SYRACUSE CITY

Syracuse City Council Business Meeting
October 8, 2024 –6:00 p.m.
In-Person Location: Syracuse City Hall, 1979 W. 1900 S.
Electronic Via Zoom
Connect via telephone: +1-301-715-8592 US, meeting ID: 897 1384 8348
Streamed on Syracuse City YouTube Channel

1. Meeting called to order.
   Invocation or thought
   Pledge of Allegiance
   Adopt agenda.
2. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. (*Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, cassieb@syracuseut.gov, by 4:00 p.m. on October 8, 2024. Comments submitted by the deadline will be read for the record of the meeting.*)
3. Approval of Minutes: (2 min.)
   a. September 24, 2024 City Council Work Session.
   b. September 24, 2024 City Council Special Business Meeting.
4. Public Hearing: Proposed Resolution R24-38 adjusting the Syracuse City Budget for Fiscal Year (FY) ending June 30, 2025. (5 min.)
5. Proposed Resolution R24-39 authorizing the Mayor to execute an agreement with Woods Cross Properties 102, LLC for the exchange of real property. (5 min.)
6. Proposed Ordinance 2024-23 amending the Syracuse City General Plan Map for property located at approximately 2000 West 2700 South, adjusting the boundaries of the medium density residential and commercial designations. (5 min.)
7. Proposed Ordinance 2024-24, repeal Sections 3.10.070 and 3.10.080(A) of the Syracuse Municipal Code regarding the referral of property acquisition items to the Syracuse City Planning Commission. (5 min.)
8. Proposed Ordinance 2024-27 amending Syracuse Municipal Code Section 5.30 pertaining to door-to-door solicitation. (5 min.)
9. Proposed Ordinance 2024-25 amending Chapter 3.30 of Syracuse Municipal Code regarding access to the Syracuse City Employee Appeals Board. (5 min.)
10. Purchasing policy amendments: (5 min.)
    a. Proposed Ordinance 2024-26 amending Syracuse Municipal Code 13.40.040 to exempt the retention of outside legal services from the City's competitive bidding requirements.
    b. Proposed Resolution R24-30 amending Syracuse City Purchasing Policy relative to competitive bidding requirements for professional services. (5 min.)
11. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. (*Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, cassieb@syracuseut.gov, by 4:00 p.m. on October 8, 2024. Comments submitted by the deadline will be read for the record of the meeting.*)
12. Mayor/Council announcements.
13. Adjourn.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 4th day of October, 2024 at Syracuse City Hall on the City Hall Notice Board and at http://www.syracuseut.gov. A copy was also provided to the Standard-Examiner on October 4, 2024.

CASSIE Z. BROWN, MMC
SYRACUSE CITY RECORDER
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CITY COUNCIL AGENDA

October 8, 2024

Agenda Item **#3** Approval of Minutes.

Factual Summation

- Please see the draft minutes of the following meeting(s):
    a. September 24, 2024 City Council Work Session
    b. September 24, 2024 Special City Council Business Meeting

- Any question regarding this agenda item may be directed at Cassie Brown, City Recorder.

Minutes of the City Council/Redevelopment Agency Work Session of the Syracuse City Council, held on September 24, 2024, at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 827 3090 2501, in-person in the City Council Conference Room at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

DRAFT

Present: Councilmembers: Jennifer Carver
Jordan Savage
Paul Watson
Brett Cragun
Julie Robertson

Mayor Dave Maughan
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Administrative Services Director Stephen Marshall
City Attorney Colin Winchester
Fire Chief Aaron Byington
Police Chief Garret Atkin
Kresta Robinson Parks and Recreation Director
Public Works Director Robert Whiteley
Community and Economic Development Director Noah Steele
Communications Specialist Kara Finley

The purpose of the Work Session was to receive public comments; receive a presentation by Antelope Island State Park Manager Wendy Wilson; receive semi-annual report from the Victim Advocate, Celeste Hopkins. discuss request for Redevelopment Agency (RDA) funding for multi-tenant signage at Heritage Plaza, located at approximately 1747 S. Heritage Lane; discuss recycling program options; discussion of Syracuse City code enforcement strategy; discuss proposed changes to door-to-door solicitation enforcement; review Syracuse City noise ordinance; discuss proposed budget amendments for Fiscal Year (FY) ending June 30, 2025; discuss proposal to repeal Sections 3.10.070 and 3.10.080(A) of the Syracuse Municipal Code regarding the referral of property acquisition items to the Syracuse City Planning Commission; discuss proposal to amend Chapter 3.30 of Syracuse Municipal Code regarding access to the Syracuse City Employee Appeals Board. and discuss proposal to amend Syracuse City Purchasing Policy relative to competitive bidding requirements for professional services.

Public comments

Laura Streeter read the following public comment into the record:

"My name is Laura Streeter, and I reside at: 1857 S. 2150 W., in the city of Syracuse. My family and I have lived at our address for 15 years and have enjoyed living in Syracuse, with one exception- noise issues from the Rush. In May of this year, myself and my neighbors began contacting the Rush to ask them to turn down the sound. Before long, we were met with belligerence from employees and even had our phone numbers blocked. We were told to email

Rush "corporate" for help. Rush "corporate" told me to go through the city. I had already been in contact with the city. The city had instructed me to contact the Rush. So, the Rush says to contact the city; The city says to contact the Rush or the police; The police say to contact the city or the Rush. We have been on this merry-go-round for TWELVE YEARS. This summer the police were more active in going to the Rush and telling them to turn down the music. But therein lies one of the biggest issues; lack of citation, or as Chapter 6.040.090 of the noise ordinance calls it: "PUNISHMENT". I believe it was included as a means of encouraging adherence of the noise ordinance. But it is not being utilized. Why do parents enact consequences for their children? Typically, as a way to encourage and teach the child to stop the behavior that is causing a problem. The Rush has only ever been warned. In reference to noise prohibitions, Chapter 6.40.030 lists restrictions. Article B of this chapter CLEARLY states that the following is against the noise ordinance:

> THE USE OR OPERATION OF A LOUDSPEAKER OR SOUND AMPLIFYING EQUIPMENT IN A FIXED OR MOVABLE POSITION OR ***THE TRANSMISSION OF MUSIC OR ENTERTAINMENT*** TO ANY PERSON OR ASSEMBLAGE OF PERSONS.

There are specific hours under which the prohibitions fall, and which need to be addressed for a more well-rounded noise ordinance. One detail that needs to be highlighted is that a decibel meter DOES NOT need to be used after 10pm Sunday through Thursday or after 11pm on Friday and Saturday. The noise ordinance clearly states the sound only need be "plainly audible at the property boundary of the source". A simpler, broader noise ordinance will make enforcement easier and faster and will also make it easier for businesses like the Rush to understand. I need to express my frustration with how the city worked with the Rush to fix the problem. We were told that the Rush had been contacted and the Rush said they would address the problem immediately. That did not happen. In one unanswered email to the city, I requested the phone number for Kenny Gertge. By mid-August, I researched and found Mr. Gertge's personal phone number myself. A neighbor and I each reached out to Mr. Gertge, on separate days, not knowing we had each communicated with him. When I reached out to Mr. Gertge on August 14th, he responded that same day. Through text I was able to describe exactly what I was hearing and when, moment to moment. By August 16th, the noise was CONSIDERABLY AND OVERWHELMINGLY improved. After months of trying to go through the city and the police to get the situation under control, ***we as residents*** (with some skilled googling), resolved the problem. On tonight's agenda, under item "i", Colin Winchester submitted a review of this summer's issues. He mentions his visit on August 27th and states that "the noise was only slightly audible to my naked ear from just a few feet outside the door". THE REASON WHY ON AUGUST 27TH THE NOISE WAS AT AN ACCEPTABLE LEVEL

IS BECAUSE ON AUGUST 14TH, RESIDENTS TOOK IT UPON THEMSELVES TO FINALLY SOLVE THE PROBLEM THAT THE CITY COULDN'T. Please take the time to craft a noise ordinance that is easy to understand, easy to enforce, and which encourages adherence WITHOUT having to try to involve the city or the police. THANK YOU FOR YOUR TIME."

The Council also heard input from Phillip Arnoldson and Richard Campbell regarding the noise concerns at The Rush Funplex. They urged the Council to consider amendments to the City's noise ordinance in order to prevent this type of situation from occurring in the future.

City Recorder Brown then read the following emailed public comment:

"Good morning,

In reviewing the agenda for today's City Council meeting I see that code enforcement is up for discussion. I would like to provide the following input regarding this topic.

For the past two years I have reported a property in our neighborhood that consistently does not follow city code. I have reported the weeds (Entire lawn area is weeds/no grass) that are above a foot tall several times. This property is located on the corner entrance to 2075 S from Bluff Ridge. Not only is it a blight on our neighborhood, but it affects pedestrian traffic as the trees in their backyard have overgrown the fence obstructing sidewalk to the east. In the winter, they park their seven vehicles over the sidewalks…again obstructing public foot traffic.

To date this year…they have cut the weeds one time. Most recently, I submitted a complaint and when nothing happened, I submitted another complaint. I received a reply on the 4th of September to my second complaint which reads as follows:

Leonela Robles wrote:

Julia,

I appreciate your patience with me. I understand this is a major frustration to you but please rest assured they were notified last week Monday. They were given notice to comply. I apologize you feel as if I do not do my job but please know I am still doing it even though I have been battling covid for several weeks now with no voice and other symptoms. I promise we will get them in compliance sooner rather than later.

As always you have every right to express yourself in any way. I hope one day this bond will change. For now, I will keep doing my best as the only code enforcement officer for the city (one day we will have another to help ease my hefty workload as the city is outgrowing me). I apologize for the delay, and I hope they get this taken care of before they get their fine in 2 weeks.

Thank you! I hope you have a better day, and I apologize for the inconvenience I have caused.

To date, the property owner has done nothing about weeds.

The reply from Ms. Robles is similar to one I received from her last year. Her response is unprofessional, and I resent the implication that I'm the problem or having a bad day. I don't need to know her health history or that she feels overworked. The fact is…code enforcement doesn't seem to be happening and that is a problem for residents who are good citizens.

Thank you,

Julie Piper"

Informational presentation by Antelope Island State Park Manager Wendy Wilson

A staff memo from Administration explained that Wendy Wilson is the new Park Manager for Antelope Island State Park. She has been with the Park for several years as the Assistant Park Manager and was recently promoted following the retirement of Jeremy Shaw. Wendy will present and informational presentation to update the Council on current and future plans going forward at Antelope Island, including the construction of the new building that will feature enhanced learning facilities and meeting rooms.

Ms. Wilson introduced herself to the Council and reviewed the information included in the packet regarding current and future plans for improvements at Antelope Island, specifically at the visitor's center. She provided renderings of the project design and the addition of a large theater at the center.

There was brief discussion between the Mayor, Council, and Ms. Wilson about various programs and special events at the Island and the Mayor thanked Ms. Wilson for her attendance and the information she provided.

Semi-annual report from Celeste Hopkins, Victim Advocate

A staff memo from the City Attorney explained the Syracuse City Victim Advocate Celeste Hopkins has prepared a presentation for the City Council regarding the Syracuse City Victim's Services Program. An annual presentation is one of the requirements for receiving grant funding through the Victims of Crime Act. Her presentation is included in the meeting packet for reference.

Victim Services Advocate Hopkins used the aid of a PowerPoint presentation to provide her semi-annual report. For a copy of the presentation in its entirety, see the information packet for the meeting.

Planning item E1: Request for Redevelopment Agency (RDA) funding for multi-tenant signage at Heritage Plaza, located at approximately 1747 S. Heritage Lane

A staff memo from the Community and Economic Development (CED) Department explained that the City has received a request from Heritage Lane Commercial Plaza, asking the City Redevelopment Agency (RDA) to help pay for signage at their development. The original signage that was installed when the buildings were built need replacement. They are requesting approximately $24,000 dollars for their signs. The development is located at approximately the intersection of Antelope Drive and Heritage Lane. The project is zoned Commercial/Mixed Use and is within the Town Center Overlay Zone. The overlay zone has special signage requirements. The signage designs provided have not been reviewed for compliance with city signage ordinances and would be required to obtain proper permits and may need to be adjusted according to staff review. The project sits within the Syracuse Antelope Drive (SAD) Community Development Area (CDA). The project area has previously committed to offer property tax rebates towards two buildings. Those rebates are conditional, are post-performance, and have not rebated any taxes yet. Also, the RDA recently assisted Don's meats with some parking lot cross-access improvements. On June 30, 2024, the SAD CDA had a total ending balance of $475,062.17; supporting information and a letter from the requester have been included in the packet.

CED Director Steele reviewed the staff memo and he and the Mayor facilitated discussion among the Council, acting as the RDA Board, regarding whether the requested financial support is an appropriate use of RDA funds. Boardmember Savage indicated he would be willing to partner with the applicant to fund the signage, but he was not comfortable paying the full amount of the signage. The Board discussed this concept and reached a consensus to schedule a special RDA meeting on October 8 to take action on the request.

Discussion regarding recycling program options

A staff memo from Administration explained that this memo outlines key considerations and proposed options for a curbside recycling program in the City. The program includes decisions on recycling can ownership and management, service frequency, service type options, and additional operational aspects. It should be noted that the City will receive a rebate on landfill costs based on the tonnage of recycling material diverted from the waste stream into the landfill. The City aims to ensure a recycling program is efficient, cost-effective, and meets the needs of the community. The staff memo talked about the following points of consideration:

1. **Recycling can ownership and management**

   Hauler-Owned vs City-Owned cans

2. **Proposed Service Frequency**

   - The typical schedule for recycling pick up is bi-weekly (every other week) to balance efficiency and cost-effectiveness with trash service.

3. **Service Type Options**

   The following service options are under consideration, each with distinct implications for customer flexibility, participation rates, and cost.

   A. **Bundled service**

   B. **Opt-Out Service**

   C. **Opt-In Service**

4. **Commercial and Apartment Operations**
5. **Grant Opportunities**
6. **Hardship Policy**
7. **Pricing Structure**
8. **Rollout Plan**

Administrative Services Director Marshall reviewed the staff memo and facilitated discussion regarding the eight bullet points listed above in order to gather Councilmember feedback regarding desired recycling service. Mr. Marshall indicated the feedback will be used to formulate a pricing strategy, program policies, and to develop a public request for proposals (RFP) that can be published to solicit bids from service providers.

Review/discussion of Syracuse City code enforcement strategy

A staff memo from Administration explained the Mayor has requested that the City Council review the City's code enforcement strategy in response to recent complaints he has received from residents. Complainants allege that their requests are not being responded to and that the ordinance violators are not being held accountable or being brought into compliance in a timely manner, or in some circumstances, at all. The City employs one full time code enforcement officer and is part of the Community and Economic Development (CED) Department. Our officer is a certified ordinance compliance officer through the Utah Ordinance Compliance Association (UOCA). She is not a law enforcement officer, but a civilian and does not have the ability to run license plates. She does not carry a weapon, and she is not able to issue criminal citations. She does not work

nights or weekends, she works Monday through Friday, 9am to 5pm. The city uses an online reporting system for reporting code violations. We were able to compile some data from the system. There are 222 open cases currently. The average response time to an online report is 48 hours. Of those 222 cases, 175 did not provide accurate email or phone for follow up response. On top of the online cases, it is reported that there are on average, 9.5 code enforcement calls per day. The average days to close a case is 9.4 days. The top three most common cases this year are related to weeds, parking, and snow removal. 24% of cases are tall weed complaints, 23 % of the cases are parking related problems, and 17 % are sidewalk snow removal issues. We have included a pie chart with the percentages of different case types. An informal inquiry to the UOCA email list returned some information on the average number of officers employed per city. Obviously, some of these cities are not comparable to scale to Syracuse, but it at least offers a general ratio given the population of each city. Salt Lake City has 15 code enforcement officers West Valley City has 9 officers, Ogden has 5, Clearfield has 2, West Point has 1, and North Salt Lake has 1. Staff found that in most cities, parking issues are dealt with by a law enforcement officer.

Mayor Maughan and CED Director Steele reviewed the staff memo and facilitated discussion among the Council regarding their desired enforcement strategy for public nuisances that exist in the City; there was extensive debate of the effectiveness of the City's current ordinances/enforcement efforts and the Council concluded by directing staff to provide the current ordinance to the Council and to include the matter on the next work session agenda for continued discussion/review before any amendments to the ordinance are considered.

Discuss proposed changes to door-to-door solicitation enforcement

A staff memo from Administration explained that This memo outlines the proposed changes to the City's enforcement procedures for door to-door solicitation. The goal of these changes is to improve efficiency in handling violations, update outdated practices, and ensure the system better serves both the community and clarifies the procedures for the City's enforcement officers.

1. **Changes in fees and fines**
    - **Individual violation fee:** Increase to $150
    - **First offense business violation fee:** Set at $300
    - **Subsequent business violation fee:** Set at $500
    - **Application fee reduction:** Reduce the current application fee from $150 to $50 to encourage compliance and reduce barriers to lawful solicitation.
2. **Civil Citation Process**

The Civil Citation Process will be used for both individuals and businesses, with some key updates to streamline enforcement:

- Citation issuance:
  - (i) A code enforcement officer may issue a civil citation, while a police officer has the discretion to issue either a civil or criminal citation based on their observations at the scene.
  - (ii) Officers will respond to the scene, gather relevant information, and complete the citation form.
  - (iii) Community and Economic Development will issue citation letters with payment or a hearing request due with **20 days** of receiving the citation.
  - (iv) If no payment or hearing is received within the designated period a **notice of judgement** will be sent with a demand for payment.
- **Follow up Procedures:**

  If payment is not received after the judgement further actions may include internal collections, a referral to a collection agency, or escalation to small claims court.

3. Criminal Citation Process:

Criminal citations will only be issued by police officers based on the facts of the situation:

a. The officer will complete the citation form on site, requiring the individual to contact the justice court between 5-14 days.

b. The citation will be entered into the Police Department's administrative system and the e-filed with the justice court via Spillman.

c. The case will be prosecuted by the City Attorney through the regular criminal process.

4. Suggested Changes to the City Municipal Code

To align with the new enforcement practices several amendments to the City's Municipal Code are proposed:

- Terminology Update: Change all uses of the term certificate to permit for consistency.
- Elimination of fax as a hearing request method: Remove facsimile (fax) transmission as a valid method for filing hearing requests, as this technology is now largely obsolete.
- Removal of temporary permits: Eliminate temporary permits from the code as CED currently issues annual permits only.

Mayor Maughan and City Attorney Winchester reviewed the staff memo and discussed the implications of the proposed ordinance amendments. The Council expressed concern about citing individual employees of door-to-door solicitation

entities rather than the larger company. They concluded to support all ordinance amendments except for the proposal to increase the individual violation fee. Mr. Winchester indicated he can use the Council's feedback to amend the proposal and bring it to the October 8 business meeting for continued discussion and action.

Review Syracuse City noise ordinance

A staff memo from the Community and Economic Development Director (CED) explained The City's current noise ordinance is found at SMC Title 6 Chapter 40. The stated intent of the noise ordinance is to "balance the generation of sounds that are necessary and routine against disturbances of the convenience and comfort of nearby individuals [and to] prevent the generation of noises that are nuisances to the community, whether due to their intensity or longevity." In the absence of a permit or waiver issued by the City, the following acts generally violate the noise ordinance if they occur after 10pm on Sunday, Monday, Tuesday, Wednesday or Thursday, or after 11pm on Friday or Saturday:

- vehicle mounted horns and signaling devices
- amplified sounds
- loading operations
- construction work
- domestic power equipment that exceeds 74 dB(A)
- residential power generators that exceed 80 dB(A)
- commercial power equipment that exceeds 82 dB(A)
- powered model mechanical devices
- garbage trucks that exceed 74 dB(A)
- bells and alarms
- fixed sirens, whistles and horns
- ATVs and snowmobiles that exceed 82dB(A)

In addition, noise is regulated by zones per the following table. To constitute a violation, the noise must be measured with a sound level meter approved by the city and must exceed the allowable level for at least ten continuous minutes.

Zone Affected	Su – Th: 10:00 p.m. – 7:00 a.m. Fr – Sa: 11:00 p.m. – 7:00 a.m.	Su – Th: 7:00 a.m. – 10:00 p.m. Fr – Sa: 7:00 a.m. – 11:00 p.m.
Residential and Agricultural A-1, R-1, R-2, R-3, R-4, PRD, RPC, NS	50 dB(A)	60 dB(A)
Commercial/Professional GC, PO, BP, RP	55 dB(A)	60 dB(A)
Industrial	75 dB(A)	80 dB(A)

Violations of the noise ordinance can be resolved civilly (aka administratively) or criminally. A first-offense criminal violation is an infraction. A first-offense violation (whether civil or criminal) carries a minimum fine of $100. A second or subsequent criminal offense within one year of a prior conviction is a class C misdemeanor. A second or subsequent violation (whether civil or criminal) carries a minimum fine of $300.

