

Minutes of the Work Session of the Syracuse City Council, held on June 27, 2023, at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 863 0538 0631, 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
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
Communications Specialist Kara Finley

The purpose of the Work Session was to receive public comments; discuss the design and goals of the fire station; discuss the day to day management of the Syracuse Museum; review and discuss the updated proposal for the BMX/Pump track; discussion regarding application for a rezone of property located at approximately 2400 S 2800 W from R-1 to R-3; request for pre development consultation with Council for mixed use development for property located at approximately 2000 W. Combe Road.; review and discuss draft Project Area Plan and budget for 2500 West Community Reinvestment Area (CRA); discussion regarding Syracuse City Code Section 8.10.090 pertaining to secondary water fee in-lieu; discuss request from Police Department for consideration of purchasing speed trailers and associated budget amendment; and receive a report on Heritage days.

Public comments

There were no public comments.

Report from Fire Chief Byington regarding status of Fire Station #32 project.

A staff memo from the Fire Chief Byington explained Station #32 is being designed with these principles in mind:

- Current and future fiscal responsibility.
- Meeting current service needs (response times, increasing call volume).
- Meeting projected service needs from the ER (600 to 800 or more calls per year).
- Meeting future service needs over the next 10 + plus years.
- Designing a facility that employees feel safe and secure, and enjoy working in.
- Designing a facility that requires less maintenance and less frequent replacement of furniture and equipment.

The current Station #32 preliminary design is 17,134 square feet, which is 5,274 square feet smaller than Station #31 (22,408 square ft). This is greater than our original estimate of 12,000 square feet. Station #32 is designed to house a fully staffed engine and ambulance company. It also allows for growth as future needs may require a second staffed ambulance and a second staffed paramedic unit. It also allows us to meet the needs of our growing fire prevention, fire education, fire inspections, and fire training divisions that our current station does not have room for.

City Manager Bovero reviewed the staff memo and facilitated a discussion among the Council regarding the goals for the fire station and the architectural design of the fire station. Mayor Maughan invited input from Johnathan Paul from Galloway, who reviewed the design packages he has provided to the City. The Council discussed the different design options and Mayor Maughan sensed a consensus on design option one. City Manager Bovero mentioned that the building can be designed for what is needed now or the building can be designed with growth in mind and possibly prevent the need for a 3rd fire station in the future. Fire Chief Byington further added that building the fire station based on future growth projections may actually eliminate the need for a 4th or 5th fire station; the intent is to build the fire station a little larger so there is room to grow into it as the City grows. Councilmember Watson stated it would be helpful to understand the fiscal implications of

building to accommodate for future growth in order to make an informed decision on the appropriate design of the facility. Chief Byington indicated the additional space will provide more housing, offices for the administrative staff, and a training area; he noted that SIRQ construction was recently hired to prepare a construction estimate, but he does not have a final number for the Council to consider this evening. Mayor Maughan stated he will add an item to a future Council meeting in order for financial information to be presented.

Discussion regarding proposed day-to-day management of the Syracuse Museum.

A staff memo from the City Manager explained that for many years, the Syracuse Museum has operated under a partnership between the City and a private entity known as the Syracuse Museum Foundation, which is a 501 C (3) organization. The method by which the museum has operated seems to have evolved over the years. At some point, well over a decade ago, the City created a Museum and Cultural Center Board under Title 3 of City ordinance, which has 7 members appointed by the Mayor with the advice and consent of the Council. In the ordinance, the Museum and Cultural Center Board would be charged with recommending individuals for the Mayor to consider for appointment when seats were vacated. Among other things by ordinance, the city board was given the duty to “manage the day to-day operation of the Museum and Cultural Center, including the summertime farmers market.” (Syracuse City Code 3.40.040 (C)). However, the situation at some point evolved to where the Syracuse Museum Foundation was operating the day-to-day function of the museum, and there ceased to be any members of the city museum board. This situation existed for several years, and the city accommodated due to its need to focus on other priorities, and the museum seemed to operate adequately through the Foundation. Recently, as more and more attention was brought to the museum, both out of the City’s desire to expand and enhance the museum’s role in the community, and the vision and efforts by the Foundation board members, the City invested more time and money toward the museum, including the return of providing a full-time curator, which was a position that existed prior to the 2008 economic downturn. With this added attention, the Administration has been able to devote resources to better understand the role between the Museum Foundation and the City Museum and Cultural Center Board, or at least as it was envisioned by the City when it created the ordinance. Since the previous curator left employment with the City to take another position, the Administration believes this would be a good time to get the management of the museum in order. The Administration recently met with the Museum Foundation board members to discuss the current City Code, and how it differs from the way the museum is currently being operated. Out of the Administration’s sense of responsibility to carry out the policies and ordinances of the City Council as adopted, it was explained that the City would need to appoint members to the Museum and Cultural Center Board, which among other things would be charged with managing the day-to-day operations of the museum. As one could imagine, this seemed to have been perceived by the Foundation board as the City taking the Foundation out of the museum. To the contrary, it must be understood that the Museum Foundation, not the City, owns all or most of the artifacts and displays. They also serve as a funding mechanism to provide resources for the museum operations and exhibits. So, it appears that the purpose of the ordinance from the City was to have the Museum and Cultural Center Board plan and manage the operation of the museum, but they would certainly have to work hand-in-hand with the Museum Foundation to make everything work. With 7 members on a city appointed Museum and Cultural Center Board, there seems to be plenty of opportunity to augment the efforts of the Museum Foundation, rather than replace their role. There appears to be some, but not total disagreement on this point from the Museum Foundation board members.

