

Minutes of the Regular meeting of the Syracuse City Council held on May 9, 2017 at 5:36 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

5:37:55 PM

1. Training session provided by Olympus Insurance regarding errors and omissions

Darrell Child, Executive Vice President of Olympus Insurance, used the aid of a PowerPoint presentation to provide the Council with training regarding the avoidance of errors and commissions claims.

6:01:48 PM

2. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 6:01 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. Police Chief Garret Atkin provided a thought in recognition of National Peace Officers Memorial Day, May 15, 2017, and Councilmember Anderson led the audience in the Pledge of Allegiance.

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

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3. Presentation of the Syracuse City and Syracuse Chamber of Commerce "Award for Excellence" to Brock Christensen and Hannah Taehyun Kim for the month of May 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 Andrew Sherman noted both youth receiving the award for May 2017 were nominated by the staff of Syracuse Elementary School.

Brock Christensen:

Brock is being nominated because of his dedication and amazing work ethic. He is always working and going the extra mile with reading, writing and his amazing math skills. Brock has advanced nine levels in

reading since the beginning of the school year. Brock is a great student and excels at everything he puts his mind to. Brock strives to do his best and his teacher is very happy to have him as a student. Great job Brock!

Hannah Taehyun Kim

Hannah is a hardworking, high achieving 4th grader. Hannah thirst for knowledge and continually pushes herself to learn more. Hannah is highly motivated to succeed and works hard to do well in all that she does. Hannah moved to the United States from Korea in 2010. She was only 3 years old at the time. She has not only adjusted beautifully to a new culture, but has learned English, become an accomplished pianist, excels in academics in school as well as our Chinese immersion program. Hannah excels in extracurricular sports outside of school. She is kind and is an amazing friend to others. She is a well-rounded student. Hannah has won many awards and has the highest academic marks possible in all areas on her report card.

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4a. Presentation of certificates to graduates of recent Community Emergency Response Team (CERT) training course.

A staff memo from the Fire Chief explained the Fire Department recently hosted a CERT Course, which is a program that prepares participants to be able to help themselves, their family and their neighbors in the event of a disaster. CERT teams also help the community year-round by helping with community emergency plans, neighborhood exercises, preparedness outreach, and workplace safety. In addition to supporting emergency responders during a disaster, the CERT program builds strong working relationships between emergency responders and members of our community.

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Chief Froerer reviewed the staff memo and presented certificates to the following individuals: Paul Engel, Casey King, Dal McCrary, Deb McCrary, Mark Ericksen, Curtis Sessions, Charlene Taylor, Brandon Taylor, Danielle Bennett, and Dave Whitecar.

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4b. Recognition: International Fire Fighters Day, May 4, 2017.

An administrative staff memo explained Firefighters dedicate their lives to the protection of life and property. Sometimes that dedication is in the form of countless hours volunteered over many years, in others it is many selfless years working in the industry. In all cases it risks the ultimate sacrifice of a firefighter's life. International Firefighters' Day (IFFD) is a time where the communities throughout the world can recognize and honor the sacrifices that firefighters make to ensure that their communities and environment are as safe as possible. It is also a day in which current and past firefighters can be thanked for their contributions. International Firefighters' Day is observed each year on 4th May. On this date, citizens are invited to remember the past firefighters who have died while serving their community or dedicated their lives to protecting the safety of all.

4c. Recognition: National Peace Officers Memorial Day, May 15, 2017.

A staff memo from the Police Chief explained in 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. Police Chief Atkin provided a thought at the beginning of the meeting in recognition of National Peace Officers Memorial Day and National Police Week.

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4d. Recognition: Building Safety Month.

City Manager read a proclamation from Utah Governor Gary Herbert:

Whereas, our growth and strength depend upon the safety and economic value of the homes, buildings and infrastructure that shield and serve our residents;

Whereas, our confidence in the structural integrity of these buildings is achieved through the devotion of vigilant guardians-building safety and fire prevention officials, architect, engineers, builders,

tradespeople, design professionals, developers, laborers and others in the construction industry-who work year-round to ensure the safe construction of buildings;

Whereas, our nation benefits economically and technologically from the implementation and application of safe and sensible codes and regulations;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety-our local code officials-who assure safe, efficient, and livable buildings;

Whereas, Building Safety Month 2017 encourages appropriate steps everyone can take to ensure that the places we live, learn, work, worship, and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

Now, therefore, K. Gary R. Herbert, Governor of the great State of Utah, do hereby declare May 2017, as Building Safety Month in Utah.

Mr. Bovero recognized Building Official Kim Dabb, Deputy Fire Chief/Fire Marshall Jo Hamblin, Chief Building Official Bryan Lemmons, and Building Inspector/Code Enforcement Officer Ken Sessions for their hard work on the City's behalf.

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4e. Recognition: Public Works Employees Brian Bloemen, Ryan Mills, and Zac Davies for recent receipt of certificates/awards.

