

Minutes of the regular meeting of the Syracuse City Council held on May 9, 2023, at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 816 8475 0141, 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
W. Seth Teague
Paul Watson

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

Excused: Councilmember Jordan Savage

City Employees Present:

City Attorney Brie 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

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. Lieutenant Anderson provided a thought in observance of National Peace Officers Memorial Day and Police Week. Mayor Maughan led the audience in the Pledge of Allegiance.

2. Reading of Proclamation declaring May 2023 as Mental Health Awareness Month in Syracuse City.

City Recorder Brown read for the record a Proclamation from Mayor Dave Maughan declaring May 2023 as Mental Health Awareness Month in Syracuse City.

3. Public comment:

There was no public comment.

4. Approval of minutes.

The following minutes were reviewed by the City Council: March 14, 2023 Work Session and April 11, 2023 Business Meeting.

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

5a. Authorize amendment of HCA Syracuse Mixed-Use Project Development Agreement to correct the legal description for the property, which is included as an exhibit to the agreement.

A staff memo from the City Attorney explained at the last work session on April 25, 2023, the City Council was presented with a proposed amendment to the development agreement (“DA”) Syracuse City entered into on 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 in the legal description in Exhibits A and A-1 in our DA. CHC and UDOT recently discovered that CHC had inadvertently conveyed the UDOT property and has reached out to HCA and Wasatch to begin the process of correcting the conveyance to exclude the UDOT property. Because the DA includes Exhibit A and A-1, HCA’s attorney 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 will 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 matter before the Council is to determine whether to approve the amendment of the DA to amend the legal descriptions attached as Exhibits A and A-1 and authorize the Mayor to execute the amended

agreement or whether to deny the amendment of the DA to amend the legal descriptions attached as Exhibits A and A-1.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE AMENDMENT OF HCA SYRACUSE MIXED-USE PROJECT DEVELOPMENT AGREEMENT TO CORRECT THE LEGAL DESCRIPTION FOR THE PROPERTY, WHICH IS INCLUDED AS AN EXHIBIT TO THE AGREEMENT. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE. Councilmember Savage was not present when this vote was taken.

5b. Authorize renewal of Interlocal Agreement for Victim Services Program between Syracuse, Clinton, and Sunset cities.

A staff memo from the City Attorney explained the Interlocal Agreement for the Victim Services Program between Syracuse, Clinton and Sunset is scheduled to expire in June of 2023. The Interlocal Agreement had a renewal clause allowing for renewals by mutual written agreement of the parties. The Council was presented with the proposed Renewal at the last work session, which had updated proposed cost sharing for the parties and an agreement term beginning July 2023 and expiring June of 2025. We submitted an application for VOCA grant funding on May 3, 2023 for 2024 and 2025, but we won't have the final grant award amount 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. We have sent our proposed Renewal to Clinton and Sunset for review and determination by their respective city councils on whether to execute the renewal for another two-years. The proposed Renewal for July 2023-June 2025 is attached for the Council's review. The matter before the Council tonight is to determine whether to approve or deny the Renewal to the 2021-2023 Interlocal Cooperation Agreement for Victim Services Program with Clinton and Sunset.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE RENEWAL OF INTERLOCAL AGREEMENT FOR VICTIM SERVICES PROGRAM BETWEEN SYRACUSE, CLINTON, AND SUNSET CITIES. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE. Councilmember Savage was not present when this vote was taken.

5c. Proposed Resolution R23-17 appointing Dennis Opp to the Syracuse City Disaster Preparedness Committee

An administrative staff memo explained there has been a vacancy on the Syracuse Disaster Preparedness Committee for the position from the Syracuse West District; the Committee has recommended that Dennis Opp be appointed to fill the vacancy. Mayor Maughan supports the appointment and Mr. Opp's term will expire June 30, 2024.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT RESOLUTION R23-17 APPOINTING DENNIS OPP TO THE SYRACUSE CITY DISASTER PREPAREDNESS COMMITTEE. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE. Councilmember Savage was not present when this vote was taken.

6. Authorize execution of agreement for extension of water service outside the City limits in response to petition from Don Bradshaw.

A staff memo from the Public Works Director and City Attorney 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 in the property that Don 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.

City Attorney Brass summarized the memo as well as the terms of the agreement for the extension of the water service.

COUNCIL MEMBER CARVER MOVED TO TABLE ACTION ON THE PROPOSED AGREEMENT, GIVEN MR. BRADSHAW'S ABSENCE.

