

Minutes of the Regular meeting of the Syracuse City Council held on April 11, 2017 at 6:04 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson
Corinne N. Bolduc
Mike Gailey
Dave Maughan
Jordan Savage

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:

City Attorney Paul Roberts
Finance Director Steve Marshall
Community Development Director Brigham Mellor
Police Chief Garret Atkin
Fire Chief Eric Froerer
Public Works Director Robert Whiteley
Parks and Recreation Director Kresta Robinson
Parks and Recreation Assistance Director Chad Smout
Administrative Intern Hali McDonald

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1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 6:04 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. Councilmember Gailey provided an invocation and Councilmember Anderson led the audience in the Pledge of Allegiance.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT THE AGENDA. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Brinley Warner and Cesar Vargas for the month of April 2017.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with the Syracuse Chamber of Commerce, present the recipients for the "Syracuse City & Chamber of Commerce Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and the City's website.

Chamber of Commerce Representative Keith Kennington noted both teens receiving the award for April 2017 were nominated by the staff of Syracuse Arts Academy North.

Brinley Warner:

Brinley is extremely organized, upbeat and positive. Her grades don't always come easily, but because of her dedication to doing the work, she soars. Brinley is always organizing her responsibilities to do better at what she needs to overcome. She is happy and positive even when she doesn't pass the test. Brinley is involved in swimming. Brinley is always the first to volunteer to help her teachers or her classmates and keeps everyone organized. Brinley is a great example of what can be accomplished with hard work and dedication.

Cesar Vargas:

Cesar has always 'looked' the part (wears a tie every day), but this year he has worked even harder to be more than the image. He asks for help now and he is not afraid to get help anymore. Cesar has a strong love

of politics and history. He always takes pride in his appearance and work. Cesar was class president for one term. Cesar is a model student, natural leader and inspires others to be more creative. Cesar is willing to work hard, even with challenges. He takes his education seriously and is very mature. Cesar does what it takes, even if that means stepping out of his comfort zone to reach his goals and grades.

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COUNCILMEMBER MAUGHAN MOVED TO AMEND THE AGENDA TO MOVE ITEM 3A TO A LATER POINT IN THE MEETING WHEN FORMER COUNCILMEMBER LISONBEE IS IN ATTENDANCE. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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3b. Recognition of Police Department Volunteers – Volunteer Week.

A staff memo from the Police Department explained April 23-April 29, 2017, has been set aside as National Volunteer Week. One purpose of National Volunteer Week is to recognize those who have given back to their community through their acts of service. In the spring of 2013, Syracuse Police Department partnered with the Syracuse Lion’s Club to build a Volunteers in Police Service (VIPS) program. The majority of volunteer efforts have centered on administering fingerprinting services for the public. Prior to the partnership, officers had to be called in from the field to perform this duty; volunteers have allowed the Department to continue this valuable community service, while keeping officers out patrolling the community. Volunteers have also helped with data entry and other administrative functions within the Department. Additionally, in 2016, Syracuse Police Department initiated efforts to start a Neighborhood Watch program in our community. One of the first steps was to recruit an interested and motivated volunteer coordinator for this program. In 2016, these volunteers donated over 200 hours to the Department. Based on a national estimate of what volunteer time is worth, the service of our volunteers has been a benefit in excess of \$4,850.00. It is with great pride and admiration that I present the members of our Volunteers in Police Services program to the Mayor and Council for recognition.

Lynn John	(Lion’s Club)	Mike Eisenberg	(Lion’s Club)
Sandra John	(Lion’s Club)	Candi Ackerman	(Lion’s Club)
Steven Anderson	(Lion’s Club)	Chris O’Shea	(Lion’s Club)
Eric Ellington	(Lion’s Club)	Stephanie Cisney	(Neighborhood Watch)

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Police Chief Atkin reviewed the memo and recognized each volunteer cited in his memo that was in attendance.

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3c. Receipt of Government Finance Officers Association (GFOA) Award in Excellence in Financial Reporting.