A staff memo from the Public Works Director explained Brian Bloemen passed a water rights certification on April 7<sup>th</sup> which was offered by Utah Division of Water Rights. The Division of Water Rights and the Rural Water Association of Utah have developed this certification and the training that accompanies it. One who takes and passes the Water Rights Certification exam will be capable of navigating Utah's complicated water rights system effectively.

The memo added Ryan Mills and the water crew was presented with an award for supporting member on March 1<sup>st</sup> which was offered by Rural Water Association of Utah. RWAU provides professional training, support services, and representation for water and wastewater members to help enhance the quality of service to their customers. RWAU is the largest non-government water organization in the State. This award recognizes Syracuse City for the support that we have given by providing a venue for trainings that they make available to their members.

The memo concluded Zac Davies has completed several trainings that enabled him to receive his Road Scholar award on March 4<sup>th</sup> which was offered by Utah Local Technical Assistance Program. Zac is one in only 56 individuals who have ever received this award in the State. Completion of the Road Scholar program reflects training that involves road maintenance, such as: flagger certification, basics of a good road, heavy equipment, OSHA safety in the workplace and jobsite, roadway drainage, and more. Zac's interest and dedication to keep our roads properly maintained is outstanding.

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Public Works Director Whiteley reviewed his staff memo and recognized the members of his staff discussed therein.

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5. Approval of Minutes:

The following minutes were reviewed by the City Council: Regular Meeting of March 14, 2017, Work Session and Special Meeting of March 28, 2017, and Regular Meeting and Work Session of April 11, 2017.

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COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA. COUNCILMEMBER SAVAGE SECONDED THE MOTION.

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6. Public comments

Hollie Loya, Clearfield resident, stated she is Dakota Kilburn's mother. She stated that the entire situation with her son has been surreal and she cannot drive past the site where he was crossing the road without being heartbroken about the fact that someone was not paying attention while her child was trying to cross the street in the crosswalk. She stated that it is very important that the entity responsible for making decisions about providing safe crossing on public streets understand that hundreds of elementary and junior high students cross the street there every day. She added there is other heavy pedestrian traffic associated with businesses and recreational opportunities in the area and people besides students use the crosswalk regularly. She indicated that today she was driving on Washington Boulevard in Ogden and she stopped at a crosswalk for a

pedestrian, but another motorist near her did not see the pedestrian and did not stop. She stated that the crosswalk she stopped at is signalized and it did not catch the attention of the other driver. She reported that upon completion of the 2000 West widening project, the road will be five lanes wide and she feels that something better than the crosswalk signal recommended by the Utah Department of Transportation (UDOT) is needed. She recommended an overpass be constructed to provide safety and potentially reduce the need for a crossing guard at the site. She asked that the City Council use any influence they have to persuade UDOT to reconsider their plans for the crosswalk.

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Burke Kilburn stated he is Dakota Kilburn's father. He understands that the City does not have authority over 2000 West and the crosswalk, but he asked for Council support in the way of applying pressure to the entity that is responsible for making decisions about signalization of the crosswalk. He stated the schools on 2000 West were constructed in approximately 1985, which was 30 years ago and the City has changed dramatically since that time; population has increased, speed limits on 2000 West have been increased, cell phones and other devices are used in vehicles, more teenagers are driving, and businesses in the area have increased. All of these things have changed the conditions of the crosswalk since when it was first constructed in 1985, but it has not been improved to keep pace with other dramatic changes. He stated it is time to put the life a pedestrian in their own hands and make the community safer for them.

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Terry Kilburn stated that she is Dakota Kilburn's grandmother and she and so many others care about protecting their families, friends, and especially the children of the community. Her prayers every night and day are that the people who hold the power to protect the safety of the residents are focused on the security of those who come in contact with the crosswalk. She is asking that everyone stand up and make the crosswalk a sky bridge or a tunnel – something that will help save children. She asked that the Council care about kids as they are the future; Dakota's future was stolen away and his family can no longer hear his sweet voice, see him play football, wrestle, or beat her in a game of darts. She was happy to see him excel in all he did, loved, and cared about and she asked that the City join with her in caring about providing a safe crossing for all students and residents that move through the dangerous, high traffic area.

