

Minutes of the special meeting of the Syracuse City Council held on August 13, 2019 at 7:14 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
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 7:14 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

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

2. Public comment.

Larry Shingleton stated that he wished to provide clarification for a couple of items that were discussed in the previous meeting relating to the City's certified tax rate and budget. He declared that fees are taxes regardless of any other explanation that has been provided to the public. He then noted that much has been said about the need to increase resources to maintain the City's parks and open spaces; several yeas ago, Lifetime Corporation offered a volunteer project using 1,200 employees to perform service in City parks. This would have saved the City thousands of dollars in man hours and resources, but it was rejected. He has visited Jensen Park and found that it is not in the condition it was in when it was first built; many amenities are now missing and there are several signs, benches, and bushes that 'look like crap'; he is disappointed in its condition and the fact that the City did not seize opportunities to have service done. There are ways to get things done in the City with costing a lot of money.

Brent Bourgeois stated that he is here tonight on behalf of his neighborhood; in a recent meeting they attended with the Planning Commission they did not feel their needs were adequately addressed regarding a subdivision that is being proposed in their neighborhood. A developer is proposing to build over 500 homes near his home. A number of residents spoke against the project, but three emails that were provided in favor of the project were read for the record, though the senders of those emails were not in attendance. Several hundred people have signed a petition and many of them submitted comments with their signatures, but their comments were not read during the meeting. He stated he wants the City Council to be aware that the motion from the Planning Commission to forward a positive recommendation to the City Council passed on a three to two vote; the residents feel they are being pushed into something for which there has been insufficient dialogue. The residents feel the property could be developed in a very nice way, but it is moving in the direction of a high-density project and some feel that may be viewed favorably by the City Council because the project would increase revenue quickly. Building lots are very small and this will allow the developer to build four to five houses per acre; this will increase the City's property tax revenue. He is hopeful that before the Council proceeds in acting on this project, they will consider those neighbors who will be most impacted by traffic and other issues caused by the project. He wants their concerns adequately addressed so that this project doesn't result in dividing the City.

Amy Epps stated she has loved living in Syracuse, though their start in this City was difficult; they had a home fire three years ago and it took the Fire Department 40 minutes to get to their home. The first city to respond was Clearfield. Since she has lived here, she has learned of the residents' love for this community and its history; there is a great country feel and the neighbors love one another and that is why she loves living here. She believes rapid growth in a short period of time will result in unintended consequences, such as greater response times from public safety, reduced water pressure, vandalism, and

environmental impacts. She stated the water table is very high on the property that has been proposed for high density development and when she previously asked if that property was developable, she was told it wasn't because the homes would flood as would those on surrounding properties. She added that the schools in the City are already overcrowded and this project will make that problem worse. A City Planner at the most recent Planning Commission commented that the proposed growth is too great in such a short period of time. She and other residents are very concerned about these issues.

Bill West applauded the Mayor and Council for their decision tonight to maintain the tax rate to generate increased funding for the City's emergency preparedness programs; this is an issue he has been concerned about for some time. He asked that the Council not kick the can too far down the road relative to emergency response systems; the City should explore funding options for EMS, fire, and police programs to increase response times for residents in the City.

Brent Parry also addressed emergency preparedness; it seems that the construction of the Fire Station in its current location was the result of a short-sided decision on the part of City Administration and the City Council. That location was not appropriate if the City is now in the position of being forced to relocate the Emergency Operations Center (EOC) to the Police Station based on transportation difficulties for east/west movement. If all emergency response resources are located in one general area and communication to that area is limited during an emergency, that will negatively impact the entire City. He stated it will be good to locate a generator at the Police Station and it is wise to make sure that generator will power the City's water system, but he wondered how the Fire Station will be impacted as a result of losing their generator. He stated that communication technology is sufficient to provide avenues for emergency responders to communicate with one another even if they are not located in the same facility. He stated the impact of the tax increase will not be difficult for him to absorb, but he does not support beautification of the intersection with City roads and the West Davis Corridor; this type of improvement will not bring more people to the City.