NOTE: EXTREMELY BASIC PRINCIPLES OF SOUND MEASUREMENT

- dB = decibel, a scientific unit that measures sound pressure (in layman's terms, it's a measurement of sound volume)
- dB(A) = a decibel measurement adjusted for the hearing threshold of the human ear – dB(A) measurements perhaps underestimate the perceived loudness, annoyance factor, and stress inducing capability of noises with low frequency components, especially at moderate and high volumes

Mayor Maughan and City Attorney Winchester reviewed the staff memo; they engaged in philosophical discussion and debate with the Council regarding the appropriate noise level regulations to be included in the ordinance and the amount of time that loud noises should be permitted before enforcement action is taken. They concluded to remove the requirement for excessive noise to be sustained for a 10-minute period and to introduce a civil penalty mechanism for a noise ordinance violation. Mr. Winchester indicated he needs additional time to make the requested changes as well as to provide more comprehensive edits to the ordinance; Mayor Maughan stated that the item will be added to the October 22 work session agenda for further discussion and review, with possible action scheduled for the November business meeting.

Discuss proposed budget amendments for Fiscal Year (FY) ending June 30, 2025

A staff memo from the Administrative Services Director explained there are detailed capital projects included in the packet to be reviewed.

1. Fiscal Year (FY) 2025 budget adjustments
2. Capital Projects revised list
3. Capital Projects original project list
4. Vehicle and capital listing - capital project fund.

Changes to operational budgets:

General fund Major changes:

- $1,500 – ICAC Grant Funds
- $4,600 – Janitorial services for the Parks Maintenance Facility
- $27,000 – Community services insurance claim

All other funds – significant changes

- Parks Maintenance fund - $92,000 – Turf repair products, trail maintenance, tree maintenance, restroom maintenance carryover.
- Transportation fund - $105,000 for pavement condition study and road utility fee study.
- $70,000 for secondary Water Impact Fee Plan update.
- 3,000 Arbitrage Rebate Study in Culinary Impact Fee Fund.
- $15,000 for CRA Creation and Study.
- $636,400 for carryover of vehicles purchases from prior year.

Administrative Services Director Marshall reviewed the staff memo; the Council expressed support for the budget amendments and staff indicated a public hearing will be scheduled for the October 8 business meeting to provide for continued discussion/action. There was brief discussion about whether additional funding is needed to repair a secondary water pump that failed recently. Public Works Director Whiteley indicated the City had a spare pump on hand and will seek funding in the future to replace the spare pump that was used.

Council member Savage asked if the City has received a response to the SAFER grant application, to which Mayor Maughan answered no.

Discuss proposal to repeal Sections 3.10.070 and 3.10.080(A) of the Syracuse Municipal Code regarding the referral of property acquisition items to the Syracuse City Planning Commission

A staff memo from the Administration explained that the proposed land exchange with the Syracuse Arts Academy (SAA) will transfer approximately two acres to the City for expansion of the Public Works facility. Among other things, the agreement requires the City to expand an existing storm water detention basin, construct a new storm water detention basin, and connect the two detention basins to each other and to the City's storm water system.

- Current SMC Section 3.10.070, entitled "Mandatory Referral" states: In order to correlate plans for the orderly and economical development of Syracuse City, it is hereby required that any board, commission, committee, administrative officer, or other employee of the City, or any other person having jurisdiction over or responsibility for the development of or the carrying out of plans, or other matters relating to the physical development of the municipality, shall first refer such matters to the Planning Commission and receive its recommendation thereon before taking any action pertaining thereto.
- Current SMC Section 3.10.080(A), entitled "Scope" states: All matters pertaining to … (A) The physical development of the City, except as concerned with the International Building Code as adopted by the state of Utah … shall be submitted to the Planning Commission for consideration and recommendation before action is taken thereon by the City Council or other City official.

City Attorney Winchester reviewed the memo and asked the Council if they are comfortable with an ordinance amendment that will remove the requirement for property acquisition items to be referred to the Planning Commission. The Council supported the ordinance amendment as detailed in the staff memo. Mayor Maughan indicated the Planning Commission also supported this matter; an action item will be included on the October 8 agenda regarding the matter.

Discuss proposal to amend Chapter 3.30 of Syracuse Municipal Code regarding access to the Syracuse Employee Appeals Board

A staff memo from the Administration explained the Employee Appeal Board ("Appeal Board") hears appeals from eligible employees who have been discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less pay. Most employees can access the Appeal Board. However, certain high-ranking employees are denied access to the Appeal Board. Those employees are listed in Utah Code Section 10-3-1105. Syracuse Municipal Code ("SMC") Section 3.30.030 and Syracuse Personnel Policy 25.140 have similar but not identical lists. See attached chart, where the positions that do not match are highlighted in yellow. Temporary employees are eligible to access the Appeal Board under the SMC. But they are ineligible under both state law and our personnel policy. It is recommended that the SMC be amended to make them ineligible. The assistant chief of police, assistant fire chief, assistant department heads and superintendents are

all ineligible to access the Appeal Board under both state law and the SMC. But they are eligible under our personnel policy. It is recommended that the SMC be amended to make them eligible. [Note: Although the City cannot deny the benefit of Appeal Board access to an employee who is eligible under state law, it can provide the benefit to City employees who are ineligible under state law.]

City Attorney Winchester reviewed the staff memo and expounded on the differences between employees that do and do not have access to the City's Employee Appeal Board. The Council indicated they are supportive of the proposed amendment and Mayor Maughan indicated an action item will be included on the October 8 business meeting agenda to provide for Council action on the matter.

Discuss proposal to amend Syracuse City Purchasing Policy relative to competitive bidding requirements for professional services

A staff memo from the Administration explained The City's current purchasing ordinance requires the City to seek bids for supplies, equipment and contractual services in excess of $10,000. The City was recently sued over the City Council's denial of a requested zone change. Once the City was served with the Petition, it had 21 days to file an Answer. For covered situations, the City's insurance company will accept coverage and directly retain outside counsel. However, in this instance, the City's insurance company determined that the claim was not covered. The insurance company agreed to pay up to $25,000 toward legal fees for outside counsel, but the City was required to retain that outside counsel. The City currently does not specifically exempt outside legal service (or more generically, professional services) from its competitive bid requirements. It does exempt "contracts which by their nature are not adapted to being awarded by competitive bidding," and lists seven examples of such contracts (none of which are professional services). Many local governments (including Farmington, Kaysville, South Jordan, South Salt Lake, and Tooele County) specifically exempt professional services from their competitive bid requirements. Layton has not yet responded, and Clearfield (like Syracuse) exempts "contracts which by their nature are not adapted to an award by competitive bidding." For the current litigation, the City was able to retain outside counsel with significant expertise in land use issues but would never have had time to go through the bid process. Staff, knowing that the cost would likely exceed $10,000, apprehensively relied on the exemption for "contracts which by their nature are not adapted to being awarded by competitive bidding." The City has occasionally and without seeking competitive bids retained outside legal counsel to draft and/or review proposed ordinances or agreements. This most recently occurred approximately one year ago when the City retained the law firm of Smith Hartvigsen to review the proposed Development and Public Infrastructure Reimbursement Agreement involving Costco.

City Attorney Winchester reviewed the staff memo, and the Council indicated they are supportive of the proposed purchasing policy amendments to exempt legal services from the competitive bidding requirements. Mayor Maughan indicated an action item will be included on the October 8 business meeting agenda to provide for Council action on the matter.

The meeting adjourned at 8:25 p.m.

_____ _____

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: _____

Minutes of the Syracuse City Council Special Business Meeting, September 24, 2024.

Minutes of the special meeting of the Syracuse City Council held on September 24, 2024, at 8:24 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 827 3090 2501, in-person in the City Council Chambers at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

DRAFT

Present: Councilmembers: Jennifer Carver
Jordan Savage
Paul Watson
Brett Cragun
Julie Robertson

Mayor Dave Maughan
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Administrative Services Director Stephen Marshall
City Attorney Colin Winchester
Fire Chief Aaron Byington
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson
Public Works Director Robert Whiteley
Community and Economic Development Director Noah Steele

1. Meeting Called to Order/Adopt Agenda

Mayor Maughan called the meeting to order at 8:00 p.m. as a special meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

2. Approval of minutes:

The following minutes were reviewed by the City Council: September 10, 2024 City Council Business Meeting,

COUNCILMEMBER SAVAGE MADE A MOTION TO APPOROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER ROBERTSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. 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 (if necessary).

COUNCILMEMBER SAVAGE MOVED TO ADJOURN 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 WATSON SECONDED THE MOTION. ALL VOTED AYE.

The Closed Session began at 8:28 p.m. and adjourned at 9:25 p.m.; the Special Meeting reconvened at 9:25 p.m.

At 9:25 P.M., COUNCILMEMBER CARVER MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

_____	_____
Dave Maughan	Cassie Z. Brown, MMC
Mayor	City Recorder

COUNCIL AGENDA

October 8, 2024

Agenda Item #**4** Public Hearing: Proposed Resolution R24-38 amending the Syracuse City Fiscal Year (FY) 2024-2025 budget.

Factual Summation

- Any questions about this agenda item may be directed at Admin. Services Director Stephen Marshall, or City Manager Brody Bovero.

  Please review the following attachments:
  a. FY2025 Budget Adjustments PDF.
  b. Capital Projects Revised project list.
  c. Capital Project Original project list.
  d. Vehicle and capital listing – capital project fund.

Background

- Please review the detailed **capital projects** listing attached with this document for recommended changes. In this budget opening, we are carryover of projects from prior year that weren't completed and updates to approved projects as follows:

  - Eliminate – 4000 West Overlay – Remove and move to future year
  - New – Additional Pumps at new reservoir - $500,000
  - Carryover – 500 West Widening - $923,000
  - Carryover – 1000 West 2075 S to 2700 S - $2,411,173
  - Carryover – Secondary Reservoir Property Acquistion - $550,000
  - Carryover – Shoreline Trail Phase 1 - $24,000
  - Carryover – EOC Upgrades - $40,000
  - Carryover – Design for Aesthetic Impr. Project - $68,000
  - Carryover – Station 32 Engineering / Architect Design - $163,518
  - Carryover – Park Maintenance Facility & Equipment - $666,502
  - Carryover – BMX Course, pump track, and land purchase - $1,858,620
  - Carryover – Cemetery Road Resurface - $176,000
  - Carryover – Stoker Park Landscaping - $481,860

- Carryover – Fremont Park Pavilion and Playground & restroom revovation - $200,000
- Carryover – Bluff Road Improvements - $912,000
- Carryover – 1525 West Culinary Transmission Line - $209,730
- Carryover – 700 South Overlay 3000 west to St Andrews Dr - $400,000
- Carryover – 700 South and 4000 West roundabout - $1,200,000
- Carryover – 2000 West (WDC to 2700 S) - $300,000
- Carryover – South Cantebury Pavilion and Restroom - $120,000
- Carryover – Dog Park - $388,642
- Carryover – Jensen Park Secondary Access Road - $223,000
- Carryover – Founders Park Booster Pump - $128,000
- Carryover – Landscaping / Drought Resiliency - $70,000
- Carryover – Secondary Water Meter Conversion Projects - $7,668,000
- Carryover – Antelope Trail – Wetland Mitigation - $15,000
- Addition - 4000 West Safety Sidewalk - $100,000
- Revision – Station 32 Construction carryover - $10,430,000

- Changes to **operational budgets**:

General Fund – major changes

- $1,500 – ICAC Grant Funds
- $4,600 – Janitorial Services – Park Maint. Facility
- $27,000 – Community Service Insurance Claim

All Other Funds – Significant Changes

- Park Maint. Fund - $92,000 – Turf repair products, trail maintenance, tree maintenance, restroom maintenance carryover.
- Transportation Fund - $105,000 for pavement condition study and road utility fee study.
- $70,000 for Secondary Water impact Fee Plan Update.
- $3,000 Arbitrage Rebate Study in Culinary Impact Fee Fund.
- $15,000 for CRA Creation and Study
- $636,400 for carryover of vehicles purchases from prior year.
- Updated construction cost for station 32 to $10,731,000.
- Addition of purchase of recycling cans – expense of $660,000 and a rebate / grant on the can purchase of $152,000. This net cost is estimated at $508,000 and can be taken out of the garbage fund balance. This includes a complete rollout by the garbage company on our behalf. We could save 45k and do the rollout ourselves.

Action Items

Consider whether to approve the resolution amending the FY2024 - 2025 budget.

RESOLUTION R24-38

A RESOLUTION ADJUSTING THE SYRACUSE CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2025.

WHEREAS, the Uniform Budgetary Procedures set forth in State Statute 10-6-128 allow for amendments and increases to individual fund budgets; and

WHEREAS, on October 8th, 2024, the City Council held a public hearing to allow interested persons in attendance an opportunity to be heard for or against the proposed budgetary changes; and

WHEREAS, the City Council has determined that approval of the budgetary amendments will promote the orderly operation of the City;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF SYRACUSE DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

SECTION 1: Amendments. The following adjustments to the Syracuse City Budget are hereby made for the Fiscal Year 2025 operating budget.

- See attachment

SECTION 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8th DAY OF OCTOBER, 2024.

SYRACUSE CITY

ATTEST:

_____
Cassie Z. Brown, City Recorder

By:_____
Dave Maughan, Mayor

Syracuse City
FY2024 October Budget Opening

	Original Budget	Amended Budget	Increase / (Decrease)
General Fund:			
REVENUE ADJUSTMENTS:			
Federal Grants	21,000.00	22,500.00	1,500.00
			1,500.00
EXPENDITURE ADJUSTMENTS:			
Police			
Overtime Wages	234,500.00	236,000.00	1,500.00
(ICAC Program)			
Building Maintenance			
Professional & Technical	57,000.00	61,600.00	4,600.00
(Park Maint. Facility janitorial services)			
Parks & Recreation			
Building & Ground Maintenance	74,069.00	101,069.00	27,000.00
(Insurance Claim - Community Center)			
	Revenue	Expenses	
General Fund net change	1,500.00	33,100.00	(31,600.00)
Beginning fund overage			-
Overall fund surplus to be added to fund balance			(31,600.00)
Estimated Ending Fund Balance	**6,688,261**		

RAP Tax Fund

EXPENSE ADJUSTMENTS:			
Capital Outlay	250,000.00	570,000.00	(320,000.00)
(Various Carryover projects - see park 5 year plan)			(320,000.00)
	Revenue	Expenses	
RAP Fund net change	-	(320,000.00)	(320,000.00)
Beginning fund overage			124,716.00
Overall Change			(195,284.00)
Estimated Ending Fund Balance	**255,318.00**		

Parks Impact Fee Fund

EXPENSE ADJUSTMENTS:

Capital Outlay	350,000.00	3,159,262.00	(2,809,262.00)
(Various Carryover projects - see park 5 year plan)			(2,809,262.00)

	Revenue	Expenses	
PIF Fund net change	-	(2,809,262.00)	(2,809,262.00)
Beginning fund overage			912,500.00
Overall Change			(1,896,762.00)
Estimated Ending Fund Balance	**6,400,703**		

Parks Maintenance Fund

EXPENSE ADJUSTMENTS:

Open Space & Field Management	85,500.00	95,500.00	(10,000.00)
(Turf Repair Products)			
Tree/ Arbor Management	44,340.00	78,340.00	(34,000.00)
(Tree Planting, Tree Removal, Tree Inventory Carryover)			
Trail & Parking Lot Maintenance	35,700.00	146,700.00	(111,000.00)
(Trail Treatments and Trail Maint., Parking Lot Treatment)			
Restroom and Playground Maintenance	62,650.00	76,650.00	(14,000.00)
Capital Outlay	261,900.00	545,900.00	(284,000.00)
(Various Carryover projects - see park 5 year plan)			(453,000.00)

	Revenue	Expenses	
PMF Fund net change	-	(453,000.00)	(453,000.00)
Beginning fund overage			77,535.00
Overall Change			(375,465.00)
Estimated Ending Fund Balance	**126,338**		

Transportation Fund

EXPENDITURE ADJUSTMENTS:

Professional & Technical	39,900.00	162,400.00	122,500.00
(Pavement condition study and road utility fee study)			
Capital Projects	3,528,664.00	5,232,486.00	1,703,822.00
(Various Carryover projects - see park 5 year plan)			1,826,322.00

	Revenue	Expenses	
Trans. Fund net change	-	1,826,322.00	(1,826,322.00)
Beginning fund shortage			(1,265,714.00)
Overall Change			(3,092,036.00)
Estimated Ending Fund Balance	**93,325**		

Transportation Impact Fee Fund

EXPENDITURE ADJUSTMENTS:			
Capital Outlay	1,400,000.00	3,823,000.00	2,423,000.00
(Carryover of projects)			2,423,000.00
	Revenue	Expenses	
Trans. Impact Fund net change	-	2,423,000.00	(2,423,000.00)
Beginning fund overage			232,000.00
Overall Change			(2,191,000.00)
Estimated Ending Fund Balance	**143,870**		

Secondary Water Fund:

REVENUE ADJUSTMENTS:			
Federal Grant Revenue	3,500,000.00	5,167,600.00	1,667,600.00
			1,667,600.00
EXPENDITURE ADJUSTMENTS:			
Capital Outlay	5,835,000.00	9,069,168.00	3,234,168.00
(Carryover of projects)			
Move Capital to Balance Sheet	(5,835,000.00)	(9,069,168.00)	(3,234,168.00)
			-
	Revenue	Expenses	
Sec. Water Fund net change	1,667,600.00	-	1,667,600.00
Beginning fund overage			4,104,573.00
Overall Change			5,772,173.00
Estimated Ending Cash Balance	**$261,134**		

Secondary Water Impact Fund:

EXPENDITURE ADJUSTMENTS:			
Professional & Technical	-	70,000.00	70,000.00
(Impact Plan Update and Sec Reservoir oversight)			
Capital Outlay	-	1,050,000.00	1,050,000.00
(Carryover of projects)			1,120,000.00
	Revenue	Expenses	
Sec. Water Impact Fund net change	-	1,120,000.00	(1,120,000.00)
Beginning fund overage			125,955.00
Overall Change			(994,045.00)
Estimated Ending Cash Balance	**924,723.00**		

Storm Water Fund:

REVENUE ADJUSTMENTS:			
Federal Grants	-	445,400.00	445,400.00
(ARPA GRANT)			445,400.00
EXPENDITURE ADJUSTMENTS:			
Capital Outlay	-	1,327,718.00	1,327,718.00
(Carryover of projects)			
Move Capital to Balance Sheet	-	(1,327,718.00)	(1,327,718.00)
			-

	Revenue	Expenses	
Storm Water Fund net change	445,400.00	-	445,400.00
Beginning fund shortage			(182,355.00)
Overall Change			263,045.00
Estimated Ending Cash Balance	**$34,116**		

Culinary Water Fund:

EXPENDITURE ADJUSTMENTS:			
Capital Projects	1,478,000.00	2,263,195.00	785,195.00
(Carryover of projects)			
Move Capital To Balance Sheet	(1,478,000.00)	(2,263,195.00)	(785,195.00)
			-

	Revenue	Expenses	
Culinary Water Fund net change	-	-	-
Beginning fund overage			253,995.00
Overall fund shortage to come from fund balance			253,995.00
Estimated Ending Cash Balance	**$632,342**		

Culinary Water Impact Fund:

EXPENDITURE ADJUSTMENTS:			
Professional & Technical	60,000.00	63,000.00	3,000.00
(Arbitrage Rebate Study - Bond)			3,000.00

	Revenue	Expenses	
Cul Water Impact Fund net change	-	3,000.00	(3,000.00)
Beginning fund shortage			(4,846.00)
Overall Change			(7,846.00)
Estimated Ending Cash Balance	**$2,301,280**		

Sewer Fund:

EXPENDITURE ADJUSTMENTS:			
Salary, Wages, & Benefits	506,494.00	511,994.00	5,500.00
Capital Outlay	500,000.00	550,000.00	50,000.00
(Carryover of projects)			
Move Capital to Balance Sheet	(500,000.00)	(550,000.00)	(50,000.00)
			5,500.00

	Revenue	Expenses	
Sewer Fund net change	-	5,500.00	(5,500.00)
Beginning fund shortage			(348,631.00)
Overall fund deficit to come from fund balance			(354,131.00)

Estimated Ending Cash Balance **$263,669**

IT Fund

EXPENDITURE ADJUSTMENTS:			
Capital Outlay	92,800.00	157,800.00	65,000.00
(Camera and Access control in parks and trail tunnels)			-
			65,000.00

	Revenue	Expenses	
IT Fund net change	-	65,000.00	(65,000.00)
Beginning fund shortage			(8,473.00)
Overall fund deficit to come from fund balance			(73,473.00)