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Jacklyn Philips stated that she and her family live in Syracuse and her 15-year old son attends Syracuse Junior High; her 11 and 10 year old sons attend Syracuse Elementary School. She has grave concern about the crosswalk on 2000 West between the two schools. She understands 2000 West is a State owned and controlled road and the final decisions regarding safety measures on the road belong to UDOT, but she is asking for City support and influence to provide stronger safety measures for children crossing the road. She understands many studies have occurred at the site, but she feels that some statistics have been under or unreported; accident reports for the road do not take into account the numerous close calls and near misses that have occurred there. She stated that her son Dylan was with Dakota and their friend Tyler on the night Dakota was struck; all three boys had been meticulously instructed on proper crossing procedures, yet she always worried. When she received Dylan's phone call on the night of April 17, mere minutes after the tragic and preventable accident, one of her greatest fears was realized. She listened to his distraught, scared voice telling her Dakota had been hit by a car and he did not have to tell her where it had happened because she already knew. As the school year comes to a close and Dylan prepares to move on to high school, she is relieved he will be crossing a much less busy street with safer crossing measures, but this also means that she has one year until her fifth grade son will be crossing 2000 West to attend the junior high school; this child had autism and other medical needs that cause him to be unable to run. He will be able to manage with the aid of crossing guards, but he will not be able to participate in after school activities due to the inability to navigate such a hazard at the center of the City. About a sky bridge, UDOT has said that if it's inconvenient people won't use it and it could be more of a hazard; UDOT told her they consider the 'three E's' when they consider changing a traffic pattern: engineering, education, and enforcement. She stated a bridge could be engineered in such a way to make it easy and enticing; schools, parents, and crossing guards could educate students on the proper way to cross the road using the bridge; and relative to enforcement, since the City is currently employing crossing guards to help them cross, these same people would be a wonderful and friendly guide to encourage people to use the bridge and training them for that use during non-school hours. She stated that 2000 West is a very busy road and will become more so with the impending expansion of the West Davis Corridor; a bridge could address congestion while keeping kids out of the path of danger. She concluded by quoting the General Plan approved by the Council and updated in March 2014: "Coordination and anticipation of traffic conditions related to planned developments and any road widening projects should be a priority. Specifically, traffic volumes and potential conflicts with Syracuse Junior High and Syracuse Elementary School should be anticipated and prevented where possible." She stated it is possible to anticipate and prevent further tragedies and she pleaded with the Council for their support and influence.

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Dylan Phillips stated that his best friend was Dakota Kilburn; on the night of April 17 a tragic accident took place in the crosswalk between the junior high and elementary school. Dakota was struck by a southbound car and thrown into oncoming traffic. He and his other friend, Tyler Lewis, were inches away from losing their lives also. They knew the road was dangerous, but they all knew how to cross using the crosswalk. They did not have their heads in their phones and they were not playing games. They always approached the crosswalk and looked both directions, judge the braking ability and the opportunity for a vehicle to stop, and this is not the first time they had come close to being struck. He stated a couple months earlier a truck came within inches of striking them as well and every person he has spoken to has had a close call at the crosswalk. In September of last year he was in a vehicle with his family stopped at a crosswalk equipped with a hawk signal; there were multiple individuals in the crosswalk and a young, distracted driver rear-ended his father's vehicle. If it had not been for his father's foot staying on the brake of the vehicle, they would have struck the people in the crosswalk. He concluded that humans make mistakes; it is not always possible to prevent a mistake, but it is possible to make things safer after mistakes happen.

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Bill Lewis stated he is a Clearfield resident. Today he read an article written some time ago about the 2000 West road widening project and that article indicated that Syracuse City would be highly active in participating in the construction of the road. He stated that it may be true that the City does not have jurisdiction over the road, but this is a very personal issue to him as his son was present when Dakota was struck by the vehicle in the crosswalk. He stated that with both schools on either side of the road, nearby commercial businesses, and one of the most active parks in the City the crosswalk is very busy and everyone crossing deserves the right to be safe. He stated he hopes the Council and Mayor will take this issue personal as he does. He stated the article he mentioned also indicated that the City wanted to be involved to ensure proper infrastructure is installed for future commercial development along the road; he understands that is the City's role, but he also feels it is the City's role to do whatever possible to help protect his children and all children in the City. He stated the residents need as many allies as they can get in the fight for a safer crosswalk.

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Mayor Palmer stepped out of the meeting at this point to attend to another commitment. Mayor Pro Tem Maughan assumed control of the meeting.

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Enrique Loya stated he is Hollie Loya's husband and Dakota was his step-child; to say he loved him would be an understatement. He stated that one thing that stuck out for him was that on the night of the vigil for Dakota, with so much activity and attention on the area, people were almost struck in the crosswalk that night as well. There were several police officers at the site and the area was well lit and people were still 'blowing through' the crosswalk. He stated that many children still use the crosswalk to get to school and if the City is unwilling to do anything about the situation, they are 'just as bad as the guy that was driving' when Dakota was struck. He stated he does not want to place blame, but this is a situation that did not have to happen. He stated that Dakota's family will now miss out on his future and there is not a person who know him that did not love him. He stated he is hopeful that it is not necessary for more tragedies to occur before action is taken, but he believes it should not have ever happened.

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Trent Nalder stated he lives in West Haven and is a friend to Dakota's family. He stated he understands the City does not have control over 2000 West, but he would challenge each Councilmember and the Mayor to personally write a letter to UDOT or their State representative to make changes so that no other person is forced to suffer as every child in the two schools are as a result of losing Dakota Kilburn.

