

Minutes of the Work Session of the Syracuse City Council, held on April 25, 2023, at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 836 1312 0578, in-person in the City Council Conference Room 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  
Deputy City Recorder Marisa Graham

City Employees Present:

Administrative Services Director Stephen Marshall  
City Attorney Brienne Brass  
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

The purpose of the Work Session was to receive public comments; review and discuss petition for extension of water outside Syracuse City – Applicant: Don Bradshaw; receive a presentation regarding “Sleep in Heavenly Peace” service project event; discuss proposed amendments to the budget for the Fiscal Year (FY) ending June 30, 2023; discuss culinary water service line inventory; review and discuss Syracuse City Code Section 8.10.090 pertaining to secondary water fee in-lieu; discuss renewal of Interlocal Agreement for Victim Services Program between Syracuse, Clinton, and Sunset; discuss proposed amendment to Development Agreement with Columbia Ogden Medical Center, Inc. (HCA) for Syracuse Mixed Use Project Development; receive an update from Fire Chief regarding Fire Station #32 project; discuss Utah Department of Agricultural Water Optimization Program Grant; discussion proposed changes to the civil citation appeals procedures; and participate in continued review/discussion of Fiscal Year (FY) 2023-2024 budget – if necessary.

**Public comments**

Tyler Buswell stated he is an attorney for the law firm Kirton McConkie; he is present on behalf of the Church of Jesus Christ of Latter-Day Saints (LDS) and their involvement in agenda item ‘i’ on tonight’s agenda. Mayor Maughan indicated the Council will entertain comments from Mr. Buswell during the discussion of that agenda item. Mr. Buswell then noted there is another issue that involves the same parties, but is not included on tonight’s agenda; the Utah Department of Transportation (UDOT) is purchasing property from the LDS Church and there is an additional need to adjust the agricultural protection area designation for that property. He will discuss the issue further with City Attorney Brass as the matter must be addressed.

**Review and discussion of petition for extension of water outside Syracuse City – Applicant: Don Bradshaw.**

A staff memo from the Public Works Department explained Don Bradshaw owns property at approximately 1425 West south of Gentile Street which is used for pasture. This property is outside city limits. Syracuse Code 4.15.130 requires those outside city limits to petition the city council for water service. There is a well on the property that Mr. Bradshaw indicates has dried up. He has used that well in the past to provide drinking water for animals on the property. The well has a proofed water right 31-5081 for 0.28-acre feet per year. If the Council agrees to serve that property, staff recommends that water right be deeded to Syracuse City and any other surface water or groundwater rights associated with that property via change application to Division of Water Rights prior to getting an excavation permit. If the well has dried up, it is no use to that property. However, the City can change the point of diversion and pull more water from the city well, which in turn will serve that property. Staff also recommends that the property owner (Bradshaw) pay a connection fee, impact fee, and for the complete installation from the connection at the water main to the point of delivery on his property including the water meter. The water meter must not be located on private property, but in public right-of-way not interfering with traffic. The city shall determine the location of the meter. All water pipes and appurtenances downstream of the meter will be owned and maintained by the property owner. Any water pipe running through private property or UDOT property not owned by the property owner must have an easement. All installation shall comply with City standards; an excavation permit is required to verify compliance through public works inspectors. Once complete, a utility application must be completed to create a utility

account. The service must comply with Utah Administrative Rule 309-105-12 Cross Connection Control. Failure to do so will result in the water service being turned off and/or eliminated. All yard hydrants must have a vacuum breaker installed. The service cannot be used for irrigation.

Public Works Director Whiteley reviewed his staff memo.

