

Minutes of the Regular meeting of the Syracuse City Council held on December 12, 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 Recorder Cassie Z. Brown

City Employees Present:

City Attorney Paul Roberts
Finance Director Steve Marshall
Community Development Director Brigham Mellor
Police Chief Garret Atkin
Interim Fire Chief Larry Jo Hamblin
Public Works Director Robert Whiteley
Parks and Recreation Director Kresta Robinson

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1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 6:05 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 Maughan led the audience in the Pledge of Allegiance.

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Mayor Palmer indicated this will be his last meeting as Mayor of Syracuse City and he expressed his gratitude to the citizens of the City and to the City Council for their support. He indicated the City Council is made up of great individuals and he is confident the City will continue to experience positive growth.

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

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2. Presentation of Syracuse City and Syracuse Chamber of Commerce "Award for Excellence" to Jackson Lucus and Maisie Merino for the month of December 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.

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Chamber of Commerce President Andrew Sherman noted both youth receiving the award for November 2017 were nominated by the staff of Buffalo Point Elementary School.

Jackson Lucus:

Jackson is very kind. He is honest and cares about doing the right thing. Jackson works hard in class and strives to do his best. Jackson works hard to make sure he never has missing assignments. He is on time to class, gets along with others and is very respectful. Jackson is a great example of what can be accomplished with hard work and dedication. Jackson is a great student and excels at everything he puts his mind to. Jackson is truly an amazing young man!

Maisie Merino:

Maisie is an outstanding student in many ways. She is a hard worker and always does her personal best with whatever she is working on. If she doesn't understand something she will persevere until she does. One of my favorite things about Maisie is how kind and caring she is. She also notices when another student needs help and will offer to help them out. She never gets frustrated when she is helping someone, but is very patient. Maisie is also a fantastic soccer player and is able to balance her soccer practices with her schoolwork. I never see Maisie without a smile on her face. She is a friend to everyone. She is truly an outstanding student. Maisie is unique in that she is struggling with something she doesn't give up. For example, sometimes she has a hard time understanding our new way of doing math. Instead of giving up, she is determined to ask questions and get help until she has a clear understanding of the concept. Another unique attribute about Maisie is the fact that I have never heard her say a mean comment about anyone. Maisie is involved in soccer. She is an excellent player and plays on a comp team. Maisie also received the Student of the Month award in September at Buffalo Point Elementary for being an outstanding student. Maisie has received excellent grades on her report cards.

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3. Citizen Recognition: 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 assisting 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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Fire Chief Byington reviewed the staff memo and presented completion certificates to: James Reyes, Vicki Reyes, Lynn Elbert, Dana Smith and Tanya Castañeda.

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4. Public comment.

There were no public comments.

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5. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session of October 24, 2017, Special Meeting of November 3, 2017, and Regular Meeting of November 14, 2017.

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COUNCILMEMBER SAVAGE MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER ANDERSON SECONDED THE MOTION.

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6a. Common consent: Proposed Resolution R17-47 appointing members to the Syracuse City Board of Adjustments.

A staff memo from the City Recorder explained Over the past several months, the Council and Mayor have been discussing the matter of reviving the previously defunct Board of Adjustment and appointing new members to the Board. The City has solicited applications for the positions on the Board and, after discussion with the Council, Mayor Palmer has recommended the appointment of four members: Tony North, Dave Jones, Scott Haymore, and Grant Thorsen.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-47 APPOINTING MEMBERS TO THE SYRACUSE CITY BOARD OF ADJUSTMENTS. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6b. Common consent: Proposed Resolution R17-48 appointing Terry Palmer to the Syracuse City Disaster Preparedness Committee.

A staff memo from the City Recorder explained Kevin Homer has resigned from the Disaster Preparedness Committee. Mayor Palmer would like to be appointed to replace Mr. Homer and will continue to serve after his term as Syracuse City Mayor comes a close and until the expiration of Mr. Homer's term, which is set for June 30, 2019.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-48 APPOINTING TERRY PALMER TO THE SYRACUSE CITY DISASTER PREPAREDNESS COMMITTEE. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6c. Common consent: Proposed Resolution R17-45 appointing Cindy Hellewell to the Syracuse City Arts Council.

A staff memo from the City Recorder explained Syracuse City Arts Council leadership requested the appointments of Cindy Hellewell. Information regarding the appointment is attached as well as a draft resolution formalizing the appointment.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-45 APPOINTING CINDY HELLEWELL TO THE SYRACUSE CITY ARTS COUNCIL. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. Proposed Resolution R17-46 imposing a local sales and use tax of .1% on eligible transactions within the City for recreational, arts, and parks uses, as authorized by the majority votes in the General Municipal Election occurring on November 7, 2017.