Estimated Ending Cash Balance **44,390**

CDA Fund

EXPENDITURE ADJUSTMENTS:			
Professional & Technical	-	15,000.00	15,000.00
(CRA Creation and Study)			-
			15,000.00

	Revenue	Expenses	
CDA Fund net change	-	15,000.00	(15,000.00)
Beginning fund overage			261,345.00
Overall fund deficit to come from fund balance			246,345.00

Estimated Ending Cash Balance **721,407.00**

Capital Improvement Fund

EXPENDITURE ADJUSTMENTS:			
Capital Equipment	803,000.00	1,439,400.00	636,400.00
(Carryover of capital purchases)			
Capital Projects	-	1,493,880.00	1,493,880.00
(Carryover of projects)			2,130,280.00
	Revenue	Expenses	
CIP Fund net change	-	2,130,280.00	(2,130,280.00)
Beginning fund shortage			465,700.00
Overall fund deficit to come from fund balance			(1,664,580.00)
Estimated Ending Cash Balance	**3,365,447**		

CAPITAL PROJECTS PROPOSED BUDGET SUMMARY FOR FISCAL YEAR 2025

Project	Class C Capital 204070	Culinary 501670	Secondary 301670	Storm Drain 401670	Sewer Capital 531670	Road Impact Fee 21-40-70	Culinary Impact Fee 51-40-70	Secondary Impact Fee 31-40-70	Storm Drain Impact Fee 41-40-70	Recreation, Arts, & Parks Tax 11-40-70	Parks, Trails, & Rec Impact Fee 12-40-70	MBA Fund 67-40-70	Capital Fund 80-40-71	Project Total
Bond Payment 3 MG Culinary Tank	-	$222,000	-	-	-	-	$445,000	-	-					$667,000
Bond Payment Secondary Reservoir	-	-	$238,000	-	-	-	-	$442,000	-					$680,000
Bond Payment Secondary Meters	-	-	$325,000	-	-	-	-	-	-	-	-			$325,000
2024 Culinary Radio Conversion	-	$150,000	-	-	-	-	-	-	-					$150,000
*3000 West (3100 South to 1700 South) Chip Seal	$151,200	-	-	-	-	-	-	-	-					$151,200
*Bluff Ridge Drive (Antelope to 1840 South)	$19,200													$19,200
*2000 West (Gentile to 2700 South) Chip Seal	$129,888	-	-	-	-	-	-	-	-					$129,888
*2700 South (1000 West to 2000 West) Chip Seal	$129,888	-	-	-	-	-	-	-	-					$129,888
*2700 South (2000 West to 3100 West) Chip Seal	$142,680	-	-	-	-	-	-	-	-					$142,680
*2400 West (Gentile to 2700 South)	$142,560	-	-	-	-	-	-	-	-					$142,560
*3200 South (2400 West to 2580 West) Chip Seal	$35,100	-	-	-	-	-	-	-	-					$35,100
*2500 West (1700 South to 700 South) Chip Seal	$129,888	-	-	-	-	-	-	-	-					$129,888
2500 West/SR-193 Intersection	-	-	-	-	-	$1,100,000		-	-					$1,100,000
3000 West Road Improvements (Antelope to Fremont/Church)	$450,000	-	-	-	-	-	-	-	-					$450,000
2000 West & 2700 South Intersection Design & Permits	-	-	-	-	-	$300,000	-	-	-					$300,000
1475 West (Antelope to 1950 South)	$250,000	-	-	-	-	-	-	-	-					$250,000
12" Culinary South Side SR-193 (2000 W to 3000 W)	-	$528,000	-	-	-	-	-	-	-					$528,000
3000 West Storm Drain				$150,000										$150,000
Kristalyn Gardens	$260,000	$500,000	$500,000	-	$500,000	-	-	-	-					$1,760,000
4000 West Safety Sidewalk Project (For New Elementary)	$150,000													$150,000
Gleneagles Drive	$504,000	-	-	-	-	-	-	-	-					$504,000
1900 South (2000 West to 2465 West) & Everything N to Antelope	$1,034,260	-	-	-	-	-	-	-	-					$1,034,260
Station 32 Construction												$11,500,000		$11,500,000
S. Canterbury Sport Court Renovation										$250,000				$250,000
Regional Park Engineering and Const. Design											$350,000			$350,000
FY2025	**$3,528,664**	**$1,400,000**	**$1,063,000**	**$150,000**	**$500,000**	**$1,400,000**	**$445,000**	**$442,000**	**$0**	**$250,000**	**$350,000**	**$11,500,000**	**$0**	$21,028,664

CAPITAL PROJECTS PROPOSED BUDGET SUMMARY FOR FISCAL YEAR 2025

Project	Class C Capital 204070	Culinary 501670	Secondary 301670	Storm Drain 401670	Sewer Capital 531670	Road Impact Fee 21-40-70	Culinary Impact Fee 51-40-70	Secondary Impact Fee 31-40-70	Storm Drain Impact Fee 41-40-70	Recreation, Arts, & Parks Tax 11-40-70	Parks, Trails, & Rec Impact Fee 12-40-70	MBA Fund 67-40-70	Capital Fund 80-40-71	Project Total
4000 West Overlay (Sewer District to Antelope)	$0													$0
500 West Widening (2150 S to 2700 S) - 7% of $3.9 million WFRC Grant					$50,000	$873,000								$923,000
Additional Pumps at new secondary reservoir								$500,000						$500,000
1000 West 2075 S to 2700 S & 2300 S 1000 W to 850 W ~~Cul/Sec/~~Land Drain/Road	$847,822	$480,465	$510,168	$572,718										$2,411,173
New Secondary Reservoir Property Acquisition								$550,000						$550,000
Shoreline Trail Phase 1											$24,000			$24,000
EOC Upgrades													$40,000	$40,000
Design for WDC Aesthetic Impr Project													$68,000	$68,000
Station 32 Engineering / Architech Design Costs													$163,518	$163,518
Park Maintenance Facility including equipment											$300,000		$366,502	$666,502
BMX Course and pump track											$1,858,620		$0	$1,858,620
Cemetery Road Resurface													$176,000	$176,000
Stoker Park Landscaping													$481,860	$481,860
Fremont Park Pavilion Replacement										$60,000				$60,000
Fremont Park Playground Replacement										$90,000				$90,000
Bluff Road Improvements	$31,000	$120,000	$56,000	$355,000		$350,000								$912,000
1525 West 12" Culinary Transmission Line	$125,000	$84,730												$209,730
700 South Overlay (3000 West to St Andrews)	$400,000													$400,000
700 South 4000 West Roundabout (50% West Point/50% Syracuse)						$1,200,000								$1,200,000
2000 West (WDC to 2700 South)	$300,000													$300,000
S. Canterbury Park Pavilion Replacement										$70,000				$70,000
S. Canterbury Restroom Renovation										$50,000				$50,000
Fremont Park Restroom Renovation										$50,000				$50,000
Dog Park											$388,642			$388,642
Jensen Park Secondary Access Road											$223,000			$223,000
Founders Park Booster Pump											$0		$128,000	$128,000
Landscaping / Drought Resiliency													$70,000	$70,000
Secondary Water Meter Conversion Project			$5,000,000											$5,000,000
Secondary Metering Project #1			$1,668,000											$1,668,000
Secondary Metering Project #2			$1,000,000											$1,000,000
Antelope Trail - Wetland Mitigation											$15,000			$15,000
Bond Payment 3 MG Culinary Tank		$222,000					$445,000							$667,000
Bond Payment Secondary Reservoir			$238,000					$442,000						$680,000
Bond Payment Secondary Meters			$325,000											$325,000
2024 Culinary Radio Conversion		$150,000												$150,000
*3000 West (3100 South to 1700 South) Chip Seal	$151,200													$151,200
*Bluff Ridge Drive (Antelope to 1840 South)	$19,200													$19,200
*2000 West (Gentile to 2700 South) Chip Seal	$129,888													$129,888
*2700 South (1000 West to 2000 West) Chip Seal	$129,888													$129,888
*2700 South (2000 West to 3100 West) Chip Seal	$142,680													$142,680
*2400 West (Gentile to 2700 South)	$142,560													$142,560
*3200 South (2400 West to 2580 West) Chip Seal	$35,100													$35,100
*2500 West (1700 South to 700 South) Chip Seal	$129,888													$129,888
*1475 West (Antelope to 1950 South)	$250,000													$250,000
*Gleneagles Drive	$504,000													$504,000
*1900 South (2000 West to 2465 West) & Everything N to Antelope	$1,034,260													$1,034,260
3000 West Road Improvements (Antelope to Fremont/Church)	$450,000													$450,000
2000 West & 2700 South Intersection Design & Permits						$300,000								$300,000
2500 West/SR-193 Intersection						$1,100,000								$1,100,000
12" Culinary South Side SR-193 (2000 W to 3000 W)		$528,000												$528,000
3000 West Storm Drain				$150,000										$150,000
Kristalyn Gardens	$260,000	$500,000	$500,000		$500,000									$1,760,000
4000 West Safety Sidewalk Project (For New Elementary)	$150,000	$100,000												$250,000
Station 32 Construction												$10,430,000		$10,430,000
S. Canterbury Sport Court Renovation										$250,000				$250,000
Regional Park Engineering and Const. Design											$350,000			$350,000
FY2025	**$5,232,486**	**$2,185,195**	**$9,297,168**	**$1,077,718**	**$550,000**	**$3,823,000**	**$445,000**	**$1,492,000**	**$0**	**$570,000**	**$3,159,262**	**$10,430,000**	**$1,493,880**	$39,755,710

CAPITAL IMPROVEMENT FUND
Fiscal Year Ending June 30, 2025
Line Item Detail

		Requested	City Manager/Council Recommendation	Adopted Budget
80-40-70	***Capital equipment***			
Prior year budget, as modified				$ 1,519,500
Current estimates:				
Fire	New Ambulance - 2nd station	450,000	450,000	450,000
Fire	FEMA AFG Grant	143,000	143,000	143,000
Parks and Rec	Replacement Truck - new employee	65,000	65,000	65,000
Parks and Rec	Replacement Truck - new employee	65,000	0	0
Police	Police Vehicle - new LT position	65,000	65,000	65,000
Police	Police Vehicle - new backfill for military	80,000	80,000	80,000
Police	Police Vehicle - replace K-9 vehicle			65,000
Fire	PPE (Turnourts, Boots, Helmets, etc)			24,000
Fire	Motoral Radios			31,000
Fire	Self Contained Breathing Appartus			100,000
Fire	New Ambulance - 2nd station			416,400
Total budget for account		$ 868,000	$ 803,000	$ 1,439,400
Amount changed from request				$ 571,400
Increase/(decrease) from prior year modified budget		$ (651,500)	$ (716,500)	$ (80,100)
80-40-71	***Capital projects***			
Prior year budget, as modified				$ 4,137,000
Current estimates:				
Public Works	Master Plan	$ -	$ -	
Parks and Rec	Cemetery Expansion	$ -	$ -	
Police	EOC Upgrades			40,000
CED	Design for WDC Aesthetic Impr Project			68,000
Fire	Station 32 Engineering / Architech Design Costs			163,518
Parks and Rec	Park Maintenance Facility including equipment			366,502
Parks and Rec	Cemetery Road Resurface			176,000
Parks and Rec	Stoker Park Landscaping			481,860
Parks and Rec	Founders Park Booster Pump			128,000
Parks and Rec	Landscaping / Drought Resiliency			70,000
Total budget for account		$ -	$ -	$ 1,493,880
Amount changed from request				$ 1,493,880
Increase/(decrease) from prior year modified budget		$ (4,137,000)	$ (4,137,000)	$ (2,643,120)

CITY COUNCIL AGENDA

October 8, 2024

Agenda item #5 **Potential Trade of City Owned Land**

Summary

The City is evaluating whether to enter into a land trade agreement with the land owner to the east of the Public Works facility. The land owner is Woods Cross Properties 102 LLC. The Public Works facility is located 3061 s. 2400 W. The Land owner purchased the land with the intent to build a charter school. To access the school, the owner desires to use the road the city recently built to the north of the shops which has not yet been dedicated as public right of way. The road is tentatively named 3060 South. Also, the land owner will need to build a drive isle to the school that would cross city land.

There has been recent budget discussion of the need to increase the public works facility yard space. It is anticipated that there will be a recycling program in the future that would require additional storage area for the cans. Also, the city is growing and the space will be needed for future storage and potentially buildings. Since Woods Cross Properties owns adjacent property to the Public Works, and also needs to purchase property from the city, there is an opportunity to trade land. The land the city would acquire is 1.9 acres and the city land to Woods Cross Properties is approximately .4 acres.

Because of the acreage disparity, to make it an even cash free trade, it is proposed that the city would assist in some in-kind site development items in addition to the .4 acres we would sell. The first would be to construct a detention pond on the proposed new property and enlarge an existing detention pond on the current facility. Second, the city would assist in wetland delineation and filing the report with the Army Core. And third, the city would dedicate 3060 S. as a public right of way. The road was built to public right of way dimensions.

Process

As required by 3.10.070, matters relating to the physical development of the municipality shall be referred to the Planning Commission for a recommendation. After the recommendation, the item will be forwarded to City Council for approval of the land trade agreement. The Planning Commission reviewed the item on September 17, 2024 and is forwarding a unanimous recommendation for approval.

Attachments

-Resolution
-Agreement

RESOLUTION R24-39
A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE ATTACHED AGREEMENT FOR EXCHANGE OF REAL PROPERTY WITH WOODS CROSS PROPERTIES 102, LLC

WHEREAS, Syracuse City Corporation ("City") owns real property that fronts 2400 West that it uses for its public works department ("the existing City Property"); and

WHEREAS, City is in the process of acquiring additional real property from the Utah Department of Public Transportation ("UDOT") located immediately east of the existing City Property and extending eastward to the west border of the West Davis Corridor ("the future City Property"); and

WHEREAS, Woods Cross Properties 102, LLC ("WCP") owns three parcels of real property located immediately east of the existing City Property and immediately south of the future City Property ("the WCP Property"); and

WHEREAS, WCP intends to develop a facility that will be operated by a tenant of WCP as a public charter school ("the School") on a portion of the WCP Property; and

WHEREAS, WCP intends to sell another portion of the WCP Property to be developed as single-family homesites ("the Residential Development"); and

WHEREAS, City and WCP desire to (i) exchange portions of their respective properties in order to better accomplish each party's purposes, and (ii) agree to perform certain work in connection with the exchange and development of the properties; and

WHEREAS, the parties have negotiated and agreed upon the terms and conditions of the proposed land exchange and reduced their agreement to writing, attached hereto; and

WHEREAS, the Planning Commission considered the proposed land exchange on September 17, 2024, and voted unanimously to recommend approval to the City Council;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Mayor is authorized to sign the attached Agreement for Exchange of Real Property with Woods Cross Properties 102, LLC and all other deeds and documents required to complete the land exchange.

Section 2. Severability: If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity of unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3: This Resolution shall become effective October 8, 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

_____	_____
CASSIE Z. BROWN	DAVE MAUGHAN
City Recorder	Mayor

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

AGREEMENT FOR EXCHANGE OF REAL PROPERTY WITH WOODS CROSS PROPERTIES 102, LLC

AGREEMENT ("Agreement") dated this ____ day of September, 2024 by and between SYRACUSE CITY CORPORATION, a Utah municipal corporation ("City"), and WOODS CROSS PROPERTIES 102, LLC, a Utah limited liability company ("WCP").

RECITALS

WHEREAS, City owns real property that fronts 2400 West that it uses for its public works department ("the existing City Property"); and

WHEREAS, City is in the process of acquiring additional real property from the Utah Department of Public Transportation ("UDOT") located immediately east of the existing City Property and extending eastward to the west border of the West Davis Corridor ("the future City Property"); and

WHEREAS, WCP owns three parcels of real property located immediately east of the existing City Property and immediately south of the future City Property ("the WCP Property"); and

WHEREAS, WCP intends to develop a facility that will be operated by a tenant of WCP as a public charter school ("the School") on a portion of the WCP Property; and

WHEREAS, WCP intends to sell another portion of the WCP Property to be developed as single-family homesites ("the Residential Development"); and

WHEREAS, the existing City Property, the future City Property and the WCP Property are depicted in attached Exhibit A; and

WHEREAS, City and WCP desire to (i) exchange portions of their respective properties in order to better accomplish each party's purposes, and (ii) agree to perform certain work in connection with the exchange and development of the properties.

THEREFORE, the parties mutually agree as follows:

1. WCP shall convey to the City by Quit Claim Deed the property depicted in red in attached Exhibit B (the "New City Property").

2. City shall convey to WCP by Quit Claim Deed the property depicted in yellow in Exhibit C (the "New WCP Property").

3. WCP shall construct on the New WCP Property a private access drive that will serve the School and shall connect to 3060 South Street, as depicted in blue in attached Exhibit D.

4. City will dedicate 3060 South Street as a public street from 2400 West eastward to the northward extension of Claire Avenue, as depicted in the blue rectangle in attached Exhibit E. In its discretion, City may name the Dedicated Road something other than 3060 South Street.

5. WCP will construct a public trail along the east boundary of the WCP Property according to plans shown in Exhibit F and will dedicate to City as public open space the property depicted in green in attached Exhibit F. The trail will extend to and connect with the existing public trail located on the future City Property.

6. City shall construct the following storm water improvements as depicted in red in attached Exhibit G:

- Expand the existing storm water detention pond located on the City Property (the "Existing Detention Pond") from 13,574 cubic feet to 43,616 cubic feet.

- Construct a new 14,188 cubic foot storm water detention pond on the south end of the New City Property (the "New Detention Pond").

- Construct underground storm water conveyance structures from existing Claire Avenue to the New Detention Pond and from the New Detention Pond to the expanded Existing Detention Pond.

7. City shall execute and record a perpetual storm water easement in favor of WCP granting the right to discharge storm water from the WCP Property into the new Detention Pond, the Existing Detention Pond and the City's storm water system.

8. City shall immediately allow WCP and its successors, assigns, contractors and subcontractors, permission to use not-yet-dedicated 3060 South Street for construction access to the School and the Residential Development. WCP understands that City has not yet acquired the future City Property and that WCP and its successors, assigns, contractors and subcontractors may need to obtain permission from UDOT to use the property intended for the private drive as construction access.

9. City shall pay for and obtain a wetland delineation report and a jurisdictional determination for the WCP Property. If the determination indicates the presence of wetlands requiring mitigation: WCP shall pay for mitigation on the WCP Property except the Residential Development tract; and the party that purchases the Residential Development tract shall pay for mitigation on the Residential Development tract.

10. The Parties agree and acknowledge that the value that each Party will receive under this Agreement is substantially equal and that neither Party will owe the other Party anything other than what is set forth in this Agreement.

11. Each Party agrees to indemnify and hold harmless the other Party from any and all claims for injury or property damage arising out of the actions, omissions, or negligence of that Party or its employees, agents, contractors, or officers as a result of this Agreement. Both Parties also agree to indemnify and hold harmless the other Party for claims or injuries, including attorneys' fees, that may occur during the other Party's or the other Party's invitees' operations on the other Party's property.

12. This Agreement contains the entire agreement and understanding between the Parties and constitutes their entire agreement and supersedes any and all oral representations and agreements made by either Party prior to the date hereof and is binding upon the successors of the respective Parties.

13. The Parties agree to make good faith efforts in resolving any dispute arising out of or in relation to this Agreement. If the Parties are unable to resolve a dispute and the services of an attorney are required to enforce this Agreement, the defaulting Party shall be required to pay costs of court and reasonable attorneys' fees and costs incurred by the non-defaulting Party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the date written above.