An administrative staff memo explained City Manager Bovero will provide the Council with information regarding the City’s receipt of the Government Finance Officers Association (GFOA) Award for Excellence in Financial Reporting and, more specifically, Finance Director Marshall’s role in the City’s receipt of the award.

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Mr. Bovero reviewed the staff memo and noted that the City of Syracuse has received the GFOA Award for Excellence in Financial Reporting for the past seven years, but the importance of the award has never been public recognized by the City Council. The award is a national award that was established in 1945 to encourage local governments to go beyond the minimum reporting standards of generally accepted accounting practices. It also includes the requirement to prepare a Comprehensive Annual Financial Report (CAFR), which captures the manner in which taxpayer dollars are spent in a City; this document is the essence of transparency and full disclosure and this is important to residents as well as those who have or may invest in the City in the future. He noted that Finance Director Marshall has been the driving force behind the City’s receipt of the award for the past six years and he wished to publicly recognize him for his hard work. Members of the committee that choose recipients of the award include experts in public sector financial reporting, independent auditors, and people in other financial professions. He congratulated Mr. Marshall on his efforts.

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4. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session of February 28, 2017, Special Meeting of February 28, 2017, and Regular Meeting of March 14, 2017.

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Councilmember Maughan stated that he would like to postpone approval of the minutes of the March 14 business meeting; in his review of the document he felt there were some details lost in summation and he would like for the minutes to be amended to include that information. He stated he has talked with City Recorder Brown about this request and will work with her to include additional information in the minutes.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION AND SPECIAL MEETING OF FEBRUARY 28, 2017 AND TABLE THE MINUTES OF THE REGULAR MEETING OF MARCH 14, 2017. COUNCILMEMBER BOLDUC SECONDED THE MOTION.

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Councilmember Gailey stated that he read through the March 14 minutes as well and he felt they were complete. Councilmember Maughan stated that during the discussion of the Tuscany Park project, there are specific details he brought to the meeting that he would like included in the record of the meeting. Councilmember Gailey asked if the Council can approve the document and include the information referenced by Councilmember Maughan as an exhibit. Ms. Brown stated that if the recommended changes are substantial and they will change the content of the document, she would prefer that the Council table the minutes and allow her time to make the changes requested.

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Mayor Palmer stated there has been a motion and second regarding action on the minutes and he called for a vote; ALL VOTED IN FAVOR.

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5. Public comments

Janalee Henning stated she is seeking an amendment to the City Code relative to the number of animals, specifically dogs, that a resident is allowed to keep at their home. She stated that the Code defines service animals as any guide dog or signal dog that has been trained and she noted that anxiety support dogs have been covered by the federal law regarding service animals. She stated that she would like for the City Code to be updated to include anxiety support dogs within the definition of service animals. She provided the City Manager with documentation supporting her request.

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Joseph Simpson referenced item seven, the Simpson Springs Subdivision; he is a member of the family who owns the property at this time. He noted that last January he approached the Council regarding plans to develop the property and since that time he has diligently worked with the City to prepare the property for development. He has also partnered with Josh Hughes, who has developed the preliminary plat that is being presented for approval at this time. He has been impressed with Mr. Hughes' efforts in working with City staff and other entities who regulate the property. He stated that the end product is something that he is very proud of and he asked for the Council's support of the project.

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6a. Common Consent: Proposed Resolution R17-15 authorizing the Mayor to execute an agreement for installation of sewer-stub improvements and reimbursement for costs.

