

Minutes of the Regular meeting of the Syracuse City Council held on June 13, 2017 at 6:00 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

**\*\*THE AUDIO RECORDING FAILED FOR THE FIRST PORTION OF THE MEETING\*\***

1. 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. Councilmember Gailey provided an invocation and Councilmember Anderson led the audience in the Pledge of Allegiance.

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

2a. Recognition: Community Development Director Brigham Mellor for receipt of Economic Development Finance Professional (EDFP) certification from the National Development Council.

City Manager Bovero presented Community and Economic Development (CED) Director Mellor with the Economic Development Finance Professional (EDFP) certification from the National Development Council. He commended Mr. Mellor for his diligence in dedicating the time and effort to achieve the certification while simultaneously carrying out his duties and responsibilities associated with his position as CED Director.

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3. Presentation from Shelly Thorne regarding Miss Syracuse Pageant and associated budget request.

Shelly Thorne provided the Council with information about the Miss Syracuse Pageant; last year she approached the Council seeking funding for a small \$500 scholarship for the Miss Syracuse Teen Pageant, but that request was denied and the budget for the pageant was decreased. She stated she is asking the Council to reconsider that decision and increase the funding for the pageant in the Fiscal Year (FY) 2018 budget. She noted that last year when she took over the pageant, she eliminated the swimsuit portion of the competition and replaced it with a community service component. Additionally, she withdrew from the Miss America Organization to make the pageant more of a community event. She stated she feels the pageant is going in the right direction and they have received a lot of praise and encouragement from many community members. She presented the Council with the budget for last year's pageant, which includes all expenditures associated with the event. She also provided the proposed budget for the coming FY and indicated that last year the Council asked that she consider implementing a mechanism for tracking the manner in which scholarship money is used by the awardees; she has developed a scholarship request form and contestants are required to complete the form for reimbursement for education costs. She also provided a copy of the Miss Syracuse and Miss Teen contract, which requires participants to commit to serving their community for a minimum number of hours and the appearances they will participate in during their reign over the coming year.

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Councilmember Anderson asked for more information about the costs associated with renting the Syracuse High School auditorium for the pageant. Ms. Thorne stated the rental costs fluctuate dramatically from year to year and last year it was just \$500. However, in years past it has been up to \$1,800 depending on the staff members that sign up to staff the facility during the event. She stated there is no way for her to know what the cost will be in advance of the budget year. She stated she has asked that the Davis School District Foundation work with her to control those costs or consider reducing costs to give the City credit for the school resource officer that is dedicated to the school. She stated that she has streamlined the pageant to reduce the amount of time that the facility is needed. She then reviewed a list of businesses that have sponsored the pageant in the past and discussed the amount of revenue that the pageant participants have generated by soliciting donations from those businesses. She indicated that other fundraisers have been conducted to generate sufficient revenue to fund the program.

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High level discussion among the Council and Ms. Thorne centered on additional fundraising opportunities and the Council ultimately concluded that they will take Ms. Thorne's request under advisement and discuss it further in conjunction with final budget consideration in future meetings.

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**4. Approval of Minutes:**

The following minutes were reviewed by the City Council: Work Session and Special Meeting of April 25, 2017, Work Session and Special Meeting of May 2, 2017, and Regular Meeting of May 9, 2017.

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

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**5. Public comments**

Ralph Vaughan congratulated Mr. Mellor for the certification he received earlier in the meeting; he is a valuable asset to the City. He then discussed the idea of developing a regional park in Syracuse City; such a park would be one of the most significant projects in the City of Syracuse. The City employees a professional that is proficient in park planning and landscape design and he would recommend that the City utilize that person rather than hiring a design consultant to develop conceptual plans for the park; during this project, the City could hire a replacement planner to backfill his position and over the period of two years the City would have the needed staff in the CED Department as well as the ability to walk into City Hall and be able to see the status of the park design project at any time. He concluded he feels the park will be an incredible addition to the City and it will not be too long before every citizen will attend and enjoy the park.

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John Diamond, Clinton, Utah, stated that he appreciates the response he received from Councilmembers Anderson and Savage to an email he sent to the entire Council. He is present to express concern about the Simpson Springs subdivision that has already been approved; there are some issues with the development and he has an agreement with the City that has not been taken into consideration with the Simpson Springs or Criddle Farms projects. His attorney has advised him that the City's failure to consider the agreement prior to approving the two developments is a breach of contract. He added he has a boundary dispute relating to the Simpson Springs development; approximately 25 years ago he purchased a large tract of land from the Simpson family and there had been a boundary dispute between the Simpson family and Payne family for a number of years, but he has a written and recorded real estate contract with the Simpson's indicating they would provide him with a 33-foot easement. However, there is a discrepancy on the final plat regarding where that easement is located and that issue must be resolved before development occurs. He stated that the Council packet for tonight's meeting that was prepared by City Planners indicates there is an irrigation line near the subject property and that the applicant must submit a letter from Hooper City approving modifications to the line; however, Hooper Irrigation's responsibility ends where the water leaves the canal on 4000 West. He stated the individuals responsible for water in that line are private individuals that have paid for the line. He added the preliminary plat is missing several items that have been overlooked: existing field drains on the property, existing ditches and canals or other natural drainage routes, and open waterways 100 feet beyond the tract. He concluded that his main concern is that the developer has not provided a detailed plan relative to the safety of the future residents that will live on the property;

they will be living next to a livestock operation and he is concerned about the safety of children; he would be devastated if a child were to get into his property and be injured or killed.

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Joseph Simpson, Roy, Utah, stated that he is here on behalf of the Simpson family and they are excited to see the development become part of the community. The Simpson family has conducted an Alta survey and the plat is based upon those records and deeds. He is confident the development will benefit the community and something his family will be proud of that will contribute to the heritage of Syracuse. He asked for the Council's approval of the final plat.

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Councilmember Maughan indicated that he would like to pull items 6A-6F from the common consent agenda to discuss each item independently. City Attorney Roberts stated that the Council bylaws allow for one member to remove items from the consent agenda.

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6a. Common consent: Proposed Ordinance 17-16 renumbering Section 10.30.010(C) of the Syracuse Municipal Code as 10.30.020(E) and adjusting subsections accordingly.

A staff memo from the Community and Economic Development (CED) Department explained that in the spring of 2017, the City Council requested that the Planning Commission consider providing a legal-nonconforming status to all accessory buildings built before a specified date. During the Planning Commission meeting on April 18, 2017 the Commission recommended to the City Council that the Code should not be amended to allow legal-nonconforming status to accessory buildings built before a certain date. They expressed concern about the implications of providing a legal-nonconforming status to old accessory buildings and felt that the existing City Codes regulating nonconforming structures would be sufficient to address potential issues the nonconforming structures may cause. However, the discussion included a note from staff that the accessory structure Code is in the "Effects of Chapter" section of City Code Chapter 10.30 where it would be more aptly located in the "Regulations for Buildings and Structures" section of this chapter. The Commission expressed an interest in moving the Code from the *Effects* section to the *Regulations* section and requested that staff bring this back for a vote. The Code change showing this move has been included in an attachment to this report. There are no changes to the text or intent of the accessory building Code in the attachment. The intent is to move the existing intact Code from one section to another. Any additional small changes are for consistency such as section numbering. The memo concluded that during their regular meeting on June 5, 2017 the Planning Commission voted unanimously to recommend approval of the proposed text amendment.

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Councilmember Maughan stated that he is comfortable with the intent of the ordinance, but it does not address issues that have been discussed by the Council in the past. City Attorney Roberts stated that those issues were presented to the Planning Commission and they felt that changes to address those issues would not be wise and for that reason they forwarded a recommendation to the City Council to not consider further changes and simply renumber the Section of the City Code that deals with accessory structures. CED Director Mellor agreed; the Planning Commission was not comfortable 'grandfathering' existing sheds that may not comply with the City's ordinances. He stated that if the City Council would like for the issue to be addressed further, they must provide specific direction to the Planning Commission to that end. Mr. Roberts stated there was extensive discussion regarding the issue among the Planning Commission and the best approach may be to further discuss the matter in a Council work session and direct staff to draft language that could again be presented to the Planning Commission for a recommendation. Councilmember Maughan suggested that proposed ordinance 17-16 be tabled tonight and that the entire issue be discussed during a work session meeting. He added that in the event the Planning Commission does not support an idea the Council has and declines to forward a recommendation regarding that idea, he would like to receive an explanation supporting that type of action.