McKay Winward stated he lives directly north of the proposed Shoreline development project; he understands that the Mayor and Councilmember Bolduc have both expressed how much they love Syracuse and how they want to make it possible for future generations to live here and that is why they are in support of the Shoreline project. He argued that the project will actually lower the quality of life for those living near the subject property and for future residents as well. The higher number of residents per acre will create problems for existing residents relating to flooding associated with the water table. The community will push the ground water towards existing homes, and he is not sure the project will include adequate infrastructure to address this problem. He also asked if the Council has taken the time to consider why this particular development is needed in the City. He loves Syracuse and is happy to welcome more residents, but he wondered why the property must be rezoned for a residential planned community (RPC) project rather than simple R-1 zoning. He stated he sees more cons with the current proposal than he sees pros; the City's infrastructure cannot support the project and schools are already overcrowded. These are issues that have not been sufficiently addressed at this time.

Kathryn Bourgeois Dove stated that she has several concerns; first, she has a young child and she would like to take him to the park, but it is hard to walk to and from the park with sticker weeds and trash on the ground. It is great that the City is considering building another park and will increase staffing to take care of park space, but she does not think it is a good idea to get rid of the parks maintenance facility. She then noted she has lived in Syracuse her whole life and she has enjoyed the ability to run to her friends' homes and to leave her bike unlocked without fear that it will get stolen. However, with recent changes, she is worried about more crime and as more people come to the City, these problems will become worse. She thinks growth is appropriate, but the home lots should be larger.

Bonnie Bourgeois addressed the Shoreline project; the contractor and developer have discussed the amount of money they have invested in this project, but they are not considering the lifetime investment that existing residents have made in their property. Residents in this area have dedicated their lives to developing a certain lifestyle on their property, but the density that is being proposed will negatively impact these residents while increasing costs for all residents in the City. The City has a goal relating to growth and it is "to not adversely affect current citizens' lifestyle", but this project will directly impact everyone in the City and, more specifically, those living in close proximity of the project. The project is truly high density with 0.08 acre lots that equates to 12 units per acre. She acknowledged that this does not include roads and other infrastructure, but the overall density of the project is 12 units per acre. Around Ms. Epp's property, there are 17 homes surrounding her 1.3 acres, which is extremely high density. She added that she does not believe that any future development should be allowed to buy-in to existing parks and open space. One requirement of developing in the City is to preserve or provide a certain amount of open space and

allowing a buy-in to existing space falsifies data and misleads residents by communicating that the density of a project is lower. Developers should be required to put the money into water storage towers to provide improved culinary water storage opportunities. In January the City Council held a meeting that provided pre-approval for the plan, but the minutes of that meeting indicate there was no public comment about the project and that indicates that the residents were not informed; more transparency is needed, and information must be provided to citizens. Some have talked about the sense of community in Syracuse and that is what so many people love about the City, but if this high-density project is allowed in a rural area, the result will be contention among the residents. This will be similar to what happened with the development around the Hamblin Dairy property; new residents were complaining about the impacts of the Dairy, even though the Dairy was there first. She asked that the Council respect the current residents' lifetime investment in the City; if she were to propose to build a chemical waste facility and it were her right to request that as a property owner, the City would not be obligated to approve it. The City is not required to approve any project proposed by a developer. If a property owner proposes something toxic for a property, it can be denied. Bringing high density housing into the community will be toxic for this area.

Ms. Dove re-approached and stated that she also wants the community to address issues in schools; the schools are overcrowded, and many children are being bullied. Children in overcrowded classes have a hard time learning and that should be considered.

3. Approval of minutes.

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

Councilmember Maughan asked that the minutes of the July 23 work session meeting be adjusted to correct a statement he made about the waterline project on Melanie Lane; he was quoted as saying that he 'assumed' an issue was taken care of. The way the minutes are written communicate to the reader that he was jumping to a conclusion when, in fact, his understanding was based upon reporting the Council had received regarding the project.

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

4a. Common consent: Proposed Resolution R19-33 amending City Council Rules of Order and Procedure.

An Administrative staff memo explained that 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. This issue was discussed at the July 23 work session meeting and the Council reached consensus to amend the rules document to reflect the practice that has been occurring over the last several months.

COUNCILMEMBER BINGHAM MOVED TO ADOPT RESOLUTION R19-33 AMENDING CITY COUNCIL RULES OF ORDER AND PROCEDURE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

4b. Common consent: Proposed Resolution R19-34 amending the Planning Commission bylaws.

A staff memo from the City Attorney explained the Planning Commission bylaws had not addressed the addition of an Alternate 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.

