

Minutes of the regular meeting of the Syracuse City Council held on March 8, 2022 at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 892 8500 0577, 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
Paul Watson

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 offered an invocation and Councilmember Savage led the audience in the Pledge of Allegiance.

Councilmember Bingham indicated she would like for the Council to have the opportunity to delay item 13 on the agenda until a later date if the meeting extends beyond 7:00 p.m.; she would like for Councilmembers, staff, and the public to have the opportunity to attend caucus meetings if they so desire. Mayor Maughan stated he will entertain that motion at a later point in the meeting if necessary.

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

2. Public comment:

Mayor Maughan stated that tonight's meeting agenda provided instructions for residents to email their public comments to City Recorder Brown by 5:00 p.m. tonight in order for them to be read into the record of the meeting. Ms. Brown indicated no public comments were received via email.

There were no in person public comments.

3. Approval of minutes.

The following minutes were reviewed by the City Council: Special Meeting and Work Session of January 25, 2022.

Councilmember Teague indicated he contacted City Recorder Brown earlier today to draw her attention to an error in the minutes of the January 25 special meeting; there was an error in the voting record on the item to select a new Councilmember.

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

4a. Request to be on the agenda: Police Chief Atkin to introduce new Police Department employees.

Police Chief Atkin introduced the three newest Officers in his Department: Ashton Hill, Brooklyn Ashby, and John Wagner. He is happy to have them as part of his Department and serving the community.

4b. Syracuse Arts Council to receive grant award from Rocky Mountain Power Foundation.

An Administrative staff memo explained Arts Council Chair Russel Lynch requested this agenda item to allow the Rocky Mountain Power Foundation to present a grant award to Mayor Maughan and the Syracuse Arts Council.

Mr. Lynch provided a brief overview of the grant program and introduced Kirk Nigro, Rocky Mountain Power Foundation. Mr. Nigro presented the Mayor and Council with a check for the Syracuse Arts County representing a \$2,500 grant award. The Foundation's grant program is intended to support local arts and humanities programming.

5. Public hearing: Proposed Resolution R22-11 amending the Syracuse City Consolidated Fee Schedule by making adjustments throughout.

An Administrative staff memo summarized the proposed changes to the Syracuse Consolidated Fee Schedule as follows:

- Proposal to update and revise business licensing fees, inspection fees, and alcoholic beverages fees.
- Add a clean-up deposit for temporary businesses of \$300.00.
- Add a skills pass-off blended learning fee for CPR classes of \$15.00
- Update police contract services rate from \$55.00 to \$60.00
- Add Storm Water Pollution – construction stabilization control & track-out \$1000/incident
- Add Street sign installation charge – charged to new development \$1000/street intersection
- Update reinspection fee from \$50 to \$100

City Manager Bovero reviewed the staff memo.

Mayor Maughan opened the public hearing at 6:09 p.m.; there were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER TEAGUE MOVED TO ADOPT RESOLUTION R22-11 AMENDING THE CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS THROUGHOUT. COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR

6. Public hearing: Proposed Resolution R22-12 approving the use of public funds for the Davis County Communities that Care (CTC) Coalition 2022 Illumination event.

A staff memo from the City Manager explained North Davis Communities that Care is a coalition of community leaders with a mission to foster a safe and connected community for our youth by empowering our families, schools, and local leaders. They have a primary focus on prevention of vaping and depression. See website at <https://www.dbh.utah.org/north-davis-ctc/>. Each year, the CTC produces events for the community to help achieve its mission. As part of this, they are requesting Syracuse City to be a co-sponsor of certain events. A representative of CTC provided a presentation of the requested sponsorship at the February 22, 2022 Council meeting. Application of the City's Fee Waiver, Donation, and Sponsorship Policy. The City's policy provides some options for the City to choose from. These options range from reduction of fees, donation of goods and services, to actual funds provided. In this application, the following options are available to the Council:

- **Automatic 50% Waiver:** This option is already provided for in the policy. 501(c)3 non-profit organizations may receive an automatic 50% reduction in fees, without appearing before the Council. This is not what the CTC has applied for, but is available to the Council.
- **City Sponsorship:** As a sponsor of an event or program, the City may agree to participate at the Council's sole discretion, as it is determined to be in the best interest of the City. CTC is requesting waivers for park reservation and stage rental fees related to the Illumination event. The Council can make it a one-time sponsorship, or an ongoing sponsorship for the Illumination event each year. At any time, the Council may withdraw its sponsorship. A sponsorship requires the receiving entity to publicly recognize the City for the donation through means such as advertisements, announcements, signs, printed material, etc.