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Kevin Homer stated that this year he and his wife are celebrating their 40-year wedding anniversary; they have lived in Syracuse the majority of that time and their children attended Syracuse Junior High. He now has grandchildren attending school in the area and he sympathizes with the loss the Kilburn family is feeling. He addressed those that have spoken about this issue tonight and encouraged them to take matters into their own hands; they do not need permission from the State of Utah and UDOT to build and finance a sky bridge over 2000 West. He recommended they take the initiative to raise money and engineer the project and work with the City to build it. The people are not beholden to the State government to get something done. Mr. Homer then discussed a recent vote taken by the Redevelopment Agency (RDA) Board a few weeks ago regarding tax increment financing for The Rush. He has strong feelings about a government entity interfering with the free market and becoming a lending institution for businesses; he feels it is wrong even if the intentions of promoting business are good. He stated government involvement with deals for a business that may not be available to all businesses is wrong. The City should, instead, create an environment of liberty and freedom and businesses will then flock to the City.

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Adina Kasky stated she lives on Hill Air Force Base and she is friends of the Philips family; she mentioned the production of bracelets made in Dakota's memory and indicated she noticed the Mayor was wearing his bracelet. The bracelet does not carry the feelings of those who are very emotional about the loss of Dakota. She stated she would encourage the Mayor and Council to think about the fact that the emotions they are feeling are so minute compared to what Dakota's family is dealing with right now. She has heard that the City does not have the power to make a decision regarding the crosswalk, but the Mayor and Council are in their position for a reason and she would encourage them to find a way to use their position to do something. She stated she is not from Utah, but she has learned that people that live here know each other and the Council likely knows people that can do something. She encouraged them to find creative ways to get things figured out.

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There were no additional persons appearing to be heard. Mayor Pro-Tem Maughan addressed those that spoke and stated that he wants them to know that members of the City Council have been discussing this matter and they feel deeply saddened by the event. They would like to do what they can do, but they cannot make a public promise that they are unable to keep at this time. He believes that action will be taken and the Council will continue to discuss and be involved in the process to consider improvements to the crosswalk, but they must be careful that they don't make a public promise at this time. He stated he hopes those that have spoken tonight understand and respect the situation the City is in. He stated that in speaking for himself, he is not a traffic expert, but he is willing to listen to those that are. He is also willing to listen to those that are not experts, but that may have ideas about addressing the problem. He stated he appreciated all the thoughts that have been expressed tonight.

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7a. Common Consent: Proposed Ordinance 17-10 prohibiting the holding of two public offices.

A staff memo from the City Attorney explained the Mayor has requested that a draft ordinance address a situation where a sitting councilmember or the mayor might seek to hold another public office while concurrently serving on the council.

This draft essentially requires one who is either: (1) holding an elected municipal office, or (2) elected to a municipal office, to vacate the previously held seat, upon being sworn into the new position. Thus, if a sitting member of the County Council ran for City Council and won, that person would need to vacate the County Council seat or forfeit their position on the Council. Or if a sitting Councilmember was elected to a position on the Davis School Board, the Councilmember would need to vacate the City position upon being sworn into the new position.

While this arose out of a concern that holding a city elected position and the office of a legislator would violate the constitution, *see* Utah Const. Art. VI, § 6, it is also apparent that inherent conflicts of interest would exist with any other elected position or judicial appointment. Thus, the attached ordinance applies to more than just state legislators.

The question of what constitutes an "elected position" is addressed in Subsection (A), which provides that the only positions to which this prohibition applies are those positions whose elections are governed by Title 20A of the Utah Code. Simply put, if a general election will determine whether you can hold the office in question, then the prohibition against holding two offices will apply.

Requiring a person to vacate the seat is accomplished by deeming the acceptance of another office as a *voluntary resignation* under Utah Code Ann. § 10-3-201(1). It is deemed voluntary, because any person who seeks either a city position or another elected position will do so with knowledge that the act of being sworn into a concurrent elected position is prohibited, and will result in them forfeiting the right to hold the City position.

Under Utah law, any time that an ordinance enlarges or restricts the mayor's powers, duties, or functions, the Mayor is entitled to participate in the vote. As this ordinance adds a section to Chapter 2.15, and affects the office of Mayor, allowing the Mayor to participate in the vote as a precaution could avoid later challenge to that provision's enactment. I therefore recommend that the Mayor participate in the vote.

The enactment of 2.15.070 and 2.10.185 are linked together in one ordinance due to their common purpose. If the Council does not feel that the Mayor should participate in the vote related to the enactment Section 2.10.185, then it could vote to divide the question and consider them separately, with the Mayor only voting on the enactment of Section 2.15.070.

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COUNCILMEMBER GAILEY MOVED TO ADOPT ORDINANCE 17-10 PROHIBITING THE HOLDING OF TWO PUBLIC OFFICES. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7b. Common Consent: Adopt Tentative Budget for FY2017-2018 and set public hearing for June 13, 2017 to consider adoption of Final Budget.

A staff memo from the Finance 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, 2017 to consider adoption of the final budget.