Councilmember Maughan asked that this item be removed from the consent agenda to allow for discussion. He stated that he is still concerned about allowing for alternate positions on the Planning Commission for the reasons he has stated; he believes that this practice may incentivize absences among other Commissioners. Councilmember Bolduc stated that the

practice of having alternate positions on the Commission has actually been successful and something she is supportive of continuing. She noted that the availability of alternate members provides for the Commission to always have a quorum. Councilmember Bingham added that alternate members attend all meetings whether they are needed for a vote and she feels this is a valuable practice that provides for effective meetings and actions. Also, when there is a vacancy on the Commission, an alternate can be appointed to a full-position with no lag time as they are brought up to speed. Councilmember Maughan stated he understands those viewpoints and agrees with them, but his greatest concern is that the practice of having alternate members may promote absenteeism.

Councilmember Savage stated he is torn on this issue, but he has concluded that maintaining alternate members provides for an effective process in which business can move forward. He wished that it was not necessary to have alternate members, but it has proven to be needed in the past.

Councilmember Peterson stated that he feels that the practice has been valuable, and he is supportive of continuing it.

COUNCILMEMBER BINGHAM MOVED TO ADOPT RESOLUTION R19-34 AMENDING THE PLANNING COMMISSION BYLAWS. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Maughan asked that the Council consider that they would not allow alternate members for the City Council and when alternates are allowed on the Planning Commission, this can promote reduced attendance among regular members. Councilmember Bingham stated that is not a fair comparison; the City Council is an elected body and the Planning Commission is an appointed body; alternates benefit progressive business.

Mayor Gailey stated there has been a motion and second and he called for a vote; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

5. Recognition: receipt of Government Finance Officers Association (GFOA) Excellence in Financial Reporting Certification of Achievement.

A staff memo from the City Manager explained Syracuse City was awarded the *Certificate of Achievement for Excellence in Financial Reporting* by the Government Finance Officers Association of the United States and Canada. This Certificate of Achievement, awarded to Syracuse City Finance Director Stephen Marshall, “is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.” This award is specific to the fiscal year ending June 30, 2018 comprehensive annual financial report (CAFR). The CAFR was judged by an impartial panel, whose goal was to determine if it met the high standards of the program. Included in these high standards is the demonstration of a “spirit of full disclosure” to clearly communicate the Syracuse financial story. The memo concluded this is the ninth consecutive year that Syracuse City has been awarded this honor.

Mr. Bovero reviewed the staff memo and read the press release, after which he presented Administrative Services Director Marshall with the Certificate of Achievement.

6. Public hearing – Proposed Resolution R19-35 approving the use of eminent domain to acquire parcel 12-108-0042 from the Nathan George Clark, Jr. Family Living Trust.

A staff memo from the City Attorney explained the widening project of Bluff Road requires the acquisition of approximately .242 acres of land abutting the road, in fee. A map of the proposed acquisition is attached. The City will also require a perpetual easement of .481 acres in order to construct and maintain the slopes and other right-of-way infrastructure. Negotiations with the land-owner were ongoing, but broke down during the last month. Our most recent communication indicates that they are now refusing to discuss voluntary acquisition with the City. In the absence of a voluntary arrangement, the City will be forced to either undertake an action in eminent domain or abandon the project. The next step will be to file suit in district court, unless the property owner decides to resume negotiations.

City Attorney Roberts reviewed his staff memo and indicated that he would like to recommend that this action be continued in light of recent discussions among the City and the property owner; he asked that the Council act to continue the public hearing.

Mayor Gailey opened the public hearing at 7:45 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER MAUGHAN MOVED TO CONTINUE THE PUBLIC HEARING. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Public hearing – authorize Administration to dispose of surplus property.

An Administrative staff memo explained the Police Department has vehicles they would like to surplus. The Department provided the following information about the vehicles:

- 2009 Dodge Charger with approximately 82,000 Miles (DARE Vehicle). Front end is going out and needs to be replaced. Can't it to start even after charging it.
- 2012 Ford Escape with approximately 70,000 (Extra Black Unmarked). Front seat won't adjust. Air conditioning issues. Battery issues.

City Manager Bovero reviewed the staff memo.

Mayor Gailey opened the public hearing at 7:47 p.m. There were no persons appearing to be heard and the public hearing was closed.

All Councilmembers indicated their support for the request to dispose of the Police Department vehicles.