WOODS CROSS PROPERTIES 102, LLC:

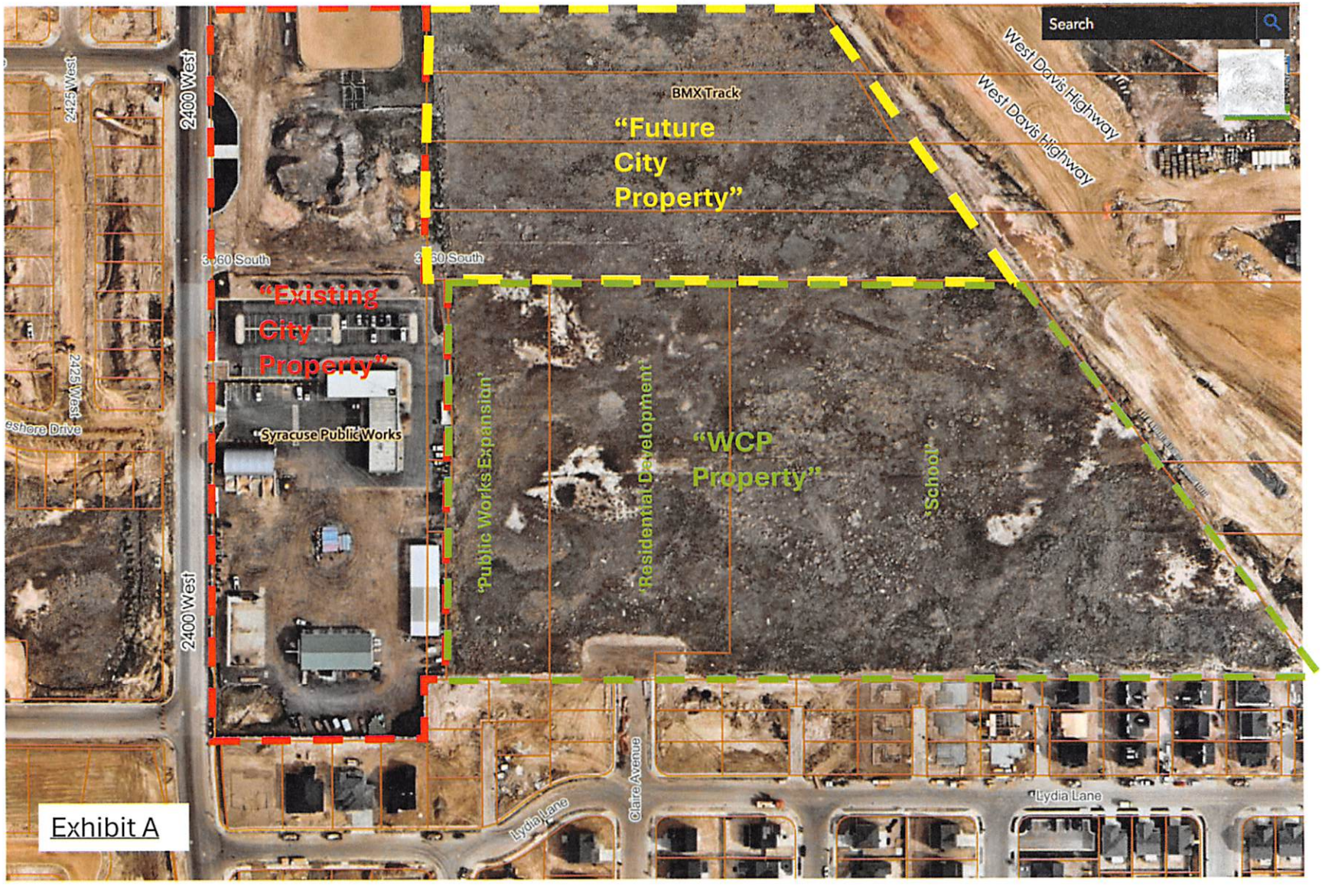
SHELDON KILLPACK
Manager

SYRACUSE CITY CORPORATION:

DAVE MAUGHAN
Mayor

ATTEST:

_____
CASSIE Z. BROWN, MMC
City Recorder


Search
West Davis Highway
West Davis Highway
BMX Track
"Future City Property"
2400 West
2425 West
3260 South
3260 South
"Existing City Property"
Syracuse Public Works
"Public Works Expansion"
"Residential Development"
"WCP Property"
"School"
2400 West
2425 West
Lydia Lane
Claire Avenue
Lydia Lane
Exhibit A

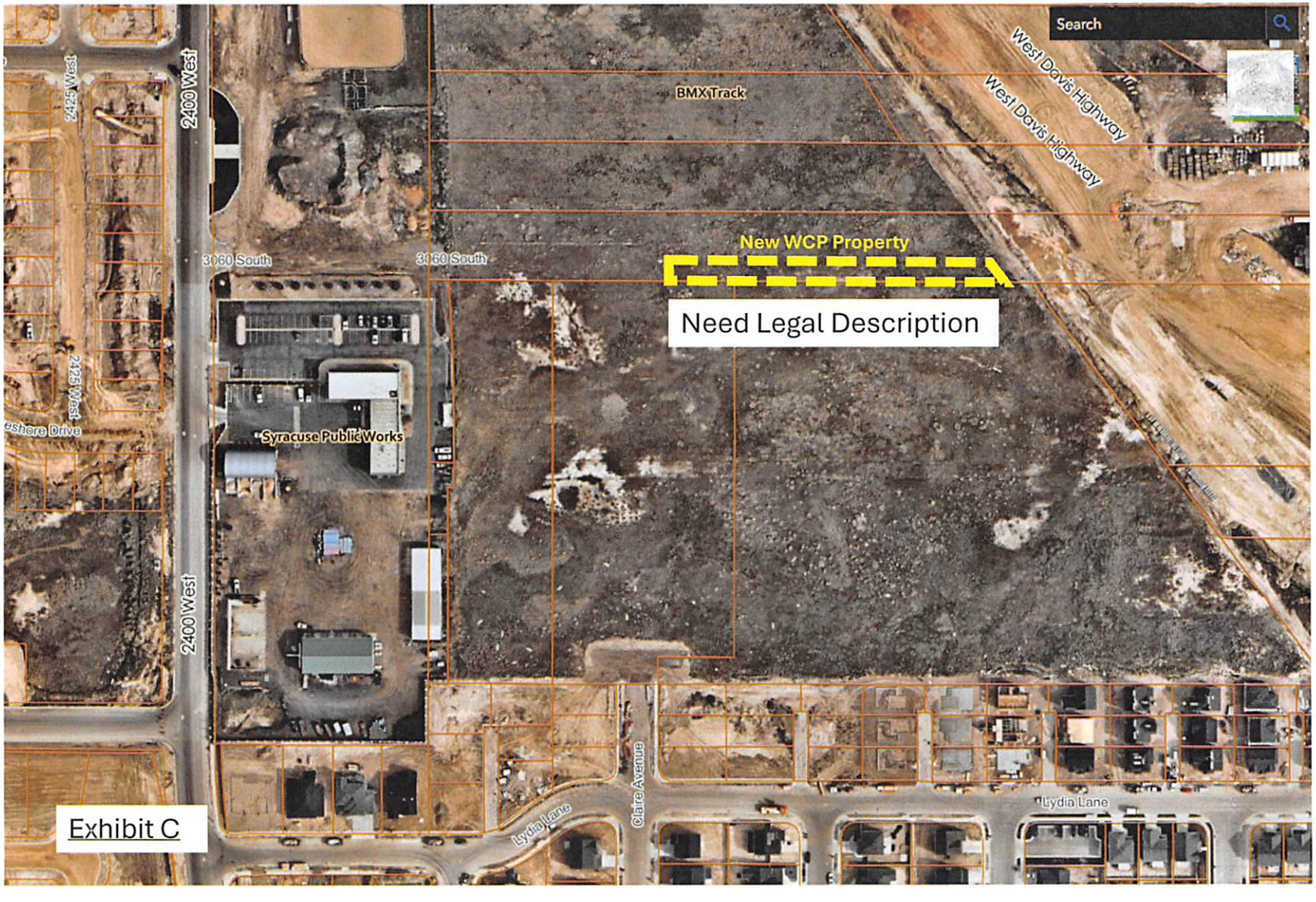


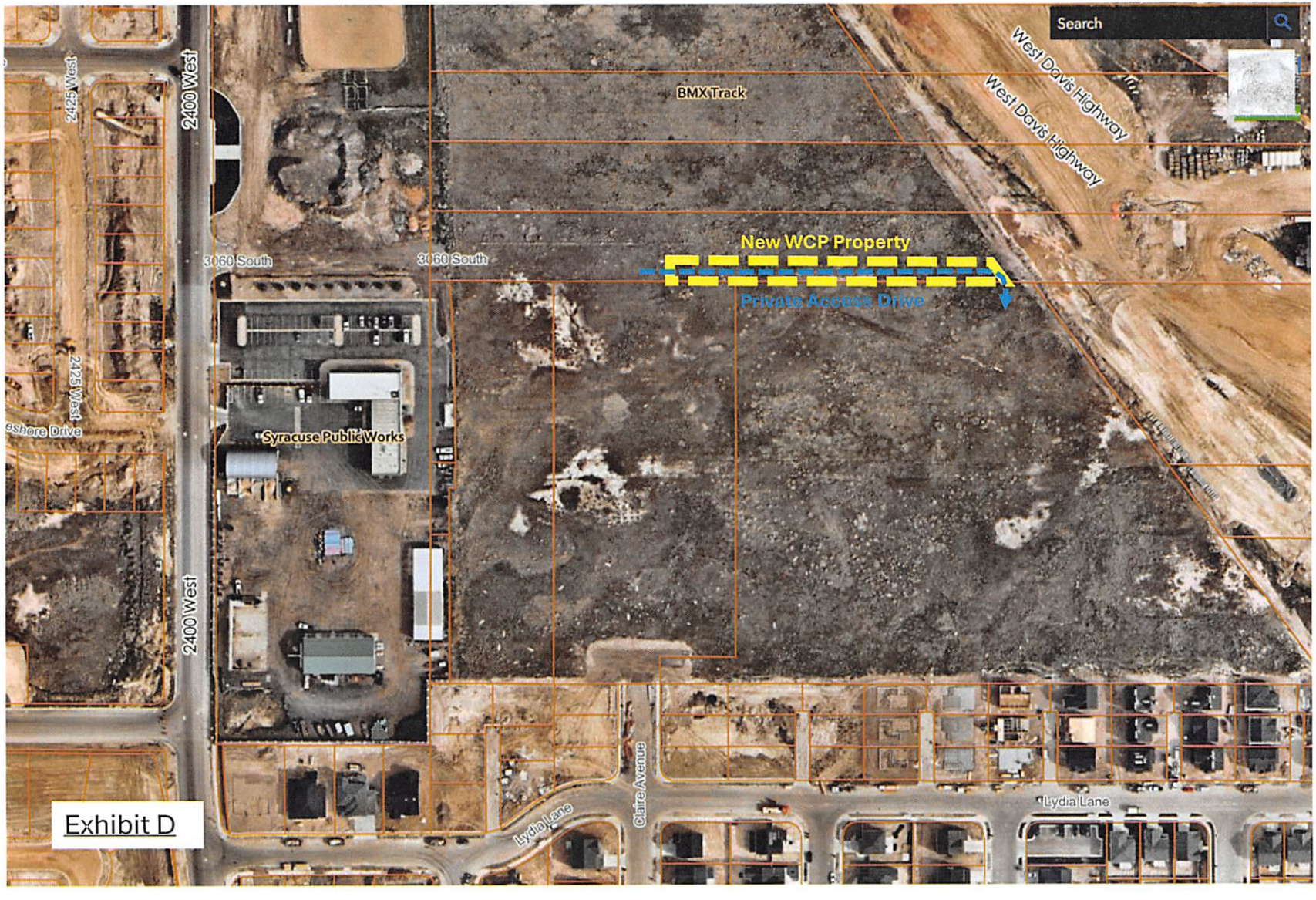
A tract of land located in the Northeast Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, more particularly described as follows:

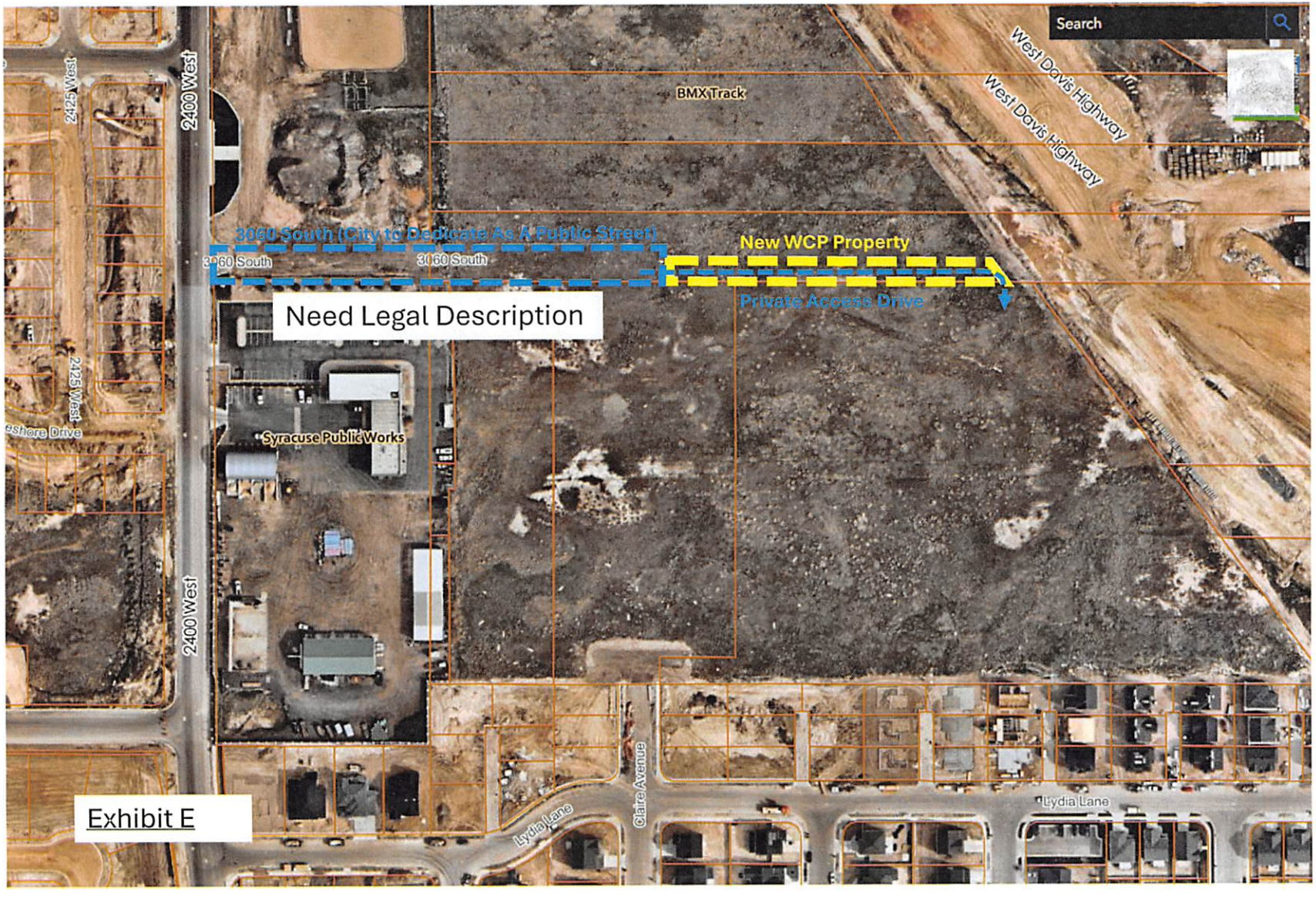
Beginning at the intersection of the Southerly boundary line of said tract and the North line of Still Water Subdivision Phase 9A, which point is North 0°11'36" East 92.24 feet along the section line and North 89°40'01" West 1,500.83 feet from the East Quarter corner of said Section 21; and running thence North 89°40'01" West 148.84 feet along said Northerly boundary line of Still Water Subdivision Phase 9A to the Southeast corner of Syracuse City Corporation as described in Davis County Survey File Number 2949; thence along the East lines of Syracuse City Corporation Parcels 12-103-0064, 12-103-0066, 12-103-0062 as described in said survey the following ten (10) courses: (1) North 0°36'35" East 49.98 feet; (2) North 0°02'04" East 56.68 feet; (3) North 0°16'14" East 91.52 feet; (4) North 0°05'34" West 78.93 feet; (5) South 84°24'08" East 9.26 feet; (6) North 0°19'01" West 57.38 feet; (7) 0°29'49" West 70.21 feet; (8) North 0°26'15" West 60.38 feet; (9) North 2°15'55" West 34.86 feet; and (10) North 4°04'11" West 76.19 feet; thence South 89°39'57" East 148.89 feet; thence South 0°11'42" West 575.01feet to the point of Beginning.

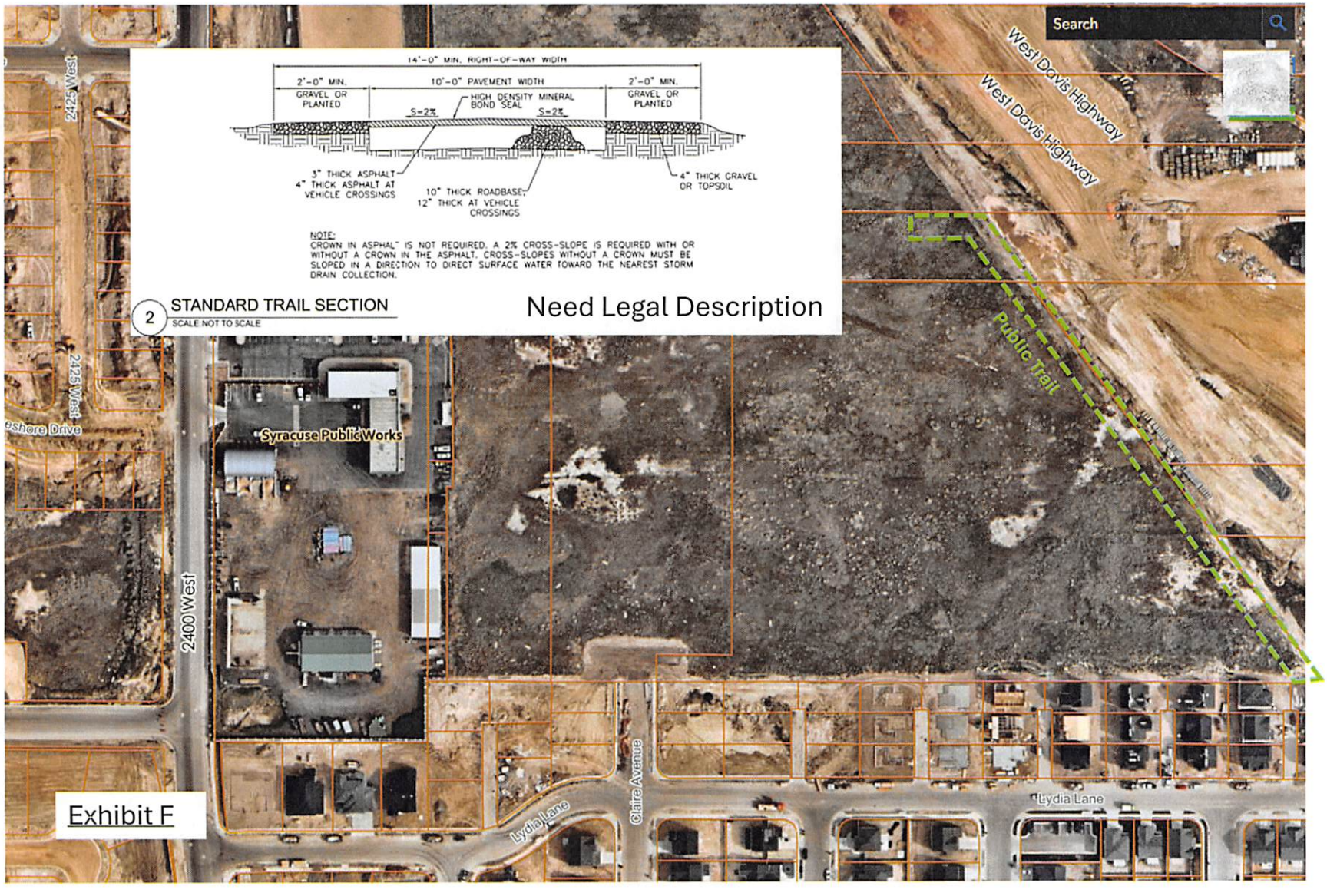
Tax I.D. #s: 12-103-0142, 12-103-0144, 12-103-0146

Contains 1.919 acres


Search
BMX Track
West Davis Highway
West Davis Highway
New WCP Property
Need Legal Description
2425 West
2400 West
3060 South
3060 South
2425 West
eshore Drive
Syracuse Public Works
2400 West
Lydia Lane
Claire Avenue
Lydia Lane
Exhibit C


Search
BMX Track
West Davis Highway
West Davis Highway
New WCP Property
Private Access Drive
3060 South
3060 South
2425 West
2400 West
2425 West
2400 West
Syracuse Public Works
Lydia Lane
Claire Avenue
Lydia Lane
Exhibit D


Search
BMX Track
West Davis Highway
West Davis Highway
2400 West
2425 West
3060 South (City to Dedicate As A Public Street)
3060 South
3060 South
New WCP Property
Private Access Drive
Need Legal Description
Syracuse Public Works
2425 West
2400 West
Claire Avenue
Lydia Lane
Lydia Lane
Exhibit E


14'-0" MIN. RIGHT-OF-WAY WIDTH
2'-0" MIN. GRAVEL OR PLANTED
10'-0" PAVEMENT WIDTH
HIGH DENSITY MINERAL BOND SEAL
S=2%
S=2%
2'-0" MIN. GRAVEL OR PLANTED
3" THICK ASPHALT
4" THICK ASPHALT AT VEHICLE CROSSINGS
10" THICK ROADBASE
12" THICK AT VEHICLE CROSSINGS
4" THICK GRAVEL OR TOPSOIL
NOTE:
CROWN IN ASPHAL" IS NOT REQUIRED. A 2% CROSS-SLOPE IS REQUIRED WITH OR WITHOUT A CROWN IN THE ASPHALT. CROSS-SLOPES WITHOUT A CROWN MUST BE SLOPED IN A DIRECTION TO DIRECT SURFACE WATER TOWARD THE NEAREST STORM DRAIN COLLECTION.
2 STANDARD TRAIL SECTION
SCALE: NOT TO SCALE
Need Legal Description
Search
West Davis Highway
West Davis Highway
Public Trail
2425 West
2425 West
eshore Drive
Syracuse Public Works
2400 West
Lydia Lane
Claire Avenue
Lydia Lane
Exhibit F


Search
BMX Track
West Davis Highway
West Davis Highway
2425 West
2400 West
3060 South
3060 South
2425 West
Syracuse Public Works
Storm Water Detention Pond Expansion
Existing Storm Water Detention Pond
New Storm Water Detention Pond
2400 West
Claire Avenue
Lydia Lane
Lydia Lane
Exhibit G

CITY COUNCIL AGENDA

October 8, 2024

Agenda item **#6** **Potential Amendment to the General Plan**

Summary

As a self-initiated review of the General Plan Map, it is proposed to expand the approximately 12 acres of commercially master planned land located approximately 2700 S 2000 W up to approximately 28 acres. See attached map for the proposed boundaries. Current zoning on both parcels is R-1.