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COUNCILMEMBER GAILEY MOVED TO ADOPT TENTATIVE BUDGET FOR FY2017-2018 AND SET PUBLIC HEARING FOR JUNE 13, 2017 TO CONSIDER ADOPTION OF FINAL BUDGET. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7c. Common Consent: Preliminary Subdivision Plat Approval for "Grayson Ridge", located at approximately 3600 W. 2000 S.

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

Location: 3600 West 2000 South  
Current Zoning: R-1  
General Plan: R-1  
Total Subdivision Area: 24.788

The applicant is requesting approval of a 57-lot subdivision which will develop roughly the eastern half of the open property south of Buffalo Point Elementary. The western half of the property is slated for future development but further wetland studies are needed before that may continue.

The subdivision will connect Doral Drive which currently ends just south of Buffalo Point Elementary and north of Ranchettes West and Tuscany Park. This will provide for more effective traffic flows for children going to Buffalo Point Elementary. The current break in Doral Drive has presented challenges for children arriving at school as they currently must route around 3400 West if approaching from the south. Doral Drive is also a Minor Collector according to the Syracuse Transportation Master Plan which means it will be a 66-foot right-of-way designed to accommodate higher traffic levels.

Staff is requesting that Doral Drive be completed within the first phase of development for the following reasons: Doral drive is a needed collector road, improved access to utilities that will be installed in the ROW, to improve access to the school and for construction workers, and to provide sufficient services to existing and future development. This request is in accordance with SCC 8.10.190.(D).

Both Doral Drive and 2200 South are Minor Collectors which means that buffer table F will be required on all lots that front these roads. This buffer table requires a landscape buffer width of 15 feet and 1 street tree every 50 feet. All lots shown in the proposed subdivision meet the dimension requirements for the R-1 Zone and the subdivision is within the maximum density of 2.3 units per acre.

The memo concluded the Planning Commission is forwarding a conditional recommendation for approval from their meeting on May 2nd, 2017. Conditions of approval include that all comments in the included staff reports are addressed, Doral Drive be completed in a timely fashion, and that an agreement for the sale of city owned land be finalized during approval of the corresponding phase 4 final plat.

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COUNCILMEMBER GAILEY MOVED TO GRANT PRELIMINARY SUBDIVISION PLAT APPROVAL FOR "GRAYSON RIDGE", LOCATED AT APPROXIMATELY 3600 W. 2000 S. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7d. Proposed Ordinance 17-12 amending Section 10.30.080 of Title 10 of the Syracuse City Code pertaining to the buffering table.

A staff memo from the Community and Economic Development Department explained the City Council has requested that the Planning Commission look at the buffer ordinance and make a recommendation as to whether or not it would be advised to be able to alter the standard buffer requirements where the standard buffer is not feasible or practical. Also, it is being requested to identify the circumstances and process for allowing an alteration to the standard buffer, should you recommend making it possible to make alterations. The item was discussed in the work meeting on Feb. 7th. Concern was expressed with the term 'unique site restrains' as it could be argued that every site is unique. We didn't want everybody asking for an exception on every project. Also, it was desirable for City Council to make the final approval if a buffer table was altered. During the 4/18/17 meeting, it was decided the included language was ready to bring to the regular meeting agenda. The memo concluded that at their May 2, 2017 meeting, the Planning Commission unanimously agreed to pass along a recommendation for approval to the City Council.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED ORDINANCE 17-12 AMENDING SECTION 10.30.080 OF TITLE 10 OF THE SYRACUSE CITY CODE PERTAINING TO THE BUFFERING TABLE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7e. Proposed Resolution R17-12 adopting the Fiscal Year 2016-2017 Wage Scale.

A staff memo from the Finance Director referenced proposed changes to the fiscal year 2016 – 2017 wages scale. The recommended changes to the wage scale are highlighted in red. Any questions regarding this item can be directed at City Manager Brody Bovero or Finance Director Steve Marshall. Staff is recommending adding one additional job classification to the employee wage scale. This new job would be called the Assistant Police Chief and would report directly to the Police Chief. It is proposed to be a full-time position. Staff performed a salary benchmark for this position and has set the proposed wage scale to match the wages to the 60<sup>th</sup> percentile of comparative cities based upon our current compensation plan. Staff is also proposing adjusting the Police Chief salary range to reflect market changes in order to ensure that the police chief's wage scale is higher than the Assistant Police Chief.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED RESOLUTION R17-12 ADOPTING THE FISCAL YEAR 2016-2017 WAGE SCALE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7f. Proposed Resolution R17-17 approving polling locations for the 2017 Municipal Primary and General Elections and designating them as Vote Centers for the Primary Election.