COUNCILMEMBER MGUAHAN MOVED TO AUTHORIZE ADMINISTRATION TO DISPOSE OF PUBLIC PROPERTY. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Proposed Resolution R19-36 authorizing the execution of the Interlocal Cooperation Agreement CDBG contract participation with Davis County relating to the conduct of Community Development Block Grant (CDBG) Program for federal fiscal years 2020, 2021, and 2022.

A staff memo from the City Attorney explained the County administers the Community Development and Block Grant program for our area as an urban county; the City has been under that umbrella for some time. This Agreement signals the City's continued participation in the program, as administered by the County. It will prohibit the City from requesting a formula allocation by itself or from any other group of entities, for Federal fiscal years 2020, 2021, and 2022. The federal government is requiring that the Council pass a resolution approving the agreement. One reason to decline to sign the agreement would be if we were planning on administering a CDBG program of our own. We currently do not have the resources to do so, and we have not discussed this as a priority in any of our prior meetings. Participation in the program allows the City to apply for use of the funds allocated to the County for projects that would directly benefit low- and moderate- income families, and which are in line with the requirements of the CDBG program. Administration has been informed that any delays in providing authorization for the Agreement will stall the County's program. The City is therefore asked to take action on this during the business session.

City Attorney Roberts reviewed his staff memo.

Councilmember Savage asked if the City has been the benefactor of CDBG funding in the past. City Manager Bovero answered yes and indicated that most CDBG funded projects are managed by the City's Public Works Department. This has included utility projects in established areas of the City.

Councilmember Peterson asked if a three-year term for this type of contract is common, to which Mr. Bovero answered yes.

COUNCILMEMBER PETERSON MOVED TO ADOPT RESOLUTION R19-36 AUTHORIZING THE EXECUTION OF THE INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY RELATING TO THE CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) PROGRAM FOR FEDERAL FISCAL YEARS 2020, 2021, AND 2022. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

9. Consideration/Action on Criddle Farms Subdivision Development Agreement amendments.

A staff memo from the Community and Economic Development (CED) Department explained in June 2017, the City entered into an annexation and development agreement for the Criddle Farms Subdivision, located 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 Homeowners Association (HOA) swimming pool would be desirable to the residents of his 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. In the former scenario the City owns and maintains it; in the latter, the HOA does.

CED Director Steele reviewed his staff memo. He noted that Public Works Director Whiteley has voiced some concerns regarding the artesian well component of the project and it may be appropriate to hear from him this evening. He added the applicant is also present and would like to address the Council.

Councilmember Peterson asked what will happen to the artesian well if the Council decides against the two development agreement amendments the developer is requesting. Con Wilcox, Manager of William Criddle Farms, LLC, provided a brief history of the subject property that has been owned by his family for four generations; the artesian well was first documented in 1895 and over the years the water produced by the well has been referred to by residents as sweet water. The water does not have a Sulphur base, which has been proven by source samples and in-depth testing. There have been questions about the origin of the well; it is artesian in nature, but other wells that have been drilled into the same aquifer have reduced the pressure in the well and it now runs with the assistance of a small pump. The cost of the pump was \$2,200 and maintaining the pump does not require any expertise. The pump will generate 24 to 32 gallons per minute, which is adequate for the intended use as a water fountain. The testing requirements are a concern; he spoke to a Public Works employee in North Ogden about their artesian well, which has been a boon to the City and many residents consider it a social meeting place. This type of facility can be designated as a non-community water system, which means it is not considered part of the City's system and it would be assigned its own identification number and be tested differently than the rest of the City's water. The Wilcox family has paid for the new-source sample, which is quite costly, but can provide the City with data regarding the condition of the water. In the future, only monthly bacteria tests would be required, but those tests are not as costly. He noted that in North Ogden, they perform these tests twice a month and they have posted a sign indicating the water coming from the well is not treated and should not be considered the same as municipal water. He stated that he considers this well to be part of the City's heritage and it makes sense to provide it as an amenity along the City's trail system. The depth of the well is 618 feet, with concrete casing down 118 feet; it is in a protected aquifer and can be a great amenity for the City. He would hate for the City to not proceed with using the well, but if that decision is made, the well will remain in the Wilcox family name and the water right will be transferred to other property elsewhere in the City. Councilmember Peterson asked who will have access to the well if ownership is retained by the Wilcox family. Mr. Wilcox stated the development agreement dated May of 2017 indicates that the Wilcox family was responsible to improve the well to the point that it has been improved. The well may no longer be defined as artesian, but it does generate water. It would be a public well if the City upholds its commitments indicated in the agreement. Mr. Steele added that the development agreement states that the developer will be required to install a drinking fountain on the trail if the well is no longer accessible. Mr. Wilcox stated that it does not make sense for the Wilcox family to make the well accessible if the City does not intend to make it available to the public.