Councilmember Savage stated that his primary question is why the applicant would rather pursue this route than annexation of his property into the City. Mr. Bradshaw stated he would be willing to annex, but in 2018 he was approached by the State of Utah about the prospect of taking land from him and other property owners in the area; a third of them sold to the State, another third have hired lawyers, and the remaining third have had their property condemned. He tried to pursue a land swap, but the State did not provide him with a comparable property, and they have finally decided to leave him alone and his property is an island in the middle of property owned by the State of Utah. All of the wells in the area have started to run dry; his well is 325 feet deep and though he can see water in it, it has quit flowing steadily. He has a water right from the State and he has been told that he can redrill his well within 150 feet of the current well, but he has had difficulty securing a new well permit. This is why he is pursuing a water connection with the City. The water table in Syracuse has dropped 40 feet in the last 30 years and he would need to dig at least 400 feet to get a good water flow; he would rather just connect to water that is already available in the middle of the road. In order to keep his ground, he had to enter an agreement with the State that he would put his property into an environmental easement and commit that it would never be developed and would only be used for agricultural purposes and animal keeping.

Mayor Maughan facilitated discussion among the Council regarding Mr. Bradshaw's request; the Council indicated they are supportive of allowing the extension and connection so long as Mr. Bradshaw will agree to the recommendations made by Mr. Whiteley relating to dedication of the water right and payment of connection/impact fees. Mayor Maughan stated that an action item will be included on the next business meeting to consider an agreement with Mr. Bradshaw.

### **Presentation regarding "Sleep in Heavenly Peace" service project event.**

A staff memo from the City Manager explained representatives from Sleep in Heavenly Peace will present information on a planned service event in Syracuse. Sleep in Heavenly Peace is a national program that focuses on constructing beds for people under financial distress who are sleeping on the floor. A chapter of Sleep in Heavenly Peace is located in Syracuse.

Jack Bertagnolli and Jake Tucker, representatives of Sleep in Heavenly Peace explained their service project will be held May 20 at 10:00 a.m.; the group has advertised the events to residents and local businesses in an effort to get participants to build beds for children who do not have them. All funding and products are donated by the community, to include the delivery of the beds. The group is still looking for laborers to build the beds. Mr. Tucker provided information about the Sleep in Heavenly Peace group, with is a national group with local chapters; the Syracuse Chapter has been in place for five years.

Council discussion centered on local community groups that could be contacted about the event in an effort to recruit individuals to build the beds. Mr. Tucker stated that all tools will be provided, and they just need individuals to show up and participate in the building event; each event typically lasts about four hours.

### **Discussion regarding proposed amendments to the budget for the Fiscal Year (FY) ending June 30, 2023.**

A staff memo from the Administrative Services Director summarized proposed amendments to the Fiscal Year (FY) 2023 budget as follows:

New line items and updates to approved projects:

- o Demolition of 508 House - \$30,000.
- o Station 31 Heating and A/C Repair - \$86,000.
- o Floating Dock – Jensen Park - \$65,000.
- o Equipment for Park Maintenance Facility - \$300,000.
- o Cemetery Expansion Design - \$25,100.
- o Chloe Playground Surface Replacement - \$250,000.
- o Design for WDC Aesthetic
- o EOC Upgrades and Design Costs - \$46,000.

Changes to operational budgets:

#### **General Fund – major changes**

- o Sales Tax increase - \$218,750.
- o Franchise Tax increase – \$50,000.
- o Building Permit revenue decrease – (\$300,000).
- o Plan Check Fee decrease – (\$250,000).
- o Property Tax increase - \$125,353.

- Business Licensing - \$45,000.
- Interest Income - \$250,000.
- Misc. Police Grants and Police OT - \$34,000 – Antelope Dr. patrol.
- Utilities increase - \$25,000.
- Estimated \$600,000 in savings in all department costs and additional revenues increases.
- Transfer to other fund increase - \$500,000 for surplus to the capital projects fund.

**All Other Funds – Significant Changes**

- Various Funds - Increased depreciation expense.
- Various Funds – Increase in impact fee revenues, transportation fund revenues, and Interest Income.
- Culinary Impact Fee Fund – Drought Resiliency Application - \$10,000.
- Garbage Fund – increase in expense related to fuel surcharge.
- Other various adjustments in spreadsheet. See Budget opening document for details.

Mr. Marshall reviewed his staff memo and he and other staff members engaged in discussion with the Council regarding certain budget items included in his staff report; there was a brief focus on the demolition of the 508 house and any opportunities to salvage items in the home or to allow other entities to remove materials from the home that can be repurposed. There was also brief discussion about the scope of the surface replacement for Chloe’s Playground.

