its use in the secondary water system (SMC § 8.10.090(A)). Multiple developers have reported that it is increasingly difficult to find water shares on the market that can serve our community. The City has been attempting to acquire water shares and agrees with their assessment of the situation. There are limited options when it comes to water companies that deliver water to our system, and shares are becoming more difficult to acquire. There is ample secondary water available from another avenue, however, which could be delivered to the City – that provided by the Weber Basin Water Conservancy District. As such, the City is required to entertain other options for development – it cannot simply impose an impossible regulation. Weber Basin water is used on a contract basis, and users are charged an annual assessment that is based upon the District project from which the secondary water is derived. They are required to assess fees to repay certain costs of construction related to each project and to maintain the system. These fees are due annually and will be paid perpetually by the water users. Much of the water shares that have been dedicated to the City entitle the holder to District 1 water, which is assessed at a lower rate than subsequent Districts. Currently, Weber Basin is offering District 3 water, which is about seven times as expensive each year than District 1 water. The District anticipates that District 3 water will be spoken-for in the next five to six years. Once District 3 water is gone, they will begin selling District 4 water, which will be even more expensive than District 3. There are several options that the City could undertake:

1. Keep the codes the same (and assume potential legal liability)
2. Reduce the City's secondary water standard, and if there is excess water in the system after that adjustment, allow developers to "buy-in" to the City's excess capacity. This would only temporarily relieve pressure, and Public Works Director Robert Whiteley would not feel comfortable doing so until we have metering in place to ensure that users are not using more than their share of the water.
3. Allow developers the option of transferring money to the City in lieu of water shares, which would allow the City to purchase District 3 water to serve that development. The amount deposited would likely be found reasonable if it covers the assessment costs for 10 years. However, the fee obligation will be an ongoing one, and the increased cost would be borne by the City (and its users) indefinitely.
4. A variation of options two and three. For example, allow developers to utilized District 3 water and reduce the amount of water required if the developer's project is designed for low water use.

Due to the complicated nature of the issue and potential for challenges related to development, the City hired outside counsel to form a legal opinion on the issue of whether the City may lawfully present the third option to developers. The memorandum is an attorney-client communication and is therefore designated a protected document under GRAMA and is not to be shared with or made public. It has been deposited in the Council Dropbox for this meeting. Discussion of the

specific content of the opinion should not be undertaken during the Council meeting. There are likely some changes that we will need to make to our Secondary Water ordinances, regardless of which option we choose to follow. Ordinance changes would be necessary if either Option two or three are chosen. If Option three is chosen, we will need to start planning for the eventuality of the developer-provided funds drying up and decide the most equitable way to deal with the increased fees that are related to District 3 water.

The memo concluded the goals of tonight's discussion are to discuss policy and ramifications of the options presented and to give direction to staff on whether to collect and present more information, begin drafting amended ordinances, or conduct other activities related to this item.

City Manager Bovero reviewed the staff memo and facilitated discussion among the Council regarding the options available to them; the Council expressed concerns about the varied costs of the different types of water shares that developers could contribute for a development, with Councilmember Maughan specifically expressing concern that given the lower cost of District 3 shares, existing residents could be shouldering the financial burden of developments that would be occupied by future residents. The Council explored opportunities for metering District 3 water to ensure that future residents are paying the actual cost of the water they are using; this will also likely incentivize waterwise landscaping in future developments. They ultimately concluded to support option four and Mr. Roberts indicated he will begin crafting ordinance language that could be used to provide developers to submit District 3 water shares for development projects when certain criteria can be satisfied.

Discussion regarding Syracuse City culinary water disconnection procedures.

A staff memo from the Administrative Services Director explained City Administration would like the Council to consider updates to Title Four of the City Code pertaining to culinary water shutoff procedures. Points of discussion include how long a customer should be given after nonpayment of their utility bill before their water is disconnected. The current policy provides for the disconnection process to commence after 30 days, but Utility Billing staff currently allows customers close to three months before their water is disconnected. Additionally, Administration would like the Council to discuss whether an extension should ever be granted for payment of past due balances. The current policy indicates a bill must be paid in full and no partial payments are sufficient absent the written consent of the Utility Billing Clerk. Currently, staff allows a promise to pay for up to 15-days or at the end of the month. Also, the policy addresses shutoff notices and indicates that the City should notify a customer in writing after they are 30-days delinquent that their water will be shutoff if not paid within 10-days. Currently, staff sends courtesy letters after 60-days of delinquency with a note that shutoff will occur on the third Wednesday of the month. The policy also states that if the customer has not paid within the 10-day window, the City will serve a notice personally to the property that water will be shutoff if not paid within three-days. Currently, staff hangs a tag on the door the same day that service is disconnected as a result of delinquency. Staff needs direction from the Council regarding whether a courtesy letter is needed or if a door hanger is sufficient. If both are required, staff needs to know if the Council would like to maintain the 10 and three-day notification periods. Relative to a payment that is made to bring an account current, the City's policy states that all past due balances and shutoff fees have to be paid before restoring services. This is staff's current practice. The memo concluded that another item to consider is a request from a resident for a temporary assistance program; City Code does not currently address this topic.