History

The City Council reviewed the item on August 27, 2024 and forwarded the item to Planning Commission for a recommendation. Planning Commission held a public hearing on September 17, 2024. They voted 5-1, forwarding a recommendation to approve the item.

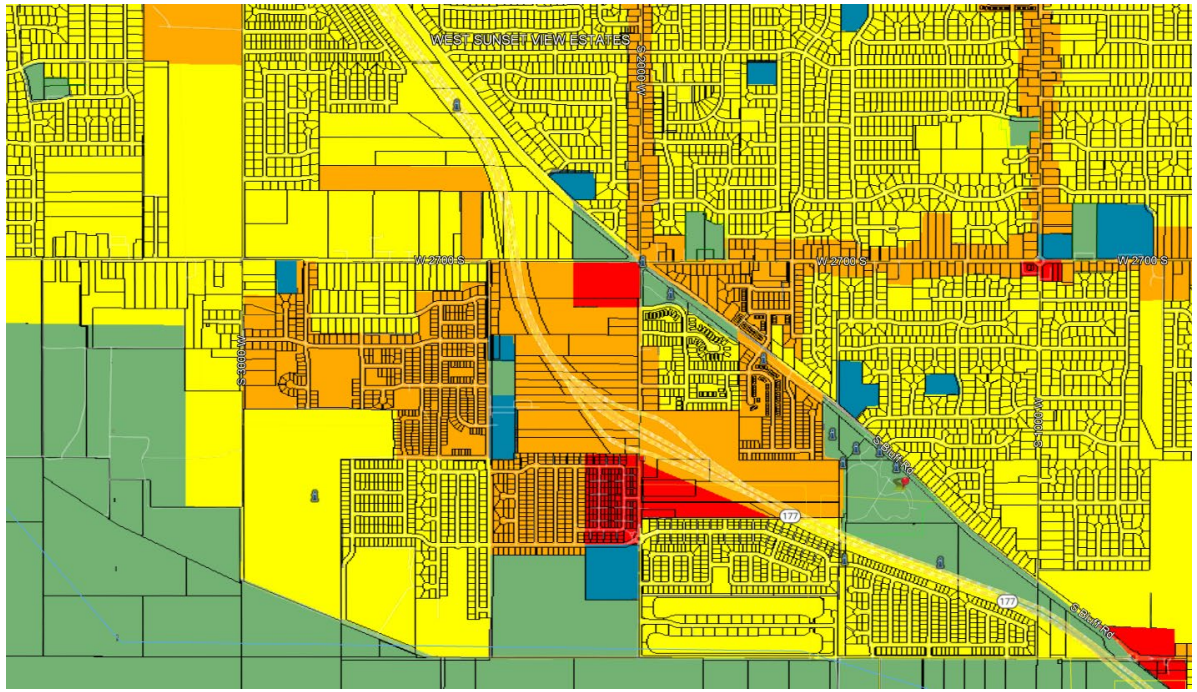
Process

10.20.060 General plan amendments. (E) Approval Standards. A decision to amend the general plan is a matter within the legislative discretion of the City Council. After the public hearing described in subsection (D)(4) of this section, the City Council may make any modifications to the proposed general plan amendment that it considers appropriate. The City Council may then adopt or reject the proposed amendment either as proposed by the Planning Commission or after making said modifications. The City Council may also table the matter for further information, consideration or action.

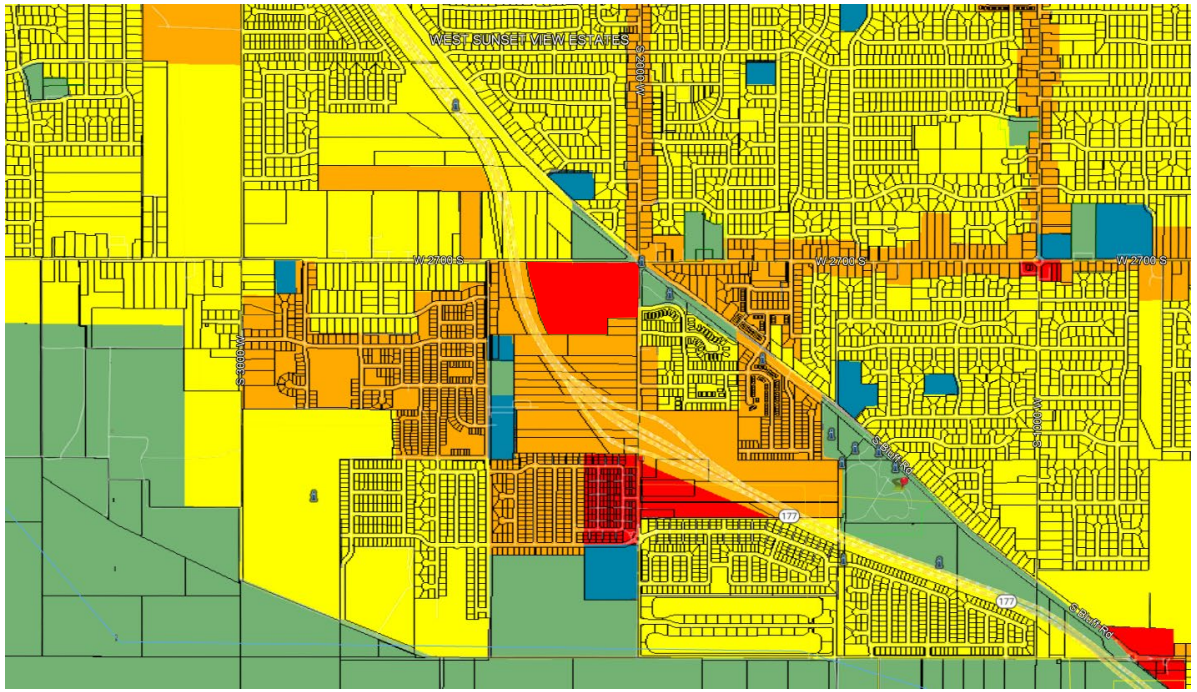
Attatchments

-General Plan Map
-Zoning Map

Existing General Plan Map

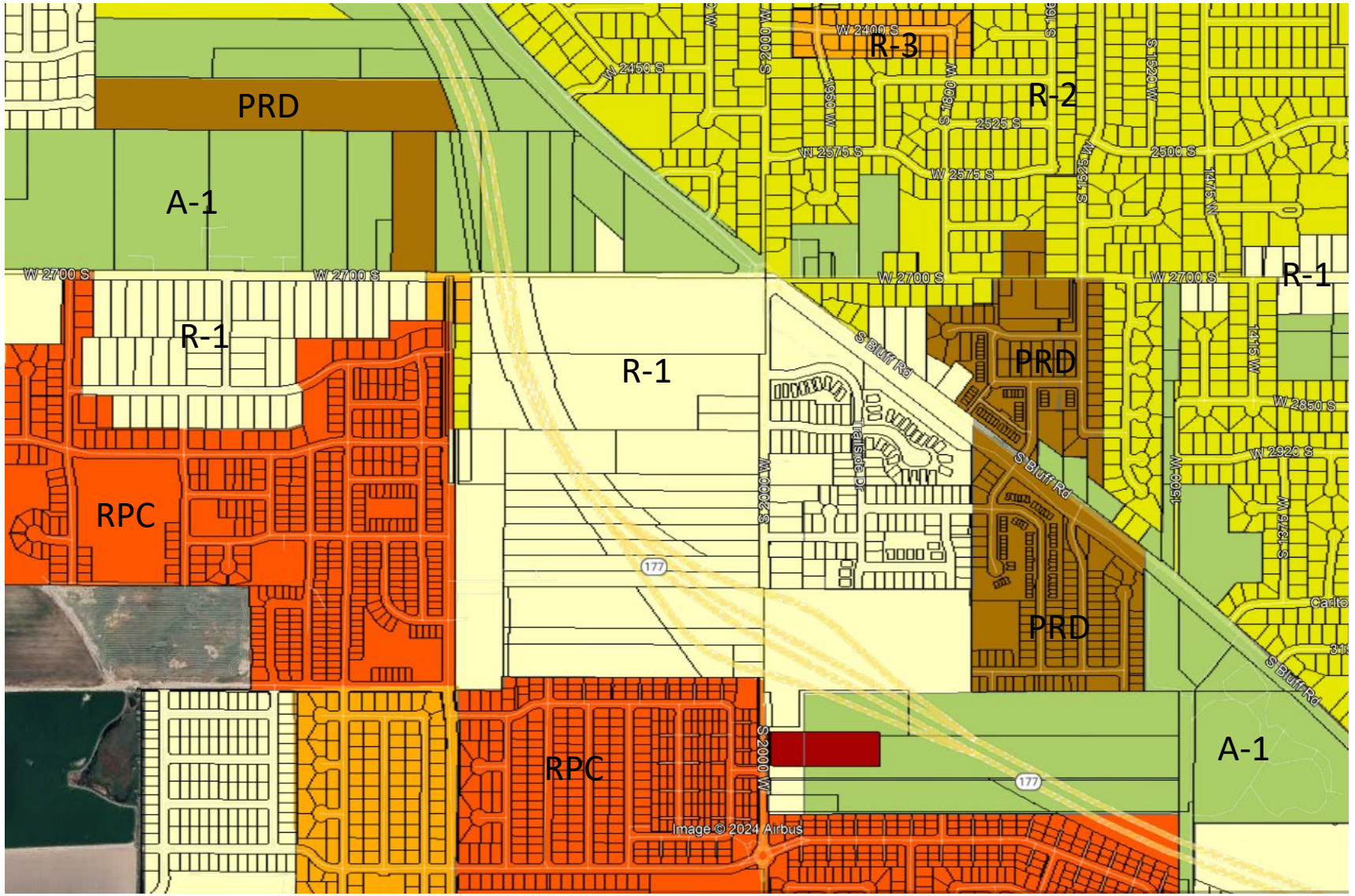


Proposed General Plan Map



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- CIVIC
- OPEN/AGRICULTURE

Existing Zoning Map



ORDINANCE NO. 2024-23

AN ORDINANCE AMENDING THE SYRACUSE GENERAL PLAN MAP FOR PROPERTY LOCATED AT APPROXIMATELY 2000 WEST 2700 SOUTH, ADJUSTING THE BOUNDARIES OF THE MEDIUM DENSITY RESIDENTIAL AND COMMERCIAL DESIGNATIONS

WHEREAS, the City Council is authorized by state law and city ordinance to amend the general plan map within the City when it considers such amendments appropriate; and

WHEREAS, the City initiated an amendment to the general plan map, proposing that property located at approximately 2000 West 2700 South receive an adjustment to the map boundaries of the medium density residential and commercial designations; and

WHEREAS, the Planning Commission reviewed the application for the proposed amendment and conducted a properly noticed public hearing on September 17, 2024; and

WHEREAS, the Planning Commission forwarded a recommendation to the City Council to approve the proposed general plan map amendment; and

WHEREAS, the City Council, having reviewed the Planning Commission recommendation and the proposed general plan map amendment, finds that the amendment as proposed is appropriate and in the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. The general plan map of Syracuse City is hereby amended, changing the boundary locations for the medium density residential designation and commercial designation; and , as more particularly depicted in Exhibit A.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective ten days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

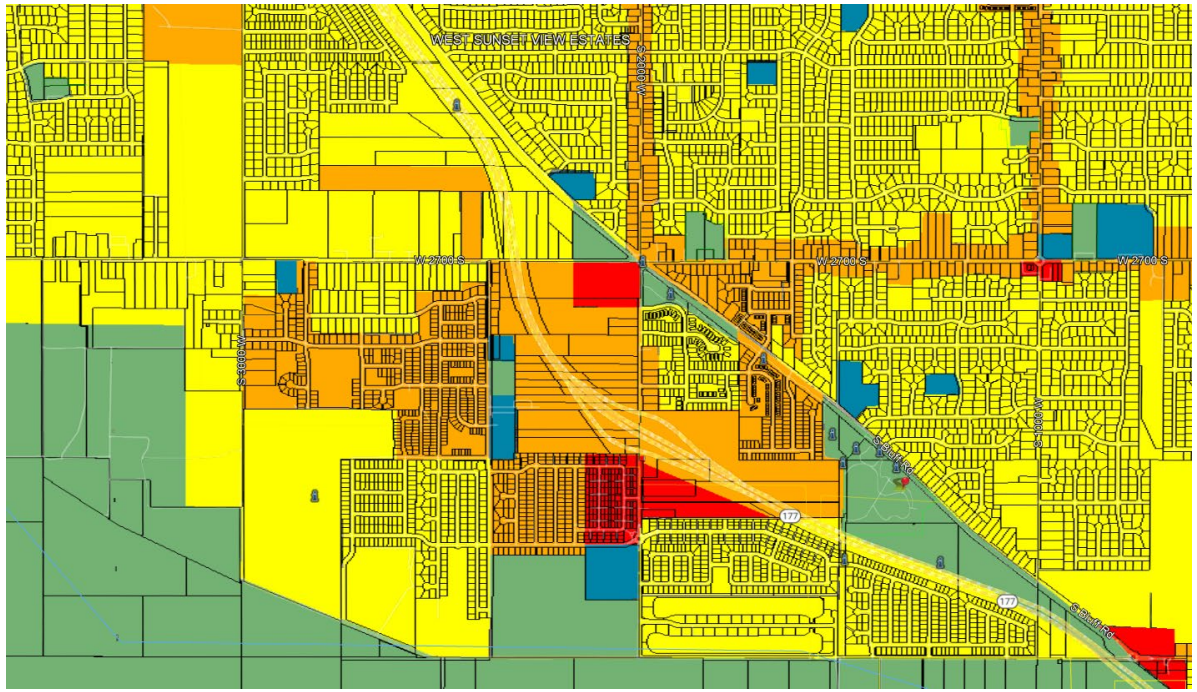
_____	_____
CASSIE Z. BROWN City Recorder	DAVE MAUGHAN Mayor

APPROVED AS TO FORM:

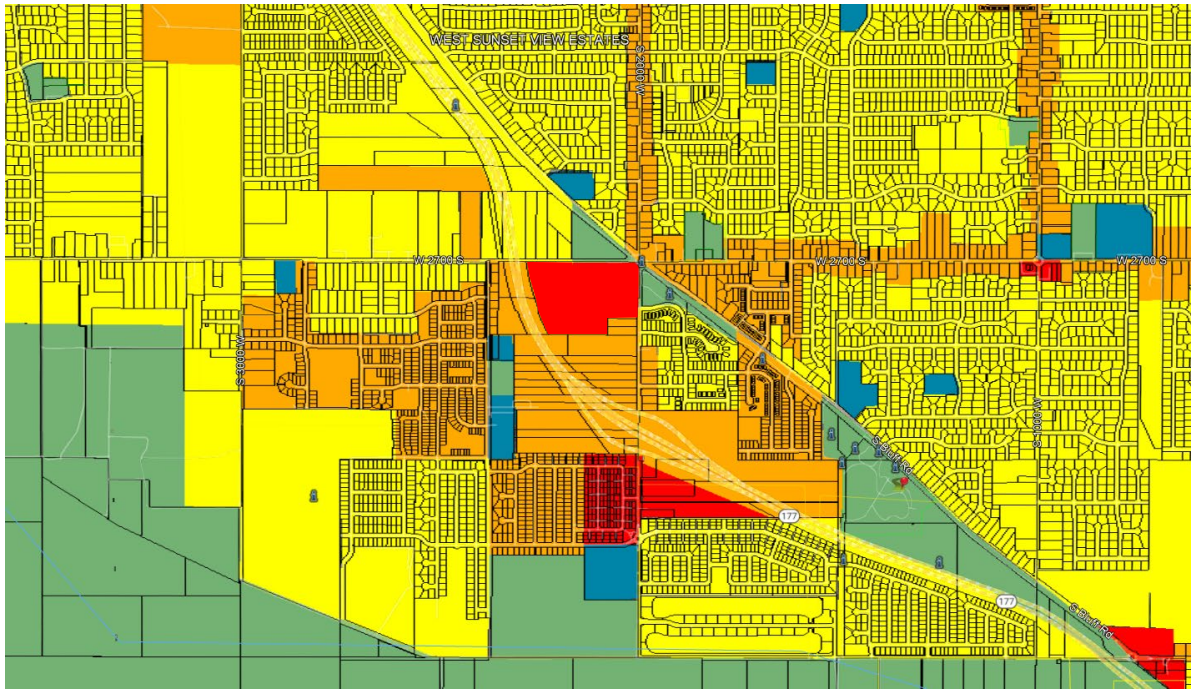
_____
COLIN WINCHESTER
City Attorney

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

Existing General Plan Map



Proposed General Plan Map



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- CIVIC
- OPEN/AGRICULTURE

COUNCIL AGENDA

October 8, 2024

Submitted by Colin Winchester

Agenda Item #7 **ORD 24-24: Proposed Repeal of SMC 3.10.070 and SMC 3.10.080(A)**

Factual Summation

- Current SMC Section 3.10.070, entitled "Mandatory Referral" states:

  In order to correlate plans for the orderly and economical development of Syracuse City, it is hereby required that any board, commission, committee, administrative officer, or other employee of the City, or any other person having jurisdiction over or responsibility for the development of or the carrying out of plans, or other matters relating to the physical development of the municipality, shall first refer such matters to the Planning Commission and receive its recommendation thereon before taking any action pertaining thereto.

- Current SMC Section 3.10.080(A), entitled "Scope" states:

  All matters pertaining to … (A) The physical development of the City, except as concerned with the International Building Code as adopted by the state of Utah … shall be submitted to the Planning Commission for consideration and recommendation before action is taken thereon by the City Council or other City official.

- Staff believes that Section 3.10.070 and Section 3.10.080(A) are overly broad and could be repealed without adverse effect.
- There is nothing in Utah law that requires the Planning Commission to consider all matters relating to the physical development of the City. State statutes do require Planning Commission involvement in the creation of a general plan, proposed amendments to the general plan, proposed land use regulations, proposed amendments to existing land use regulations, proposed ordinances regarding the subdivision of land, and the creation of appropriate land use application and appeal processes. However, beyond that, the Planning Commission's authority is left to the City Council. In other words, the City Council can, if it wishes, repeal SMC Sections 3.10.70 and 3.10.080(A).
- On September 17, the Planning Commission was made aware of the proposal and has not raised objections.
- On September 24, the City Council discussed the proposal and authorized placing the question before the City Council for decision on October 8.
- Attached ORD 24-24 proposes to repeal the two provisions.

Discussion Goals

Discuss and vote on attached ORD 24-24, which proposes to repeal SMC 3.10.070 and SMC 3.10.080(A).

ORDINANCE 2024-24
AN ORDINANCE REPEALING SMC SECTION 3.10.070 AND SMC SECTION 3.10.080(A)

WHEREAS, current Syracuse Municipal Code Sections 3.10.070 and 3.10.080(A) require the Planning Commission to consider nearly all matters related to the physical development of Syracuse City before the City Council can act on those matters; and

WHEREAS, the requirement is not required by state law; and

WHEREAS, the requirement is both inefficient and unnecessary;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Current Syracuse Municipal Code Section 3.10.070 is hereby repealed.