Mayor Maughan indicated the proposed budget amendments will be considered in a future business meeting following a public hearing.

**Discussion regarding culinary water service line inventory.**

A staff memo from the Public Works Director explained that in 1991 the Environmental Protection Agency (EPA) passed the Lead and Copper Rule (LCR) which placed requirements to monitor lead concentrations in drinking water. In 2021 the EPA passed the Lead and Copper Rule Revisions (LCRR) requiring all public drinking water suppliers (PWS) to create a service line inventory to determine what pipe material each culinary water service is made of with the goal of identifying and eliminating lead service lines. Exposure to lead can cause gastrointestinal symptoms, severely damage the brain and kidneys, and may cause reproductive effects. The symptoms are exacerbated in children because their growing bodies absorb more lead than adults do. The service line inventory includes the city-owned portion from the main to the meter and the property owner’s private service line material from the meter to inside the building. The EPA has set a deadline of October 16, 2024, for each PWS to have their service line inventory complete. It is expected the EPA will make further revisions to the LCR and set deadlines for all PWS to replace all lead service lines. The Utah Division of Drinking Water has made hardship grants available to complete service line inventories in service areas at or below 80% of the State Modified Adjusted Gross Income ([MAGI Map](#)). None of Syracuse City qualifies for this funding. Based on several years of field experience, public works has not identified any lead service lines in its inventory, but verification is required by law. If a service line material is not verified and marked as “unknown” it is automatically considered a lead line service line whether it is or not. City records have not been kept for the pipe material on the property owner’s side of the service, but a lead service line has not been encountered anywhere city employees have worked on the water system. The State of Utah banned all lead service line installations in 1989, so all homes constructed after that date should not have lead. Based on county records, Syracuse City has 1,125 homes which were constructed prior to 1990. The city will need to verify the service line material on the property owner’s side for these services. If lead is found on the property owner’s side, the city is NOT required to replace their service line for them, but there is a notification process the city is required to go through. Approximately 68% of those 1,125 services have had the city’s side replaced through capital project which leaves 357 services the city will need to verify the pipe material on the side the city owns. Determining the city-owned portion of the service pipe material will be relatively simple through visual observation in the meter pit. Verifying the property owner’s service line material is going to be more complicated. Typically, the city improvements are constructed up front and the service lines are stubbed 10’ beyond the sidewalk into the front yard. Later the builder will come in and tie onto the stub and run the service into the building. There is a chance the builder used a different material than what the original city improvements were. This will require checking at two locations: the meter pit and where the line comes into the building to verify the material type.

The memo summarized the proposed process for completing the inventory; the information that spreads about the auditing process may become something that will require a very clear public message.

1. Syracuse City sends a notice to all property owners of buildings constructed before 1990 asking if they would help participate in determining if their service line material is lead.
2. For those that respond, the city would provide a lead test kit (these run \$3 to \$4 a piece) to test their service line coming into their building. There are tutorials online we can include showing how to properly take the tests. For those property owners who do not feel comfortable taking the test, we can have them schedule city crews to come perform the test.
  - a. \$10,000 is proposed in the budget to cover the cost of test kits and postage.

3. The property owner would respond via text, email, or an online form with their results and picture verification. If the material is not lead the verification is complete and the city logs it in the inventory. If there is lead city crews would need to verify the results through a self-performed test.
4. There is a notification process the city is required to go through if it does contain lead, which includes the property owner, the state DDW, and the federal EPA.
5. For those who don't respond, the city could send out a second round of notifications by mail to the property owner. A door hanger could also be placed.
6. At this point, there may be a small number of nonresponses. For public health, the council could consider allowing the water to be shut off until the test is complete.

Mr. Whiteley reviewed the staff memo and the proposed inventory process and engaged in discussion with the Council about the importance of a uniform message from the City regarding this issue in order to avoid misunderstandings or a perception of some sort of emergency relating to the City's culinary water system. The Council expressed their support for the process.