Proposal from the Museum Foundation Board; Upon learning of the situation, the Museum Foundation Board is proposing some changes for the Council to consider. The reasons and recommendations of the Foundation are in the attached document submitted by the Foundation board members. A summary of their recommendations include:

- The City appoint the four officers of the Museum Foundation to be four of the seven Museum and Cultural Center Board members.
- Museum Foundation board members are vetted by the City before being appointed to the Foundation board.
- The Foundation Board shall provide input to the City Council on the removal of any Museum and Cultural Center board member.
- The Museum and Cultural Center Board meets at least monthly.
- The museum curator works under the direction of the Foundation board president and vice-president.

One concern on the Foundation’s recommendations is the automatic majority of the Museum and Cultural Center Board by Foundation Board members. While having Foundation Board members on the City’s board is obviously a good thing to help them work together, a simple majority of Foundation board members does equate to the Foundation having the structural power to manage the day-to-day operations of the museum. The Council would need to consider the ramifications of that structure if ever in the future the City and the Foundation were at odds in the desired direction of the museum. By creating automatic appointments that are a majority, it reduces the City’s ability to direct the affairs of the museum. Some of the concern is mitigated, however, by the recommendation that the City can “vet” members of the Foundation Board. It would need to be defined what is meant by “vetting” these members by the City. Another concern is the role of the curator being under the direction of the Foundation board president and vice-president. Having a city employee as a direct report to

an outside agency is a problematic situation. While coordination is a key role of the curator (see below), the responsibility for that employee should remain with the City if it is to remain a city employee. There are ways to have the curator become an employee or contracted employee of the Foundation board, but as long as the City is funding the position, there is an assumed responsibility and control that the City wants to retain on how that employee uses his/her time.

Mr. Bovero reviewed his staff memo and the Council engaged in a discussion that centered around the current situation with staffing and volunteers, creating a separate museum board, and who the curator reports to. Mayor Maughan explained that the City could put together a board and the current museum board members could still apply to be on this board through the City. Mayor Maughan mentioned having people with different skill sets and interest to apply and he believes it is important to publicly announce these opportunities to anyone who wants to apply. Mayor Maughan invited Dean Hill, President of the Museum Board Foundation to participate in the discussion. Mr. Hill briefed the Council on the day-to-day operations and the current number of volunteers. City Attorney Brass wanted to clarify that the curator position would be the City's employee and the City would have supervisory discretion over them. The Mayor concluded that based upon the Council's discussion, he believes a rewrite of the Title Three, Chapter 40 of the Syracuse City Code, which regulates the Museum and Cultural Center Board, may be appropriate and he will include an opportunity for continued discussion on a future meeting agenda.

Updated proposal regarding BMX/Pump Track project.