A staff memo from the Community and Economic Development Department explained that once 2000 West is completed it will be a concrete road, stubbing utilities into that road will cost dramatically more if they must be put in after the fact. Our city engineer wisely identified a costly item if we are expecting development on the corner of 2000 and SR-193. This is probably some of the most marketable property in the city but it has green belt tax status. Any improvements made to the property by the owner could jeopardize that designation which still has several years left on it. For that reason, we are proposing to put the sewer stub in on behalf of PRI and then have them reimburse the cost at the time the land either develops or is sold – plus 2% annual interest. The contractor has estimated this will cost around \$50,000 to install now and could easily approach a \$200,000 price tag to install after the fact – putting the sewer stub in now will make that land easier to develop

and will provide less logistical headache by preventing the need to tear up the road in the future. The memo concluded by referencing the payback agreement document included in the packet, which includes:

- 8” polymer lateral sewer stub installation
- Manhole installation
- Not to exceed \$52,000
- 5-year maximum payback
- 2% interest compounded monthly

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-15 AUTHORIZING MAYOR PALMER TO EXECUTE AN AGREEMENT FOR INSTALLATION OF SEWER-STUB IMPROVEMENTS AND REIMBURSEMENT FOR COSTS. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6b. Final Subdivision Plat, Stillwater Phase One, located at approximately 1100 West Gentile Street.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

- Location: 1100 West Gentile Street
- Current Zoning: RPC
- General Plan: RPC
- Total Subdivision Area: 16.85 Acres
- Number of Building Lots: 70

The Planning Commission reviewed the project on March 21, 2017. A motion to approve with conditions was made and it carried unanimously. The conditions of approval included correcting the hydrant spacing, adding addresses, and other minor items detailed in the staff reports. The applicant has requested approval of a final subdivision plat known as Still Water Phase 1 consisting of 16.85 acres with 70 building lots. The preliminary plat and rezone for this subdivision was approved by the City Council on February 14, 2017 by unanimous vote. This phase of development is intended to expand the existing homes built in phases 5 through 9 of Still Water Lake Estates just to the west of the proposed final plat. The Still Water Lake Estates are in the R-1 Zone with a Cluster Subdivision conditional use permit which allowed for higher density than generally allowed in the R-1 Zone. The proposed final plat is in the newly created RPC zone which allows for a range of minimum lot sizes including 7,000 square feet, 5,600 square feet, and 3,500 square feet. The proposed lots fall within the 5,600 square-foot minimum lot size category. Lot layout, location, architecture, open space design and maintenance, and establishment of street location and design are defined in a development agreement as required by the RPC Zone. Analysis of the lots with the text of the RPC Zone and the development agreement reveals that all lots meet the minimum lot dimension required in the RPC Zone.

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COUNCILMEMBER MAUGHAN MOVED TO GRANT FINAL SUBDIVISION PLAT APPROVAL FOR STILLWATER PHASE ONE, LOCATED AT APPROXIMATELY 1350 SOUTH 4500 WEST. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. Preliminary Subdivision Plan, Simpson Springs, located at approximately 1350 South 4500 West.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

- Location: 1350 South 4500 West
- Current Zoning: R-1
- General Plan: R-1
- Total Subdivision Area: 25.8 Acres
- Number of Building Lots: 56

The Planning Commission reviewed the project on April 4, 2017 and a motion for approval with conditions passed 5-1 with 1 recused. The conditions are that the applicant work with adjacent land owners to resolve a civil boundary dispute, and correct the outstanding items from the staff reports. The applicant is requesting approval of a 56-lot subdivision called Simpson Springs on greenfield farmland on the western edge of the city. The subdivision is intended for single-family detached units and incorporates a portion of City trail which will traverse the property from the northeast to the southwest. There is a proposed road which stubs into West Point that is intended to connect with another previously proposed subdivision in West Point. At this time there is no subdivision which has been approved or is moving through the approval process for this property in West Point. The City trail is planned to begin at approximately 1200 South and 4500 West, heading along the eastern edge of the subdivision and then west along the southern edge at approximately 1460 South and 4500 West. The trail is then intended to continue along the west of the properties to the south of the subject property and intersect with Antelope Drive (1700 South). This trail is part of a larger proposed City trail system that will loop down to approximately Gentile Street and 1000 West before looping up again along Bluff Road. The plat shows a 14-foot trail dedication along the south of the property and 9.5-foot wide parcels along the east of the property. 14 feet is the minimum dedication required in the adopted City Standard Drawings so the 9.5-foot parcels are intended to be integrated into the 4500 West right-of-way allowing for an 8-foot sidewalk/trail. An HOA established for the development will maintain the 8-foot wide section of trail along the east of the property.