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COUNCILMEMBER MAUGHAN MOVED TO TABLE ORDINANCE 17-16 RENUMBERING SECTION 10.30.010(C) OF THE SYRACUSE MUNICIPAL CODE AS 10.30.020(E) AND ADJUSTING SUBSECTIONS ACCORDINGLY. COUNCILMEMBER SAVAGE SECONDED THE MOTION.

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Councilmember Anderson stated that she was surprised to see this item included on the common consent agenda for the reasons stated by Councilmember Maughan; the proposed ordinance does not solve some of the problems the City has with certain sheds and accessory structures in the City. Councilmember Savage agreed. Councilmember Gailey stated that when the Planning Commission discussed the matter, they were concerned that it was a policy issue and they felt the policy should be set by the City Council. Therefore, they developed an ordinance that simply renumbers the City Code to place language regarding accessory structures in a location that seems to be a better fit. Councilmember Bolduc asked if that means the Council can adopt the ordinance. Councilmember Gailey answered yes. Councilmember Maughan stated that he is willing to withdraw his motion to table.

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COUNCILMEMBER MAUGHAN WITHDREW HIS MOTION TO TABLE ORDINANCE 17-16.

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COUNCILMEMBER GAILEY MOVED TO TABLE ORDINANCE 17-16 RENUMBERING SECTION 10.30.010(C) OF THE SYRACUSE MUNICIPAL CODE AS 10.30.020(E) AND ADJUSTING SUBSECTIONS ACCORDINGLY. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6b. Common Consent: Proposed Resolution R17-25 authorizing the Mayor to execute a warranty deed related to property located at 2200 South Doral Drive.

A staff memo from the Community and Economic Development (CED) Department explained the City owns a small parcel of land located north of the Ranchettes Park. The lot is triangular with measurements of approximately 100' x 50' and .08 acres (3,435 square feet) in size. The land was dedicated to the city with Tuscany Meadows Phase 3. The plat calls the property out as open space however its location on the corner and size limit its potential for open space. It is proposed that the parcel be sold to the developer Duncan Barlow in conjunction with his subdivision Grayson Ridge. The sale price is proposed at \$1,000 dollars. The preliminary plat for Grayson Ridge was approved in Planning Commission on May 2 and in City Council on May 9. The final plat application for Grayson Ridge has not been submitted as of yet. The Planning Commission bylaws describe that the Planning Commission should provide a recommendation to City Council for the sale or purchase of City lands. The memo concluded that during their regular meeting on June 5, 2017 the Planning Commission voted unanimously to recommend approval of the proposed land sale.

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Councilmember Maughan indicated he pulled this item from the common consent agenda due to past discussions about possibly receiving something from a developer in trade for this property and he did not want to vote to approve the deed until receiving a status report on that option. CED Director Mellor stated that the buyer will pay the City an amount that the property has deemed to be worth and he will also donate two picnic table structures to the City for use at Tuscany Park prior to the transaction closing.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT TENTATIVE PROPOSED RESOLUTION R17-25 AUTHORIZING THE MAYOR TO EXECUTE A WARRANTY DEED RELATED TO PROPERTY LOCATED AT 2200 SOUTH DORAL DRIVE. COUNCILMEMBER BOLDUC SECONDED THE MOTION.

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Councilmember Savage stated that the buyer's commitment to donate the structures to the City is not included in the documentation that has been provided to the City. Mr. Mellor stated it is not included in the agreement as the buyer is not contractually obligated to donate the structures, but he has committed to the donation.

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

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6c. Common Consent: Proposed Resolution R17-21 adopting the Fiscal Year 2017-2018 wage scale.

A staff memo from the Finance Director explained all recommended changes to the wage scale are highlighted in red. City Administration performed a salary benchmark review for the fire department in conjunction with our quadrennial review. The proposed changes to each of the fire positions are highlighted in red. No other changes have been proposed with this wage scale update.

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City Manager Bovero reviewed the staff memo and summarized the changes to the wage scale that have been reviewed by the Council over the course of the various budget meetings held over the past several months. Mr. Marshall added that there is an error in the wage scale in that it does not include the correct wage range for position 207, Part Time Fire Fighter. The wage range should be the same as for Full Time Fire Fighter.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT PROPOSED RESOLUTION R17-21 ADOPTING THE FISCAL YEAR 2017-2018 WAGE SCALE, WITH THE CHANGE TO LINE 207, PART TIME FIRE FIGHTER, TO MIRROR THE WAGE RANGE FOR FULL TIME FIRE FIGHTER. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6d. Proposed Resolution R17-22 authorizing and directing the participation of Syracuse City in the Public Employees Retirement System of the Utah Retirement Systems for Fiscal Year 2017-2018.

A staff memo from the Finance Director explained the City is required by Utah Code Title 49, Chapters 11-15 to pay retirement for full-time employees. Each year, the City is required to certify the contribution rates that will be paid for retirement to Utah Retirement Systems (URS) for our full-time employees. These rates vary depending on which system the employees are in and when they were hired. We currently participate in 9 different retirement programs offered by URS. This includes our police, fire, and administrative staff as well as tier I and tier II employees. They are outlined below and in the URS rates table attached.

Local Government Employee	Tier I – DB	18.47%
Local Government Employee	Tier II – DB Hybrid	16.69%
Local Government Employee	Tier II – DC	16.69%
Public Safety – Police	Tier I – DB	34.04%
Public Safety – Police	Tier II – DB Hybrid	23.83%
Public Safety – Police	Tier II – DC	23.83%
Public Safety – Fire	Tier I – DB	18.98%
Public Safety – Fire	Tier II – DB Hybrid	12.08%
Public Safety – Fire	Tier II – DC	12.08%

The memo concluded staff recommends the Council approve resolution authorizing and directing the participation of Syracuse City in the public employee’s retirement system and the public safety retirement system of the Utah retirement systems for fiscal year 2017-2018.

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Mr. Marshall reviewed his staff memo.

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Councilmember Anderson asked if the retirement contribution rates are set by the State of Utah, to which Mr. Marshall answered yes. Councilmember Anderson asked if the City is required to increase contribution rates along with a State increase, to which Mr. Marshall answered yes.

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COUNCILMEMBER SAVAGE MOVED TO ADOPT PROPOSED RESOLUTION R17-22 AUTHORIZING AND DIRECTING THE PARTICIPATION OF SYRACUSE CITY IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF THE UTAH RETIREMENT SYSTEMS FOR FISCAL YEAR 2017-2018. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6e. Common Consent: Award short term land lease for parcel 12-552-0230.

A staff memo from the City Manager explained the City Council authorized Administration to advertise a request for bids for short term leases of two properties owned by the City. Specifically, parcel #12-552-0230, consisting of approximately 6.97 acres, located to the East of the Freemont Estates subdivision, at approximately 2600 West 2300 South. The City advertised for approximately two weeks with bids due on Friday, May 26, 2017. Below is an outline of the bids received:

Parcel # 12-552-0230 6.97 Acres (3-yr term)

- |                    |               |               |
|--------------------|---------------|---------------|
| 1. Brad Mills      | \$114.78/acre | \$800/year    |
| 2. Michael Spencer | \$30/acre     | \$209.10/year |

The memo concluded references have been checked for the top bidder and were satisfactory and City Administration recommends the Council award the 3-year lease to Brad Mills for Parcel #12-552-0230 under the conditions advertised in the RFP at a price of \$800 per year.