Section 2. Current Syracuse Municipal Code Section 3.10.080(A) is hereby repealed.

Section 3. Severability: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity of unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4: This Ordinance shall become effective 10 days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

_____	_____
CASSIE Z. BROWN	DAVE MAUGHAN
City Recorder	Mayor

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

Chapter 3.10
PLANNING COMMISSION

Sections:

3.10.070 ~~Mandatory referral.~~ Reserved.
3.10.080 Scope.

3.10.070 ~~Mandatory referral.~~ Reserved.

~~In order to correlate plans for the orderly and economical development of Syracuse City, it is hereby required that any board, commission, committee, administrative officer, or other employee of the City, or any other person having jurisdiction over or responsibility for the development of or the carrying out of plans, or other matters relating to the physical development of the municipality, shall first refer such matters to the Planning Commission and receive its recommendation thereon before taking any action pertaining thereto.~~

3.10.080 Scope.

All matters pertaining to:

(A) ~~The physical development of the City, except as concerned with the International Building Code as adopted by the state of Utah;~~

~~(B)~~ The use and zoning of land for private or public purposes;

(~~C~~ B) Location, widening, narrowing, abandonment, extension or relocation of proposed or existing streets; also the acquisitions of land for new streets, for the acceptance of private streets for public use, and the sale of or lease of municipally owned streets;

(~~D~~ C) The location and extent of public or private utilities; and

(~~E~~ D) The subdivision of land;

shall be submitted to the Planning Commission for consideration and recommendation before action is taken thereon by the City Council or other City official.

COUNCIL AGENDA

October 8, 2024

Submitted by Colin Winchester

Agenda Item #8 **ORD 24-27: Proposed Amendments to SMC Title 5 Chapter 30 Door-to-Door Solicitation**

Factual Summation

- SMC Title 5 Chapter 30 governs door-to-door solicitation
- The chapter contains obsolete provisions and provisions that can be more clearly expressed
- The chapter does not currently allow for civil citations or civil penalties
- The chapter does not currently allow the City to cite or prosecute business entities that employ or engage individual solicitors who violate the chapter
- The City Council discussed the above issues in the September 24 work meeting and provided guidance to staff to amend the chapter
- If the City Council approves the proposed amendments (whether as drafted or as amended), it will then be necessary to amend the Fee Schedule to establish appropriate fines

Discussion Goals

Discuss and vote on attached ORD 24-27, which proposes to amend SMC Title 5 Chapter 30.

ORDINANCE 2024-27
AN ORDINANCE AMENDING SMC TITLE 5 CHAPTER 30
DOOR-TO-DOOR SOLICITATION

WHEREAS, SMC Title 5 Chapter 30 governs door-to-door solicitation; and

WHEREAS, SMC Title 5 Chapter 30 contains obsolete provisions and provisions that can be more clearly expressed; and

WHEREAS, SMC Title 5 Chapter 30 does not specifically allow for civil citations or civil penalties; and

WHEREAS, SMC Title 5 Chapter 30 does not specifically allow the City to cite business entities that employ or engage individual solicitors who violate the provisions of SMC Title 5 Chapter 30;

WHEREAS, the City Council desires to amend SMC Title 5 Chapter 30 to address the above concerns;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Syracuse Municipal Code Title 5 Chapter 30, entitled Door-to-Door Solicitation, is amended to read as follows.

Section 2. Severability: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity of unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3: This Ordinance shall become effective 10 days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

_____	_____
CASSIE Z. BROWN	DAVE MAUGHAN
City Recorder	Mayor

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

Chapter 5.30
DOOR-TO-DOOR SOLICITATION~~1~~

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5.30.010 Purpose.

~~**5.30.010 Purpose.**~~

Residents of the City have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity. There must be a balance between these substantial interests of the City and its citizens and the effect of the regulations in this chapter on the rights of those who are regulated. Based on the collective experiences of ~~the~~ City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door-to-door solicitation, the experience of its Law Enforcement Officers and those affected by door-to-door canvassing and solicitation, ~~as well as~~ and judicial decisions outlining the

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boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door solicitation, the City adopts this chapter to promote the City's substantial interests in:

(A) Respecting citizens' decisions regarding privacy in their residence;

(B) Protecting persons from criminal conduct;

(C) Providing equal opportunity to advocates for and against religious beliefs, political positions, or charitable activities; and

(D) Permitting truthful and non-misleading door-to-door solicitation regarding lawful goods or services in intrastate or interstate commerce.

The City finds that the procedures, rules, and regulations set forth in this chapter are narrowly tailored to preserve and protect the City's interests referred to herein while at the same time balancing the rights of those regulated.

5.30.020 No other City license or approval required.

~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-1.]~~

~~**5.30.020 No other City license or approval required.**~~

(A) Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in door-to-door solicitation.

(B) Any business licensed by the City under another City ordinance that uses employees, independent contractors, or agents for door-to-door solicitation, in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a ~~certificate~~ permit, unless otherwise exempt from registration.

(C) Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.

(D) Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain.

5.30.030 Definitions.

~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-2.]~~

~~**5.30.030 Definitions.**~~

For the purpose of this chapter, the following definitions shall apply:

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"Advocating" means speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities, including requesting signatures on petitions. This definition applies to both unpaid and paid advocates.

"Appeals Officer" means the ~~City Council or~~ designee of the City responsible for receiving the information from the City and appellant regarding the denial or suspension of a ~~certificate~~ permit and issuing a decision as required by this chapter.

"Appellant" means the person or entity appealing the denial or suspension of a ~~certificate~~permit, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.

"Applicant" means an individual who is at least 16 years of age ~~and not a corporation, partnership, limited liability company, or other lawful entity~~ who applies for a ~~certificate~~ permit permitting door-to-door solicitation.

"Application ~~form~~" means a ~~standardized~~ form provided online by the City to an applicant to be completed and submitted as part of registration.

~~"Business" means a commercial enterprise licensed by the City as a person or entity under this title, having a fixed or temporary physical location within the City.~~

"~~Certificate~~Permit" means an annual ~~or renewable certificate~~ permit permitting door-to-door solicitation in the City issued pursuant to the terms of this chapter.

"Charitable activities" means advocating or fundraising by persons or entities that are or support a charitable organization.

"Charitable organization" means any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity, including a chapter, branch, area or office, or similar affiliate, or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the state of Utah, that is:

(1) ~~(1)~~ A benevolent, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, public health, civic, social welfare, or an advocacy, educational, environmental or conservational organization; or

(2) ~~(2)~~ For the benefit of a public safety, law enforcement, or fire fighter fraternal association; or

(3) ~~(3)~~ Established for any charitable purpose; and

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(4) ~~(4)~~ Tax exempt under applicable provisions of the Internal Revenue Code of 1986, as amended, and qualified to solicit and receive tax-deductible contributions from the public for charitable purposes.

"Competent individual" means a person claiming or appearing to be at least 18 years of age and of sufficiently sound mind and body to engage in rational thought, conversation, and conduct.

"Completed application" means a fully completed application ~~form~~, criminal background check, ~~two copies of the original~~ identification relied on by an applicant to establish proof of identity, and tendering of fees.

"Criminal background check" means an original or copy, dated no older than 180 days prior to the date of the application, of either:

(1) If the person has continually resided in Utah ~~for at least~~ during the most recent five years:

(a) A Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or

(b) Verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

(2) If the person has resided outside of Utah during ~~the previous~~ any portion of the most recent five years:

(a) A Federal Bureau of Investigation Identity History Summary Check;

(b) Criminal background reports generated by each state in which ~~they have~~ the person has resided during the previous five years, of a substantially similar nature as Utah criminal history reports; or

(c) Verification by either of the entities listed in subsections (2)(a) and (2)(b) ~~of this definition~~ indicating that no criminal history exists that rises to the level of a disqualifying status for the applicant.

(3) Without reference to the amount of time ~~they have~~ the applicant has resided within the state, the ~~person~~ applicant may request a criminal background check performed by a third party which has been previously approved by the City. The City may accept a fee equal to its cost in requesting criminal background checks from a third party, and facilitate the applicant's request.

"Criminally convicted" means the final entry of guilt, whether by a plea of no contest, guilt, or entry of a judicial or jury finding of guilt, which has not been set aside on appeal, or pursuant to a writ of habeas corpus, or pursuant to expungement. The criminal conviction is that offense of which the applicant or registered solicitor was found guilty, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance ~~or diversion~~ agreement.

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"Disqualifying status" means anything specifically defined in this chapter as requiring the denial or suspension of a ~~certificate~~permit, and any of the following:

(1) The applicant or registered solicitor has been criminally convicted of, or has criminal charges currently pending against the applicant or registered solicitor, for:

(a) Felony homicide,

(b) Physically abusing, sexually abusing, or exploiting a minor,

(c) Sale or distribution of controlled substances, or

(d) Sexual assault of any kind;

(2) ~~Applicant~~ The applicant or registered solicitor has been criminally convicted of a felony within the last 10 years;

(3) ~~Applicant~~ The applicant or registered solicitor has been incarcerated in a federal or state prison within the last five years;

(4) ~~Applicant~~ The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five years involving a crime of:

(a) Fraud, theft, voyeurism, or lewdness, or

(b) Violent, aggravated, or destructive conduct involving persons or property;

(5) A final civil judgment has been entered against the applicant or registered solicitor within the last five years indicating:

(a) ~~Applicant~~ The applicant or registered solicitor had either engaged in fraud or intentional misrepresentation, or

(b) ~~Applicant~~ The applicant or registered solicitor had engaged in willful and malicious activity causing injury to another entity or to the property of another entity~~;~~.

~~(c) A debt of applicant or registered solicitor was nondischargeable in bankruptcy pursuant to 11 U.S.C. Section 523(a)(2), (a)(4), (a)(6), or (a)(19);~~

(6) ~~Applicant~~ The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or

(7) ~~Applicant~~ The applicant or registered solicitor is currently subject to a protective order~~, based on stalking, or physical or sexual abuse,~~ issued by a court of competent jurisdiction.

"Door-to-door solicitation" means the practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale or attempting to further the sale of goods and/or services.

"Entity" includes a corporation, partnership, limited liability company, or other lawful entity, organization, society, or association.

"Fees" means the cost charged to the applicant or registered solicitor for the issuance of a ~~certificate~~ permit and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the ~~certificate~~ permit and/or identification badge~~s~~.

"Final civil judgment" means a civil judgment recognized under state law as a judgment to which collateral estoppel~~s~~ would apply.

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"Goods" means one or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

"Home solicitation sale" means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of:

(1) Means of payment or consideration used for the purchase;

(2) Time of delivery of the goods or services; or

(3) The previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

"Licensing Officer" means the City employee(s) or agent(s) responsible for receiving ~~the~~ and either granting or denying completed applications ~~from applicants or registered solicitors~~ and ~~either~~ for granting, suspending, or denying ~~an applicant's certificate~~permit ~~permits~~.

"No solicitation sign" means a reasonable, visible, and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," or words of similar import.

"Political position" means any actually held belief or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

"Probable cause" means facts and circumstances within the person's knowledge sufficient to warrant a prudent person to believe the information is true.

"Registered solicitor" means any person issued a current ~~certificate~~ permit by the City.

"Registration" means the process used by the ~~City~~ Licensing Officer to accept a completed application and determine whether or not a ~~certificate~~ permit will be ~~denied, granted, or suspended~~ granted or denied.

"Religious belief" means any sincerely held belief or information for, against, or in conjunction with any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

"Residence" means any living unit contained within any building or structure occupied by any person as a dwelling consistent with the zoning laws of the City together with the lot or other real property on which the living unit is located. ~~This~~ "Residence" does not include ~~the~~ a public sidewalk, public street, or public right~~s~~-of-way.

"Responsible person or entity" means a person or entity responsible for providing the following to an applicant or registered solicitor and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

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(1) Maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
(2) Responses to requests from consumers who desire to cancel a sale pursuant to applicable contractual rights or law; and
(3) Refunds ~~of any moneys paid in reversals on credit card charges~~ to ~~those~~ persons who timely rescind any sale pursuant to applicable contractual rights or law.

"Sale of goods or services" means the conduct and agreement of a solicitor and competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.

"Services" means those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

"Soliciting," "solicit," or "solicitation" means any of the following activities:
(1) Seeking to obtain orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
(2) Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
(3) Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
(4) Seeking to obtain orders or prospective customers for goods or services;
(5) Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale; or
(6) Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

"Solicitor" or "solicitors" means a person(s) engaged in door-to-door solicitation.

"Submitted in writing" means the information for an appeal of a denial or suspension of a ~~certificate~~ permit, submitted in any type of written statement to the ~~City offices~~ Licensing Officer by certified, registered, priority, overnight, ~~or~~ or other delivery confirmation mail, ~~facsimile,~~ or by hand delivery.

"Substantiated report" means an oral, written or electronic report:
(1) Submitted to and documented by the City by any of the following:
(a) A competent individual willing to provide law enforcement or other City employees with publicly available identification of their name, address, and other reliable means of contact;
(b) City Law Enforcement or Licensing Officer; or

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(c) Any other regularly established law enforcement agency at any level of government.

(2) That provides any of the following information regarding a registered solicitor:

(a) Documented verification of a previously undisclosed disqualifying status of a registered solicitor;

(b) Probable cause that the registered solicitor has committed a disqualifying status, which information is not already known by the Licensing Officer;

(c) Documented, eye-witness accounts the registered solicitor has engaged in repeated patterns of behavior that demonstrate failure that the registered solicitor would adhere to the requirements of this chapter; or

(d) Probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

~~"Waiver" means the written form provided to applicant by the City wherein applicant agrees the City may obtain a name/date of birth criminal background check on the applicant for licensing purposes under this chapter, and which is either executed in the presence of the Licensing Officer or contains applicant's notarized signature.~~

5.30.040 Solicitation Prohibited.

~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-3.]~~

~~**5.30.040 Solicitation prohibited.**~~

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this chapter, the practice of being in and upon a private residence property within the City by solicitors for the purpose of home solicitation sales or to provide goods or services is prohibited and punishable as set forth in this chapter. ~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-4.]~~

5.30.050 Exemptions from chapter.

~~**5.30.050 Exemptions from chapter.**~~

The following are exempt from registration under this chapter:

(A) Persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;

(B) Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;

(C) Persons advocating or disseminating information for, against, or in conjunction with any religious belief or political position, including soliciting signatures on petitions, regardless of

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whether goods, services, or any other consideration is offered or given with or without any form of commitment, contribution, donation, pledge, or purchase; and

(D) Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular, social, athletic, artistic, scientific, or cultural programs; provided, that the solicitation has been approved in writing by the school administration and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

(E) Those persons exempt from registration are not exempt from the duties and prohibitions outlined in ~~SCC~~ SMC 5.30.170, 5.30.180 and 5.30.190 while advocating or soliciting.

5.30.060 Registration of solicitors.

~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-14 § 1; Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-5.]~~

~~**5.30.060 Registration of solicitors.**~~

Unless otherwise exempt under this chapter, all persons desiring to engage in door-to-door solicitation within the City~~, prior to doing so,~~ shall submit a completed application to the Licensing Officer and obtain a ~~certificate~~ permit prior to engaging in solicitation.

5.30.070 Application ~~F~~~~orm~~.

The ~~city~~ Licensing Officer shall provide a standard online application form ~~for use~~ for registration of solicitors. ~~Upon request to the Licensing Officer, or as otherwise provided, any person or entity may obtain in person, by mail, website, or facsimile, a copy of this application form. [Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-6.]~~

~~**5.30.070 Application form.**~~

~~The City Licensing Officer shall provide a standard application form for use for registration of solicitors. Upon request to the Licensing Officer, or as otherwise provided, any person or entity may obtain in person, by mail, email, website, or facsimile, a copy of this application form. Any person or entity may apply for the solicitation permit by filing out the application.~~ Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

(A) Review of Written Disclosures. An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.

(B) Contact Information.

(1) Applicant's true, correct, and legal name, including any former names or aliases used during the last 10 years;

(2) Applicant's telephone number, home address, and mailing address, if different;

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(3) If different from the applicant, the name, address, and telephone number of the responsible person or entity; and

(4) The address ~~by~~ to which all required notices are to be sent to the applicant~~, as required under this chapter~~.

(C) Proof of Identity. ~~An in-person verification~~ Verification by the Licensing Officer of the applicant's ~~true~~ identity by use of any of the following, which bear a photograph of ~~said~~ the applicant:

(1) Valid driver's license issued by any state;

(2) Valid identification card issued by any state;

(3) Valid passport of the United States; or

(4) Valid identification issued by a branch of the United States military.

~~Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to applicant; however, a photocopy may be retained for the City's files.~~

(D) Proof of Registration with Department of Commerce. ~~Applicant~~ The applicant shall provide proof that either the applicant or responsible person or entity has registered with the Utah State Department of Commerce.

(E) ~~Special Events~~ Sales Tax Number. ~~Applicant~~ The applicant shall provide a ~~special events~~ sales tax number for either the applicant or responsible person or entity for which applicant will be soliciting.

(F) Marketing Information. ~~Applicant~~ The applicant shall provide a brief description of:

(1) The goods or services offered by the applicant, including any commonly known, registered, or trademarked names.

(2) Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.

(G) Criminal Background Check. ~~Applicant~~ The applicant shall provide~~: (1) An original~~ a verifiable copy of a criminal background check ~~as defined in SCC SCC 5.30.030.; and~~

~~(2) A signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth background check on applicant for purposes of enforcement of this chapter.~~

~~(H) Responses to Questions Regarding "Disqualifying Status." Applicant shall be required to truthfully affirm or deny the applicability of each "Disqualifying Status" listed in this chapter.~~

(~~I~~ H) Fee. ~~Applicant~~ The applicant shall pay such fees as established by resolution of the City Council, which shall not exceed the reasonable cost of processing the application and issuing the ~~certificate~~ permit and/or identification badge.

(~~J~~ I) Execution of Application. ~~Applicant~~ The applicant shall execute the application ~~form~~ stating, upon oath or affirmation under penalty ~~or~~ of perjury, that, based on the present knowledge

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and belief of the applicant, the information provided is complete, truthful, and accurate. ~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 08-02 § 29; Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-7.]~~

5.30.080 Written disclosures.

~~**30.080 Written disclosures.**~~

The application ~~form~~ shall be accompanied by written disclosures notifying the applicant of the following:

(A) The applicant's submission of the application authorizes the City to verify information submitted with the ~~completed~~ application, including:

(1) ~~Applicant~~ The applicant's address;

(2) ~~Applicant~~ The applicant's and/or responsible person's or entity's state tax identification ~~and special use tax numbers,~~ if any~~.~~; and

(3) ~~Validity of~~ The applicant's ~~proof of~~ identity.

(B) The City may consult with any ~~publicly~~ available ~~sources for~~ source of information on the applicant including, but not limited to, databases for outstanding warrants, protective orders, or civil judgments.

(C) Establishing proof of identity is required before ~~registration is allowed~~ a permit ~~for solicitation~~ will be issued.

(D) ~~Identified~~ The required fee amount must be submitted by the applicant with ~~a~~ the completed application.

(E) ~~Applicant~~ The applicant must submit a criminal background check with the completed application.

(F) To the extent permitted by state and/or federal law, the applicant's criminal background check shall remain a confidential and private record not available for public inspection.

(G) The City will maintain copies of the applicant's application ~~form~~, proof of identity, and identification badge. These copies will become public records available for inspection on demand at the City offices, whether a ~~certificate~~ permit is suspended, denied, granted, or renewed.

(H) The criteria for ~~disqualifying status, denial, or suspension of~~ denying, suspending or revoking a ~~certificate~~ permit ~~under the provisions of this chapter~~.

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(I) A request for a temporary certificate will be granted or denied on the same business day a completed application is submitted. [Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-8.]

5.30.090 When registration begins.

The Licensing Officer shall not begin the registration process unless applicant has submitted a completed application including the criminal background check.

The original identification submitted to establish proof of identity shall be returned after the Licensing Officer verifies applicant's identity. A copy of the identification may be retained by the Licensing Officer. If an original criminal background check is submitted by applicant, the Licensing Officer shall make a copy of the criminal background check and return the original to applicant. [Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-9.]

5.30.100 Issuance of certificates permit.

The Licensing Officer shall review the completed application submitted by applicant and issue a certificate in accordance with the following:

(A) Temporary Certificate. The Licensing Officer shall issue a temporary certificate which authorizes applicant to immediately begin door-to-door solicitation, if the applicant meets the following conditions:

(1) Applicant has submitted a completed application;

(2) Applicant has made payment of required fee;

(3) Applicant has established proof of identity;

(4) Applicant's representations on the application form do not affirmatively show a disqualifying status;

(5) The criminal background check does not affirmatively show a disqualifying status; and

(6) Applicant has not previously been denied a certificate by the City or had a certificate revoked for grounds that still constitute a disqualifying status under this chapter. A temporary certificate will automatically expire after 25 calendar days from issuance, or upon the granting or denial of an annual certificate, whichever period is shorter.