There have been extensive discussions concerning the development of 1200 South for access to the property. Currently it exists as a private lane, half in West Point and half in Syracuse. The land owners of the lane did not want to cooperate with the applicant in selling right of way for the road. Therefore, the applicant chose to avoid the inherent problems associated with the lane and is providing the required access further south on the property.

The Planning Commission reviewed the project on April 4, 2017 and a motion for approval with conditions passed 5-1 with 1 recused. The conditions are that the applicant work with adjacent land owners to resolve a civil boundary dispute, and correct the outstanding items from the staff reports. Because 4500 West is owned by the Utah Department of Transportation, there are access distance standards for intersections which could not be met without accessing the subdivision via 1200 South. Because the applicant does not intend to construct 1200 South, they requested a variance from UDOT which would allow for an access at the south side of the property which was closer to the central entrance than allowed by UDOT standards. This variance was awarded by UDOT on March 3, 2017 and the southeastern access shown on the plat reflects this. All lots within this subdivision meet the minimum lot dimension standards for the R-1 Zone. The roads within the subdivision area shown with a low-volume local cross-section which is warranted by the low traffic volumes in the subdivision as approved by City Engineer Brian Bloeman.

The memo concluded the property owner to the west has obtained easements on the subject property for access to his property and access to a well located on the property. The access easement is along the north of the property as shown in parcels A and F and was recorded on August 20, 2008. The well easement was obtained as a prescriptive easement and was recorded with Davis County on August 20, 2008. The well easement is shown as entirely within the trail parcel slated to be dedicated to the City on the south of the property. There are also easements along the entire north and western edges of the property. The north is a perpetual sewer easement of varying widths and the west a 24-foot irrigation easement which encroaches into the rear yards of lots proposed along the western lot line. As permitted in SCC 8.15.010.(D) a walkway providing access to the trail corridor is recommended across parcel G. This would facilitate better access to the trail and increase safety by providing trail access that does not border 4500 West which is designated as a minor arterial.

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CED Director Mellor reviewed the staff memo.

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Councilmember Maughan asked if the secondary access for the property has been granted by UDOT. Mr. Mellor deferred to the applicant, but noted that staff would require a letter from UDOT indicating the access has been granted before recordation of the final plat would be permitted. Applicant Josh Hughes added that he has submitted a variance request to UDOT; the request was approved and documentation of such has been submitted to City planning staff during the most recent Planning Commission approval.

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Council discussion of the project centered upon the trail and landscape buffer running along 4500 West and maintenance of those features. Mr. Hughes stated that it is his understanding that the City would require creation of a homeowner's association (HOA) to maintain the landscape buffers on both sides of the trail; however, he would propose an agreement with the City that would allow for him to install the trail along the southern border of the development to connect with the trail to the west in exchange for the City maintaining the buffers. This would prefer the need to create an HOA and

would also save the City money that would otherwise be spent for construction of the additional trail. If the City does not agree to such an arrangement, he will create an HOA for maintenance of the landscape buffers.

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Councilmember Bolduc then inquired as to Mr. Hughes' plans for the detention basin for the project. Mr. Hughes stated that he approached an adjacent property owner, John Diamond, about potentially diverting storm water to a detention basin on his property owned by the City, but negotiations to that end have been unsuccessful. Therefore, he has added a basin to the plat that would be adequate to detain water generated on the site. Councilmember Bolduc asked if the basin will be planted with grass. Mr. Hughes stated the landscaping is yet to be determined; he would like to negotiate with the City relative to ongoing maintenance of the basin, but if that is not an option the HOA will maintain it. Councilmember Maughan suggested that the basin be landscaped in materials that require minimal maintenance given that Mr. Hughes does not want to create an HOA, but that the City does not want to assume responsibility for a small parcel of property that would need to be maintained.