A staff memo from the City Attorney explained one may be asking, "Why is the Council voting on an item that was already approved by the voters?" Good question. The simple answer is that State Law requires the Council to actually impose the tax. The relevant provision of State Law reads as follows:

(2) If the city or town legislative body determines that a majority of the city's or town's registered voters voting on the imposition of the tax have voted in favor of the imposition of the tax as prescribed in Subsection (1), the city or town legislative body may impose the tax by a majority vote of all members of the legislative body.

Utah Code Ann. § 59-12-1402(2).

In order to make the finding referenced in the statute, one must simply refer to the official tally of votes on this issue in the election last month: 2,069 FOR, and 1,727 AGAINST. That vote has provided you with the voters' blessing to impose the tax. If the proposed resolution is passed, it will be sent to the State Tax Commission, and the sales tax will begin to be assessed in Spring 2018, with additional distributions arriving in City coffers in June.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-46 IMPOSING A LOCAL SALES AND USE TAX OF .1% ON ELIGIBLE TRANSACTIONS WITHIN THE CITY FOR RECREATIONAL, ARTS, AND PARKS USES, AS AUTHORIZED BY THE MAJORITY VOTES IN THE GENERAL MUNICIPAL ELECTION OCCURRING ON NOVEMBER 7, 2017. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER BOLDOC, WHO VOTED IN OPPOSITION.

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8. Preliminary Subdivision approval, Stonefield Estates, located at approximately 2650 Alison Way.

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

- Location: 2650 Alison Way
- Current Zoning: R-2
- General Plan: R-2
- Total Subdivision Area: 7.03 Acres
- Number of Lots: 15

This item was unanimously recommended for approval by the Planning Commission during its regular meeting on December 5, 2017 with the following condition: 1. All staff comments must be addressed prior to the plat being recorded with Davis County.

The applicant is requesting approval of a 15-lot preliminary subdivision called Stonefield Estates which will divide a large property with two homes and a farm field into 15 lots with 13 new building lots. Lots 102, 113, 114, 115 have a landscape strip in the rear of the properties that was required by staff in preliminary meetings to avoid double-frontage lots. The developer plans to set up an HOA which will maintain both strips while only parcel B will be owned by the HOA. Parcel A will be retained by the owner of lot 102 to allow for future subdivision of that parcel.

On November 30, 2017 staff met with the owner of the property and the developer to discuss landscaping on the strips. A landscape plan will be provided to show what will be installed and maintained. All other planning comments have been addressed.

The lots in the plat meet the minimum lot dimension standards of the R-2 Zone. There are still some outstanding comments from the City Engineer which are included as an attachment to this report.

The memo concluded that because the proposed plat meets the requirements of the R-2 Zone with some outstanding staff comments, staff recommends approval of the plat with the following condition:

1. All staff comments must be addressed prior to the plat being recorded with Davis County.

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CED Director reviewed the staff memo.

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COUNCILMEMBER MAUGHAN MOVED TO GRANT PRELIMINARY SUBDIVISION APPROVAL FOR STONEFIELD ESTATES, LOCATED AT APPROXIMATELY 2650 ALISON WAY. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Councilmember Gailey indicated that he attended the Planning Commission meeting during which this application was discussed and there was a resident present who requested that the subdivision be renamed to include the name of the former property owner; the applicant indicated they will consider that request and the name of the project may be different when the developer seeks final approval from the Council.

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9. Authorize Administration to award and execute agreement with Silver Spur Construction, LLC for the Ranchettes Improvement project.

A staff memo from the Public Works Department explained This project consists of improvements in the Syracuse Ranchettes West Subdivision. This includes 3300 West Street, 3400 West Street, 3385 West Street, 1850 South Street, 1950 South Street, 2050 South Street and 2200 South Street. Improvements to infrastructure includes:

- Replace existing concrete sewer with PVC main
- Replace existing 6" cast iron & class culinary mains with new 10" & 8" C-900 mains
- Add additional fire hydrants for improved fire protection
- Installation of storm drain pipes, manholes, and inlets
- Replace ADA ramps to current standards
- Full width asphalt pavement replacement

The construction will begin in late winter/early spring and will be completed by the end of 2018. Bids were opened on November 29, 2017. There were 30 plan holders and nine bids were received. The low bidder was Silver Spur Construction, LLC. with a total bid amount of \$2,840,903.73. The project will be funded using Class C Road Monies, Culinary Capital funding, Storm Drain Capital funding, and Sewer Capital funding. The memo concluded staff recommends the Council award the contract to Silver Spur Construction, LLC.