Councilmember Savage inquired as to the City's responsibility for maintenance of the well or liability for any negative result of public use of the well. Mr. Whiteley discussed responsibility; there would be operations and maintenance costs for the pump and the City would be required to perform monthly bacteria tests and twice-annual nitrate tests. The results would be submitted to the health department for review and then passed along to the State of Utah. There would be power costs to power the pump and eventually the pump will need to be replaced. There is also source protection that must be renewed every six years at the cost of approximately \$6,000. He stated the annual overall costs would be approximately \$4,700. Councilmember Savage asked if Syracuse could do what North Ogden has done to label the water source as untreated to reduce liability. City

Attorney Roberts indicated that if the City is going to advertise the water as drinking water, there are very strict guidelines that must be followed. He would advise against simply installing a sign that people will ignore; instead, he would advise that the City should adhere to any regulatory system in place to ensure drinking water is safe. Councilmember Savage stated that given that advice, the Council must simply decide if assuming responsibility for the well is worth \$5,000 per year for the City.

High level discussion among the Council and staff centered on the historical negotiations of the development agreement and the overall intent of that document. Mr. Roberts noted that any amendment of the document must be agreed upon by all parties and the Wilcox family has the ability to reject any change requested by the City. Councilmember Maughan asked if the City has the ability to retain the ownership of the well, but allow ownership of the open space to revert to the developer for the uses described by Mr. Steele. Mr. Roberts stated that is what the applicant is asking for and now is the time for the City and the other parties to the agreement to negotiate regarding those matters. Councilmember Maughan asked if the City would become the owner of the water right associated with the well. Mr. Steele answered yes. Mr. Wilcox reiterated that he and his family want the City to take ownership of the well and the water right, but if it is not going to be utilized as previously intended, his family will retain ownership and redirect the water right.

Discussion then centered on the developer's plans for the open space that will be used as an amenity for the HOA, after which Mayor Gailey stated the main issue before the Council is whether to assume responsibility for the well at an estimated cost of \$5,000 per year. He facilitated discussion among the Council regarding that issue; the Council indicated support for turning the open space over to the developer for the purpose of developing an HOA park and swimming pool. Councilmember Savage stated that his only stipulation is that the park outside of the swimming pool area will still be accessible to the users of the nearby trail system. Councilmember Maughan agreed, but noted that the City shall not have any maintenance responsibility for that park space.

Adam Loser, DR Horton, stated that he is party to the development agreement and has been working with the City and the Wilcox family on this project for the past few years. The whole reason this issue came about is because he wants to set this subdivision project apart from other similar projects in the area and he felt that could be accomplished by providing a pool for residents. The current proposal to amend the development agreement to allow the HOA to retain ownership of the open space for the purpose of building the pool was reached through negotiations among himself, Mr. Wilcox, and City staff; the only remaining issue is the ownership and use of the well, but if the City's concern is providing a drinking fountain along the trail corridor, his preference would be to stub a culinary line into the right-of-way and install an actual drinking fountain next to the trail. It is his desire for all park amenities and the pool to be maintained by the HOA, but to have an access easement for the general public on a privately maintained property is not something he is comfortable obligating the HOA homeowners to. That philosophy applies to the drinking water well; he is not comfortable with the HOA retaining ownership of the well and being responsible to maintain it if it is an amenity that the general public can use. If this is simply an issue of the ownership and maintenance of the well, he is comfortable improving the well and the ground around it to defined standards and then dedicating it to the City; an access easement would be maintained for the general public through the parking lot and across the sidewalk to the City trail. If the City does not want to assume responsibility for the well, it will be capped, and a culinary drinking fountain can be installed in the right-of-way on 4000 West for those using the City trail. Councilmember Savage stated that is concerning to him; in past discussions, this was designated as a public resting spot for people using the trail, but Mr. Loser is indicating that the public will not have access to the park property.