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Discussion then centered on the easements that John Diamond holds on the property; Mr. Hughes stated that Mr. Diamond has three easements, the largest one on the western most boundary of the property. Mr. Diamond can access that property for purposes of maintaining or repairing his fence. This was not a deterrent for him or the Simpson family and should not be negatively impactful on the future residents of the lots.

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Mr. Mellor clarified that City staff has not engaged in negotiations with Mr. Hughes relative to the trail improvements, maintenance of the landscape buffers, and maintenance of the detention basin. Councilmember Maughan stated that he wants to prevent the Council from taking any action that would allow Mr. Hughes to deviate from creating an HOA for future maintenance of certain amenities. Mr. Mellor stated that the action that has presented to the Council tonight would not provide for Mr. Hughes to decide against creation of the HOA. Mr. Bovero added that while the trail will be installed by the developer, it will be maintained by the City; the landscape buffers will be the responsibility of the HOA for the development.

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COUNCILMEMBER GAILEY MOVED TO GRANT PRELIMINARY SUBDIVISION PLAN APPROVAL FOR SIMPSON SPRINGS, LOCATED AT APPROXIMATELY 1350 SOUTH 4500 WEST. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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COUNCILMEMBER BOLDUC MOVED TO REVISIT ITEM 3A ON THE AGENDA. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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3a. Recognition of Former Councilmember Karianne Lisonbee

An administrative staff memo explained former Councilmember Karianne Lisonbee has been invited to attend the City Council meeting in order to be recognized for her service to Syracuse City. She served as a Syracuse City Council Member spanning January 2012 to January 2017. Mayor Palmer will present her with a token of the City's appreciation.

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Mayor Palmer thanked Ms. Lisonbee for her service to the City and presented her with a token of appreciation. Each Councilmember shook Ms. Lisonbee's hand and she received a round of applause from those in attendance.

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8. Proposed Resolution R17-13 authorizing the application for Land Water Conservation Fund Grant for the development of Centennial Park Phase Three: Splash Pad.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-13 AUTHORIZING THE APPLICATION FOR LAND WATER CONSERVATION FUND GRANT FOR THE DEVELOPMENT OF CENTENNIAL PARK PHASE THREE: SPLASH PAD. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9. Resolution R17-14 approving development theme amendment for Jackson Court, a Planned Residential Development (PRD) Subdivision, located at 1958 South 2000 West, Syracuse, Utah.

A staff memo from the Community and Economic Development Department explained that in the case of most residential construction, swapping brick for stone does not require council approval. However, in the PRD zone the existence of a development agreement makes these kinds of exchanges more difficult. "The purpose is that this will allow the developer to more closely tailor a development project to a specific user group." [10.75.010 SMC] The developer's request to keep the development style consistent across the whole development appears in harmony with the PRD ordinance - but such an amendment to the development agreement requires council approval. The issue was presented to the City Council on March 28, 2017 and the request was tabled. The applicant has since made changes to the theme board which is included in the packet per the feedback he received at the last Council meeting.

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Mr. Mellor reviewed the staff memo and provided photographs to illustrate the impact of the amendment to the development theme.

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COUNCILMEMBER GAILEY MOVED TO ADOPT RESOLUTION R17-14 APPROVING DEVELOPMENT THEM AMENDMENT FOR JACKSON COURT, A PLANNED RESIDENTIAL DEVELOPMENT (PRD) SUBDIVISION, LOCATED AT 1958 SOUTH 2000 WEST, SYRACUSE, UTAH. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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10. Award Contract for Tuscany Meadows and Centennial Park Improvement Projects.

A staff memo from the Public Works Department explained this project was bid in multiple schedules:

Schedule A – Tuscany Meadows Park (Engineer's Probable Cost Opinion \$370,000.00)

- Improves the easterly unimproved portion of Tuscany Meadows Park
- Installation of post tension concrete basketball courts
- Installation of a parking lot
- Installation of a restroom (City to purchase restroom separately)
- Installation of a 60'x30' shelter (City to purchase shelter separately)

Schedule B – Centennial Park Restroom (Engineer's Probable Cost Opinion \$260,000.00)

- Installation of a restroom and necessary utilities.