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Public Works Director Whiteley reviewed his staff memo.

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Councilmember Maughan stated that when driving along the road today he noticed areas of damage in the curb and gutter; he asked if repairs to those areas are included in this project. Mr. Whiteley answered yes and further reviewed the scope of work.

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Mayor Palmer inquired as to how long the project will take to complete, to which Mr. Whiteley answered approximately one year; work should commence as soon as snow melt begins in mid to end February and will not be completed until late fall. His Department will ensure that proper communication with the residents occurs.

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Councilmember Maughan stated there are areas along the roadway where property owners have modified their curb cuts and approaches; he asked if those curb cuts will be restored with this project. Mr. Whiteley stated that if a drive approach needs to be replaced, that will be completed, but so long as the drive approach functions properly it will be left as is. There will not be much attention paid to whether a curb cut or driveway approach conforms with City Code. He is not aware of any property with a curb cut that is out of compliance.

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Councilmember Gailey thanked Mr. Whiteley for the steps he took to properly vet the bidders who submitted proposals for this project.

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COUNCILMEMBER MAUGHAN MOVED TO AUTHORIZE ADMINISTRATION TO AWARD AND EXECUTE AGREEMENT WITH SILVER SPUR CONSTRUCTION, LLC FOR THE RANCHETTES IMPROVEMENT PROJECT. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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10. Authorize Administration to execute agreement with J. Lyn Roberts & Sons Inc. for the construction and management of the Centennial Park Splash Pad and Pavilions project.

A staff memo from the Parks and Recreation Department explained the current budget for the Centennial Park Splash Pad, Restroom, and Pavilion is \$1.1 million. This number assumes we will receive \$325,000 in grants/foundation funding. There is approximately an additional \$1.5 million cash balance in park impact fees that is available to the Council. If the decision is made to use park impact fees cash balance, the opening date of the splashpad could take place in the summer of 2018, and staff can attempt to make up the difference with foundation and grant funds. If the decision is made to wait for foundation and grant funding, it is likely, the project will need to be put off until Spring of 2019. RAP tax money will be

effective April of 2018. The draft contract encompasses a design-build concept. The JLR team will master plan and design the splash pad in conjunction with the City's input. Prior to the commencement of construction, a final price will be established for the project. The agreement will include a maximum price of \$1.5 million, which can only be exceeded if agreed to by the Council. The memo concluded staff recommends the Council authorize Administration to award the Centennial Park Splash Pad contract to J. Lyne Roberts & Sons (JLR).

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Finance Director Marshall reviewed the staff memo and facilitated discussion among the Council regarding funding for the project and the potential to secure additional grants to ensure completion of the project.

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COUNCILMEMBER MAUGHAN MOVED TO SELECT THE \$1.5 MILLION PROJECT OPTION WITH THE 'SYRACUSE WILD' DESIGN THEME AND AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENT WITH J. LYN ROBERTS & SONS INC. FOR THE CONSTRUCTION AND MANAGEMENT OF THE CENTENNIAL PARK SPLASH PAD AND PAVILIONS PROJECT.

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Discussion regarding Councilmember Maughan's motion ensued with a focus on the City's ability to secure additional grant funds if the granting entity is aware that the City has already allocated the full project amount in its budget. Mr. Marshall explained that if additional grant funding is secured, a portion of the project budget could be reallocated to another project in the City. The only restriction on park impact fees is that it must be used for new park projects.

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COUNCILMEMBER MAUGHAN RESTATED HIS MOTION. COUNCILMEMBER SAVAGE SECONDED THE MOTION.

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Mayor Palmer recommended that staff work with the contractor to secure a cost breakdown for the various components of the project to determine how the price would be affected if certain components were eliminated. He then stated there has been a motion and second to authorize a maximum budget of \$1,500,000 and execution of the contract and he called for a vote; ALL VOTED IN FAVOR.

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11. Proposed Ordinance 17-22 amending and enacting various sections in Chapter 10 of the Syracuse City Municipal Code pertaining to requests for reasonable accommodations.

A staff memo from the City Attorney explained this item was brought to the Council's attention in October's work session. It has since been presented to the Planning Commission for public hearing, and it was unanimously approved by them. The only changes made to the previous version relates to the selection and qualification of the Administrative Hearing Officer (AHO). Those are found in the new Section 10.20.115(H), indicating that the AHO is: appointed by the Mayor, subject to advice and consent; compensated on a per-hearing or per-hour basis, which will be established at the time of appointment; and either a law school graduate or a person with significant experience with administrative hearing processes. The memo then referenced the staff report previously provided to the Council in October:

Under the Americans with Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA), those with disabilities are entitled to reasonable accommodations from government zoning regulations if they can demonstrate: (1) that they have a disability, (2) that an accommodation is necessary in order for them to live in the home and community of their choice, and (3) that the requested accommodation does not impose an undue burden on the community (i.e. fundamentally changing the character of the neighborhood). Our code currently lacks an established procedure for applicants to make such a request. While an established procedure is not required by federal law, a City decisionmaker will be required to address accommodation requests, and establishing a procedure will assist the City in processing these requests.