Councilmember Bolduc stated there are differing opinions about the benefits and burdens associated with the drinking well; the development agreement refers to the well as being artesian in nature. An artesian well is self-pressurized and requires less testing because they are constantly flowing. Given that this well is no longer defined as artesian, she wonders if the City should assume responsibility for it and the costs associated with its ongoing maintenance. The matter before the Council is to determine whether the cost is worth the benefit that the City will receive from the well. Councilmember Maughan added that if the reason that the well is no longer artesian is because of other drilling that has taken place in the same aquifer, there is no guarantee that further drilling will not cause the well to dry up completely. Councilmember Bolduc agreed and stated that the Council must determine whether they want to assume responsibility for the well for as long as it is producing water. This led to continued high level philosophical discussion about the future of the well and the cost/benefit analysis associated with the concept of assuming responsibility for the well. Mr. Steele noted that there are many different things that could occur in the

future that could impact the production of the well, but at present the well is deep and is producing a good amount of clean water.

Councilmember Peterson stated Councilmember Savage's concern about public access to the park amenity in the HOA is valid, but the developer did indicate an access easement will be preserved. He asked about the commitment to improve some property around the well and he asked for details about that project and who will maintain it. Mr. Steele referred to the packet materials for the project and identified a plan illustrating the improvements that would be made around the well and the easement that provides access through the development and to the trail and well.

Councilmember Maughan stated that he is leaning towards divesting the City of any responsibility for the property or the well. Councilmember Bolduc agreed. Councilmember Savage stated that most concerning to him relative to that proposal is the loss of the water right. Mr. Whiteley stated that the water right is culinary in nature and the value associated with that right is not too significant. Mr. Wilcox stated that if the size of the water right is a concern to the City, he can offer another well in the area to increase production. The priority date for the second well is the same as for the first well. He stated he did not want to offer that to the City until he was comfortable that negotiations of the development agreement amendment were going to proceed in a way that was favorable for all parties. He noted he has spent approximately \$50,000 to this point to drill the well and make the improvements he has discussed. Councilmember Maughan stated he does not understand the nature of the additional well. Mr. Wilcox stated that is yet to be discussed depending on how negotiations proceed.

Councilmember Peterson stated that from a philosophical standpoint, he would love to own the well and be able to provide it as an amenity for the City; however, \$4,700 per year in maintenance costs seems like a lot of money to spend and he wondered the source of the funding for that purpose. City Manager Bovero stated that the budget for water testing would likely come from the Public Works Department, with budgeting for maintenance likely occurring in the Parks and Recreation Department.

COUNCILMEMBER MAUGHAN MOVED TO TABLE PROPOSED AMENDMENTS TO THE CRIDDLE FARMS SUBDIVISION DEVELOPMENT AGREEMENT UNTIL MORE INFORMATION IS AVAILABLE. COUNCILMEMBER BOLDUC SECONDED THE MOTION. COUNCILMEMBERS MAUGHAN, PETERSON, AND BINGHAM VOTED IN FAVOR.

Prior to the conclusion of the vote, Mr. Bovero stated that for the productivity of the next discussion of this issue, it would be worthwhile for the Council to advise staff of the information they need to make a decision. Councilmember Maughan referenced Mr. Wilcox's statement regarding the availability of an additional well and stated he needs more information about that before making a decision. Mr. Wilcox stated the water right for the second well is identical to the right for the first well. It is located north of the first well on 4000 West. He stated that it is not necessarily a new water right, but will provide additional capacity. He then noted that action on this matter is crucial to himself and to D.R. Horton; they would like to proceed with their plans for the development. Councilmember Maughan stated he would be concerned that double the capacity may double the ongoing maintenance costs for the City. Mr. Whiteley stated that would not be the case.

Mayor Gailey stated there has been a motion and second to table this agenda item and he called for a vote. Mr. Bovero noted that he and the City Recorder believe that three votes were case so the motion did carry; if the Council wants to take a different action tonight, that motion can be reconsidered.

COUNCILMEMBER BOLDUC MOVED TO RECONSIDER THE MOTION TO TABLE. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

Councilmember Bingham stated she understands the value of the well and the amount of money the Wilcox family has dedicated to that amenity, but the ongoing annual cost of \$5,000 is concerning to her and she is uncomfortable increasing the burden on Public Works and Parks and Recreation staff. She stated she feels that it would be possible to do a service to the heritage of the area and the Wilcox family by installing the drinking fountain mentioned by Mr. Loser and placing a commemorative plaque at that location to communicate to visitors the history of the area. Mr. Wilcox stated he would be comfortable with that and he does not want for this matter to be delayed any longer. Mr. Whiteley asked who would own and maintain the drinking fountain. Councilmember Bingham stated that she assumes that would be the City's responsibility.

