

Minutes of the special meeting of the Syracuse City Council held on January 25, 2022 at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 839 8315 6279, in-person in the City Council Chambers at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

Present: Councilmembers: Lisa W. Bingham
Jennifer Carver
Jordan Savage
W. Seth Teague

Mayor Dave Maughan
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:

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

1. Meeting Called to Order/Adopt Agenda

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

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

2. Public comment.

Hammon stated that last week one of his neighbors spoke about the impact of growth on the entire City; he lives on 3000 West, north of the round-a-bout on 700 South. The increase in traffic has been concerning for his neighborhood, but the dramatic increase in truck traffic associated with the West Davis Corridor project is very problematic. He stated that the contractor dispatched a sweeper to clean the streets and that has helped a bit, but more can be done, and he would like to increase awareness of the impacts of traffic.

Brent Bourgeois also discussed truck traffic and noise associated with engine brakes; he has complained about the issue in the past and one construction contractor actually responded in a positive way. He then stated that Dennis Johnson is one of the candidates to fill the Council vacancy and he has personally worked with him in the past; he has always been responsive, reliable, and honest in his business dealings and he hopes the Council will consider appointing him.

Jacob Briggs emailed the following public comment, which was read into the record by City Recorder Brown:

“Dear Council:

The following is from Jacob Briggs regarding the proper handling of residential waste. Not long ago, the city responded to an inquiry as to why there were no cardboard recycling bins available for use by the residents, and replied that the bins have been removed because city employees have been required to clean up overflow from the bins, and added that there was no need for the cardboard bins because the cardboard is being sorted out and recycled after garbage collection. I was relieved to hear that such sorting is occurring, and curious as to the details.

On January 20th, I toured the Wasatch Integrated facility with a group of children, and would recommend the tour for everyone! While the sorting and recycling process going on at that transfer facility is impressive, I learned from the operations manager Preston Lee that the facility is currently NOT sorting cardboard from residential garbage. This is because cardboard mixed with other garbage becomes tainted, and is therefore of lesser quality for recycling purposes, and at current prices not considered justified for sorting. Only cardboard coming in from recycle collection bins is being sorted. Accordingly, all cardboard placed in our household garbage bins is not removed, and ends up being trucked south at additional cost to a different landfill. This trucking to an offsite landfill is being done to postpone the date when the Davis County landfill will exhaust its capacity.

I believe a comprehensive plan is needed at the city level for the proper collection of our waste, and should include such measures as will incentivize the most cost-effective means of reducing our collective impact. Reinstatement of the large cardboard recycling bins is perhaps an initial but temporary suggestion, and the City could go on to consider more innovative solutions: such as providing a recycling container to each household, and then offer each household the option of how large a garbage bin it needs, with a graduated price schedule based on bin size. This is just an example based on something I have seen done elsewhere--my objective here is to start a discussion by letting you know that cardboard is not being recycled and encourage you to find the appropriate solution. Thank you to the Mayor, Council, and staff for your service and work.

Respectfully,
Jacob D. Briggs”

3. Approval of minutes

The following minutes were reviewed by the City Council: Regular Meeting of January 11, 2022.

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

4a. Common consent: Authorize Administration to execute Memorandum of Understanding (MOU) with Antelope BMX for a BMX park project.

A staff memo from the City Manager explained during the December 14th work session, the Council reviewed the detailed cost estimate, preliminary layout, funding sources available for the BMX and Pump Track and answered questions regarding the Memorandum of Understanding between Antelope BMX and Syracuse City for the BMX and Pump Track. The Council directed staff to finalize the Memorandum of Understanding and put it on the agenda for a vote.

COUNCILMEMBER BINGHAM MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE MEMORANDUM OF UNDERSTANDING (MOU) WITH ANTELOPE BMX. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Proposed Ordinance 2022-01 enacting a temporary land use regulation prohibiting consideration of new zone change applications seeking a Mixed-Use Development Zone designation.

A staff memo from the City Attorney explained the Mayor has identified concerns with the Mixed-Use Development Zone text and the manner in which it has been applied in the City; he has requested that the Council enact a temporary land use regulation prohibiting new zone applications for MXD zoning to give the City an opportunity to study those concerns. Pursuant to state law, a City Council “may, without prior consideration of or a recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if: (i) the legislative body makes a finding of compelling, countervailing public interest . . .” UCA § 10-9a-504(1)(a). Such temporary land use regulations may not exceed six months in length. The proposed temporary land use regulation would not interfere with any previously zoned developments; it would only apply to prospective applicants who are seeking to change the zoning of their land to MXD. It would not prevent a landowner from seeking a zone change to any other designation other than MXD. The proposed compelling, countervailing public interest asserted in favor of this action includes:

- Serious concerns within the MXD zoning code text related to:
 - Traffic impacts of intense or higher density developments;
 - The potentially improper utilization of the “off-site” option for the commercial component of the MXD development by immediately abutting property within the same project;
 - The percentage of required commercial components within a mixed-use development;
 - The timing of commercial construction in relation to residential developments;
 - Appropriate buffering, scaling and transitions between MXD developments and single-family neighborhoods;
 - Allowing parking spaces within garages to be counted as visitor spaces for residential units;

- Avoiding the needless expenditure of administrative staff time and resources, in combination with the time and energy to be spent by the planning commission and city council, in reviewing an application for MXD zoning, when the zone text is likely to be amended as these considerations are studied; and
- Avoiding the needless expenditure of resources by applicants from the public for revisions to application materials based upon review by city staff and officials, when the zone text is likely to be amended as these considerations are studied.

Mayor Maughan indicated he added this item to the agenda after hearing concerns from many residents about the MXD ordinance; he facilitated discussion among the Council regarding their feelings about a temporary land use regulation. There was debate about opportunities to improve the MXD zone and the appropriate adjustments, if any, that should be made to the ordinance in order to facilitate meaningful, high quality mixed-use projects in Syracuse City. There was a heavy focus on the impact that the proposed temporary land use regulation could have on current or future applications for the MXD zone, with Mayor Maughan indicating the City currently has one pending application for MXD zoning and the action he is proposing would not preclude the Council from acting on that application. Councilmember Bingham indicated she is concerned that the Council has not heard or seen that application yet and she proposed tabling the action until the Council has further clarification in the implications of this action for any pending or reasonably imminent MXD applications. Council member Savage stated that he feels those concerns could be addressed if the City clearly communicates to current or potential applications the intentions of the Council relative to enacting a temporary land use regulation; such applicants can be informed that they can submit an application and the Council can consider the application, but there will be no requirement to act on or approve the application until the MXD ordinance is amended. Mayor Maughan indicated the developer who has submitted an application has been notified of this potential action. Councilmember Carver stated they may not have had enough notification of this proposal and she also wondered if the Council should table the action before them tonight. She stated she believes that it is appropriate for the Council to consider amendments to the MXD ordinance, but it would not be problematic to wait two weeks to take that action.

City Attorney Roberts stated that the City actually has two pending MXD applications at this time; there are multiple ways to notify applicants of the City's intent and a temporary land use regulation will essentially prohibit someone from applying for the zone. Another option for the Council to consider is approval of a resolution notifying potential applicants that the City will not approve any zone changes until the MXD ordinance can be amended. Ultimately, the Council has the authority to deny a zone change if they feel a proposed project does not conform with the ordinance or if there is some uncertainty about the ordinance. This led to discussion/debate of the options before the Council, with the Council ultimately concluding to approve a resolution notifying potential applicants that the City will not approve any zone changes until the MXD ordinance can be amended but including a statement that amendments to the MXD ordinance will be completed within six months and that the resolution will not apply to pending applications.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R22-03 NOTIFYING POTENTIAL APPLICANTS THAT SYRACUSE CITY WILL BE CONSIDERING MAJOR AMENDMENTS TO THE MIXED-USE ZONE.

COUNCILMEMBER TEAGUE OFFERED A FRIENDLY AMENDMENT THAT THE COUNCIL WILL COMPLETE AMENDMENTS TO THE MIXED-USE ZONE ORDINANCE WITHIN SIX MONTHS. COUNCILMEMBER SAVAGE ACCEPTED THE AMENDMENT. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Presentations by applicants for appointment to vacant Councilmember seat (in alphabetical order).

City Recorder Brown used the aid of a PowerPoint presentation to review the process the Council will follow in order to select a new Councilmember this evening.

The Mayor and Council heard presentations (limited to five minutes each) from each of the individuals who applied to be considered to fill the City Council vacancy; the presentations were heard in alphabetical order, as follows: Jill Bonsteel, Brett Cragun, Dallas Johnson, Dennis Johnson, Jessica Kjar, Doug Lund, Mike Palmer, Devin Prouty, and Paul Watson. The full presentation portion of the meeting can be found at the City's [YouTube Channel](#), starting at minute 28 in the recording.

At the conclusion of the presentations, Mayor Maughan indicated the Council can either discuss the candidates or complete their first round of voting before continuing to interview the narrowed field of candidates. The Council chose to vote to narrow the field of candidates.

City Recorder Brown and City Manager Bovero tallied the votes as follows:

- Councilmember Bingham voted for Jill Bonsteel, Brett Cragun, and Mike Palmer.
- Councilmember Carver voted for Paul Watson.
- Councilmember Savage voted for Brett Cragun, Doug Lund, and Paul Watson.
- Councilmember Teague voted for Jill Bonsteel, Brett Cragun, and Mike Palmer.