Schedule C – Tuscany Meadows Park Play Structure (Engineer's Probable Cost Opinion \$90,000.00)

- Installation of a play structure at Tuscany Meadows Park (bid for furnishing and installing play structure only. All site work including wood chips, concrete etc. is included in Schedule A)
- Installation of LED lights inside 30'x60' shelter

Schedule D – Tuscany Meadows and Centennial Park if awarded together (Not including Schedule C)

- Schedule A and Schedule B combined

Construction of the project can begin as soon as contract documents are in place and completion is anticipated for the Fall of 2017. Bids for the project were opened on April 4, 2017. Twelve companies attended the pre-bid meeting and three bids were submitted. The low bidder for all schedules was Post Asphalt and Construction.

	Post Asphalt & Construction	Arnell-West, Inc.	Stapp Construction
Schedule A Total	\$383,862.95	\$510,285.07	\$517,041.40
Schedule B Total	\$261,172.60	\$273,647.65	N/A
Schedule C	\$94,000.00	\$104,800.00	N/A

Total			
Schedule D Total	\$654,028.00	\$786,540.00	N/A

Syracuse City will purchase the restroom (\$62,532.35) and shelter (\$45,764.00) separately along with stubbing electrical (\$4,168.00) to the restroom. These additional costs need to be added onto the bid price for Schedule A which results in a total cost of **\$496,327.30** for Schedule A if awarded as bid. This is \$44,327.30 over the \$452,000.00 previously approved by council for this project. The budget for Schedule B is \$300,000. The bid of \$261,172.60 is under budget by \$38,827.40. If awarded, the funding for all Schedules will be from Park Impact Fee.

The memo noted Post Asphalt and Construction has done work on recent projects in the city with satisfactory results. In consideration of current construction costs, the unit prices from the low bidder for Schedules A and B were good and would not be substantially reduced if the project was rebid. If the savings from Schedule A budget were applied to Schedule B, the combined total of both budgets \$752,000 and combined bid totals of \$757,499.90 would require an additional \$5,454.90. If Schedule A were not included in the award for this bid, but included as part of a master plan with other amenities that have been discussed in previous council meetings, it could be bid in the future. Since the restroom is specifically designed to accommodate ADA, staff could research the possibility that the restroom be considered in a grant. If Schedule B were not included in the award for this bid, it would likely not get lower bid prices without changing the design. If Schedule C were not included with the award for this bid, it could be re-bid independently without difficulty.

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Public Works Director Whitley reviewed the staff memo.

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Council discussion of the agenda item centered on the project scope that was submitted to bidders. Councilmember Maughan indicated that he would like for certain items – a shelter and restroom – to be included in the park that were not included in the project scope; he has found that those items are available for purchase through the State contract. He noted that adding the items to the amount in schedule A would result in the project cost exceeding the budget of \$452,000; he wondered if it is more appropriate to amend the budget or to wait to construct the restroom at a future time. He stated that he does not feel is possible to defer the installation of the shelter because it must be anchored into the concrete that will be placed according to the scope covered in schedule A. He added that the play structure for the park is included in schedule C and he is recommending that aspect of the project not be awarded to any of the bidders because the City can purchase a different structure through an approved government contract at a reduced price that is at least \$20,000 less than the lowest bid. Councilmember Maughan distributed to the Council a document detailing his recommendations that would impact the total budget of the project. Council discussion centered on the park components included in the project scope that was big upon by contractors. Mr. Whiteley noted that any amendments to the components would require staff to revisit the low bidder to understand how that would change his bid. High level Council discussion of the project scope continued.