### **Review and discussion of Syracuse City Code Section 8.10.090 pertaining to secondary water fee in-lieu.**

A staff memo from the City Attorney explained City Code 8.10.090(H) provides an option for a developer to provide a fee in lieu of dedicating water shares for secondary water. The fee is equal to 12 years of assessments for the water acquired by the city from Weber Basin Water. This amount is approximately equal to the current market rate of each water share. This has been done for the past three years. At the end of each year, Weber Basin has increased the water volume in the contract at the District 3 price. District 3 water is no longer available. District 4 water has increased substantially in price from \$500/AF to \$1600/AF. District 4 water is also subject to approval from the board with evidence that the city is meeting the state water conservation goal at 175 gallons per capita per day. District 4 water is acquired through a capital charge contract with municipalities. It includes an up-front impact fee and an ongoing annual O&M assessment. It also requires conservation standards that meet the State water conservation goal. The current impact fee is \$22,405/AF and the annual assessment is \$300/AF. The goals of this discussion are to determine if the Council wants to move forward with water for developments on properties that may not have water and to receive feedback regarding potential ordinance revisions.

Ms. Brass reviewed her staff memo and she and other members of City Administration engaged in discussion with the Mayor and Council regarding whether to continue to provide development opportunities for properties that do not have associated water shares; the group concluded they need additional time to consider the implications of allowing development or property without associated water rights, the amount of this type of development that has occurred since the ordinance was originally adopted, and/or contacting with Weber Basin for additional water. The Mayor indicated the item can be tabled and staff can be asked to gather additional information in preparation for continued discussion at a future work session meeting.

### **Discussion regarding renewal of Interlocal Agreement for Victim Services Program between Syracuse, Clinton, and Sunset.**

A staff memo from the City Attorney explained Syracuse City has provided victim advocacy to victims of crime since 2017. The City was awarded a grant through the Victims of Crime Act (VOC20A), which provided 80 percent of the funding for the program, with the City provided 20 percent. In 2018, Syracuse City and Clinton City entered into an agreement to share the victim services program and the costs associated that were not funded by VOCA grants. Syracuse and Clinton entered into an Interlocal Agreement for July 2021 through June 2023 that was amended in 2022 to include Sunset. The July 2021- June 2023 Interlocal Agreement between the cities has a provision for renewing the agreement for another two-year term. The City is currently preparing an application for VOCA grant funding for 2024 and 2025; the grant award will not be announced until mid-June. We are hopeful, based on some of the conversations we have had with our grant analyst and coordinator that we can expect the same amount as 2023, which was just over \$41,000. Pursuant to our renewal provision, we have provided Clinton and Sunset the crime statistics of the jurisdictions and the estimated costs that each city will be responsible for in 2024 and 2025. The VOCA grant funding has continually decreased over the years and the cost of the program has increased, consequently the estimated costs for each city have increased. Clinton and Sunset city councils will also be presented with the option to renew and will have to vote on the renewal in May. The memo concluded the matter before the Council is discussion of the renewal of the Interlocal Agreement and determination of any changes that should be made. Staff is seeking direction on whether to place this item on the May business session for consideration and potential approval.

Ms. Brass reviewed her staff memo; the Council concluded to move forward with approval of the Interlocal Agreement at the next business meeting.

### **Discussion regarding proposed amendment to Development Agreement with Columbia Ogden Medical Center, Inc. (HCA) for Syracuse Mixed Use Project Development.**