The memo concluded the action item before the Council tonight is to determine whether to approve Resolution 22-12 on sponsorship of the Illumination event produced by the CTC by waiving park reservation and stage rental fees.

Mr. Bovero reviewed his staff memo.

Mayor Maughan opened the public hearing at 6:11 p.m.; there were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT RESOLUTION R22-12 APPROVING THE USE OF PUBLIC FUNDS FOR THE DAVIS COUNTY COMMUNITIES THAT CARE (CTC) COALITION 2022 ILLUMINATION EVENT. COUNCILMEMBER CARVER SECONDED THE MOTION.

Councilmember Savage stated that he would like to offer a friendly amendment to the motion to extend the sponsorship indefinitely. Mayor Maughan asked if that is legal. Mr. Bovero answered yes; future Councils could rescind that approval if they choose.

COUNCILMEMBER BINGHAM ACCEPTED THE FRIENDLY AMENDMENT; SHE AMENDED HER MOTION TO ADOPT RESOLUTION R22-12 TO APPROVE THE SPONSORSHIP OF THE COUNTY COMMUNITIES THAT CARE (CTC) COALITION ILLUMINATION EVENT INDEFINITELY. COUNCILMEMBER CARVER INDICATED THAT HER SECOND STANDS; ALL VOTED AYE.

7. Proposed Resolution R22-13 adopting an updated wage scale for the Fiscal Year (FY) ending June 30, 2022.

A staff memo from the Administrative Services Director explained the City Council met in the February 8th Council meeting and approved in a budget opening various benchmark adjustments for city employees. This agenda item is being discussed to align our wage scale document with the benchmark adjustments that were approved.

- The proposed wage scale reflects the changes the council approved in the February 8th City Council meeting.

Mr. Bovero reviewed his staff memo and indicated he would like the Council to consider an additional amendment that was not included in the packet materials; for the Court Clerk part time position, the wage was benchmarked according to the Court Clerk II position, but there should be a I and II position for both part- and full-time positions and the wage for each part time position should reflect the wage for the full-time position.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R22-13 ADOPTING AN UPDATED WAGE SCALE FOR THE FISCAL YEAR (FY) ENDING JUNE 30, 2022, WITH THE CHANGES TO THE COURT CLERK PART TIME POSITIONS OUTLINED BY CITY MANAGER BOVERO. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Proposed Ordinance 2022-05, Application for zone change from Agriculture (A-1) to Residential (R-2) for property located at approximately 2325 S. 1230 W.

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

Location: 2325 S. 1230 W.
Current General Plan: Low-Density Residential
Current Zoning: A-1 (Agriculture at 0.5 Units per Acre)
Proposed Zoning: R-2 (Single-Family Residential at 3 Units per Acre)
Acreage: 4.12 acres

The applicant is requesting approval of a rezone from A-1 to R-2 to accommodate subdivision of the subject property in connection with a larger subdivision concept on abutting ground. This area is designated Low-Density Residential in the General Plan which supports the R-2 Zone. It is part of a large swath of Low-Density Residentially designated properties with Medium-Density Residential shown just to the east along 1000 west. The zoning in the surrounding area is R-2 with leftover R-1 along 1000 West which is an artifact of when those properties were larger parcels that have since been subdivided and largely developed. The Planning Commission reviewed the item on February 15, 2022 and is forwarding a unanimous recommendation for approval.

CED Director Steele reviewed his staff memo.

Councilmember Bingham indicated there is a parcel of property for which the City has discussed providing first right of refusal to acquire the property with a family in the City; she asked if that property is included in this application. Mr. Steele answered no; if the City did want to take action to develop that property, it will also need to be rezoned. Mayor Maughan emphasized that property is not part of this application. Councilmember Bingham indicated there are residents in the community who are very interested in how this application will affect the other property to the east and she simply wanted to state on record that this application does not include that property.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2022-05, APPLICATION FOR ZONE CHANGE FROM AGRICULTURE (A-1) TO RESIDENTIAL (R-2) FOR PROPERTY LOCATED AT APPROXIMATELY 2325 S. 1230 W. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

9. Proposed Ordinance 2022-06 amending Section 8.10.090 of the Syracuse Municipal Code related to payments in lieu of dedication of water rights for secondary water.