Mr. Marshall reviewed his staff memo and facilitated discussion among the Council regarding the City's current water shut-off practices. The Council indicated they would like to extend the shut-off period by 15 days; a notice would still be provided to the utility customer after they are 30-days delinquent in paying their bill and that notice will inform them that if the bill is not paid within 15-days, the water will be disconnected. Councilmember Maughan indicated it may be appropriate to review this change after six months to determine if it is sufficient. Mr. Marshall then discussed noticing procedures; he feels the City may be going above and beyond in its notification practices and that a mailed letter independent of the monthly utility bill should be sufficient to inform residents that they are in jeopardy of having their water service disconnected. The Council supported the change recommended by Mr. Marshall, but indicated they would like to have additional discussion of this item in a work session, along with a review of the actual City Code language regarding disconnection policies, before acting on the recommended changes.

Discussion regarding proposed amendments to the Syracuse City Transportation Impact Fee Analysis Plan.

A staff memo from the Administrative Services Director explained City Administration would like the Council to consider making amendments to the Transportation Impact Fee Analysis Plan to bring it in line with latest standards. The goals of the discussion are as follows:

1. **Consider change and acceptance of a new “Pass-Thru” category that reduces adjusted ITE trips.**
There has been a change to table 2 that calculates the ITE trips and adjusted trips. A new column has been added that is called “Pass-Thru”. This is a newly accepted standard that allows for a further reduction of the ITE adjusted trips calculation. It considers that a vehicle may make one trip to multiple destinations (i.e. gas station, bank, grocery store) thereby further reducing the adjusted trips calculation.
2. **Consider updating the ITE Trips counts with revised standards.** The ITE trips column has revised numbers for some of the categories. The council needs to consider updating these trip counts in the IFA to match the latest standards.

The next steps for the Council would include updating the City’s ordinance with the changes discussed above during the August 13 meeting. This would also require an update to our consolidated fee schedule and action could be taken on that issue as well during the August 13 meeting.

Mr. Marshall reviewed the staff memo. The Council offered their support for the proposed amendments and Mayor Gailey noted a public hearing will be advertised for the August 13 business meeting to allow the Council to take action on the issue.

City Council Rules of Order and Procedure review – and Councilmember Maughan’s request regarding time limits on agenda items.

An administrative staff memo from the Administrative Services Director explained given the practice over the last several months of scheduling work sessions on the second Tuesday of the month and holding special meetings following an extended work session meeting on the fourth Tuesday of the month, staff has wondered if it may be appropriate to amend the City Council Rules of Order and Procedure document to reflect this practice. The current language of the Rules document reads as follows:

4. **MEETINGS.**
 - A. **Place.** All meetings of the City Council shall be held in the City Council Chambers of City Hall, 1979 W. 1900 S., Syracuse, Utah, or at such other place as the Syracuse City Council may designate.
 - B. **Business Meetings.** Business meetings of the City Council shall be held on the second Tuesday of each month beginning at 7:00 p.m.
 - C. **Work Sessions.** Work sessions may be held on the fourth Tuesday of each month beginning at 6:00 p.m. Work sessions are informal in nature and designed to facilitate open discussion and problem-solving among participants. The Mayor facilitates discussion and recognizes speakers, such as City staff, consultants, and members of the public who have been invited to provide input to the Council.
 - D. **Special Meetings.** Special meetings may be ordered by the Mayor or by any two (2) members of the Council if the business of the City requires it. Special Council meetings shall be properly noticed at least 24 hours in advance of the meeting.

Additionally, during the last City Council business meeting, Councilmember Maughan asked for an agenda item to allow for discussion of the practice of setting time limits for agenda items and the process for varying from those time limits. Staff felt that it may be appropriate to address this issue in conjunction with review of the Rules document. If the Council chooses to support continuing the practice of setting time limits for agenda items, perhaps some language could be included in the Rules document for reference. As requested, City Attorney Roberts has provided a legal opinion regarding whether setting time limits and limiting discussion of Council matters is legal. That memo has been uploaded separately in Dropbox in accordance with attorney-client privilege.

City Recorder Brown reviewed the portion of the agenda item relating to possible adjustments to the City Council’s Rules of Order and Procedure to reflect the practice the Council has been following over the past several months of holding a work session after each regular business meeting and special meetings after extended work session meetings. The Council indicated they would support adjusting the language in the rules to communicate that business meetings shall be held the second Tuesday of the month and extended work sessions shall be held the fourth Tuesday of every month, but that work sessions may also be held following a regularly scheduled business meeting, as needed.