A staff memo from the Parks & Recreation Director explained that when researching the portable pump track, staff were instructed by the track company that any surface (except loose rock) that is mildly flat would be suitable for the pump track. Recently, it was brought to staff's attention that although any surface is acceptable, it is not ideal. West Valley City, who has the exact pump track the City will be purchasing, has informed staff that they would highly recommend using asphalt or a concrete pad. They placed their track on a dirt field and have had several problems with it. They also do not recommend anything loose (gravel, any kind of mulch) being near the track. The cost of asphalt for this area would be \$85,000. Staff took their recommendations into consideration, and designed the track area with asphalt, boulders, and wildflower grasses. Staff would also recommend including a 30-foot by 30-foot pavilion with the project. This will give a place to rent near the pump track and add much needed shade. The cost for the pavilion would be \$80,000, and the landscaping for the rocks, wildflower, and irrigation would be \$20,000. This project also included lighting for the BMX and Pump Track. The budget included \$150,000 for the lights, installation and electrical. The actual cost for the lights, installation and electrical will be \$180,000. The additional cost would be \$30,000. Below is the cost break down:

- Pump Track...\$197,308.73
- Landscape... \$20,000.00
- Additional cost for lighting...\$30,000.00
- Asphalt... \$85,000
- 30x30 Pavilion...\$80,000

The Council had previously approved a budget of \$250,000 for the pump track and landscaping; the cost difference for the updated bid is \$162,308.73. Possible funding options for this difference include Park Impact Fee revenues or capital funding.

Parks and Recreation Director Robinson reviewed the changes to the design of the BMX/pump track and engaged in discussion with the Council about the changes to the scope of the project. Councilmember Savage expressed concerns about paving the area and the impact that will have on temperatures at the facility. He asked if it would be possible to only pave 'touch points' on the track. This idea was discussed briefly, with the Council ultimately concluding to move forward with action on the amended scope of the project in a future meeting.

Planning item: Application for zoning amendment for 10.613 acres of property located at approximately 2400 S. 2800 W., Residential R-1 to Residential R-3.

A staff memo the Community and Economic Development (CED) Department explained the applicant has requested approval of a rezone of 10.613 acres from R-1 to R-3. This is consistent with the general plan which calls for 'Low Density Residential'. The approximate location is 2400 S. 2800 W. In the included concept plan, the applicant is proposing 32 lots (~3 units per acre) but that could change through the site development process. The proposed lot sizes would be similar in size to the Fremont Estates subdivision to the north and smaller than the Eagle Estates subdivision to the west. Though both subdivisions are in the R-1 Zone, Fremont Estates was developed under a cluster subdivision standard which allowed for smaller lots in exchange for open space which is how the City built Fremont Park. The Planning Commission discussed the item and held a public hearing on June 6, 2023. The neighbor to the south expressed concern about whether the sewer line from the project will need to go through his property. The applicant explained that they would figure that out during the subdivision process. The Planning Commission voted unanimously to recommend approval of the proposed rezone.

CED Director Stelle reviewed the staff memo and facilitated discussion among the Council regarding the implications of the application. Councilmember Savage noted the applicant's materials indicate that he is requesting R-3 zoning, but would develop lots that conform with the R-2 zone. Mr. Steele stated that most of the lots are larger than 8,000 square feet, which is larger than the minimum lot size allowed in the R-3 zone. He stated that he plans to build a single-family product, but he understands concerns about creating an island of R-3 zoning in the middle of R-1 zoning. The Council indicated that is concerning to them and they ultimately decided not to proceed with a zone change at this time.

Planning item: Application for pre-development consultation with City Council relating to 3.5 acres of property located at approximately 2000 W. Combe Road.

A staff memo from the Community and Economic Development (CED) Department explained any landowner or designee may apply for and receive a pre-application consultation with the City Council about a development opportunity that would require a zone change. The consultation is voluntary, informal and non-vesting. The pre-application consultation will occur during a public, nonvoting meeting and individual Councilmembers will provide their input to the applicant.

CED Director Stelle reviewed his staff memo and presented the applicant's draft plan for development options for their property; they would like to build a townhome project on the subject property, which would require mixed-use zoning. Mayor Maughan invited the applicant to explain his ideas to the Council. Austin Richards explained that the General Plan indicates that the zoning of the property should be commercial; the property has an odd shape, and he feels that he could preserve some commercial aspects of the property by moving forward with a mixed-use project that includes commercial uses on the frontage and residential uses in the rear. Mayor Maughan asked Mr. Richards if he was aware that the concept does not comply with the mixed-use ordinance, to which Mr. Richards answered yes. The Council stated they would need additional information about the reasoning for the exception to the ordinance before providing clear direction not the applicant and staff. Councilmember Savage indicated that given the property's proximity to the West Davis Corridor route, he believes it has greater commercial potential than what has been expressed in the materials provided by Mr. Richards. Councilmember Bingham stated she feels that mixed-use could serve as a good buffer to different land uses in the area and she would be willing to consider an exception to provide for the mixed-use project if there were more commercial space and less residential space. Councilmember Savage stated it is his feeling that there should be a 50-50 split between commercial and residential uses in a mixed-use project. Mr. Steele stated that may be difficult due to the limited frontage on the property. The Council engaged in philosophical discussion and debate about the matter and did not reach a clear conclusion on their direction for the application, though the concern regarding the amount of commercial space on the property was strongly communicated.