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Councilmember Maughan stated that he recalls a discussion about going out to bid for the land leases, but he does not recall the Council receiving information about the result of that process and that is why he pulled this and agenda item 6F from the consent agenda. Mr. Bovero indicated his understanding of Councilmember Maughan's position and he reviewed his staff memo. Councilmember Maughan stated that based upon the location of the property he is concerned about an impact the future West Davis Corridor project could have on the lease. Mayor Palmer stated that the lease term is three years and he does not believe construction on the West Davis Corridor project will commence before the expiration of that term. Councilmember Bolduc added the lease agreement contains a termination clause that can be exercised by the City if necessary.

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COUNCILMEMBER GAILEY MOVED TO AWARD SHORT TERM LAND LEASE FOR PARCEL 12-552-0230. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6f. Common Consent: Award short term land lease for parcel 12-103-0082.

A staff memo from the City Manager explained the City Council authorized Administration to advertise a request for bids for short term leases of two properties owned by the City. Specifically, portions of #12-103-0082, consisting of approximately 50 acres, located to the Northwest of 2000 West & Gentile Road. The City advertised for approximately two weeks with bids due on Friday, May 26, 2017. Below is an outline of the bids received:

Parcel #12-103-0082 Approx. 50 acres (1-yr term)

- |                    |              |              |
|--------------------|--------------|--------------|
| 1. Kip O'Brien     | \$66.66/acre | \$3,333/year |
| 2. Michael Spencer | \$53/acre    | \$2,650/year |

The memo concluded references have been checked for the top bidder and were satisfactory and City Administration recommends the Council award the 1-year lease to Kip O'Brien for Parcel #12-103-0082 under the conditions advertised in the RFP at a price of \$3,333 per year.

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Mr. Bovero reviewed his staff memo.

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Councilmember Bolduc stated that it is her understanding that the bid awardee has leased ground from the Weber Basin Water Conservancy District and has been a good client for that entity.

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Councilmember Maughan indicated that he would like to begin construction on the regional park much sooner than is otherwise anticipated by the term of the lease; he indicated he is grateful the lease includes a termination clause.

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COUNCILMEMBER GAILEY MOVED TO AWARD SHORT TERM LAND LEASE FOR PARCEL 12-103-0082. COUNCILMEMBER BOLDOC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6g. Common consent: Proposed Resolution R17-24 submitting an opinion question to the residents of Syracuse City, Utah, regarding the imposition of a local sales and use tax of .1 percent on eligible transactions within the City for recreational, arts, and parks uses.

A staff memo from the City Attorney explained that as directed by the Council, we have prepared a resolution that may be approved by the Council in order to submit a ballot issue to the Syracuse City voters regarding a .1% sales and use tax for recreation, arts and parks.

The ballot question may be expanded or limited, within the scope of the uses identified in Section 59-12-1402, which are:

- Cultural facilities, recreational facilities, zoological facilities in our City
- Botanical organizations, cultural organizations, zoological organizations in our City
  - o Pay for use of bus or facility rental for such organizations

This may include:

- Financing the construction of or the ongoing operating expenses of recreational facilities (either located within City, or pursuant to an interlocal agreement with another jurisdiction)
- Ongoing operating expenses of the organizations described above (either located within City, or pursuant to interlocal)

However, only those uses that are identified on the ballot question are eligible to receive funding from any approved tax. As such, *it is vital that you ensure that the ballot language includes the potential uses you foresee supporting in the next ten years.* For instance, if a botanical organization is not listed as a potential use, then when one comes asking for support from the Council in six years, we cannot use these funds to support it. A change to the uses would require another ballot question.

The draft language is as follows:

Shall Syracuse City, Utah, be authorized to impose a .1% sales and use tax for the development and operating expenses of parks, recreational and cultural facilities, and the support of cultural organizations within Syracuse City?

This was drawn up based upon work session discussions of potential uses for these tax funds, should the ballot question be passed by our residents. However, it is entirely within the Council's purview to modify the sentence after the word "for" to any allowable use under state law. It may be broadly written or identify a specific use or facility. Or it could be expanded to include recreational or cultural uses taken in concert with other jurisdictions or government entities, even if they are located outside of City limits.

Upon passage of this resolution, the Mayor will be authorized to send Notice to the County Commission of our intention to submit this question to the Syracuse residents on the ballot. The County has 60 days by which to notify the City of whether it intends to place a county-wide (ZAP) tax on the ballot. A City may not collect a RAP tax, if the County imposes the ZAP tax.

The City must follow the procedural requirements associated with bond issues. Voter information pamphlets will be generated. The City will seek statements from both proponents and opponents of the proposal, and place them in the voter information pamphlet. The City does not advocate for the ballot question. Individual councilmembers or the Mayor may endorse or oppose the measure, and campaign about it if they wish – so long as they do so without City resources (City emails, technology, printers, office space, etc.). City employees are similarly restricted, and may not weigh in on the measure in their official capacity or while on the clock.

The ballot question will then appear on the November general municipal election ballot. After the results of that election have been certified, the Council may impose the tax. This will require a majority vote of the Council. There are some

waiting periods established by statute – the earliest that the tax could be collected would be in April 2018 (with distributions beginning nearer FY19).

The tax may be repealed by the Council at a future time, if it wishes to do so.

Once initiated, the RAP tax is levied for 10 years. After that time, if the City wants to renew the tax, it would be required to submit the issue to the voters again.

The tax would be applied similar to traditional sales tax. It is not imposed against items that are exempt from taxation under the State tax code. Generally, it also will not be levied against amounts paid or charged for food or food ingredients. However, if the food or food ingredient is bundled with tangible personal property other than food and food ingredients, then it would be subject to taxation.

Unlike traditional sales and use tax, no portion of the RAP tax is divided up among all Utah cities based upon population. The City would not be required to share the proceeds.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT PROPOSED RESOLUTION R17-24 SUBMITTING AN OPINION QUESTION TO THE RESIDENTS OF SYRACUSE CITY, UTAH, REGARDING THE IMPOSITION OF A LOCAL SALES AND USE TAX OF .1 PERCENT ON ELIGIBLE TRANSACTIONS WITHIN THE CITY FOR RECREATIONAL, ARTS, AND PARKS USES. COUNCILMEMBER BOLDOC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. Proposed Resolution R17-18 authorizing the Mayor to execute an amendment to the Robinson Waste garbage hauling contract.

A staff memo from the Finance Director explained Steve Robinson, owner of Robinson Waste Services, has requested rate increases for the following services:

- o 1<sup>st</sup> black trash can - \$3.73 to \$3.96
- o Addl. Black trash cans - \$1.25 to \$1.33
- o Green Waste –\$3.50 to \$4.50

According to the contract, paragraph 7.e., the collector may request in writing a modification of payment rates during the term of this agreement if there has been a noticeable increase in operating expenses to the collector and sufficient documentation is presented to substantiate the need for the increase. Collector agrees to provide the city with reasonable access to any information and/or records that would assist the City in determining whether the need for a payment modification is warranted. If the City determines after review of all necessary information to grant Collectors request for modification of payment rates the new payment rates shall be negotiated by the parties and shall be made by written addendum to this agreement. Steve Robinson has provided City Administration with his financial information showing the increase in his expenses and how he justifies the need for the increase. The City Council discussed the financial information and proposed rate increases during their May 23 work session meeting.

The memo concluded a draft amendment to the contract is attached as exhibit A in the proposed resolution. The rate increases have been input into the amendment. However, the City Council will still need to decide whether to accept the full increase, a partial increase, or vote to deny this resolution.

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Mr. Marshall reviewed his staff memo.

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Councilmember Anderson inquired as to the term of the agreement, to which Mr. Marshall answered five years. Councilmember Anderson stated that increases in employee insurance benefits for Robinson Waste are the main reason for Mr. Robinson's request to increase his rates; however, those costs could decrease again in the future and she wondered if the City would have the opportunity to renegotiate the rates if that occurs. Mr. Marshall stated that the City could meet with Mr. Robinson on an annual basis to review his financial information and operational costs.

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Councilmember Bolduc asked if the City will conduct a request for proposal (RFP) process at the conclusion of the contract term to allow other service providers to provide the City with a bid, to which Mr. Marshall answered yes.