(B) (A) The Licensing Officer shall review the completed application submitted by applicant and issue a certificate within Annual Certificate. Within 25 14 calendar days, of the issuance of a temporary certificate, the The City shall:

(1) Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by applicant including, but not limited to, those disclosed with the application form.

(2) Issue written a notice to applicant and the responsible person or entity, if any, that applicant either:

(a) Will be issued an annual certificate permit., eligible for renewal upon expiration of the issued certificate; or

(b) Will not be issued an annual certificate permit for reasons cited in SCC SCC 5.30.150.

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~~(C) (B) Renewal Certificate. An An annual certificate permit shall be valid from date of issuance of the temporary certificate (if applicable) or annual certificate, and expires on the date listed on the annual certificatepermit. Any annual certificate not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and submission of a new completed application with payment of the fee, unless any of the conditions for denial, suspension, or revocation of a certificate are present, as set forth in SCC 5.30.150, or a disqualifying status is present. [Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-10.]~~

5.30.110 Form of ~~certificate~~ permit and identification badge.

~~A) Certificate Form.~~ The Licensing Officer shall issue a permit and identification badge ~~certificate~~ to the applicant after determining that the criteria of this chapter have been met. ~~The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires.~~ The ~~certificate~~ identification badge shall be dated and signed by the Licensing Officer. The ~~Certificate~~ identification badge shall be ~~carried by the registered solicitor at all times~~ worn prominently by the registered solicitor while soliciting in the City. The identification badge shall bear the name of the City and contain:~~(B) Identification Badge. With both the temporary and annual certificates, the City shall issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the City. The identification badge shall bear the name of the City and contain:~~

(1) The name of the registered solicitor;

(2) ~~Address~~ The address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity provided;

(3) A recent photograph of the registered solicitor; and

(4) The date on which the ~~certificate~~ permit expires. ~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-11.]~~

5.30.120 Maintenance of registry.

The Licensing Officer shall maintain and make available for public inspection a copy or record of every completed application received and the ~~certificate~~ permit approval or written denial issued by the City. Applicant's criminal background check shall remain a confidential and private record not available for public inspection, except as disclosure is required by law. The Licensing Officer may furnish to the head of the City's Law Enforcement Agency a listing of all applicants, ~~including those denied and those issued a certificatepermit. [Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-12.]~~

5.30.130 Non-transferability of ~~certificates~~ permits.

~~Certificates~~ Permits shall be issued only in the name of the applicant and list the responsible party or entity, if any. The ~~certificate~~ permit shall be nontransferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different goods or

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services or a responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the Licensing Officer. A new ~~certificate~~permit, based on the amended information, shall be issued for the balance of time remaining on the solicitor's previous ~~certificate~~ permit before the amendment was filed. Before the new ~~certificate~~ permit is given to the registered solicitor, the registered solicitor shall obtain a revised identification badge from the City, as necessary to correct revised information, after payment of the fee for the identification badge. ~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-13.]~~

5.30.140 Deceptive soliciting practices prohibited.

(A) No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

(B) A solicitor shall immediately disclose to the consumer during face-to-face solicitation:

(1) The name of the solicitor.

(2) The solicitor's name and city of residence or the name and city of business of the entity with whom the solicitor is associated.

(3) The purpose of the solicitor's contact with the person and/or competent individual.

This requirement may be satisfied through the use of the badge ~~and~~ or an informational flyer.

(C) No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(D) No solicitor shall represent directly or by implication that the granting of a ~~certificate~~ permit ~~of registration~~ implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor. ~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-14.]~~

5.30.150 Denial, suspension, or revocation of a ~~certificate~~ permit of registration.

(A) Denial. Upon review, the Licensing Officer shall refuse to issue a ~~temporary or annual certificate~~ permit, ~~or refuse to renew a certificate~~permit, to an applicant for any of the following reasons:

~~(1) Denial of Temporary Certificate.~~

(a) ~~Application form~~ The application is not complete.

(b) ~~Applicant fails~~ The applicant has failed to:

(i) Establish proof of identity;

(ii) Provide a criminal background check; or

(iii) Pay the fees.

(c) ~~Criminal~~ The criminal background check indicates ~~applicant has~~ a disqualifying status~~;~~.

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(d) ~~or~~ The applicant has previously been denied a ~~certificate~~ permit by the City or has had a ~~certificate~~ permit revoked for grounds that ~~still~~ continue to constitute a disqualifying status ~~under this chapter~~.

~~(2) Denial of Annual Certificate – Renewal.~~

~~(a) Information submitted by applicant at the time of the granting of the temporary certificate, or when seeking renewal of an annual certificate, is found to be incomplete or incorrect.~~

~~(b) Since submission of the completed or renewal application, applicant is subject to previously undisclosed or unknown disqualifying status.~~

~~(c) Failure to complete payment of fees.~~

~~(d) Since submission of the application, the City has received a substantiated report regarding the past or present conduct of applicant;~~

~~(e) Since submission of the application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or~~

~~(f) Since submission of the application, a final civil judgment has been entered against applicant indicating that:~~

~~(i) Applicant had either engaged in fraud or an intentional misrepresentation;~~

~~(ii) Applicant had engaged in willful and malicious activity causing injury to another person or entity or the property of another person or entity; or~~

~~(iii) A debt of applicant's was nondischargeable in bankruptcy pursuant to 11 U.S.C. Section 523(a)(2), (a)(4), (a)(6), or (a)(19).~~

(B) Suspension or Revocation. The City shall either suspend or revoke a ~~certificate~~ permit when any of the reasons warranting the denial of a ~~certificate~~ permit occurs.

(C) Notice ~~of Denial or Suspension~~. Upon determination of the Licensing Officer to deny any applicant's completed application or suspend or revoke a registered solicitor's ~~certificate~~permit, the City shall cause written notice to be sent to the applicant or registered solicitor. The notice shall specify the grounds for denial or suspension or revocation, documentation or information on which the City relied to make the decision, availability of the documentation for review by the applicant upon two business days' notice to the City, and date upon which the denial or suspension or revocation ~~of the certificate~~ permit shall take effect. ~~It~~ The notice shall further state that the applicant or registered solicitor shall have 12 business days from receipt of the notice ~~of denial or suspension~~ to file an appeal. The ~~denial or~~ suspension or revocation of the ~~certificate~~ permit shall be effective no sooner than two calendar days from the date notice is sent, unless ~~that~~ suspension or revocation is because of exigent circumstances outlined in subsection (2)(d) of the definition of "Substantiated report" ~~in SCC SCC 5.30.030~~, in which case, the suspension or revocation is effective immediately. The denial or suspension or revocation shall remain effective unless and until ~~the order is~~ rescinded by the Licensing Officer upon a finding of mistake or other good cause, overturned on appeal, or determined by a court to be contrary to equity or law. ~~Failure to appeal the suspension of a~~

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~~certificate~~ permit ~~automatically results in its revocation.~~ ~~[Ord. 18-07 § 1 (Exh. A); Ord. 11-08 § 1 (Exh. A); Ord. 07-09 § 1 (Exh. A); Code 1971 § 5-6-15.]~~

5.30.160 Appeal.

An applicant or registered solicitor whose ~~certificate~~ permit has been denied or suspended or revoked shall have the right to appeal the decision to the ~~City Council or its designee~~ Appeals Officer. Any appeal must be submitted by either the applicant, responsible person or entity, or legal counsel for either who:

(A) Documents the relationship with the applicant or responsible person or entity; or

(B) Is licensed or authorized by the state of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

(1) Any appeal must be submitted in writing to the ~~City Recorder with a copy to the~~ Licensing Officer within 12 business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of, and the grounds for appeal.

(2) Upon request of the applicant or registered solicitor, within two business days, the City will make available any information upon which it relied in making the determination to either deny or suspend the ~~certificate~~permit.

(3) The Appeals Officer shall review ~~, de novo,~~ all written information submitted by the applicant or registered solicitor to the Licensing Officer, any additional information relied upon by the Licensing Officer as the basis for denial, suspension or revocation, and any additional information supplied to the Appeals Officer by the City, applicant, or registered solicitor. Any additional information submitted by any party to the appeal shall be simultaneously submitted to the opposing party. If desired, any party shall have five business days to submit rebuttal documentation to the Appeals Officer regarding the additional information submitted by the opposing party. Witnesses called by any party shall be subject to cross-examination by the other party or parties.

(4) The Appeals Officer will render a decision no later than 15 calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event any party to the appeal submits rebuttal information as allowed in subsection (B)(3) of this section, the 15 calendar days shall be extended to include the additional five days for rebuttal.

(a) The denial or suspension or revocation ~~of the certificate permit~~ shall be reversed by the Appeals Officer if, upon review of the written appeal and information submitted, the Appeals Officer finds the Licensing Officer made a material mistake of law or fact ~~in denying or suspending the applicant's or registered solicitor's certificate~~permit.

(b) If the written appeal and information submitted indicates the Licensing Officer properly denied or suspended or revoked the ~~certificate~~ permit of the applicant or registered solicitor, the denial or suspension or revocation ~~of the certificate permit~~

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COUNCIL AGENDA

October 8, 2024

Submitted by Colin Winchester

Agenda Item #9 **ORD 24-25: Proposed Amendments to SMC Title 3 Chapter 30 regarding Access to the Employee Appeal Board**

Factual Summation

- The Employee Appeal Board ("Appeal Board") hears appeals from eligible employees who have been discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less pay.
- Most employees can access the Appeal Board. However, certain high-ranking employees are denied access to the Appeal Board. Those employees are listed in Utah Code Section 10-3-1105. Syracuse Municipal Code ("SMC") Section 3.30.030 and Syracuse Personnel Policy 25.140 have similar but not identical lists. See attached chart, where the positions that do not match are highlighted in yellow.
- Temporary employees are eligible to access the Appeal Board under the SMC. But they are ineligible under both state law and our personnel policy. It is recommended that the SMC be amended to make them ineligible.
- The assistant chief of police, assistant fire chief, assistant department heads and superintendents are all ineligible to access the Appeal Board under both state law and the SMC. But they are eligible under our personnel policy. It is recommended that the SMC be amended to make them eligible. [Note: Although the City cannot deny the benefit of Appeal Board access to an employee who is eligible under state law, it can provide the benefit to City employees who are ineligible under state law.]

Discussion Goals

Discuss and vote on attached ORD 24-25, which amends SMC Title 3 Chapter 30 to deny temporary employees access to the Appeal Board and to grant the assistant police chief, the assistant fire chief, assistant department heads and superintendents access to the Appeal Board.

Employees who are INELIGIBLE to access the Employee Appeal Board			
	Utah Code 10-3-1105	Syracuse Code 3.30.030	Personnel Policy 25.140
Police Chief	•	•	•
Asst Police Chief	•	•	
Fire Chief	•	•	•
Asst Fire Chief	•	•	
Department Head	•	•	•
Asst Department Head	•	•	
Superintendent	•	•	
Probationary Employees	•	•	•
Part-Time Employees	•	•	•
Seasonal Employees	•	•	•
Temporary Employees	•		•
Employees who work in the office of an elected official	•	Not applicable because we don't have any	Not applicable because we don't have any
Administrative assistants to an elected official	•	Not applicable because we don't have any	Not applicable because we don't have any
City Engineer	•	Included in the "catch-all" provision below	Included in the "catch-all" provision below
City Recorder	•	Included in the "catch-all" provision below	Included in the "catch-all" provision below
City Treasurer	•	Included in the "catch-all" provision below	Included in the "catch-all" provision below
City Attorney	•	Included in the "catch-all" provision below	Included in the "catch-all" provision below
Employees appointed by the mayor or other appointing authority [Note: this includes the city administrator and will include the assistant city administrator]	•	•	•

Chapter 3.30
EMPLOYEE APPEAL BOARD

Sections:

3.30.010 Establishment.
3.30.020 Members.
3.30.030 Employee appeals.
3.30.040 Appeal procedures.

3.30.010 Establishment.

There is hereby created an Employee Appeal Board ~~as required by Section 10-3-1106, Utah Code Annotated 1953, as amended,~~ to hear appeals of covered employees who have been terminated, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration.

3.30.020 Members.

The Appeals Board shall consist of five members, three of whom shall be chosen by and from the appointed officers and employees of the City and two of whom shall be members of the City Council.

(A) Selection of Members and Alternates.

(1) Council Members and Alternates. The City Council shall designate two of its members to serve on the Appeals Board, hereinafter referred to as the "Council Members," and two of its members to serve as alternate Council Members.

(2) Officer and Employee Members and Alternates. The appointed officers and employees of the City shall elect three of its members to serve on the Appeals Board, hereinafter referred to as "Employee Members," and three of its members to serve as alternate Employee Members in the following manner:

(a) Nomination. The City Administrator or his/her designee shall send written notice to all appointed officers and employees of the City that they may make written nominations for candidates to serve on the Appeals Board and the closing date for filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.

(b) Voting. Upon the closing of nominations, an election shall be held among all appointed officers and employees of the City to elect three Employee Members of the Board and three alternate Employee Members. The election shall be by secret ballot. The three individuals receiving the highest number of votes shall be deemed elected as Employee Members, and the next three individuals receiving the highest number of votes shall be deemed elected as alternate Employee Members.

(B) Limitation on Members. No person may sit on the Appeals Board who also sat on a pre-disciplinary hearing of the appealing employee or whose employment with the City has been terminated.

(C) Term. Council Members and Employee Members shall serve for a term of two years from the date of their election or appointment. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.

(D) Vacancies. Any vacancy in an Employee Member position shall be first filled by an alternate Employee Member by drawing lots; and if no alternate Employee Member is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Council Member position shall be filled first by an alternate Council Member as determined by the Council; and if no alternate Council Member is available, through appointment by the Council at the time such vacancy occurs.

3.30.030 Employee appeals.

~~(A) Except as provided in subsection (B) of this section, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided herein.~~

(A) Any City employee, except those employees set forth in subsection (B), who is discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less remuneration for any reason, may appeal the discharge, suspension or involuntary transfer to the Employee Appeal Board in accordance with and subject to the procedures and provisions set forth herein.

(B) This section shall not apply to:

(1) Police Chief;

~~(2) Deputy Police Chief;~~

~~(3)~~(2) Fire Chief;

~~(4) Deputy or Assistant Fire Chief;~~

~~(5)~~(3) Department Heads;

~~(6) Deputy of Department Head;~~

~~(7) Superintendent;~~

~~(8)~~(4) Probationary employees;

~~(9)~~(5) Part-time employees;

~~(10)~~(6) Seasonal employees;

~~(11)~~(7) Temporary employees; or

(8) Officers appointed by the Mayor or other person or body exercising executive power in the City.

~~(C) Any employee, except those employees set forth in subsection (B) of this section, who is discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less remuneration for any reason, may appeal the discharge, suspension or involuntary transfer to the Employee Appeal Board in accordance with and subject to the procedures and provisions set forth herein.~~

3.30.040 Appeal procedures.

(A) Any appeal to the Employee Appeal Board shall be taken by filing a written notice of appeal with the City Recorder within 10 days after the discharge, suspension or involuntary transfer.

(B) Appeals before the Employee Appeal Board shall be conducted in accordance with and subject to the procedures set forth in Utah Code Section 10-3-1106~~, Utah Code Annotated 1953,~~ as amended.

ORDINANCE 2024-25
AN ORDINANCE AMENDING SMC TITLE 3 CHAPTER 30
ENTITLED EMPLOYEE APPEAL BOARD

WHEREAS, as regards the Employee Appeal Board, certain provisions of the Utah Code, the Syracuse Municipal Code, and the Syracuse City Personnel Policies and Procedures are in conflict; and

WHEREAS, the City Council desires to deny temporary employees access to the Employee Appeal Board to eliminate that conflict; and

WHEREAS, the City Council desires to allow access to the Employee Appeal Board to the assistant police chief, the assistant fire chief, deputy department heads, and superintendents, even though not required to do so by state law;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Syracuse Municipal Code Section Title 3 Chapter 30, entitled Employee Appeal Board, is amended to read as follows.

Section 2. Severability: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity of unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3: This Ordinance shall become effective 10 days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

_____	_____
CASSIE Z. BROWN	DAVE MAUGHAN
City Recorder	Mayor

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

Chapter 3.30
EMPLOYEE APPEAL BOARD

Sections:

3.30.010 Establishment.
3.30.020 Members.
3.30.030 Employee appeals.
3.30.040 Appeal procedures.

3.30.010 Establishment.

There is hereby created an Employee Appeal Board ~~as required by Section 10-3-1106, Utah Code Annotated 1953, as amended,~~ to hear appeals of covered employees who have been terminated, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration.

3.30.020 Members.

The Appeals Board shall consist of five members, three of whom shall be chosen by and from the appointed officers and employees of the City and two of whom shall be members of the City Council.

(A) Selection of Members and Alternates.

(1) Council Members and Alternates. The City Council shall designate two of its members to serve on the Appeals Board, hereinafter referred to as the "Council Members," and two of its members to serve as alternate Council Members.

(2) Officer and Employee Members and Alternates. The appointed officers and employees of the City shall elect three of its members to serve on the Appeals Board, hereinafter referred to as "Employee Members," and three of its members to serve as alternate Employee Members in the following manner:

(a) Nomination. The City Administrator or his/her designee shall send written notice to all appointed officers and employees of the City that they may make written nominations for candidates to serve on the Appeals Board and the closing date for filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.

(b) Voting. Upon the closing of nominations, an election shall be held among all appointed officers and employees of the City to elect three Employee Members of the Board and three alternate Employee Members. The election shall be by secret ballot. The three individuals

receiving the highest number of votes shall be deemed elected as Employee Members, and the next three individuals receiving the highest number of votes shall be deemed elected as alternate Employee Members.

(B) Limitation on Members. No person may sit on the Appeals Board who also sat on a pre-disciplinary hearing of the appealing employee or whose employment with the City has been terminated.

(C) Term. Council Members and Employee Members shall serve for a term of two years from the date of their election or appointment. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.

(D) Vacancies. Any vacancy in an Employee Member position shall be first filled by an alternate Employee Member by drawing lots; and if no alternate Employee Member is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Council Member position shall be filled first by an alternate Council Member as determined by the Council; and if no alternate Council Member is available, through appointment by the Council at the time such vacancy occurs.

3.30.030 Employee appeals.

~~(A) Except as provided in subsection (B) of this section, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided herein.~~

(A) Any City employee, except those employees set forth in subsection (B) of this section, who is discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less remuneration for any reason, may appeal the discharge, suspension or involuntary transfer to the Employee Appeal Board in accordance with and subject to the procedures and provisions set forth herein.

(B) This section shall not apply to:

(1) Police Chief;

~~(2) Deputy Police Chief;~~

~~(3)~~(2) Fire Chief;

~~(4) Deputy or Assistant Fire Chief;~~

~~(5)~~(3) Department Heads;

~~(6) Deputy of Department Head;~~

~~(7) Superintendent;~~

~~(8)~~(4) Probationary employees;

~~(9)~~(5) Part-time employees;

~~(10)~~(6) Seasonal employees;

~~(11)~~(7) Temporary employees; or

(8) Officers appointed by the Mayor or other person or body exercising executive power in the City.

~~(C) Any employee, except those employees set forth in subsection (B) of this section, who is discharged, suspended without pay for more than two days, or involuntarily transferred from one position to another with less remuneration for any reason, may appeal the discharge, suspension or involuntary transfer to the Employee Appeal Board in accordance with and subject to the procedures and provisions set forth herein.~~

3.30.040 Appeal procedures.

(A) Any appeal to the Employee Appeal Board shall be taken by filing a written notice of appeal with the City Recorder within 10 days after the discharge, suspension or involuntary transfer.

(B) Appeals before the Employee Appeal Board shall be conducted in accordance with and subject to the procedures set forth in Utah Code Section 10-3-1106~~, Utah Code Annotated 1953,~~ as amended.

COUNCIL AGENDA

October 8, 2024

Submitted by Colin Winchester

Agenda Item #10 **Ordinance 2024-26: Amend SMC 13.40.040 to exempt the retention of ad hoc outside legal services from competitive bidding requirements; and**
Resolution R24-30: Amend the Syracuse City Purchasing Policy to exempt the retention of ad hoc outside legal services from competitive bidding requirements.