A staff memo from the City Attorney explained Syracuse City entered into a development agreement (“DA”), dated October 3, 2022, with Wasatch Residential Group, LLC (“Wasatch”) for a mixed-use development project. As part of the project, Columbia Ogden Medical Center, Inc (HCA) sold land to Wasatch to develop the remaining property that HCA was not going to use/develop for HCA’s hospital project. The legal description of the HCA property was included as Exhibit A and the legal description for the property to be developed by Wasatch was included as Exhibit A-1. An attorney for the Church of Jesus Christ of Latter-day Saints (CHC), the previous owner of the property, reached out upon discovering an inadvertence in the legal description included in the land purchase between CHC and HCA, which was then included as the legal description in Exhibit A in our DA. As some background information, in 2021, CHC sold HCA the Syracuse property which is the subject property of the DA, but as part of the transaction CHC and HCA agreed to that the sale of the property would exclude certain property located along the west and north boundaries that is subject to road widening by UDOT (the “UDOT property”). In the closing of that transaction, CHC conveyed the UDOT property. CHC and UDOT recently began moving forward with a separate land transfer and it was discovered that CHC had inadvertently conveyed the UDOT property and has reached out to HCA and Wasatch to being the process of correcting the conveyance to exclude the UDOT property. Because the DA includes Exhibit A and A-1, HCH’s attorney has requested the DA be amended to include the updated legal descriptions of the property, excluding the UDOT property. None of the terms of the DA are to be amended and the site plan approval and the plat will remain unchanged. The site plan and approvals were all applied for under the assumption that the UDOT property had already been excluded. The original DA and the amendment to the DA are attached for Council’s review. The purpose of this agenda item is to discuss and determine whether to approve the amendment of the DA to amend the legal descriptions included in the meeting packet.

Ms. Brass reviewed her staff memo; the Council concluded to move forward with approval of the Development Agreement amendment at the next business meeting.

#### **Update from Fire Chief regarding Fire Station #32 project.**

A staff memo from the Fire Chief explained preliminary design meetings have taken place with Galloway. These meetings have included the following discussions:

- Station placement at the two identified locations near Jensen Pond.
  - Location challenges including utilities, and Bureau of Reclamation access.
- Building footprint including spaces and estimated square footage.
- Supply chain issues that could lengthen the construction process and bring unpredictability to pricing.
  - Consideration of bringing construction management team on earlier to help facilitate supply chain challenges and provide clearer cost estimate.
  - Preferred process is through a Construction Management/General Contractor (CM/GC) contract. This is different than the process for the Park Maintenance Facility, which was a design-bid-build process. A CM/GC contract hires the contractor early in the design process. There is a fee for the pre-construction advising, then a separate price for the actual construction of the fire station. During design, the contractor can better advise on methods and pricing to help the architect design a more cost-effective station.

The goal of tonight’s discussion is to receive direction from the Council on the suggested location, sizing, and contract method for Station 32.

Chief Byington reviewed his staff memo and facilitated discussion among the Council regarding the items for which he is seeking direction; he provided maps to orient the Council to the two optional locations and the group discussed the pros and cons of both sites. The Council concluded to support the furthest north location with a few modifications to the building orientation. They also discussed the contracting method and concluded to support the CM/GC method. Chief Byington stated that the City will still employ the required request for proposal (RFP) process and the Council will be presented with the proposals and have the opportunity to vote on the General Contractor that will oversee the construction management for the project.

#### **Discussion regarding Utah Department of Agricultural Water Optimization Program Grant.**

A staff memo from the Public Works Director explained Layton Canal Company is considering making an application for a grant to pipe a ditch along 3000 West between 2495 South and 2700 South. The ditch is also used for both irrigation water and Syracuse storm drain. The project cost is estimated at \$250,000. The grant pays 50 percent. Layton Canal only has funding for 25 percent and is asking if Syracuse would pick up 25 percent, which is approximately \$63,000. Layton Canal would take lead on the project as the applicant. It is due May 31<sup>st</sup>.

Mr. Whiteley reviewed his staff memo and solicited direction from the Council regarding whether to pipe the section of ditch and share in the matching funds with Layton Canal Company. Councilmember Carver relayed information to the Council regarding her personal experience with the ditch and the problems that it has created for property owners who live adjacent to it; she believes the ditch must be piped to prevent these problems from continuing in the future.



Layton Canal Company President Mills spoke to the company's use of the ditch through the summer months and noted that many land drains in the City have been connected to the ditch, which has resulted in the problems that Councilmember Carver cited. He agrees that the ditch should be piped, but the Layton Canal Company needs participation from the City in order to take advantage of federal funding. The Council indicated they are supportive of Layton Canal Company submitting the grant application and noted they are willing to consider funding a portion of the matching funds for the grant.