Discussion then shifted to the portion of the agenda item related to the assignment and enforcement of time limits for each agenda item listed on work session and business meeting agendas. Councilmember Maughan expressed concern that

time limits may not be sufficient enough to accommodate the needed discussion for various agenda items. This led to high level debate among the Council regarding whether time limits are appropriate and whether Councilmembers should have the ability to override efforts to enforce time limits. Mayor Gailey stated that his sole responsibility in Council meetings is the management of the time and the agenda; in the past, he has rarely objected to a request for more time when an agenda item has warranted such. However, he feels that time limits are necessary and he suggested that the current practice be altered to provide each Councilmember up to three minutes to provide their opinion regarding any agenda item, but that if their opinion is the same as another Councilmember's opinion that has already been expressed, it is not necessary to restate that opinion. Once all Councilmember opinions have been expressed, the discussion time allotted will begin. And, if additional time is needed, he will always entertain requests for additional time. He stated he feels tonight's work session meeting is an example of a well-organized meeting with productive and efficient discussions occurring. The Council briefly discussed the Mayor's recommendation and ultimately concluded to support it for future meetings. Councilmember Bolduc commented that she spoke to former Councilmember Andrea Anderson and she indicated that one thing she gained from her experience as a Councilmember was that it is the Mayor's job to control meetings of the City Council and in the future, when deciding which Mayoral candidate to support, she will consider the candidate's viewpoint on that subject.

Continued discussion regarding practice and equipment storage space for Syracuse City Orchestra.

City Manager Bovero provided the Council with a report regarding the work done by City Administration to identify space that may be available for practice and equipment storage for the Syracuse City Orchestra. He stated he has explored options for using space in Davis School District facilities and while the band rooms at schools cannot be used, there is the opportunity to rent other rooms at a school that would accommodate the orchestra's needs. Councilmember Maughan stated that most of the rooms in the schools do not lend themselves to a quality orchestra practice; for example, the orchestra has been offered the opportunity to practice in a school cafeteria and that is not adequate. Mr. Bovero stated that City Administration is considering options for utilizing the training room at the Police Station; the room is large enough, but there are concerns about security of the room and the other areas of the Station. Administration will determine the costs for updating the security measures at the Station in order to facilitate continued discussion in the future. Councilmember Savage stated he would also like to explore options for utilizing the training room more than it is currently being utilized; perhaps, the space could be made available for public rental. Mr. Bovero indicated that would be concerning from a security standpoint and he would like to evaluate that issue further before offering support or a formal recommendation.

Public comments

Public Works Director Whiteley reported that he received additional information from the residents who spoke at the first of the meeting regarding the Marilyn Drive flooding issues; he will research the issue and continue to discuss the matter with residents. He then noted that he was not in the meeting during the discussion of the Criddle Farms Subdivision development agreement; he offered his opinion regarding the artesian well. He noted that it is not appropriate for the well to be compared to the public well in North Ogden as the two are very different in nature. The North Ogden well flows at 200 gallons per minute, while the Criddle well only flows at 25 gallons per minute and only when it is operated by a pump. The City has done some testing, but additional testing requirements are necessary. Ongoing maintenance of the well and the pump would need to be considered as well. He would suggest that the HOA be responsible for maintenance of the well if they decide to pursue an artesian well rather than a standard drinking fountain.

Eric Rice commented about the nine acres of property on State Road 193 that is owned by Ninigret; he indicated he feels there are inconsistencies in the argument for switching the land use designation to commercial. He feels it is the Council's sentiment that failure to designate the property for future commercial use may be akin to sacrificing opportunities for future general commercial development, but he argued that the property is small in relation to the rest of the area that has been designated for commercial use and it would not be detrimental to allow residential use on that portion. He stated there were arguments made about limiting the ability for the construction of apartments on the property, but he noted that has not been done by switching the land use to commercial. However, allowing a mix of uses provides greater flexibility. He noted he is truly advocating for the future of the City, not just the landowner. He stated it is his opinion, the opinion of several professionals, and the opinion of City staff and the Mayor that R-3 residential development should not abut commercial uses; the highest and best use of the property is a transitional residential use. He encouraged the Council to rely upon professionals to determine the highest and best use. He also suggested that the Council ask Monterey Estates residents how they feel and if they want their homes to directly abut commercial uses. He then stated that the comment was made tonight that maybe there is too much general commercial designated in the City; he feels that is a valid argument and should be taken into

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consideration. He noted that inconsistencies on the City's part are frustrating; Ninigret has made a substantial investment in the community that has resulted in economic growth, but they now they feel they are being treated unfairly by the Council relative to the nine-acres of property on State Road 193. He reiterated that several individuals and professionals have expressed their sentiments about the highest and best use of the property, and he asked that the Council support that viewpoint.

Discussion of future agenda items/Council announcements

There was no discussion of future agenda items or Council announcements.

The meeting adjourned at 9:41 p.m.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: August 13, 2019