Mayor Gailey asked if D.R. Horton would be willing to participate in the placement of the plaque. Mr. Loser stated that D.R. Horton will install an entry monument and a large windmill as an entry feature to the HOA. He would suggest placing

the drinking fountain, plaque, and bench in the park strip next to the trail; this would be owned and maintained by the City. He would be happy to work with the Public Works Department to facilitate that component of the project.

Councilmember Savage stated he would feel differently if the well were still artesian in nature, but he feels that Councilmember Bingham's suggestion is a good compromise. Councilmember Peterson agreed.

COUNCILMEMBER BINGHAM MOVED TO APPROVE PROPOSED AMENDMENTS TO THE CRIDDLE FARMS SUBDIVISION DEVELOPMENT AGREEMENT, ELIMINATE THE REQUIREMENT FOR AN ARTESIAN WELL NEAR THE CITY'S TRAIL SYSTEM, AND REQUIRE THE INSTALLATION OF A CULINARY WATER DRINKING FOUNTAIN AND PLAQUE CALLING ATTENTION TO THE HISTORY OF THE AREA. COUNCILMEMBER SAVAGE SECONDED THE MOTION.

Councilmember Maughan asked if the City will have any responsibility for the drinking fountain aside from the general testing of culinary water sources. Councilmember Savage stated that he feels the City would be responsible to repair the water fountain if damage occurs in the future. Mr. Bovero stated the Department of the City that would be responsible for that maintenance can be determined at a later date. Councilmember Maughan stated that if the drinking fountain is not located in a park that the Parks and Recreation Department already maintains, he does not feel they should be responsible to maintain it. Mr. Whiteley asked if the HOA may be interested in maintaining the water fountain. Mr. Loser stated that he would prefer to avoid a situation where the private HOA is maintaining an amenity located in a public space. He would prefer the City maintain the drinking fountain. This prompted philosophical debate regarding maintenance responsibilities for an amenity based solely upon the location of the amenity rather than its potential use. Councilmember Bingham stated that she is most concerned that the plaque is installed in order to communicate the history of the area.

Parks and Recreation Director Robinson stated that the City currently has problems with vandalism of existing drinking fountains in other public spaces in the City. If a drinking fountain is installed near this development along the trail, she is confident that it will also be vandalized at some point in the future. She simply wants the Council to understand that before making the decision to install the drinking fountain and assume responsibility for its ongoing maintenance. Councilmember Bolduc inquired as to the average cost of drinking fountain repairs. Ms. Robinson stated the cost to replace the drinking fountain at the skate park will be \$500. Councilmember Bingham stated that she would like for the monument and plaque to be independent of the drinking fountain so that any damage to the drinking fountain does not also result in damage to that amenity.

Mayor Gailey stated there has been a motion and second regarding the proposed amendments to the development agreement and he called for a vote.

Councilmember Maughan stated he would first like to make a substitute motion.

COUNCILMEMBER MAUGHAN MOVED TO TURN ALL OPEN SPACE PROPERTY AND THE AREA IN WHICH THE WELL IS LOCATED BACK OVER TO THE PROPERTY OWNER AND DEVELOPER.

The motion died for lack of a second.

Councilmember Peterson suggested that Councilmember Bingham's motion be amended to include the particular amendments to the development agreement that are being approved.

COUNCILMEMBER BINGHAM AMENDED HER MOTION TO APPROVE THE PROPOSED AMENDMENTS TO THE DEVELOPMENT AGREEMENT BY REASSIGNING OWNERSHIP OF THE OPEN SPACE AND THE ARTESIAN WELL BACK TO THE PROPERTY OWNER/DEVELOPER FOR DEVELOPMENT AS AN HOA PARK AND SWIMMING POOL; AND THAT THE CITY PROVIDE THE DEVELOPER WITH ACCESS TO CONNECT TO THE CITY'S CULINARY WATER SYSTEM TO INSTALL A DRINKING FOUNTAIN ALONG THE TRAIL RIGHT-OF-WAY WITH THE DRINKING FOUNTAIN TO BE MAINTAINED BY THE CITY; AND THAT A COMMEMORATIVE PLAQUE BE INSTALLED BY THE CITY TO COMMUNICATE THE HISTORICAL SIGNIFICANCE OF THE AREA TO VISITORS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

Mr. Bovero stated that it would be helpful for Administration to know if the other parties to the development agreement will accept the terms that were included in Councilmember Bingham's motion. Mr. Loser stated that he and Mr. Wilcox can accept the terms so long as the water right for the well is transferred back to the Wilcox family and the open space is dedicated

to the HOA through the warranty deed instrument that has been created for this project. Mr. Roberts stated that he will amend the agreement.