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COUNCILMEMBER MAUGHAN MOVED TO ACCEPT SCHEDULE A AND AWARD THE CONTRACT FOR TUSCANY MEADOWS AND CENTENNIAL PARK IMPROVEMENT PROJECTS TO POST ASPHALT CONSTRUCTION, WITH THE STIPULATION THAT A SHELTER STRUCTURE WILL BE PURCHASED FROM THE STATE CONTRACT AND ASSEMBLED AS PROVIDED FOR IN THE SCHEDULE. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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Councilmember Savage asked if the motion addresses the play structure and restroom components of the project, to which Councilmember Maughan answered no. Mr. Whiteley stated that all utilities needed for any additional components at the park will be stubbed into the site so that a restroom facility can be connected at some point in the future.

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Mayor Palmer stated there has been a motion and second to award the contract and he called for a vote; ALL VOTED IN FAVOR.

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11. Public comment.

There were no public comments.

[3:25:14 PM](#)

12. Councilmember reports.

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Gailey's report began at [3:25:32 PM](#). He was followed by Councilmembers Maughan, Anderson, and Bolduc. Councilmember Savage indicated he had nothing to report.

[3:38:53 PM](#)

13. Mayor's Report.

Mayor Palmer's report began at [3:38:58 PM](#).

[3:41:21 PM](#)

14. City Manager report

City Manager Bovero's report began at [3:41:25 PM](#).

[3:44:29 PM](#)

15. 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.

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COUNCILMEMBER GAILEY MADE A MOTION TO CONVENE IN A 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 PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 7:35 p.m.

The meeting reconvened at 9:08 p.m.

[9:09:05 PM](#)

16. Authorize Mayor Palmer to sign the West Davis Corridor Section 4(f) de minimus impact finding letter

A staff memo from the City Manager explained that as part of federally funded transportation projects, UDOT must do a determination of certain "Special" properties that are being impacted. As an example, these types of properties include historical, recreational, or other facilities that were previously built with federal funds. These properties are commonly referred to as "4(f)" properties, which references a section of the Code of Federal Regulations. Issue to Address: For the WDC project, UDOT has produced the attached letter, which outlines certain properties that are owned by the City that are designated as "4(f)" properties. UDOT is required to replace, on an acre-for-acre basis, all 4(f) properties that will be taken by the WDC. They have identified approximately 5 acres that will be designated 4(f). These properties are designated as open space/recreation, and the replacement land the City receives from UDOT must be used for open space/recreation. In addition, there are non 4(f) properties that will be purchased by UDOT. These properties do not fall under the same regulations, and will be purchased on a fair market value. The City Council needs to authorize the Mayor to sign the attached letter in order to acknowledge the 4(f) determination, and UDOT's proposal to mitigate the disturbance of these 4(f) properties. A closed session is scheduled to discuss the details of the land negotiation options.

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Mr. Bovero reviewed his staff memo.

[8:10:04 PM](#)

Councilmember Bolduc summarized the Council's consensus reached during the closed session to direct Mayor Palmer to submit a new proposal to UDOT for the designation of 4(f) properties, including property adjacent to Founder's Park and property in the southeast quadrant of the City located on area eight of the City's park survey exhibit.

[8:10:49 PM](#)

Councilmember Savage asked if the motion impacts the inclusion of trail property in the 4(f) designation. Mayor Palmer answered no.

[8:13:27 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO DIRECT MAYOR PALMER TO SUBMIT A NEW PROPOSAL TO UDOT FOR THE DESIGNATION OF 4(F) PROPERTIES, INCLUDING PROPERTY ADJACENT TO FOUNDER'S PARK AND PROPERTY IN THE SOUTHEAST QUADRANT OF THE CITY LOCATED ON AREA EIGHT OF THE CITY'S PARK SURVEY EXHIBIT (FUTURE LEGACY TRAIL). UPON UDOT'S ACCEPTANCE OF THE ADJUSTMENTS, MAYOR PALMER IS AUTHORIZED TO SIGN THE LETTER. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:14:22 PM](#)

At 9:14 p.m. COUNCILMEMBER GAILEY MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer

Mayor

Date approved: May 9, 2017

Cassie Z. Brown, MMC

City Recorder