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The Council then engaged in high level discussion about the impact residents will experience if Mr. Robinson's request for increased rates were approved; Councilmember Bolduc stated he would be more comfortable tabling action on the green waste can and evaluate whether increasing the green waste rates will disincentivizes residents from participating in the green waste recycling program. He added he would also be open to hearing information about an opt-out green waste recycling program to reduce costs for that service. He stated he is comfortable acting on the other two rate increases tonight. The Council discussed Councilmember Savage's recommendation and sought additional information from Mr. Marshall to inform their decision.

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Councilmember Gailey reported the Wasatch Integrated Waste Management District (WIWMD) is an entity currently in flux and there will be several changes over the next 18 months to two years, which is approximately the amount of time left in the contract term with Robinson Waste. He stated it would be his counsel that the City wait and observe what changes take place before considering any amendments to what Mr. Robinson has proposed. He does not want to take an action that would discourage people from using the green waste recycling program. He stated that Mr. Robinson's rate increase request is a reflection of the cost of providing the service and the City should not be subsidizing that service. The only thing that would dramatically improve participation in the green waste program would be to consider an opt-out service model. Councilmember Savage stated he understands Councilmember Gailey's position, but he would prefer to consider an opt-out program before approving rate increases for the green waste program.

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COUNCILMEMBER SAVAGE MOVED TO ADOPT PROPOSED RESOLUTION R17-18 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ROBINSON WASTE GARBAGE HAULING CONTRACT, WITH THE CHANGE THAT THE GREEN WASTE RATE NOT BE INCREASED AT THIS TIME. THE MOTION DIED FOR LACK OF A SECOND.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED RESOLUTION R17-18 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ROBINSON WASTE GARBAGE HAULING CONTRACT. THE MOTION DIED FOR LACK OF A SECOND.

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COUNCILMEMBER MAUGHAN MOVED TO TABLE ADOPTION OF PROPOSED RESOLUTION R17-18 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ROBINSON WASTE GARBAGE HAULING CONTRACT TO GIVE THE COUNCIL ADDITIONAL TIME TO EVALUATE AND DISCUSS THE RATE INCREASE REQUEST. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER GAILEY, WHO VOTED IN OPPOSITION.

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8. Preliminary Subdivision Plat, Criddle Farms, located at approximately 1200 S. 4000 W.

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

Location:	1200 South 4000 West
Current Zoning South:	R-3
General Plan:	R-3
Total Subdivision Area:	13.625 acres

The applicant is requesting approval of a 49-lot preliminary subdivision that is intended to be part of a larger development called Criddle Farms. The development is the product of negotiations on the part of the City Council with the property owner to reduce the density of 6 units per acre in the PRD zone on this property which was approved last year. The proposed area to be developed in this subdivision does not include approximately 6.4 acres of the overall parcel. This area is intended to be included in the north section of the development which will be requested for approval once the parcel to the north is annexed. An agreement will also accompany this development. The agreement has been reviewed by the Planning

Commission and approved by the City Council. This agreement mentions a park which is to be dedicated to the City with the development. A portion of the park is shown in the northeast corner of the subdivision plat. The remainder of the park remains outside the city as the annexation has not been finalized. There is also a section of road which is shown on this plat which is outside the city boundary. The lots in the plat meet the minimum lot dimension standards of the R-3 Zone. The level of connectivity is also higher than surrounding developments which benefits use of the adjacent public use trail. This trail will run along the front yards of the properties fronting 4000 West and will be intersected by the driveways of these properties. The trail will be 8 feet instead of 10 as is commonly seen in other places in the city and will be bisected by the right-of-way line where it meets the private properties fronting 4000 West. The existing trail which is north of Bridgeway Island subdivision will remain in its current location. A park strip will be added and then the standard right-of-way cross section will be installed. This will be the first segment of paving 1200 South between 4000 West and 4500 West. The road will end at the western boundary of the Criddle property which is the boundary with West Point. It is anticipated that 1200 South will eventually continue to 4500 West as the adjacent West Point property is developed. Because this is an administrative item, if it meets the City Code requirements, it must be approved unless there is a viable public health, safety, or welfare reason for denial. The memo concluded the Planning Commission reviewed the project in their meeting on May 6, 2017 and is forwarding a recommendation for approval by split vote of 5-2. The approval had conditions that all staff comments be addressed prior to CC approval. The drawings have been amended since the meeting and staff comments have been addressed.

[7:10:21 PM](#)

CED Director Mellor reviewed the staff memo and facilitated a discussion among the Council regarding the various components of the subdivision plat and the amenities to be included in the development.

[7:15:56 PM](#)

Councilmember Anderson inquired as to the reason for the opposing votes by two of the Planning Commissioners. Mr. Mellor stated those votes were based on a dislike for the R-3 zoning designation.

[7:15:56 PM](#)

Councilmember Maughan referenced public comments made earlier in the meeting by John Diamond and asked for assurance that approval of the plat will not create a legal liability for the City based upon Mr. Diamond's claims. City Attorney Roberts stated it is his legal opinion that Mr. Diamond's complaints are civil in nature and the City does not get involved in private property disputes. There is a disagreement over the legal interpretation of the agreement between the City and Mr. Diamond relative to storm water detention, but staff has carefully evaluated it and he is comfortable with the current recommendation before the Council. He stated that he cannot say with 100 percent assurance that the City would never be named in a lawsuit that could be filed by Mr. Diamond, but he is comfortable.

[7:18:47 PM](#)

COUNCILMEMBER GAILEY MOVED TO GRANT PRELIMINARY PLAT APPROVAL FOR CRIDDLE FARMS, LOCATED AT APPROXIMATELY 1200 S. 4000 W. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR/

[7:19:10 PM](#)

9. Final Subdivision Plat, Simpson Springs Phase One, located at approximately 1315 S. 4500 W.

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

Location:	1315 South 4500 West
Current Zoning:	R-1
General Plan:	R-1
Lots:	16
Total Subdivision Area:	7.59 acres

The applicant is requesting approval of a 16-lot final plat called Simpson Springs Phase 1. This subdivision is part of a larger project which extends to 1200 South and west to the City boundary.

The property owner to the west of this property has asserted that there is a property dispute on the northern boundary of the development, and that he has easement rights that extend further south than was shown on the preliminary plat. However,

absent a court order halting these proceedings, we are obligated to continue processing this land use application. As of the date of this report, no such order - or evidence of the commencement of legal action concerning the dispute - has been presented to the City. The applicant has pledged that his boundary line is where he claims it to be, and County records support the applicant's pledge. Moreover, none of the disputed property or easement is located within the boundaries of this Phase of development. As such, staff has accepted and reviewed the application.

Because this is an administrative item, if it meets the City Code requirements, it must be approved unless there is a viable public health, safety, or welfare reason for denial.

The Planning Commission reviewed this application on June 6, 2017 and is forwarding a recommendation for approval with conditions that all staff comments are addressed prior to City Council approval.

[7:19:27 PM](#)

Mr. Mellor reviewed his staff memo and facilitated a discussion among the Council regarding the various components of the project and the amenities to be included in the development; there was a focus on the assertions made by Mr. Diamond earlier in the meeting and Mr. Mellor reiterated comments made by City Attorney Roberts during discussion of the previous agenda item that it would be inappropriate for the City to become involved in a private property dispute and if Mr. Diamond wishes to halt the development, he must bring a court injunction.

[7:25:19 PM](#)

Mr. Roberts referenced Mr. Diamond's previous comments that the irrigation line adjacent to the subject property is not owned by Hooper Irrigation Company; he suggested that any motion to approve the plat include a modification of the plan review language to simply reference the owner of the irrigation line without a specific irrigation company name.