Mr. Whiteley asked for clarification relative to how the connection to the culinary line for the drinking fountain will be made given that it would likely be necessary to excavate under the asphalt that has already been placed in order to make the connection. There was some discussion about the implications of Councilmember Bingham's motion; Mr. Steele stated he believed Councilmember Bingham moved that the City will be responsible to make the connection.**

Councilmember Bingham stated that she is comfortable allowing the improvements to proceed in good faith; her intent was for the developer to pay the cost of making the connection and for the City to pay the ongoing maintenance costs. She stated the Wilcox family has spent \$50,000 on the well that will no longer be used by the City. Councilmember Peterson agreed. Mr. Loser stated that the most cost-effective way to connect to the culinary water system is during the development of a sliver of property next to Doug Wilcox's home in the next phase of the project; he will agree to bear the costs of making that connection and installing the drinking fountain. He will also work with staff to create and install the commemorative plaque. The drinking fountain can be installed in the 12-foot wide park strip near a bench that will be facing the trail.

**In a later review of the audio recording, the City Recorder determined that Councilmember Bingham's motion was simply for the City to provide access to the culinary water line for the developer and the City would be responsible for ongoing maintenance of the water fountain.

10. Authorize Administration to execute Real Estate Purchase Contract for property located at 2200 S. 1660 W.

A staff memo from the Community and Economic Development (CED) Department explained the city owns 1.97 acres located approximately 2200 S 1660 W. The land was used as a detention basin but in the most recent stormwater plan completed by the Public Works Department, was determined to be un-needed. The LDS church owns approximately 1.9 acres of surplus land located adjacent to ours. Therefore, the City and church decided to concurrently list the properties for sale. The City has received multiple offers and has selected what is felt to be the best one based off of buyer qualifications and price. The Planning Commission in unanimously recommending to the council approval of this item.

COUNCILMEMBER MAUGHAN MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE REAL ESTATE PURCHASE CONTRACT FOR PROPERTY LOCATED AT 2200 S. 1660 W. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

11. Proposed Ordinance 19-11 amending an Impact Fee Analysis for Transportation; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same, and other related matters.

A staff memo from the City Attorney explained Administration is recommending the Council consider the change and acceptance of a new "Pass-Thru" category in the City's Transportation Impact Fee Analysis (IFA) that reduces adjusted Institute of Transportation Engineers (ITE) trips. There has been a change to table two 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. The Council is asked to 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.

Administrative Services Director Marshall reviewed his staff memo.

COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 19-11 AMENDING AN IMPACT FEE ANALYSIS FOR TRANSPORTATION; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

12. Public hearing – Proposed Resolution R19-32 amending the Syracuse City Consolidated Fee Schedule by making adjustments to the Transportation Impact Fees.

A staff memo from the City Attorney explained this proposed adjustment relates to the previous agenda item dealing with adjustments to the Transportation Impact Fee Analysis (IFA) document. Administration recommends a reduction of the current fee and this reduction can be made effective immediately upon adoption.

Mayor Gailey opened the public hearing at 8:47 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R19-32 AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE TRANSPORTATION IMPACT FEES. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

13. Public comments.

There were no public comments.

14. 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. They also discussed requests for future agenda items. There was a brief discussion regarding training opportunities available to the City Council and the Council asked Mr. Bovero to review the policy regarding this matter and provide a report to them about the process a Councilmember must follow when interested in registering for a training session or conference.

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

Mayor Gailey then recessed the meeting at 8:57 p.m. to allow for the Council to move to the conference room. The meeting reconvened at 9:04 p.m.

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

COUNCILMEMBER 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 BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 9:04 p.m.

The meeting reconvened at 9:43 p.m.

At 9:43 P.M. COUNCILMEMBER MAUGHAN MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

City Council Regular Meeting
August 13, 2019

Date approved: September 10, 2019