Factual Summation

- The current purchasing ordinance requires the City to seek bids for supplies, equipment and contractual services in excess of $10,000.
- The current purchasing policy requires the City to publicly announce proposed professional service contracts expected to exceed $25,000 or last longer than one year.
- The City was recently sued over the City Council's denial of a requested zone change. Once the City was served with the Petition, it had 21 days to file an Answer. For covered situations, the City's insurance company will accept coverage and directly retain outside counsel. However, in this instance, the City's insurance company determined that the claim was not covered. The insurance company agreed to pay up to $25,000 toward legal fees for outside counsel, but the City was required to retain that outside counsel.
- Neither the current purchasing ordinance nor the current purchasing policy *specifically* exempt ad hoc outside legal services from their competitive bid requirements. The current ordinance does exempt "contracts which by their nature are not adapted to being awarded by competitive bidding," and lists seven examples of such contracts (none of which are outside legal services).
- Many local governments (including Farmington, Kaysville, South Jordan, South Salt Lake, and Tooele County) *specifically* exempt professional services (which include outside legal services) from their competitive bid requirements. Clearfield (like Syracuse) exempts "contracts which by their nature are not adapted to an award by competitive bidding."
- For the current litigation, the City was able to retain outside counsel with significant expertise in land use issues but would never have had time to go through the bid process. Staff, knowing that the cost would likely exceed $10,000, relied on the exemption for "contracts which by their nature are not adapted to being awarded by competitive bidding."
- The City has occasionally and without seeking competitive bids retained outside legal counsel to draft and/or review proposed ordinances or agreements. This most recently occurred approximately one year ago when the City retained the law firm of Smith Hartvigsen to review an agreement related to the proposed Costco development.

Discussion Goals

- Discuss and vote on attached Ordinance 2024-26, which proposes to exempt the retention of ad hoc outside legal services from the City's competitive bid requirements.
- Discuss and vote on attached Resolution 24-30, which proposes to exempt the retention of ad hoc outside legal services from the City's competitive bid requirements.

ORDINANCE 2024-26
AN ORDINANCE AMENDING SMC 13.40.040 TO EXEMPT THE RETENTION OF AD HOC OUTSIDE LEGAL SERVICES FROM THE CITY'S COMPETITIVE BIDDING REQUIREMENTS

WHEREAS, SMC 13.40.030 generally requires the City to seek competitive bids for supplies, equipment and contractual services in excess of $10,000; and

WHEREAS, SMC 13.40.040 allows for certain exemptions to the competitive bid requirements, but does not specifically exempt the retention of ad hoc outside legal services; and

WHEREAS, the competitive bid requirements impede the City's ability to timely retain ad hoc outside legal services from attorneys or law firms with the expertise needed for the type of legal issue being addressed; and

WHEREAS, the City Council desires to specifically exempt the retention of ad hoc outside legal services from the City's competitive bid requirements to avoid the previously noted impediments;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Syracuse Municipal Code Section 13.40.040, entitled Exemptions to Competitive Bid Requirements, is amended to read as follows.

Section 2. Severability: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity of unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3: This Ordinance shall become effective 10 days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

_____	_____
CASSIE Z. BROWN	DAVE MAUGHAN
City Recorder	Mayor

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

13.40.040 Exemptions to competitive bidding requirements.

(A) Special Contracts. Contracts which by their nature are not adapted to being awarded by competitive bidding shall not be subject to the bidding requirements of this chapter. Some examples of such contracts are: contracts for items which may only be purchased from a single source; emergency purchases, purchases from the state bid, contracts for additions to equipment owned by the City which may be more efficiently added to by a certain person or firm; contracts for repairs and maintenance of equipment owned by the City which may be more efficiently repaired or maintained by a certain person or firm; contracts for equipment which is similar to existing City-owned equipment on which City personnel are already trained; and contracts for equipment which is compatible with existing City-owned equipment for which the City maintains an inventory of replacement parts.

(B) Auction, Closeout, Bankruptcy Sales. If the Purchasing Agent determines the supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if a majority of the Governing Body at a regular or special meeting concurs in such determination and makes a finding that a purchase at any such auction or sale will be made at a cost below the market cost in the community, a contract or contracts may be let, or the purchase made without complying with the competitive bidding requirements of this chapter.

(C) Exchanges. Exchanges of supplies, material or equipment between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.

(D) Contracts for the Retention of ad hoc Outside Legal Services. Contracts for the retention of ad hoc outside legal services may be entered into without complying with the competitive bidding requirements of this chapter.

RESOLUTION R24-30
A RESOLUTION AMENDING THE SYRACUSE CITY PURCHASING POLICY TO EXEMPT THE RETENTION OF AD HOC OUTSIDE LEGAL SERVICES FROM BIDDING AND PUBLIC ANNOUNCEMENT REQUIREMENTS

WHEREAS, the current purchasing policy requires the City to publicly announce proposed professional service contracts expected to exceed $25,000 or last longer than one year; and

WHEREAS, the bidding and public announcement requirements impede the City's ability to timely retain ad hoc outside legal services from attorneys or law firms with the expertise needed for the type of legal issue being addressed; and

WHEREAS, the City Council desires to specifically exempt the retention of ad hoc outside legal services from the bidding and public announcement requirements to avoid the previously noted impediments;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Syracuse City Purchasing Policy is amended to read as follows.

Section 2. Severability: If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity of unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3: This Resolution shall become effective on October 8, 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 8TH DAY OF OCTOBER, 2024.

_____	_____
CASSIE Z. BROWN	DAVE MAUGHAN
City Recorder	Mayor

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

Syracuse City
Purchasing Policy

Revised ~~February 8, 2022~~ October 8, 2024

SYRACUSE CITY CORPORATION
PURCHASING POLICY

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SYRACUSE CITY CORPORATION

Purchasing Policy

Utah Code Section 10-6 requires all city purchases and encumbrances be made or incurred according to the purchasing procedures established by the City by ordinance or resolution and only on the order or approval of the person duly authorized to act as a purchasing agent for the City. It is intended that this policy reflect that statute.

I – GENERAL PROVISIONS

Policy

As outlined by the State of Utah, this policy shall establish procedures for capital and non-capital purchases and contracts for the City of Syracuse, Utah. It shall be the responsibility of Department Heads to ensure the directives outlined are adhered to by Syracuse City personnel. It shall be the responsibility of the Administrative Services Director to periodically audit expenditures and make notification of purchasing policy violations.

Purpose

The following policy has been created to maximize the use of Syracuse City's financial resources. The underlying purposes of this policy are:

1. To ensure fair and equitable treatment of all persons who wish to, or do conduct business with Syracuse City.

2. To provide for the greatest possible economy in City procurement activities.

3. To foster effective broad-based competition within the free enterprise system to ensure that the City will receive the best possible service or product at the lowest possible price.

Compliance

This policy shall not prevent the City from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with the law. When procurement involves the expenditure of federal or state financial assistance funds, the City shall comply with applicable federal or state laws and regulations.

Purchasing Agent

Department Heads shall be considered "purchasing agents" for purposes of this policy. As determined by the Department Heads, others within the departments may be authorized to procure goods and services. It shall be the responsibility of the Department Heads to provide a list of individuals authorized to make purchases within the department. The list shall be given to the Administrative Services Director and updated in a timely manner as changes occur.

Purchase Orders

Purchase orders are required for supplies and equipment acquired through the bidding process. Construction projects awarded by the City Council as a result of sealed bids do not require a purchase order.

The intent of a purchase order is to demonstrate to a supplier that the individual with whom he/she is dealing has the authority to make purchases on behalf of the City. It also serves as approval for the Administrative Services Department to disburse funds to pay for the items noted. A purchase order shall be completed and signed *before* a purchase is made. Suppliers shall be instructed that they are not to enter into a transaction with an individual who does not have a purchase order, unless previous arrangements have been made under terms of a contract.

All purchase orders shall be signed by the Department Head. Purchase orders exceeding $10,000 shall be signed by the City Manager.

Other Methods of Approval

Payment Voucher

> Payment voucher forms are available to authorize the Administrative Services Department to disburse funds for purchases. The types of items for which payment vouchers shall be used are normally items for which invoices are not received. This may include, but not limited to, refunds, publications, and contract services.

Payment Approval Stamp

> The "Approved for Payment" stamp shall be used to authorize payment on invoices for which no purchase order was issued or required. This may include ongoing items such as utility bills, telephone & cellular bills, lease payments, and invoices for supplies purchased under an annual contract.

Purchases Exceeding Budgeted Amounts

Utah State Code prohibits officers and employees of the City from incurring expenditures and encumbrances in excess of the total appropriation for any department. Prior approval for a budget adjustment must be received before a purchase is made for any item which will put a department in violation of the budget. Refer to Syracuse City Personnel Policy for disciplinary action relating to violations of this policy. A "Budget Transfer Request" shall be completed and submitted to the Administrative Services Director after approval from the Department Head and City Manager. Use the budget transfer sheet on page 14.

The term purchases shall be defined by each individual item being purchased or each capital project. If multiple items are being purchased, then the cost of each individual item will be evaluated for purposes of this policy.

II - SOURCE SELECTION AND CONTRACT FORMATION - GENERAL PROVISIONS

Purchases and contracts not requiring sealed bids

1. Purchases and service contracts of one year or less costing less than $5,000 in total shall not require bids of any type. (Purchases shall not be artificially divided so as to constitute a small purchase under this section.)

2. Purchases and service contracts of one year or less costing more than $5,000 but less than $10,000 in total shall require 3 telephone bids. These bids may be reused as long as the price charged by the vendor remains the same as the price quoted. The price quotation shall be redone when the vendor's price changes or annually, whichever comes first. Use the informal price quotation sheet on page 10.

3. Purchases and service contracts of one year or less costing more than $10,000 but less than $25,000 in total shall require 3 formal price quotations through mail, fax, or email. Use the formal price quotation sheet on page 11.

4. Purchases made through the cooperative purchasing contracts administered by the State Divisions of Purchasing, or other governmental cooperative purchasing entity allowed by State law. The state or cooperative purchasing contract number shall be written on the quotation record. A cooperative purchasing entity must be governed by a board that is either elected or appointed by elected officials, and must utilize competitive bidding for contracts that cities are allowed to utilize.

5. Purchases made from a single-source provider.

6. Purchases required during an emergency, i.e., an eminent threat to the public's health, welfare, or safety. However, as much competition as practical should be obtained; and, such purchases should be limited to amounts necessary to the resolution of the emergency.

7. Auction, Closeout, Bankruptcy Sales – If the purchasing agent determines the supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if a majority of the City Council at a regular or special meeting concurs in such determination and makes a finding that a purchase at any such auction or sale will be made at a cost below the market cost in the community, a contract or purchase may be made without complying with the competitive bidding requirements.

8. Exchanges – Exchanges of supplies, material or equipment between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.

9. Costs associated with repair and maintenance of existing equipment.

10. Ad Hoc Outside Legal Services. Contracts for outside legal services on an ad hoc basis shall not require bids of any type.

Purchases Requiring Sealed Bids

1. Contracts with purchases greater than $25,000 shall be awarded by competitive sealed bidding except as otherwise provided by this policy. See invitation to bid form on page 12.

2. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least 10 days prior to the date set forth therein for the opening of bids, but must comply with state notification requirements. Notices shall be published on the Utah Public Notice Website, created in Section 63A-16-601 and in at least five places in the county, or as otherwise required by state law.

   Additional requirements to this rule include:

   Building Improvements and Public Works Projects: For any building improvement or public works projects where the estimated cost exceeds the bid limit, as defined in Section 11-39-101(1) of the Utah Code, requests for bid shall be published on the Utah Public Notice Website, created in Section 63A-16-601 and in at least five places in the county, or as otherwise required by state law at least five (5) days before the opening of the bids, or as otherwise required by state law.

   Class C Road Projects: For the construction of any improvement project on Class C Roads where the estimated cost exceeds the bid limit, as defined in Section 72-6-109 of the Utah Code, advertisement for bids shall be published on the Utah Public Notice Website, created in Section 63A-16-601 and in at least five places in the county for a minimum of 20 days, or as otherwise required by state law before the opening of bids.

3. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.

4. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids. The record and each bid shall be open to public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.

5. Correction or withdrawal of inadvertently erroneous bids before award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the Syracuse City or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the purchasing agent.

6. The contract shall be awarded with reasonable promptness, by written notice, to the lowest bidder whose bid meets the requirements and criteria set forth in the invitation for bids. If the contract is not awarded within forty-five (45) days, the bids received will be null and the department must re-advertise for bids.

7. Bids that meet or exceed the bid limit as defined in Section 11-39-101(1) of the Utah Code, shall be approved by the Governing Body prior to issuing a notice of award. See notice of award form on page 15.

Use of Competitive Sealed Proposals in Lieu of Bids

When it is determined that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional service-type contracts. See the request for proposal form on page 13.

Procedures for obtaining competitive sealed proposals are as follows:

1. Proposals shall be solicited through a request for proposals. Public notice of the request for proposals shall be given at least fourteen (14) days prior to the advertised date of the opening of the proposals.

2. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.

3. The request for proposals shall state the relative importance of price and other evaluating factors.

4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

5. Award shall be made to the person whose proposal is determined, in writing, to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

Professional Service Contracts

Contracts for professional services with a value equal or greater than $25,000, or with a term longer than one year, including optional terms, shall be awarded at the discretion of the City Council and include, but are not limited to, the following services: architectural, auditing,

banking, construction project management, engineering, insurance, janitorial services, and legal. Contracts shall be awarded based on the evaluation of professional qualifications, service ability, cost of service, and other criteria deemed applicable by the department requesting the professional service. These services are qualification-based procurement. ~~Requests~~ Except for contracts for ad hoc outside legal services, requests for such services should be publicly announced. Contracts should be negotiated by the City based on demonstrated competence at fair and reasonable prices.

Cost-Plus-A-Percentage-Of-Cost Contracts

Subject to the limitations of this section, any type of contract which will promote the best interest of the City may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the City than any other type or that it is impracticable to obtain the supplies, services, or construction required except under such a contract.

Circumstances Justifying Award of Contract Without Competition

A contract may be awarded for a supply, services, or construction item without competition when the purchasing agent or a designee determines in writing that there is only one source for the required supply, service, or construction item; or the award to a supplier, service provider, or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item. Sole source may be considered when the required materials are consistent with established city engineering standards or is uniform to all other materials of a like item.

Emergency Procurement

Notwithstanding any other provision of this chapter, when there exists a threat to public health, welfare, or safety under emergency conditions as defined in rules and regulations, the purchasing agent or designee may make or authorize others to make emergency procurements; provided that emergency procurements shall be made with as much competition as practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

Cancellation and Rejection of Bids

An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interest of the City. The reasons shall be made part of the contract file.

Required Contract Clauses

1. The unilateral right of the City to order, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the

scope of the contract work. See change order form or work change directive form on page 16-17.

2. Variations occurring between estimated quantities of work in a contract and actual quantities. See change order form on page 17.

3. Suspension of work ordered by the City. See work change directive form on page 16.

III – SPECIFICATIONS

All specifications shall seek to promote overall economy and best use for the purpose intended and encourage competition in satisfying the City's needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, Syracuse City and Utah products shall be given preference.

IV – APPEALS

Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts.

The purchasing agent shall issue a written decision within fourteen (14) days regarding the appeal if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the City Council.

The appeal to the City Council shall be the final appeal on the City level.

V – ETHICS IN PUBLIC CONTRACTING

No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interest and their public duties. Any personal interest between the supplier and the decision maker must be disclosed in writing and filed with the Administrative Services Director.

Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the City.

INFORMAL COMPETITIVE PRICE QUOTATION RECORD

Department: _____ Date Submitted: _____

Item Description: _____

_____

_____

_____

_____

Quantity: _____ Date Needed: _____

Vendor	Phone #	Person Contacted	Price Quote

Notes: _____

_____

_____

_____

_____

_____

Complete when using State bid:

Contract Number _____

Vendor _____

Effective Dates of Contract: _____ through _____

Signature of Purchasing Agent: _____ Date: _____

SYRACUSE CITY CORPORATION
REQUEST FOR QUOTATION
(THIS IS NOT AN ORDER)

Please include this sheet as the cover for your price quote. Mark price quote as follows:

Mail / Hand Deliver / Fax to: _____

_____

_____

_____

Quotes will be accepted until: (date) _____(time) _____

Description of item(s): _____

_____

_____

_____

_____

****

Company Name: _____

Address: _____

Telephone: _____ Fax: _____

Specify Name Brand of Item: _____

Quote Price, FOB Syracuse, Utah: _____

Approximate Delivery Date: _____

Payment Terms: _____

Price Quote Honored Through: _____

Contact Person: _____Telephone: _____

Variations to Specifications (attach additional sheets if necessary): _____

_____

_____

_____

Syracuse City reserves the right to accept or reject this quote, or any portion thereof, and call for new quotes if their interests or convenience are better served by such a course.

Authorized Signature: _____Date: _____

SYRACUSE CITY CORPORATION
INVITATION TO BID

(THIS IS NOT AN ORDER)

Please include this sheet as the cover for your bid. Mark sealed bids as follows:

Mail / Hand Deliver to: _____

_____

_____

_____

Bids will be accepted until: (date) _____(time) _____

Description of item(s): _____

_____

_____

_____

_____

****

Company Name: _____

Address: _____

Telephone: _____ Fax: _____

Specify Name Brand of Item: _____

Bid Price, FOB Syracuse, Utah: _____

Approximate Delivery Date: _____

Payment Terms: _____

Bid Price Honored Through: _____

Contact Person: _____Telephone: _____

Variations to Specifications (attach additional sheets if necessary): _____

_____

_____

_____

Syracuse City reserves the right to accept or reject this bid, or any portion thereof, and call for new bids if their interests or convenience are better served by such a course.

Authorized Signature: _____Date: _____

SYRACUSE CITY CORPORATION
REQUEST FOR PROPOSAL
(THIS IS NOT A REQUEST FOR SERVICES)

Please include this sheet as the cover for your proposal. Mark proposals as follows:

Mail / Hand Deliver to: _____

_____

_____

_____

Proposals will be accepted until: (date) _____(time) _____

Description of service(s): _____

_____

_____

_____

_____

****

Company Name: _____

Address: _____

Telephone: _____ Fax: _____

Specify Services Provided: _____

Proposal Price: _____

Time Period of Services: _____

Payment Terms: _____

Proposal Honored Through: _____

Contact Person: _____Telephone: _____

Additional Comments (attach additional sheets if necessary): _____

_____

_____

_____

Syracuse City reserves the right to accept or reject this proposal, or any portion thereof, and call for new proposals if their interests or convenience are better served by such a course.

Authorized Signature: _____Date: _____

SYRACUSE CITY
BUDGET TRANSFER

Requesting Department _____ Date: _____

_____ Within Department

_____ To Another Department (Requires Council Approval)

Explanation: _____

_____

_____

_____

GL Account	Amount
Budget Transfer to:	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Budget Transfer from:	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Vendor Name: _____

Invoice Number: _____ PO Number _____

Departmental Approval: _____

City Administrator Approval: _____

Budget Officer Approval: _____

Notice of Award

Date:

Project:	
Owner: Syracuse City Corporation	Owner's Contract No.:
Contract:	
Bidder:	
Bidder's Address:	

You are notified that your Bid dated _____ for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for _____.

The Contract Price of your Contract is _____($_____).

_____ copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

_____ sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within [15] days of the date you receive this Notice of Award.

1. Deliver to the Owner [_____] fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
3. Other conditions precedent:

   _____

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

_____
Owner

By:_____
Authorized Signature

Title

Work Change Directive

No. _____

Date of Issuance: _____ Effective Date: _____

Project:	Owner:	Owner's Contract No.:
Contract:		Date of Contract:
Contractor:		

Contractor is directed to proceed promptly with the following change(s):

Item No.	Description

Attachments (list documents supporting change):

Purpose for Work Change Directive:

Authorization for Work described herein to proceed on the basis of Cost of the Work due to:

- ☐ Nonagreement on pricing of proposed change.
- ☐ Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time.

Estimated change in Contract Price and Contract Times:

Contract Price $_____ (increase/decrease) Contract Time _____ (increase/decrease)
days

Recommended for Approval by Engineer:	Date
Authorized for Owner by:	Date
Received for Contractor by:	Date
Received by Funding Agency (if applicable):	Date:

Change Order

Date of Issuance: Effective Date: **No.**

Project:	Owner:	Owner's Contract No.:
Contract:		Date of Contract:
Contractor:		

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Attachments (list documents supporting change):

CHANGE IN CONTRACT PRICE:	**CHANGE IN CONTRACT TIMES:**
Original Contract Price: $_____	Original Contract Times: Workingdays Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
[Increase] [Decrease] from previously approved Change Orders No. _____to No. _____: $_____	[Increase] [Decrease] from previously approved Change Orders No. _____to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: $_____	Contract Times prior to this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
[Increase] [Decrease] of this Change Order: $_____	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: $_____	Contract Times with all approved Change Orders: Substantial completion (days or date): _____ Ready for final payment (days or date): _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: __	By: _____
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: _____	Date:	Date: _____

Approved by Funding Agency (if applicable):

Date: _____