[7:26:30 PM](#)

COUNCILMEMBER GAILEY MOVED TO GRANT FINAL SUBDIVISION PLAT APPROVAL FOR SIMPSON SPRINGS PHASE ONE, LOCATED AT APPROXIMATELY 1315 SOUTH 4500 WEST, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT WITH THE AMENDMENT THAT THE REFERENCE TO HOOPER IRRIGATION COMPANY BE REMOVED FROM THE PLAN REVIEW LANGUAGE. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:28:05 PM](#)

10. Discussion and/or action regarding Monterey Trail park-strip landscaping.

A staff memo from the Community and Economic Development Department explained that in the fall of 2016 the city installed a trail running from 700 s up to SR 193. A portion of this trail runs along the north side of Syracuse Arts Academy – on their approved site plan from 2014 there was a sidewalk identified that was intended to be put in. The city would normally not approve occupancy on a project that didn't complete site infrastructure improvements. In this case, at the time SAA operated under different state rules which allowed them to not install the sidewalk before occupancy. In the end, the city put that sidewalk in as part of the trail project which was just completed this spring so that there was a sidewalk in that location. As you know by now we (as a city) don't install sidewalks – we require them and then repair them. The Arts Academy saved an approximate \$15,000 by not having to install this sidewalk. There had to be landscaping removed (on city property) to make way for the trail that was always intended to go there. The Syracuse arts academy would like the city to put back the landscaping that was torn out. The arts academy feels that it is held to higher standard than a traditional public school and for that reason the missing landscaping is problematic for them. The initial intent was to have the lawn rolled up as sod and put back down. The contractor did roll up the sod, however due to unforeseen circumstances (namely weather and timing constraints) the grass died before the arts academy could put it back. The last time we spoke with SAA they said that it would cost \$8,000 to replace the landscaping – they would also like to request that the landscaping to the east of their drive approach around the trail be installed as well (which was not disturbed by the city's contractor as there was no landscaping there to begin with) however the installation of that landscaping was included in the \$8,000 quote from SAA. The memo concluded this landscaping remedy was not agreed to nor budgeted as part of the trail project – we are under no obligation. If the council would like to install this landscaping it will have to be approved separately. The SAA would like an indication of if the city council will be installing the grass.

[7:28:08 PM](#)

Mr. Mellor reviewed his staff memo and provided an overview of the illustration included in the Council packet to orient the Council to the location of the subject property that is the focus of this agenda item. He also facilitated a discussion among the Council regarding the City's ability to impose certain development guidelines on schools and charter schools and how those guidelines and standards differ from those that can be imposed on commercial entities.

[7:38:26 PM](#)

The Council then engaged in discussion and debate about the appropriate action for the City to take at this point in time; there was a focus on the differences in the benefits of seeding the property or placing sod at the site. The Council ultimately concluded that it would be appropriate for the City to restore the site to its previous condition, which could include placing sod on the property if there is a need to remove sod from another City site at some point in the near future; however, any request for additional landscaping beyond grass is denied at this point.

[7:42:44 PM](#)

11. Authorize consideration of the General Plan amendment outside of the open amendment period for approximately 117.24 acres of property located at approximately 2700 S. 4000 W.

A staff memo from the Community and Economic Development (CED) Department explained the City has received an annexation petition for 117.24 acres within Davis County. The property is located south-east of the sewer plant – they would like to build a ski lake cluster subdivision. This concept would require a zone change from Agriculture to R-1. Ord. 10.20.070 § E requires the city council follow the general plan when rezoning a property. Ord. 10.20.070 § spells out that the next amendment period for the general plan will not commence until January 1, 2019 thus the council has to authorize consideration of an amendment before it goes to the planning commission for a general plan change. It is up to the council to decide “how” or “if” they will allow this project to proceed.

The memo noted that by granting authorization you are not amending the general plan tonight you are just signaling to the developer and PC that you are open to the evaluation – and authorizing the staff to dedicate resources to performing the analysis that is required for making an informed decision with respect to the general plan change.

The memo concluded staff recommends the Council deny or approve consideration of a General Plan amendment outside the open amendment period. Approval requires a super majority vote according to City ordinance.

[7:43:00 PM](#)

Mr. Mellor reviewed his staff memo. He added that while the City's current ordinance requires that the Council take formal action to authorize consideration of a general plan amendment outside of an open amendment period, he would recommend that the Council discuss possibly adjusting that rule given that there will likely be a large number of applications for general plan amendments in the near future associated with the West Davis Corridor project. Councilmember Maughan stated that he would like to discuss that topic in more depth during a future Council work session meeting.

[7:46:41 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO AUTHORIZE CONSIDERATION OF THE GENERAL PLAN AMENDMENT OUTSIDE OF THE OPEN AMENDMENT PERIOD FOR APPROXIMATELY 117.24 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2700 SOUTH 4000 WEST.

[7:46:50 PM](#)

Councilmember Bolduc stated that she is leery of the R-1 cluster zoning and she inquired as to the approximate lot sizes that would be provided in the development. Mr. Mellor stated the smallest lot size that would be permitted would be 7,100 square feet, but to gain approval of that lot size, the applicant would be required to dedicate 50 percent of the total development to open space.

[7:47:53 PM](#)

Mayor Palmer asked if there is a second of Councilmember Maughan's motion. COUNCILMEMBER GAILEY SECONDED THE MOTION.

[7:47:55 PM](#)

Mr. Mellor stated that staff has not seen a conceptual plan for the project to be developed on the subject property; there are several additional steps the applicant must take before any sort of project would receive final approval and there are

several opportunities for the City to deny the project if the Council does not have comfortability with density, design, or other issues. He briefly reviewed the steps included in the City's project development application process and added that the City must still take action on the annexation of the property before the applicant can proceed with any subsequent applications.

[7:50:33 PM](#)

Councilmember Bolduc inquired as to what point the project becomes vested. Mr. Mellor stated the lot sizes would be vested at the preliminary plat phase; zoning will be vested upon annexation and designation of zoning at that time. Councilmember Maughan stated that he has been involved in meetings with the applicant regarding his conceptual plans for the project and the City has made it very clear to him that there are some issues relative to density and design standards that would not receive approval from the Council. He indicated that at this point in time he sees no reason to not consider a General Plan amendment outside of the open amendment period. Councilmember Gailey agreed and stated that the action being taken tonight is not an actual General Plan amendment and he feels it is appropriate to entertain discussion about the amendment.

[7:52:40 PM](#)

Councilmember Savage stated that there is an unsupportive sentiment among the Council and the City at large about small lot sizes and he feels that has been addressed by some zone adjustments.

[7:54:05 PM](#)

Mr. Roberts stated that if the Council were to deny the request to consider a General Plan amendment outside the open amendment period, they would need to base that denial on a finding that the amendment would not benefit the community; however, that decision could be overturned by a court if the decision were found to be arbitrary and capricious.

[7:54:29 PM](#)

COUNCILMEMBER MAUGHAN RESTATED HIS MOTION TO AUTHORIZE CONSIDERATION OF THE GENERAL PLAN AMENDMENT OUTSIDE OF THE OPEN AMENDMENT PERIOD FOR APPROXIMATELY 117.24 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2700 SOUTH 4000 WEST, FOR THE REASON THERE ARE VERY INTRIGUING PROPOSALS FOR THE PROPERTY THAT THE COUNCI WOULD LIKE TO HEAR; THERE IS NO COMMITMENT TO AMEND THE GENERAL PLAN AT THIS TIME. COUNCILMEMBER GAILEY INDICATED HIS SECOND OF THE MOTION STANDS; ALL VOTED IN FAVOR.

[7:55:09 PM](#)

12. Proposed Ordinance 2017-17 amending Sections 11.10.070, 11.10.080, and 11.10.090 of the Syracuse City Code relating to the placement and maintenance of traffic control devices.

A staff memo from the Public Works Department explained that as our city grows and the street network expands, it is essential to review traffic sign type and placement for public safety. We have recently updated the inventory of signs throughout the city. This is used to analyze specific areas in the street network to take considerations for improvements. All regulatory, warning and guide signs must comply with MUTCD. To maintain national uniformity of signs, the Manual on Uniform Traffic Control Devices (MUTCD) was developed in 1935 and is updated as necessary to maintain current standards. The MUTCD is published by the following agencies: American Traffic Safety Services Association, Institute of Transportation Engineers, American Association of State Highway and Transportation Officials. The MUTCD is approved by the Federal Highway Administrator as the National Standard in accordance with U.S. Code 23CFR and 49CFR. The memo concluded these proposed updates were presented to City Council during a work session on May 23, 2017.