A staff memo from the City Recorder explained that according to Utah Code Section 20A-5-403, the election officer is required to designate polling places for each voting precinct in their jurisdiction. Council approval of the polling places is also required. Also according to Utah Code Section 20A-3-703, the election officer can designate one or more polling places as Election Day Vote Centers. All Davis County cities have opted to contract with the Davis County Clerk's Office for the administration of their 2017 Election, and in working together, the Clerk and all City Recorders have deemed it appropriate to designate all polling locations in the County as Vote Centers to provide residents the ability to cast their ballot at any polling location and have that ballot counted.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED RESOLUTION R17-17 APPROVING POLLING LOCATIONS FOR THE 2017 MUNICIPAL PRIMARY AND GENERAL ELECTIONS AND DESIGNATING THEM AS VOTE CENTERS FOR THE PRIMARY ELECTION. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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8. Public Hearing: Proposed Ordinance 17-08 declaring the annexation of 39.134 acres of property located at approximately 4000 W. 800 S. into the City of Syracuse, Davis County, Utah, approving an annexation



agreement, and establishing zoning for the property.

A staff memo from the Community and Economic Development Department explained the developer, DR. Horton, desires to annex 39.134 acres from Davis County into the City. The property is primarily farmland with the exception of a historic farm house owned by the Wilcox family. The home is located approximately on the southeast corner of the property. The Wilcox's are related to the Criddle's through marriage and the property is better known as Criddle Farm. The property to the west is un-annexed farm land that will eventually go to West Point. Roughly half of the adjacent border to the south was annexed into the city as PRD in 2014 and the other half is farmland annexed into West Point. Within a quarter mile to the south is an R-1 subdivision known as Bridgeway Island. To the east is R-1 cluster, farmland, and R-2 residential. The north of the property is undeveloped West Point. The property will be serviced by 1200 S, 4000 W, and 700 S. The land is currently within the city's annexation declaration. Along with the annexation plat is included an annexation agreement. The purpose of the agreement is to ensure that the required infrastructure will be provided to service this development, supersede the previously signed agreement for the south of the property, clarify required open space amenities, and to coordinate development density throughout the property. The agreement will allow development to occur at the same densities as a combined PRD to the south and R-1 to the north but more evenly spread through the development consistent with R-3 standards. The development is to include open space amenities including an artesian well park and a trail along the west side of 4000 W. These amenities are similar to what was included in the original PRD development. The memo concluded the Planning Commission has reviewed this item in their meeting on May 2nd, 2017. They are forwarding a recommendation for conditional approval. It was agreed that replacing the PRD with a lower density was in the best interest of the city. It was also agreed that the proposed trail and artesian well will be an attractive addition to open space amenities available to its residents. It was discussed that after reviewing the provided maps, the R-3 density was not consistent with the surrounding neighborhoods. They debated that under normal circumstances, an R-2 development would be allowed a total of approximately 171 lots (3 units per acre multiplied by 57 acres) and that the proposed concept plan contains a total of 201 lots (3.48 units per acre). The reduced zoning would result in a loss of 30 lots but in the Commission's opinion, make the development come into conformance with the character of the surrounding neighborhoods and in unity with the intent of the general plan. The body made a motion to recommend approval of the annexation and agreement but with the condition that instead of an R-3 as proposed, an R-2 general plan and current zone be instituted. The motion carried on a four to two vote.

[7:01:00 PM](#)

CED Director Mellor reviewed the staff memo and provided an overview of the history of the proposed annexation and subsequent development.

[7:04:42 PM](#)

Mayor Pro Tem Maughan opened the public hearing at 7:04 p.m.

[7:04:54 PM](#)

Eve Shelton stated she lives in the Bridgeway Island development south of the subject property. She stated she has questions about the project, first of which is whether there is a guarantee from the Utah Department of Transportation (UDOT) regarding the route of the West Davis Corridor. She stated that if that is yet undecided and there is a chance that the road could run through the area, it would not be prudent to allow this development to proceed. She then noted that she was present two years ago when the Council approved Planned Residential Development (PRD) zoning for the project and it was her understanding there was a development agreement requiring PRD zoning; the citizens in that area felt they were disregarded as they were opposed to such small lots. The action being considered tonight is worse yet because it would allow small lots and the elimination of open space that was promised to residents. She noted Section 9.1 of the General Plan states "Residents and business owners have come to depend on the Syracuse City General Plan as it represents the wishes and goals of the City. As Syracuse is primarily a bedroom community, property ownership decisions are often based upon this document; as such, any proposed changes should carefully be considered so as not to dramatically alter the goals outlined in the Plan as well as to not dramatically change the character of the neighborhoods within Syracuse." She stated that as a resident of the community she feels the proposal will dramatically change her neighborhood.

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Mayor Pro Tem Maughan asked if there were additional persons appearing to be heard; there were none and the public hearing was closed at 7:08 p.m.