A staff memo from the City Attorney explained approximately two years ago, the Council enacted a subsection of Syracuse code allowing up to 50% of water required to be dedicated to the City to be provided via an in-lieu fee. The fee was designed to cover the cost of acquiring and paying for secondary water from the District. The fee must cover 12 years of anticipated assessments from the District. Since that date, the City has acquired 265.13-acre feet of water from the District from these fees. It has received 873.57-acre feet of water in the form of water certificates. So, the City has received about 77% of the water for these projects in the form of the more desirable shares, while receiving about 23% of the required water in the form of in lieu fees. When the Council set the threshold for in lieu water at 50%, it was unsure as to whether that was a reasonable number, too strict, or too relaxed. Based upon the data over the past two years, it appears reasonable to require a higher percentage of water, if the Council finds that it is in the public interest to do so. The rates for water provided through "Project" water are significantly lower than those rates related to "District 3" water, which is the water available for purchase currently. These rates will be perpetually born by the secondary water utility going forward. Once District 3 water is gone, the next tier will be "District 4," which will be even more expensive. The proposed amendment to the ordinance decreases the amount of water that can be provided via in lieu fee to 33% of the shares or rights. This remains within the threshold established over the past two years. The law still requires all water associated with land to be transferred to the City in order to qualify for the in-lieu fee benefit. Due to the anticipated difficulties that ongoing development would face if these rules are changed mid-stream and in consideration of notions of fair play, the administration also recommends that these changes take effect after Council action, and that any project for which preliminary plat or commercial site plan approval was received prior to March 15, 2022 still have the benefit of the 50% rule. The Planning Commission reviewed the ordinance - required under state law

due to its status as a land use regulation – and have recommended approval of the amendment. The draft ordinance has moved the effective date from February 28 to March 15, due to this item being scheduled for consideration in this meeting.

Mr. Roberts reviewed his staff memo.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT ORDINANCE 2022-06 AMENDING SECTION 8.10.090 OF THE SYRACUSE MUNICIPAL CODE RELATED TO PAYMENTS IN LIEU OF DEDICATION OF WATER RIGHTS FOR SECONDARY WATER. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE.

10. Proposed Resolution R22-14 to authorize Syracuse City participation in State of Utah opioid litigation settlement.

A staff memo from the City Attorney explained the State of Utah and all of its counties have engaged in litigation against opioid companies and distributors. A nationwide settlement arrangement has been made available to states, and Utah has expressed interest in participating. Utah's counties are apparently not all in agreement over whether to resolve the case through settlement. No cities have filed suit, including Syracuse. In December 2021, the Council was asked to weigh in on this matter and received information that Davis County was not in favor of the settlement. The Council's decision relied heavily on that information. The County has since relented and will participate in the settlement. Syracuse's participation should increase the overall money that will flow into Davis County via the settlement. The deadline for participation in the settlement was extended beyond where it was initially established (January 2, 2022). My communication with the attorney representing Utah is that we can opt in this month. If the settlement deal falls through, then the City's participation agreement and release will not be effective. Additional information regarding the settlement can be found online at <https://nationalopioidsettlement.com/>.

Mr. Roberts reviewed his staff memo. He also introduced State Assistant Attorney General McClean and indicated he can answer any questions the Council may have about the details of the settlement. Mr. McClean stated that the greater the level of participation, the greater the level of recovery for each County in the State; there is a provision in the settlement agreement that indicates municipalities are not eligible to receive funding if they do not join. There was brief discussion among the Council and Mr. McClean regarding authorized use of the settlement funds.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R22-14 TO AUTHORIZE SYRACUSE CITY PARTICIPATION IN STATE OF UTAH OPIOID LITIGATION SETTLEMENT. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR.

11. Public comment.

There were no public comments.

12. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement. The Council also discussed requests for future agenda items.

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

13. Annual Training: Open and Public Meetings Act (OPMA), Municipal Officers Ethics Act, and Council Rules of Order and Procedure.

COUNCILMEMBER BINGHAM MOVED TO TABLE THIS ITEM UNTIL A FUTURE AGENDA. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER TEAGUE, WHO VOTED IN OPPOSITION.

14. 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 SAVAGE MOVED TO ADJOURN 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 TEAGUE SECONDED THE MOTION. ALL VOTED AYE.

The meeting recessed at 6:32 p.m.

The meeting reconvened at 6:56 p.m.

City Council Regular Meeting
March 8, 2022

At 6:56 P.M. COUNCILMEMBER TEAGUE MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: April 12, 2022