[7:56:00 PM](#)

COUNCILMEMBER BOLDUC MOVED TO ADOPT PROPOSED ORDINANCE 2017-17 AMENDING SECTIONS 11.10.070, 11.10.080, AND 11.10.090 OF THE SYRACUSE CITY CODE RELATING TO THE PLACEMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:56:55 PM](#)

13. Public Hearing: Proposed Resolution R17-23 authorizing the Mayor to execute a Cable Television Franchise Agreement between Syracuse City

and Comcast of California/Massachusetts/Michigan/Utah, LLC.

A staff memo from the City Attorney explained the Council has a hearing scheduled for the consideration of a franchise renewal for Comcast to operate in the City.

Under federal law, local jurisdictions are given authority to require franchise agreements for cable television providers. *See e.g.* 47 U.S.C. § 546.

The last franchise agreement in which the City entered for the cable system owned by Comcast was executed in 1997, and expired several years ago. We have been operating on a month-to-month basis since that time. Earlier this year, Comcast requested that we enter into an updated agreement.

The Agreement speaks for itself. But I will highlight some of the core provisions in this memo. The Agreement, upon execution, will remain in effect for fifteen years.

The main provisions of this Agreement govern the cable company's ability to access its infrastructure that is located within City right of way – or more specifically, buried beneath our roads. The agreement authorizes them to access their facilities, subject to the City's general rules and regulations. In return, the City is required to make notifications to the company in certain circumstances (such as subdivision approvals), so that the infrastructure can be installed while there is an open trench, obviating the need to cut into freshly laid asphalt. Additionally, the City receives a 5% franchise fee from Comcast's gross revenues generated from customers in our jurisdiction, as a fee for allowing the operation in the right-of-way. This is the maximum allowed by federal law, 47 U.S.C. § 542(b), and is passed through to customers as a line-item on their bills.

The City generally cannot require the franchisee to install service at particular locations. However, if at least fifteen dwellings are located within ¼ mile of an existing distribution cable, the City may invoke the terms of this new agreement to require the company to install the line. The company may only be excused from this obligation if it can demonstrate that the installation would have an adverse effect on its operation or create a financial hardship. Service line installation may be initiated in other circumstances, but the requestor (either the customer, or, if the City makes the request, the City) will be responsible for installation fees.

Comcast does not publicly disclose gaps in coverage, due to their maps' proprietary nature and the danger of competitors exploiting that information. However, in discussions with Brody and myself, their representative identified areas of expansion for existing homes within the City, and which should be coming online in the next two years. We anticipate that they will continue to expand their network as new subdivisions are being installed.

Finally, provisions in the agreement require the City to treat all cable operators on a level playing field. Thus, if another cable operator (not to be confused with a telecommunications or broadband provider) approaches the City to install a network, the City would be required to enter into a franchise agreement with substantially similar terms and requirements, or modify the Comcast agreement to match the newcomer's.

Pursuant to federal law, the City is required to authorize the franchise, unless it finds that certain criteria are not met by the applicant. Holding a hearing allows members of the public to weigh in on those issues. If, at the conclusion of the hearing, the Council is not comfortable authorizing the renewal, it should schedule another hearing at which Comcast would have an opportunity to more fully participate, including the introduction of evidence and the questioning of witnesses.

Not all complaints may be considered as part of your decision. For instance, complaints about the quality of programs, specific programming or package decisions, or pricing are not grounds upon which the City could deny the franchise. Neither can we address complaints related to dissatisfaction related to other services provide by the applicant, such as broadband or telephone services. Federal law identifies the appropriate grounds upon which a request for franchise could be denied:

- (1) Whether the cable operator substantially complied with the material terms of the existing franchise agreement;
  - (2) Whether they provide reasonable quality in their service, including signal quality, response to consumer complaints, and billing practices (but not regarding the mix or quality of programming or services);
  - (3) Whether the operator has financial, legal, and technical ability to provide services, facilities and equipment; and
  - (4) Whether the operator's proposal is reasonable to meet the future cable-related needs and interests in our community.
- 47 U.S.C. § 546(c)(1).

So, although a customer may be upset that he is paying \$XXX dollars per month for his cable service, that is not appropriately considered by the Council. Relevant complaints could include, as examples: the customer service department is unresponsive, the cable television network frequently fails, or any deceptive billing practices. If such issues are raised and give the Council pause in approving the franchise agreement, then the applicant must be permitted to provide a response to the complaints at a more extensive hearing.

[7:57:17 PM](#)

City Attorney Roberts reviewed his staff memo and facilitated a discussion among the Council regarding the implications of the franchise agreement.

[8:00:22 PM](#)

Mayor Palmer opened the public hearing.

[8:00:35 PM](#)

Kevin Homer stated that he did not take the time to review the resolution and the agreement, but he wondered if this is an exclusive agreement whereby Comcast is the only utility entity that would have access to the right-of-way. The Council answered no. Mr. Homer asked if other cable companies would have access to the cable infrastructure to be installed by Comcast or if other cable companies would be required to install their own infrastructure. Councilmember Maughan stated the generally accepted practice is for one cable company to install the hardware and give other cable companies the ability to rent the hardware. He stated that the City cannot take any action that would create a monopoly for one company.

[8:02:11 PM](#)

Mr. Roberts added that the agreement also dictates that if another provider seeks an agreement with the City and is offered better terms, those same terms would need to be offered to Comcast.

[8:02:29 PM](#)

Ralph Vaughan stated that the term of the agreement is 15 years, but the cable industry changes so rapidly that things will not be the same by the end of the contract term. He would recommend reducing the contract term to five years. He would also recommend the use of fiber optic cable while a trench is open and include in the agreement a requirement that a certain percentage of Syracuse residents shall have access to the fiber optic cable. He stated he feels it is grossly unfair that some properties in the City do not have access to basic cable and the City should ask for Comcast to provide their justifications for not making their service available to a majority of the City's residents.

[8:03:55 PM](#)

Councilmember Anderson asked why the contract term is being extended to 15 years. Mr. Roberts stated the previous contract was also a 15-year term; it expired and the agreement was extended on a month to month basis until the two parties could negotiate a new agreement. He indicated he will review federal law governing franchise agreements to determine if the contract term is required by law.

[8:05:23 PM](#)

Councilmember Bolduc asked if the City can require Comcast to install one type of cable over another, to which Mr. Roberts answered no.

[8:06:27 PM](#)

There were no additional persons appearing to be heard and Mayor Palmer closed the public hearing.

[8:06:53 PM](#)

The Council engaged in high level discussion about various terms of the contract and those terms that are imposed by federal regulations.

[8:11:17 PM](#)

COUNCILMEMBER SAVAGE MOVED TO ADOPT PROPOSED RESOLUTION R17-23 AUTHORIZING THE MAYOR TO EXECUTE A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN SYRACUSE CITY AND COMCAST OF CALIFORNIA/MASSACHUSETTS/MICHIGAN/UTAH, LLC. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:11:39 PM](#)

14. Public hearing – Proposed Ordinance 17-13 amending an Impact Fee Facilities Plan and an Impact Fee Analysis for Secondary Water; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters.

A staff memo from the Finance Director explained We are currently in the process of evaluating and updating our impact fee plans for Syracuse City. This update is to our secondary water impact fee plan. Historically the City has charged a secondary water impact fee. This update is a requirement of the impact fee law. Below is a table that compares our current impact fees with the proposed fees:

<u>Lot Sizes</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
4,000-7,000	\$523.03	\$1,011.10
7,001-8,000	\$760.31	\$1,469.91
8,001-9,000	\$883.18	\$1,707.44
9,001-10,000	\$1008.44	\$1,949.48
10,001-11,000	\$1135.83	\$2,195.74
11,001-13,000	\$1330.48	\$2,571.97
13,001-15,000	\$1595.85	\$3,085.03
15,001-17,000	\$1867.01	\$3,609.16
17,001-19,000	\$2143.25	\$4,143.01
19,001-21,000	\$2423.98	\$4,686.12

Impact fees can be charged to new development to help pay a proportionate share of the cost of planned facilities needed to serve the growth and development of the city. Impact fees are allowed per Utah Code 11-36A. Under that code, there are two separate plans required in order to charge a public safety impact fee. They are the Impact Fee Analysis and the Impact Fee Facilities Plan. An impact fee enactment ordinance is also required.