Ms. Brown declared that Brett Cragun will advance to the next round, but a runoff vote is necessary to break the tie between Ms. Bonsteel, Mr. Palmer, and Mr. Watson. She instructed the Councilmembers to use an additional ballot to vote for up to two of the candidates involved in the tie.

Ms. Brown and Mr. Bovero tallied the runoff votes as follows:

- Councilmember Bingham voted for Ms. Bonsteel and Mr. Palmer.
- Councilmember Carver voted for Mr. Watson.
- Councilmember Savage voted for Mr. Watson and Mr. Palmer.
- Councilmember Teague voted for Mr. Palmer and Ms. Bonsteel.

Ms. Brown declared Mr. Palmer will advance to the next round, but a runoff vote is necessary to break the tie between Ms. Bonsteel and Mr. Watson. She instructed the Councilmembers to use an additional ballot to vote for one of the candidates involved in the tie.

Ms. Brown and Mr. Bovero tallied the runoff votes as follows:

- Councilmember Bingham voted for Ms. Bonsteel
- Councilmember Carver voted for Mr. Watson.
- Councilmember Savage voted for Mr. Watson.
- Councilmember Teague voted for Ms. Bonsteel.

Ms. Brown indicated there is still a tie; she asked for City Attorney Roberts to provide direction on how to proceed. Mr. Roberts indicated the City Code states that once all runoff options are exhausted and a tie still exists, the Mayor shall break the tie.

Mayor Maughan stated he will vote for Mr. Watson.

Ms. Brown indicated that Mr. Cragun, Mr. Palmer, and Mr. Watson will advance to the next round in the selection process.

Mayor Maughan invited the Council to proceed with the interview process for each of the three remaining candidates in reverse alphabetical order. The full interview portion of the meeting can be found at the City's [YouTube Channel](#) at the 1:18 minute mark.

Mayor Maughan closed the interview portion of the meeting. He and the Council then engaged in debate of the remaining candidates with a focus on each individual's qualifications and the concept of whether to appoint an individual who campaigned for office in the most recent Municipal Election. At the conclusion of the debate Councilmember Carver proceeded to make a motion.

7. Selection of new Councilmember – roll call vote.

COUNCILMEMBER CARVER MOVED TO APPOINT PAUL WATSON TO THE SYRACUSE CITY COUNCIL TO FILL THE VACANCY. COUNCILMEMBER SAVAGE SECONDED THE MOTION. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: VOTING 'AYE': COUNCILMEMBERS CARVER AND SAVAGE. VOTING 'NAY': COUNCILMEMBERS BINGHAM AND TEAGUE. MAYOR MAUGHAN CAST THE TIE-BREAKING VOTE AND VOTED 'AYE'.

8. Oath of Office administered to new Councilmember.

City Recorder Brown administered the Oath of Office to Paul Watson. Councilmember Watson then took his seat among his fellow Councilmembers.

9. Public comments.

Doug Lund expressed his gratitude to the Mayor and Council for the process they followed to select an individual to fill the Council vacancy; he indicated he is pleased that Councilmember Watson has been seated. He stated that now is time for Councilmembers Bingham and Teague to consider how it feels to be on the 'losing end' when something like this happens; it is hard, and he has heard derogatory comments and mudslinging at the Council meetings he has attended and he has been very disappointed. Now is the time for the Council to come together. He recently participated with a group gathering signatures on a referendum petition, which allowed him to meet with many Syracuse citizens and he feels he knows what they want; they want definitive decisions on issues rather than an unclear action that is changed the very next day by the applicant. The Council needs to be strong and come together with the citizens and the selection of Councilmember Watson is appropriate since he received support from many citizens during the recent election.

Mike Palmer thanked the Mayor and Council for the experience tonight; he loves living in Syracuse and the process by which a vacancy is filled has been very enlightening. He thanked City Recorder Brown for her help in navigating the process and stated he will continue be supportive of the elected officials of the City and will participate in the democratic processes in the City.

Mayor Maughan thanked everyone who applied to be considered to fill the Council vacancy and added that there are regular openings on other public bodies in the City and he encouraged everyone to watch for notices advertising those opportunities if they are interested in serving.

Mayor Maughan then recessed the business meeting at 8:02 p.m. to allow the Council to convene in their work session meeting. The meeting reconvened at 9:58 p.m.

10. 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 items the Council would like included on future meeting agendas.

At 10:06 p.m. COUNCILMEMBER SAVAGE MADE A MOTION TO ADJOURN. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: March 8, 2022