The proposed ordinance makes changes to three parts of the zoning code:

- (1) Establishing Section 10.20.115, Reasonable Accommodations, which will be generally applicable to any zoning regulation (found in Title 10).

- (2) Amending the reasonable accommodation procedure established in Section 10.30.040, Animals, and funneling that type of request into the Section .115 procedure.
- (3) Amending provisions related to Residential Facilities for Persons with a Disability and moving it to Section 10.30.035.

The following proposed changes were discussed:

(1) Creation of Reasonable Accommodation Procedure

Requests for accommodations from our zoning regulations could come in many forms. It could include an exception from our setback requirements due to the need to install a wheelchair ramp, a deviation from our limit on unrelated individuals living in one residence, or a prohibition against having miniature horses on properties of a certain size. When a person with a disability makes such a request, it is important that the issue be resolved promptly. It should also be handled free from public clamor. As such, I have recommended that the CED Director be empowered to make decisions related to reasonable accommodation requests, with an administrative appeal going to a specially appointed Administrative Hearing Officer. In a work session in October, the Council directed that the Hearing Officer be the one designated to hear those appeals.

The burden of establishing that the person has a disability and that the requested accommodation is reasonable rests upon the applicant. In considering whether a request is reasonable, the ordinance requires the Director to ascertain whether it undermines the purpose of the zoning code, whether it is necessary (the city may propose an alternative), if it places the disabled person on the same footing as a nondisabled person (rather than in a better position), and additional factors.

After considering the request and the submissions by the applicant, the Director issues a decision within 30 calendar days of receipt of the request (with possible extension to 60 days, in complicated cases). Appeals from his decision would be made by filing an appeal within 10 business days, where the matter would be heard by the hearing officer at a hearing that would be open to the public. Further appeals may be taken to the district court.

(2) Animals

Rather than establishing a per se accommodation with a potentially unlawful requirement to have a service dog certified by a particular registry, it is recommended that all accommodation requests related to animals go through the same procedure as other zoning accommodation requests. This would be broad enough to capture any request, from seeking relief from the number of animals restriction, to permitting miniature horses in lots that would be otherwise ineligible.

(3) Residential Facilities for Persons with Disabilities

Facilities for disabled persons, including rehabilitation facilities or group homes, are subject to protection under the ADA and FHAA. The automatic requirement that they go through site plan review, while someone building an ordinary single-family home is not required to do so, is problematic; I recommend removal of that provision. Additional language related to what constitutes a disability is also recommended for removal, as it will be addressed in Section 115.

Additional requirements related to elderly residential facilities are also recommended for removal. Certain provisions related to drug/alcohol treatment are problematic, along with requirements for those facilities that are not required for other single-family homes – for instance, the insurance requirement. Disabilities associated with age are protected by the ADA and FHAA, and any impediment the City imposes due to their status as an elderly residential facility is subject to challenge. I recommend a substantial reduction in the regulations imposed by this section.

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City Attorney Roberts reviewed his staff memo.

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Councilmember Anderson asked if a person certified in mediation could be classified as a service provider eligible for a reasonable accommodation. Mr. Roberts stated that would be a decision ultimately made by the Mayor and Council. High level discussion then centered on the types of facilities that can be classified as residential facilities for persons with disabilities and concessions that should be made for those types of facilities; Mr. Roberts emphasized that the accommodations must be reasonable, but should not cause a significant negative impact on a residential neighborhood. This relates specifically to matters such as parking that would place an undue burden on a neighborhood.

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The Council complimented Mr. Roberts for his work to address this issue and for the quality of the ordinance that has been recommended.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED ORDINANCE 17-22 AMENDING AND ENACTING VARIOUS SECTIONS IN CHAPTER 10 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO REQUESTS FOR REASONABLE ACCOMMODATIONS. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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12. Public comment.

There were no public comments.

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13. Recess to convene in work session meeting.

Mayor Palmer recessed the meeting at 6:55 to convene in a work session meeting. The meeting reconvened at 9:14 p.m.

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14. 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.

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 BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 9:14 p.m.

The meeting reconvened at 10:59 p.m.

At 10:59 p.m. COUNCILMEMBER MAUGHAN MADE A MOTION TO ADJOURN. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: January 9, 2018