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

11-36a-401. Impact fee enactment.

*(1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*

*(b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*

*(2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

The impact fee enactment is attached as Ordinance 17-13 and is accompanied by, Exhibit A – impact fee facilities plan, and Exhibit B – impact fee analysis.

This ordinance can be approved tonight along with the resolution for the consolidated fee schedule; however, there is a 90-day protest period before the ordinances and fee schedule would take effect. This would mean an effective date of September 11, 2017.

[8:11:58 PM](#)

Mr. Marshall reviewed his staff memo.

[8:12:59 PM](#)

Councilmember Savage asked if staff conducted an analysis to determine how the proposed fees compare to fees charged by surrounding cities. Mr. Marshall stated there are not a great number of cities that provide secondary water service, but there are two other cities that do and one charged a fee higher than the proposed fee while the other's fee was lower. Councilmember Bolduc added that while the impact fees may be higher, the actual utility rates for secondary water are lower due to the fact that the City operates its own secondary water system.

[8:14:26 PM](#)

Mayor Palmer opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

[8:14:46 PM](#)

COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED ORDINANCE 17-13 AMENDING AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE ANALYSIS FOR SECONDARY WATER; PROVIDING FOR THE

CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME; AND OTHER RELATED MATTERS. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

8:15:18 PM

Mr. Marshall stated that due to the fact that impact fees are being increased, there is a 90 day waiting period before the fees become effective and individuals have the ability to protest the fees during that period. The new fees will go into effect on September 11, 2017.

8:16:38 PM

15. Public hearing – Proposed Ordinance 17-14 amending an Impact Fee Facilities Plan and an Impact Fee Analysis for Culinary Water; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters.

A staff memo from the Finance Director explained the City is currently in the process of evaluating and updating our impact fee plans for Syracuse City. This update is to our culinary water impact fee plan. Historically the City has charged a culinary water impact fee. This update is a requirement of the impact fee law. Below is a table that compares our current impact fees with the proposed fees:

<b>Water Size</b>	<b>Meter</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
3/4"		\$966	\$805.29
1"		\$1,610	\$1,342.15
1 1/2"		\$4,999	\$2,684.30
2"		\$7,997	\$4,294.88
3"		\$15,994	\$8,589.77
4"		\$24,991	\$13,421.51
6"		\$49,981	\$26,843.02
8"		\$79,970	\$42,948.83

Impact fees can be charged to new development to help pay a proportionate share of the cost of planned facilities needed to serve the growth and development of the city. Impact fees are allowed per Utah Code 11-36A. Under that code, there are two separate plans required in order to charge a public safety impact fee. They are the Impact Fee Analysis and the Impact Fee Facilities Plan. An impact fee enactment ordinance is also required.

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

11-36a-401. Impact fee enactment.

*(1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*

*(b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*

*(2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

The impact fee enactment is attached as Ordinance 17-14 and is accompanied by, Exhibit A – impact fee facilities plan, and Exhibit B – impact fee analysis. The memo concluded this ordinance can be approved tonight along with the resolution for the consolidated fee schedule; typically, there is a 90-day protest period before the ordinances and fee schedule can take effect. However, since the fee is going down, the fee change will be made effective today.

[8:16:55 PM](#)

Mr. Marshall reviewed his staff memo.

[8:17:33 PM](#)

Mayor Palmer opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

[8:17:51 PM](#)

COUNCILMEMBER BOLDUC MOVED TO ADOPT PROPOSED ORDINANCE 17-14 AMENDING AN IMPACT FEE FACILITIES PLAN AND AN IMPACT FEE ANALYSIS FOR CULINARY WATER; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME; AND OTHER RELATED MATTERS. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:18:30 PM](#)

16. Public hearing – Proposed Ordinance 17-15 amending Section 13.55.040 of the Syracuse City Code pertaining to impact fees.

A staff memo from the Finance Director explained there are minor changes to section 13.55.040 by adding references to the updated ordinances pertaining to the secondary and culinary impact fee plans.

[8:18:38 PM](#)

Mr. Marshall reviewed his staff memo.

[8:18:51 PM](#)

Councilmember Bolduc asked if the City has the ability to perform water meter readings during the winter months if the snow levels are low enough; she is aware of a resident who had a leak over the winter months and she did not know about the leak until the spring when meter reading resumed. Public Works Director Whitely stated that the City does not employ a meter reader during the winter months and traditional meters are very hard to read when snow is covering the ground. He stated that radio read mechanisms would make winter reading possible.

[8:20:40 PM](#)

Mayor Palmer opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

[8:21:01 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO ADOPT PROPOSED ORDINANCE 17-15 AMENDING SECTION 13.55.040 OF THE SYRACUSE CITY CODE PERTAINING TO IMPACT FEES. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:21:16 PM](#)

17. Public hearing – Proposed Resolution R17-19 adopting the tentative budget as an operating budget for Fiscal Year 2017-2018 and setting a public hearing to consider holding the 2016 tax rate of .001573 and adopt a final budget.

A staff memo from the Finance Director explained 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. This requirement has been met since the City Council adopted the tentative budget on May 9th and set a public hearing on June 13, 2017 to consider adoption of the final budget. As required by Utah Code Annotated 10-6-118, “**in the case of a property tax increase under Sections 59-2-919 through 59-2-923, before August 17 of the year for which a property tax increase is proposed,** the

governing body shall by resolution or ordinance adopt a budget for the ensuing fiscal period for each fund for which a budget is required under this chapter. A copy of the final budget for each fund shall be certified by the budget officer and filed with the state auditor within 30 days after adoption.” Since the Council is considering holding the tax rate, it is considered a tax increase under state law and requires a truth in taxation process. The council will be required to hold a public hearing on August 8, 2017 to discuss holding the tax rate. The current tax rate for 2016 is 0.001573. The county has calculated the new certified tax rate for 2017 to be 0.001447, which is approximately an 8% decrease in the rate. The property values for a single-family dwelling have increased approximately 9% from the prior year. If the Council elected to hold the tax rate at the 2016 rate, it would generate an additional \$162,000 in ongoing money. If the Council decides to hold the tax rate, they will need to prioritize where that money should be budgeted.

The memo noted there have been a couple of changes proposed to the tentative budget since our last discussion on May 9. These include:

- Added \$1,100,000 to the secondary capital budget for the purchase of water shares. This includes purchasing water shares for the regional park with \$500,000 of money transferred to us from Woodside Homes. It also includes \$600,000 to bid on the water shares that may potentially be up for sale.
- Added \$10,000 to our general liability insurance with Olympus Insurance for our FY2018 rates.
- Removed \$23,400 from our fire and police budgets for the Utah Communications Agency expense based upon the new law change. Also, we removed \$17,185 in benefit costs due to insurance elections by employees.
- Total surplus / savings in the general fund = \$30,585. We propose that this money be used for the quadrennial market review for police and parks and recreation that will happen during the 2017/2018 fiscal year budget.

Included in this budget are the following utility rate increases:

- **NDSF Fee = \$3.00** as approved by the NDSF board.
- **Syracuse Sewer Fee = \$0.65** to hire a new full-time maintenance worker.
- **Garbage Fee = \$0.23** on first black can, \$0.08 on second black can, and \$1.00 on green waste. This is based upon Robinson Waste request to raise rates.
- **Culinary water Fee= \$0.35** based upon rate increase from Weber Basin Water.
- **Culinary water rate structure – reduce base gallons to 4,000 gallons:**
  - 0-4,000 gallons = \$16.85
  - 4,001 – 8,000 gallons = \$1.70 per 1000 gallons
  - 8,001 – 12,000 gallons = \$2.05 per 1000 gallons
  - >12,000 gallons = \$2.45 per 1000 gallons
  - We recommend the rate of \$1.70 for the new tier of 4,001 to 8,000 gallons because it would generate approximately **\$224,000** in additional revenue to the culinary water fund which is what is needed to fund capital projects. This is equivalent of a \$2.33 increase.
    - Our total shortfall in our capital projects planning for culinary water is \$3,392,775 for five years or \$678,555 annually.
    - If we funded our culinary water projects through the available funding of our road projects, we would need an additional \$1,135,000 for five years or **\$227,000** annually.