[7:08:32 PM](#)

Mr. Mellor then responded to the questions raised by Ms. Shelton; the City notified UDOT of this proposed development 45 days ago and no response has been received by the City. He indicated that UDOT's record of decision will be published soon, but if the corridor were to be located on the western edge of the City, the City would not necessarily need to stop a development from going forward. Rather, UDOT is notified so that they have the opportunity to purchase any

property that would otherwise be impacted by their roadway. Mayor Pro Tem Maughan added that though UDOT has not made an official announcement about the West Davis Corridor alignment, there is a fair understanding that the final route will not be the route on the western edge of the City.

[7:11:48 PM](#)

Councilmember Gailey then discussed the action taken to assign PRD zoning to the property; the designation was called or in the General Plan that had been adopted 15 years prior to the first discussion of the development of the property. The City is under some obligation to provide various housing types and past leaders of the City had designated properties on the west side of the City as the most appropriate location for those housing types. However, sentiments regarding that designation have changed, but the landowner had the right to build a project that conforms with the PRD zoning. Since that time, the Mayor and Council have taken steps to eliminate PRD zoning from the City and the landowner has also been willing to compromise and accept a zoning that is much less dense than what he could have initially constructed. Mayor Pro Tem Maughan also acknowledged the willingness of the developer to abandon the PRD zoning and move to the R-3 zoning designation.

[7:14:32 PM](#)

Councilmember Anderson stated that it is her understanding that the development to be constructed is very similar to existing development in the area. Mr. Mellor stated that is correct and he reviewed site plans for development to illustrate the similarity of lot sizes and home construction. He added lot sizes in the proposed development are larger than they would have been under PRD zoning. He concluded staff believes that the updated proposal is a higher quality development than would have been built if the developer had continued with the PRD zoning.

[7:20:38 PM](#)

Mayor Palmer stated the Wilcox family has been great to work with through this process and he appreciates their effort and commitment to the City.

[7:21:07 PM](#)

COUNCILMEMBER SAVAGE MOVED TO ADOPT ORDINANCE 17-08 DECLARING THE ANNEXATION OF 39.134 ACRES OF PROPRETY LOCATED AT APPROXIMATELY 4000 W. 800 S. INTO THE CITY OF SYRACUSE, DAVIS COUNTY, UTAH, APPROVING AN ANNEXATION AGREEMENT AND ESTABLISHING ZONING FOR THE PROPERTY. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER ANDERSON, WHO VOTED IN OPPOSITION IN RESPONSE TO SEVERAL EMAILS SHE RECEIVED FROM RESIDENTS REGARDING THEIR CONCERNS ABOUT THE PROJECT.

[7:22:18 PM](#)

9. Proposed Ordinance 17-09 rezoning 20.06 acres of property located at approximately 1132 South 4000 West to R-3 residential..

A staff memo from the Community and Economic Development Department explained that in relation to the previous agenda item, the developer DR. Horton has requested to rezone the 'south' half of the Criddle Farms development from PRD to R-3. The purpose of this request is to enable the southern half of the proposed development to proceed to the preliminary and final plat stages consistent with the new development agreement. The developer would like to proceed with the south half at the same time as the north half goes through the delayed process of being officially annexed into the city.

The Planning Commission reviewed this item and held a public hearing during their May 2, 2017 meeting. A motion was made to approve the rezone with the request for City Council to review their conversation related to the recommended density of the entire project. The motion carried unanimously.

The memo then provided the following information about the application:

Location: 850 South 4000 West  
Current Zoning South: PRD  
Current Zoning South Proposed: R-3  
General Plan Designation South: R-3  
General Plan Designation North: R-3  
Total Area: 20.061(south), 35.86 (north)

[7:22:37 PM](#)

COUNCILMEMBER GAILEY MOVED TO ADOPT ORDINANCE 17-09 REZONING 20.06 ACRES OF PROPRETY LOCATED AT APPROXIMATLEY 1132 SOUTH 4000 WEST TO R-E RESIDENTIAL.

COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER ANDERSON WHO VOTED IN OPPOSITION.

[7:23:06 PM](#)

10. Public hearing: Proposed Ordinance 17-11 amending Section 10.120.040 of the Syracuse City Code pertaining to industrial building height.

A staff memo from the Community and Economic Development Department explained the City Council has requested that this ordinance receive an expedited review because it has potential benefits related to economic development for the city. They will hold a public hearing to satisfy the noticing requirements of an ordinance revision. A company wants to build an industrial building that is 68 foot tall within our industrial zone. City ordinance has a height limitation based off distance from the 'zone boundary'. In this particular circumstance, the city boundary is only 35 feet away so if we interpret that the 'zone boundary' is the same as our city boundary, their building will be limited to 35 feet tall. However, Clearfield's zoning map indicates that the adjacent property is also zoned industrial. So if we measure from the edge of Clearfield's industrial zone, they will have more than 200 feet from the 'zone boundary' thus allowing up to 100 foot in height. The purpose of having a graduated height requirement is to prevent a very tall building next to a different land use, especially a house because of shadows and view blocking. The City Council has requested that this body create the language that would enable a user to utilize the surrounding city's zoning when determining the maximum height of an industrial building. Also, it is appropriate for this body to examine if this method would be recommended. On the May 2, 2017 meeting the Planning Commission unanimously agreed to pass along a recommendation for approval to the City Council.