Councilmember Teague stated that the Council has the option of approving the agreement with the condition that it will not be executed, and the water service will not be extended until Mr. Bradshaw agrees to dedicate the water right to the City. Mayor Maughan stated that is correct. This led to brief discussion among the Council regarding the terms of the agreement drafted by Ms. Brass.

There was no second for Councilmember Carver's motion and the motion failed.

COUNCILMEMBER BINGHAM MADE A MOTION TO AUTHORIZE EXECUTION OF AGREEMENT FOR EXTENSION OF WATER SERVICE OUTSIDE THE CITY LIMITS IN RESPONSE TO PETITION FROM DON BRADSHAW. COUNCILMEMBER WATSON SECONDED THE MOTION; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER CARVER WHO VOTED IN OPPOSITION. Councilmember Savage was not present when this vote was taken.

7. Proposed Resolution R23-16 removing certain property from the Agricultural Protection Area north of 700 South between 1000 and 2000 West, containing 225.61 acres, and on the north side of 700 South at approximately 3150 West, containing 39.09 acres.

A staff memo from the City Attorney explained an attorney for the Church of Jesus Christ of Latter-day Saints (the “Church”), reached out to the City regarding the removal of property owned by the Church from an agricultural protection area. The property location is provided following the summation. An Agricultural protection area means a geographic area created under the authority of Title 17 Chapter 41, that is granted the specific legal protections contained within the chapter. As some background information, in 1999, the Church filed an application with the City requesting that the City create an Agricultural Protection Area north of 700 South Between 1000 and 2000 West and on the north side of 700 South at approximately 3150 West. The City, pursuant to Utah State Code Ann. § 17-41-304, approved the application by resolution in 2000. The Church and UDOT have been involved in a land exchange involving portions of the property located within the Agricultural Protection Area. UDOT has requested that the Church remove that portion slated to go to UDOT from the Agricultural Protection Area and the Church has petitioned the City Council for the removal. Utah Code Ann. § 17-41-306(2)(a) states that an owner of land within an agricultural protection area may remove any or all of the land from the relevant protection area by filing a petition for removal with the applicable legislative body. Subsection (2)(a) states that the applicable legislative body shall grant the petition for removal of land from the relevant protection area and shall give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agricultural protection area and the land removed from the area by filing a legal description of the revised boundaries of the relevant protection area with the county recorder of deeds and the affected Planning Commission. There is a proposed Resolution for the Council’s review specifying the portions of the property which are to be removed from the Agricultural Protection Area and the original Resolution has been attached as well.

Ms. Brass reviewed her staff memo and the Council briefly discussed the implications of the proposed resolution.

COUNCILMEMBER TEAGUE MADE A MOTION TO PROPOSED RESOLUTION R23-16 REMOVING CERTAIN PROPERTY FROM THE AGRICULTURAL PROTECTION AREA NORTH OF 700 SOUTH BETWEEN 1000 AND 2000 WEST, CONTAINING 225.61 ACRES, AND ON THE NORTH SIDE OF 700 SOUTH AT APPROXIMATELY 3150 WEST, CONTAINING 39.09 ACRES. COUNCILMEMBER TEAGUE BINGHAM THE MOTION; ALL VOTED AYE. Councilmember Savage was not present when this vote was taken.

8. Public Hearing: Accept tentative Fiscal Year (FY) 2023-2024 budget.

A staff memo from the Administrative Services Director explained as required by Utah Code Annotated 10-6-111, the City Budget Officer is required to prepare and file with the governing body a tentative budget for consideration. Each tentative budget shall be reviewed and tentatively adopted during any regular City Council meeting on or before the last meeting in May. As required by Utah Code Annotated 10-6-112, each tentative budget adopted by the governing body and all supporting schedules and data shall be a public record in the office of the city auditor or the city recorder, available for public inspection for a period of at least 10 days prior to the adoption of a final budget. As required by Utah Code Annotated 10-6-113, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the public hearing. The City Council should set a public hearing for June 13, 2023 to consider adoption of a final budget.

Mr. Marshall reviewed his staff memo and noted that the proposed budget does not include a tax increase for Syracuse City for the 2023-2024 Fiscal Year.

Mayor Maughan opened the public hearing at 6:14 p.m. There were no persons appearing to be heard and the public hearing was closed.

The Mayor and Councilmember Carver both noted there may be other taxing entities in the County that are considering a tax increase, and this could impact Syracuse residents.

COUNCILMEMBER BINGHAM MADE A MOTION TO ACCEPT THE TENTATIVE FISCAL YEAR (FY) 2023-2024 BUDGET. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED AYE. Councilmember Savage was not present when this vote was taken.