Discussion about the City’s five-year capital project plan from our May 23<sup>rd</sup> meeting included discussion of an additional \$6.90 in all of our utility funds. Below are a couple of funding options ideas for future years:

- **Option 1**
- FY2018 – culinary water base change = \$2.33
- FY2019 - \$2.60
- FY2020 - \$2.60
- **Option 2**
- FY2018 – culinary water base change = \$2.33
- FY2019 - \$2.00
- FY2020 - \$2.00
- FY2022 - \$2.00

The memo concluded by providing a summary of current utility rates charged by surrounding cities.

City	Total Bill @ 8,000 GAL
<b>SYRACUSE CITY</b>	<b>\$74.55</b>
<b>ROY CITY</b>	<b>\$76.79</b>
<b>SUNSET CITY</b>	<b>\$77.00</b>
<b>LAYTON CITY</b>	<b>\$78.92</b>
<b>CLINTON CITY</b>	<b>\$82.16</b>
<b>KAYSVILLE CITY</b>	<b>\$89.05</b>
<b>FARMINGTON CITY</b>	<b>\$89.93</b>
<b>CLEARFIELD CITY</b>	<b>\$90.63</b>
<b>WEST POINT</b>	<b>\$93.33</b>
<b>AVERAGE RATE</b>	<b>\$83.60</b>

[8:21:38 PM](#)

Mr. Marshall reviewed his staff memo.

[8:27:37 PM](#)

Councilmember Anderson stated that the budget includes information about the culinary water rate structure, but the Council has indicated they would like to have additional discussion about those rates before finalizing any adjustments. She asked if adoption of the tentative budget will result in passage of the new rate schedule, to which Mr. Marshall answered no; the budget only includes anticipated revenue changes, but if the Council decides against increasing water rates those revenues can be adjusted. He clarified that capital projects for the coming fiscal year have been prioritized and funded based upon the existing rate structure and a decision against increasing water rates will not impact those decisions. The Council engaged in high level discussion about various issues associated with the City’s utility rate structure, with an emphasis on their desire to consider the rate structure independent of the budget. Mr. Marshall stated that the Council has two options: first would be to remove any additional revenue associated with any utility rate increase from the budget with the understanding that it will necessary to open the budget at a future date if rates are increased, or, second would be to leave the revenue in the budget, but direct staff not to spend any of that money until final decisions are made regarding the various utility fees. The Council opted for the first option mentioned by Mr. Marshall.

[8:36:50 PM](#)

Mayor Palmer opened the public hearing.

[8:36:56 PM](#)

Kevin Homer stated he is somewhat confused about action on the City budget and how it relates to the Redevelopment Agency (RDA) budget; he wondered if it causes a problem to vote on the City budget before voting on the RDA budget given the RDA budget is a sub-item of the City budget. Mayor Palmer stated the two budgets are independent of one another and the RDA Board will vote separately on the RDA budget in a special meeting later this evening.

[8:37:42 PM](#)

There were no additional persons appearing to be heard and the public hearing was closed.

[8:37:49 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-19 ADOPTING THE TENTATIVE BUDGET AS AN OPERATING BUDGET FOR FISCAL YEAR 2017-2018 AND SETTING A PUBLIC HEARING TO CONSIDER HOLDING THE 2016 TAX RATE OF .001573 AND ADOPT A FINAL BUDGET, WITH THE CHANGES TO

STRIKE REVENUES ASSOCIATED WITH INCREASES FOR GREEN WASTE RECYCLING AND GARBAGE COLLECTION AND REVENUES ASSOCIATED WITH POTENTIAL ADJUSTMENTS TO ALL OTHER UTILITY RATES. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:39:18 PM](#)

18. Public hearing – Proposed Resolution R17-20 amending the Syracuse City Consolidated Fee Schedule by making adjustments throughout.

A staff memo from the Finance Director summarized the list of proposed changes to the consolidated fee schedule. Fee changes to become effective June 13, 2017 are:

- Culinary Impact Fee changes (as previously discussed with the culinary water IFFP and IFA from earlier in the meeting.)

Fee changes to become effective July 1, 2017 are:

- Garbage Service – increase \$0.23 per first can (Robinson Waste request)
- Garbage Service – increase \$0.08 per second can (Robinson Waste req.)
- Green Waste Service – increase \$1.00 per can (Robinson Waste request)
- Utility Deposit – increase to \$100.00 for new utility sign ups.
- Culinary Water – increase base rate to \$16.85 (Weber Basin Water)
- Culinary water rate structure:
  - Reduce base gallons to 4,000 gallons - \$16.85
  - Add tier from 4,001 – 8,000 gallons - \$1.70 per 1000 gallons
  - Tier from 8,001 – 12,000 gallons - \$2.05 per 1000 gallons
  - Tier above 12,000 gallons - \$2.45 per 1000 gallons
- North Davis Sewer fee increase by \$3.00 (NDSO request)
- Syracuse Sewer service fee increase by \$0.65 – hire new full time environmental worker.
- Public safety impact fee increase to \$218.00 per application for new residential homes.
- Public safety impact fee increase to \$0.16 per square foot of building for new commercial development.
- Sign Inspection – move and change to \$3.50 per sign.
- Curb & Gutter and Sidewalk inspections – change to \$2.50 per LF
- Change rate for filling pools to \$2.45 per 1,000 gallons
- Increase fine for meter tampering to \$100.00
- Add fine for cross connection - \$100.00

The memo concluded that those fee changes that would not be effective until September 11, 2017 include:

- Secondary Impact Fee changes (as previously discussed with the secondary water IFFP and IFA from earlier in the meeting.)
- Required 90-day protest period for the fee increase.

[8:39:32 PM](#)

Mr. Marshall reviewed his staff memo and indicated that if the Council chooses to adopt the resolution making changes to the fee schedule, they should remove the first three bullet items relating to garbage service and green waste services in order to be in line with the action that was taken to adopt the tentative budget as an operating budget without revenues associated with garbage and green waste rate increases.

[8:43:56 PM](#)

The Council engaged in high level discussion about various changes in the fee schedule, with a focus on the proposed increase for the fine associated with water meter tampering.

[8:49:51 PM](#)

Mayor Palmer opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

[8:50:06 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-20 AMENDING THE SYRACUSE

CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS THROUGHOUT, WITH THE EXCEPTION OF THE PROPOSED CHANGES TO THE GARBAGE, GREEN WASTE SERVICE, AND CULINARY WATER RATE STRUCTURES, AND ADDING A \$500 FINE FOR THE SECOND OFFENSE FOR TAMPERING WITH WATER METERS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

The meeting recessed at [8:52:06 PM](#) to allow for convening of the special Redevelopment Agency (RDA) and Municipal Building Authority (MBA) meetings. The meeting reconvened at [9:03:09 PM](#).

[9:03:15 PM](#)

19. Public comment.

There were no public comments.

[9:03:21 PM](#)

20. 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 Savage's report began at [9:03:25 PM](#). He was followed by Councilmembers Bolduc, Maughan, Anderson, and Gailey.

[9:13:21 PM](#)

21. Mayor's Report.

Mayor Palmer's report began at [9:13:26 PM](#).

[9:14:13 PM](#)

22. City Manager report

City Manager Bovero's report began at [9:14:17 PM](#).

[9:18:28 PM](#)

23. 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.

[9:18:33 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 9:19 p.m.

The meeting reconvened at 9:54 p.m.

At 9:54 p.m. COUNCILMEMBER MAUGHAN MADE A MOTION TO ADJOURN. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Terry Palmer

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Cassie Z. Brown, MMC

City Council Regular Meeting  
June 13, 2017

Mayor

City Recorder

Date approved: July 11, 2017