Planning item: Review/discussion of draft Project Area Plan and budget for 2500 West Community Reinvestment Area (CRA).

Community and Economic Development (CED) Director Steele explained the City has been working to establish the 2500 W tax increment project area. The project area plan and budget documents are in final draft stages and are ready to be approved. The Council offered support for moving the Project Area Plan and budget forward to a business meeting for a vote.

Continued review/discussion of Syracuse City Code Section 8.10.090 pertaining to secondar water fee in-lieu.

A staff memo from the City Manager explained City Code 8.10.090, 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. Weber Basin has proposed providing District 4 water for secondary water 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. If the city were to enter into a capital charge contract with Weber Basin rather than the current system which is as needed per project, the City may need to comply with the Utah Impact Fees Act, as the contract would no longer be paying for specific project improvements alone, but rather the capital charge would be put towards the purchase of water as well as system improvements. Right now, the city is using the developer optioned fee-in-lieu of water dedication to purchase water that is used to meet the specific needs of a specific development. In a capital charge contract situation, depending on how the city funded the upfront capital fee, that may no longer be going toward the individual project improvement. Like the contracts we currently have with Weber Basin, there is no guarantee that we get the water contracted for as water supply ability changes over time; however, we believe Weber Basin will give these contracts priority over the individual water purchase contracts we currently have with them. If the City chose to forego the capital charge contract option with Weber Basin, the City may continue contracting with Weber

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Basin for the individual projects, but it would likely need to readjust its fee-in-lieu calculation to account for the higher District 4 water prices and the current market rate of each water share. As has always been the case, there is no guarantee that Weber Basin will approve these contracts and if Weber Basin does approve the contract, it may still lower its supply obligations as supply abilities change. These individual contracts are subject to Weber Basin's Board to approve and will likely have a lower priority than the capital charge contract if Weber Basin has to reduce water supplied to the city. The current requirement that developers must convey water rights or shares as a condition of development approval and the option to pay a fee in lieu is considered an exaction because the city is requiring developers to convey a property right. With all exactions, the city must show the exaction satisfies the rough proportionality analysis. Utah Code 10-9a-508(1) states that a municipality may impose an exaction if: "(a) an essential link exists between a legitimate governmental interest and exaction; and (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development." The city would have to show the requirement for a water right or share or the calculated fee in lieu, meets the test above. Alternatively, the city could return to the requirement that developers convey water rights as a condition of development approval. Again, the City would still need to be able to meet the rough proportionality analysis with requiring the water rights and not providing the fee in lieu option. Like the capital charge contract or the fee in lieu, individual contracts there are some pros and cons can be discussed.

City Attorney Brass stated the fee in lieu could bring challenges to the statute or ordinance. City Manager Bovero added that what the City is currently doing is no longer financially feasible given that Weber Basin has moved to accept District 4 water. He and Ms. Brass briefed the Council on the different options with the fee in lieu and the capital charge contract. The Council showed support for moving in the direction of a capital charge contract. Mr. Bovero indicated staff will work on an action item based on that direction.

Request from Police Department for consideration of purchase of speed trailers and associated budget amendment.

In January of 2023, Davis County Animal Control became its own taxing entity and stopped collecting monthly fees from Syracuse City. There will be \$52, 847.00 left in this line item at the end of Fiscal Year (FY) 2023. The Police Department would like to move \$24,000.00 from 10-53-37 to the PD capital outlay line item (10-53-70) and immediately purchase three speed trailers.

Police Chief Atkin reviewed his staff memo and stated this is not a budget increase, it is a budget transfer. The Council showed support for the purchase of speed trailers.

Report on Heritage Days from Parks & Recreation Director Robinson.

Parks and Recreation Director Robinson provided a high-level report on the 2023 Heritage Days Celebration. The Mayor and Council thanked Ms. Robinson and her staff for their efforts and producing a wonderful event for the community.

The meeting adjourned at 8:20 p.m.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: August 8, 2023