9. Public Hearing: Proposed Resolution R23-14 amending the budget for 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:

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

Changes to operational budgets:

General Fund – major changes

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

Mayor Maughan opened the public hearing at 6:16 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R23-14 AMENDING THE BUDGET FOR FISCAL YEAR (FY) ENDING JUNE 30, 2023. COUNCILMEMBER WATSON SECONDED THE MOTION; ALL VOTED AYE. Councilmember Savage was not present when this vote was taken.

10. Proposed Resolution R23-15 sharing half of the 50 percent match with Layton Canal Company, who is making application for a Water Optimization Program Grant offered from the Utah Department of Agriculture to assist in funding the construction of piping a ditch used for both storm water and irrigation water along 3000 West between 2495 South and 2700 South.

Councilmember Carver recused herself from discussion and voting on this matter and she left the room in which the meeting was being held (6:17 p.m.).

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.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R23-15 SHARING HALF OF THE 50 PERCENT MATCH WITH LAYTON CANAL COMPANY, WHO IS MAKING APPLICATION FOR A WATER OPTIMIZATION PROGRAM GRANT OFFERED FROM THE UTAH DEPARTMENT OF AGRICULTURE TO ASSIST IN FUNDING THE CONSTRUCTION OF PIPING A DITCH USED FOR BOTH STORM WATER AND IRRIGATION WATER ALONG 3000 WEST BETWEEN 2495 SOUTH AND 2700 SOUTH. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE. Councilmembers Carver and Savage were not present when this vote was taken.

Councilmember Carver re-entered the meeting at 6:19 p.m.

11. Proposed Ordinance 2023-12 amending Syracuse City Municipal Code Sections 4.10.104, 4.25.130, 6.05.110, 6.05.120, 6.20.010, 6.20.020, and 11.20.040 related to civil citation appeals procedures.

A staff memo from the City Attorney explained the City Council, in the April 25, 2023 work session discussed the three appeals procedures for individuals who receive civil citations. City staff approached the Council to review the three separate procedures and determine whether Council wanted to continue with the separate procedures or pick one uniform procedure for all civil citations. Currently, 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. Based on the direction provided to staff at the work session to utilize one appeal procedure, already in place within our code: the administrative hearing officer procedure as codified in Title 6, staff is proposing the attached ordinance amendments to create one uniform appeals system for civil citations.

Ms. Brass reviewed her staff memo; the Council commented on their support for this proposed ordinance amendment in an effort to streamline processes and appeal procedures.

COUNCILMEMBER CARVER MADE A MOTION TO ADOPT ORDINANCE 2023-12 AMENDING SYRACUSE CITY MUNICIPAL CODE SECTIONS 4.10.104, 4.25.130, 6.05.110, 6.05.120, 6.20.010, 6.20.020, AND 11.20.040 RELATED TO CIVIL CITATION APPEALS PROCEDURES. COUNCILMEMBER TEAGUE SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmember Savage was not present when this vote was taken.

12. Consideration and/or action to approve 2023 Municipal Election Polling

Location and alternative Vote Centers

A staff memo from the City Recorder explained in accordance with the Utah Election Code, the City's Governing Body is required to approve the Polling Location for the 2023 Municipal Election. The Davis County Clerk's Office has proposed that the Syracuse Library be designated as Syracuse's Polling Location. Additionally, the Governing Body has the authority to approve vote centers in other communities; this approval will allow Syracuse residents to return their 2023 Election ballot to any vote center on Election Day, rather than being required to vote at the Syracuse Library. Staff recommends that the City Council approve the proposed Polling Location and alternative Vote Centers for the 2023 Municipal Election.

Ms. Brown reviewed her staff memo and noted she was contacted by the Davis County Clerk's Office today regarding an additional polling location in Fruit Heights; she asked that the Council include approval of the Fruit Heights polling location in a motion to approve the total list of vote centers.

COUNCILMEMBER TEAGUE MADE A MOTION TO APPROVE 2023 MUNICIPAL ELECTION POLLING LOCATIONS AND ALTERNATIVE VOTE CENTERS, INCLUDING THE FRUIT HEIGHTS CITY HALL POLLING LOCATION, WHICH WAS ADDED AFTER THE PUBLICATION OF THE CITY COUNCIL'S MEETING PACKET. COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmember Savage was not present when this vote was taken.

13. Public comments.

There were no public comments.

14. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement.

At 6:32 P.M. COUNCILMEMBER BINGHAM MADE A MOTION TO ADJOURN. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Savage was not present when this vote was taken.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: June 13, 2023