**Discussion regarding proposed changes to the civil citation appeals procedures.**

A staff memo from the City Attorney explained in light of some of the recent violations occurring within the City, city staff has been reviewing the allowable enforcement actions, particularly civil citations pursuant to the ordinances violated. Staff has been looking for ways to efficiently enforce these violations and, if possible, streamline the process for more consistency and uniformity. Currently, the City has three distinct appeals procedures for the various civil citations issued or other enforcement actions taken by city staff pursuant to the ordinance violated. If a person or entity is issued a civil citation in violation of Title 4, for sewer violations or irrigation water violations, the appeal procedure is through the City Council. The person or entity has 14 days to file the written appeal. The ordinance does not state who the written appeal should be filed with. There are no further appeals rights outlined beyond the Council's decision. The relevant code section is attached. If a person or entity is issued a civil citation in violations in Title 6, for noise, weeds and other nuisance violations, the appeal procedure is through an administrative hearing before a hearing officer appointed by the Mayor with the advice and consent of the Council. The person or entity has 10 days to file a written appeal to the planning department. There is a \$25 administrative appeal fee that must accompany the written appeal. There are due process and appellant rights outlined for a hearing under this section. The decision of the hearing officer may be appealed by a court of law. The relevant code section is attached. We do not currently have a hearing officer appointed. If a person or entity is issued a civil citation for a traffic or parking violation under Title 11, the appeal procedure is through the justice court before the Syracuse City Justice Court judge. The person or entity has 10 days to file a written appeal to the City Recorder. There is a \$25 administrative appeal fee that must accompany the written appeal. These citations are set straight for a bench trial. Appellants under this section are entitled to appeal the justice court decision at the district court. The relevant code section is attached. Staff is interested in the Council's level of interest in making changes to the ordinance to have one uniform appeal procedure for all civil citations issued and if so, which appeals process is preferable to the Council. The purpose of this agenda item is to discuss the current appeals procedures and determine whether to amend the Syracuse City Municipal Ordinance to have one appeal procedure that applies to all civil citations. Staff is seeking direction on what, if any changes, Council would like to make to the appeals procedures.

Ms. Brass reviewed her staff memo. Mayor Maughan noted he has participated in meetings with Ms. Brass, the Police Department, and Code Enforcement personnel regarding this matter and he supports ordinance amendments that would provide for uniformity in the process of handling appeals of civil citations.

**Continued review/discussion of Fiscal Year (FY) 2023-2024 budget – if necessary.**

A staff memo from the City Manager explained Administration would like to have an open budget discussion for the FY2024 budget to discuss any topics or concerns that the city council may have since the budget retreat. Below are a few discussion points that Administration would like the Council to consider.

Budget retreat discussion summary:

- The funding exercise included 10 new full-time positions, 9 part-time positions, converting one part-time position to full-time, and approving 4-hour overtime shifts for police as follows:
- IT Manager – full-time.
- Police Officer – full-time.
- 2 Battalion Chiefs - full-time.
- 6 Firefighter III/ Paramedics - full-time.
- Court Clerk – part-time.
- 8 Crossing Guards - part-time.
- Move Code Enforcement Officer to full-time.
- Approve 4 hours of mandatory overtime for police officers.
- Promotion of Facilities Maintenance. Crew Leader to Supervisor.
- In addition, the Council agreed to fund \$40,000 to make alterations to city hall and expand back into the other side. Staff requests authorization to give notice to Novotx and terminate the city hall lease effective immediately.
- Approved the community center gym floor refinish and Public Works Overhead Door repair.

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At the conclusion of the budget retreat meeting, there was a net deficit of \$227,000 from the above-mentioned requests. Administration was later able to balance the budget by prorating the firefighters and crossing guards' positions to ½ year and by reducing costs throughout the budget. This means the City will not need to consider a tax increase in order to adopt a balanced budget.

The memo concluded by summarizing the schedule for taking action on the final budget.

The meeting adjourned at 7:26 p.m.

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Dave Maughan  
Mayor

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Cassie Z. Brown, MMC  
City Recorder

Date approved: June 13, 2023