[7:23:27 PM](#)

Mr. Mellor reviewed his staff memo.

[7:25:23 PM](#)

Mayor Palmer opened the public hearing at 7:25 p.m. There were no persons appearing to be heard and the public hearing was closed.

[7:25:33 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO ADOPT ORDINANCE 17-11 AMENDING SECTION 10.120.040 OF THE SYRACUSE CITY CODE PERTAINING TO INDUSTRIAL BUILDING HEIGHT. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:26:12 PM](#)

11. Proposed Resolution R17-16 adopting updated Syracuse City Engineering Standards and Construction Specifications.

A staff memo from the Public Works Department explained in keeping with the good practice to maintain current engineering standards, we have carefully reviewed our current standards and are recommending a few updates, as summarized.

1. Amend the asphalt specification to limit the amount of recycled asphalt in the mix in order to reduce premature cracking.
2. Change the secondary water service standard to allow for the valve to be locked if necessary to protect from potential risk of cross connections; and provide an access point where blockages in the pipe can be removed quickly without landscape disturbances.
3. Remove the residential driveway width requirement to eliminate redundancy where it is already governed by Ordinance 10.40.060.

[7:26:15 PM](#)

Public Works Director Whiteley reviewed his staff memo and facilitated a discussion among the Council during which there was a focus on the manner in which the amendments should prevent a homeowner from performing a cross-connection of utility lines on their property.

[7:36:41 PM](#)

COUNCILMEMBER BOLDUC MOVED TO ADOPT RESOLUTION R17-16 ADOPTING UPDATED SYRACUSE CITY ENGINEERING STANDARDS AND CONSTRUCTION SPECIFICATIONS. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:37:08 PM](#)

12. Public comment.

Eve Shelton stated that Mr. Mellor mentioned earlier than changing the zoning of the Wilcox property from PRD to R-3 will result in the same number of dwellings being constructed on the property, but the Council indicated there would be fewer dwellings. Mayor Palmer emphasized that there will be fewer dwellings when considering the combination of the two properties that make up the development. Ms. Shelton then stated that the fact that the Wilcox family could not make the project work with three different developers is proof that PRD zoning was not suitable for the area because it would not have attracted buyers. She stated she still feels that existing residents in the area will be negatively impacted and she does not agree that lot sizes will be the same as in existing developments; lot sizes will range from 0.18 to 0.2 acres with just five lots being near one-third acre in size. She still feels the lot sizes will be too small and the same amount of open space will not be provided as the residents have come accustomed to enjoy.

[7:39:49 PM](#)

Heath Rodgers, Police Lieutenant, approached the Council and thanked them for a recent decision they made in response to a situation he was in where he received a lucrative job offer from another City. The Council's decision has allowed him to choose to stay in Syracuse, which is his home. He stated that he was hired as the eighth Police Officer in Syracuse in 1988; the City and the Department have experienced a great amount of growth. He enjoyed working for former Police Chief Wallace and now for Police Chief Atkin; he has grown very much as a leader under Chief Atkin and he appreciates his willingness to fight to keep him here. He also thanked City Manager Bovero, Mayor Palmer, and the entire Council. He stated he also needs to thank his wife; she has always stood by his side and they have enjoyed a successful partnership. He stated that he loves her very much and appreciates the support of her and the rest of his family.

[7:43:04 PM](#)

Peter Brickey stated that he lives adjacent to the field on the east side of City Hall. He thanked the Mayor and City Council for their willingness to participate in Boy Scout Courts of Honor. He then noted that from his perspective, it feels as if there is less 'drama' in the City than there has been in the past. Finally, he concluded that the kids in the neighborhood would like for the vacant field to the east to be converted to a dirt bike track.

[7:44:26 PM](#)

Drake Bickerson suggested that a soccer field be located on the vacant field that is located on Antelope Drive; there are no soccer fields in that area that are easily accessible, but there are many kids in the area that would enjoy the opportunity to play near their home.

[7:45:27 PM](#)

13. 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 Bolduc's report began at [7:45:38 PM](#). She was followed by Councilmembers Gailey, Maughan, Anderson, and Savage. Councilmember Savage indicated he had nothing to report.

[8:08:55 PM](#)

14. Mayor's Report.

Mayor Palmer's report began at [8:09:06 PM](#).

[8:11:04 PM](#)

15. City Manager report

City Manager Bovero's report began at [8:11:12 PM](#).

[8:13:12 PM](#)

16. 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.

8:13:16 PM

COUNCILMEMBER MAUGHAN 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 GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 8:13 p.m.

The meeting reconvened at 9:23 p.m.

At 9:23 p.m. COUNCILMEMBER GAILEY MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Terry Palmer

Mayor

Date approved: June 13, 2017

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Cassie Z. Brown, MMC

City Recorder