

Minutes of the Regular Meeting of the Syracuse City Council, held on October 8, 2024, at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 897 1384 8348, 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.

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

Mayor Dave Maughan
City Manager Brody Bovero
City Recorder Cassie 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
Communications Specialist Kara Finley

1. Meeting Called to Order/Adopt Agenda

Mayor Maughan called the meeting to order at 6:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Councilmember Savage led the audience in the Pledge of Allegiance. Councilmember Watson provided an invocation.

COUNCILMEMBER CRAGUN MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE.

2. Public Comment:

Eric Craythorne referenced agenda item six, a proposed General Plan amendment for property at 2000 West and 2700 South. He stated he is in a partnership with another individual for the ownership of the southern parcel of that property, which is a bit larger than 12 acres. He has sent the Mayor and Council an email about the property and his wishes in terms of future planning and zoning of the property. He asked that the Council consider tabling the agenda item to provide more time for stakeholders to be involved in discussions regarding the property and its future development options. He is not speaking for the owner of the property adjacent to the subject property, but for himself and his partner who are interested in being part of detailed discussions regarding the highest and best use of the property.

Ashley Page stated she is representing the Heritage Lane Commercial Plaza Homeowners Association (HOA), which has requested financial support from the City's Redevelopment Agency (RDA) for multi-tenant signage. The development is over 25 years old, and the signage is aging and not adequate to provide advertising space for all tenants in the plaza. She asked that the RDA Board consider voting in support of the proposed financial support during their meeting later this evening.

3. Approval of Minutes

The following minutes were reviewed by the City Council: September 24, 2024 City Council Work Session and City Council Special Business Meeting.

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

4. Public Hearing: Proposed Resolution R24-39 adjusting the Syracuse City Budget for Fiscal Year (FY) ending June 30, 2025.

A staff memo from the Administrative Services Director referenced documents listed in the City Council meeting packet:

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.

The budget opening includes carryover of project funds from the prior year for projects that were not completed:

- a. Eliminate – 4000 West Overlay – Remove and move to future year
- b. New – Additional Pumps at new reservoir - \$500,000
- c. Carryover – 500 West Widening - \$923,000
- d. Carryover – 1000 West 2075 S to 2700 S - \$2,411,173
- e. Carryover – Secondary Reservoir Property Acquisition - \$550,000
- f. Carryover – Shoreline Trail Phase 1 - \$24,000
- g. Carryover – EOC Upgrades - \$40,000
- h. Carryover – Design for Aesthetic Impr. Project - \$68,000
- i. Carryover – Station 32 Engineering / Architect Design - \$163,518
- j. Carryover – Park Maintenance Facility & Equipment - \$666,502
- k. Carryover – BMX Course, pump track, and land purchase - \$1,858,620
- l. Carryover – Cemetery Road Resurface - \$176,000
- m. Carryover – Stoker Park Landscaping - \$481,860
- n. Carryover – Fremont Park Pavilion and Playground & restroom renovation - \$200,000
- o. Carryover – Bluff Road Improvements - \$912,000
- p. Carryover – 1525 West Culinary Transmission Line - \$209,730
- q. Carryover – 700 South Overlay 3000 west to St Andrews Dr - \$400,000
- r. Carryover – 700 South and 4000 West roundabout - \$1,200,000
- s. Carryover – 2000 West (WDC to 2700 S) - \$300,000
- t. Carryover – South Canterbury Pavilion and Restroom - \$120,000
- u. Carryover – Dog Park - \$388,642
- v. Carryover – Jensen Park Secondary Access Road - \$223,000
- w. Carryover – Founders Park Booster Pump - \$128,000
- x. Carryover – Landscaping / Drought Resiliency - \$70,000
- y. Carryover – Secondary Water Meter Conversion Projects - \$7,668,000
- z. Carryover – Antelope Trail – Wetland Mitigation - \$15,000
- aa. Addition - 4000 West Safety Sidewalk - \$100,000
- bb. 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 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.
- 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.

Administrative Services Director Marshall reviewed the staff memo and highlighted the addition of funding to purchase recycling cans, which was not discussed during the work session meeting when this item was first presented.

Mayor Maughan opened the public hearing at 6:08 p.m.; there were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER WATSON MADE A MOTION TO ADOPT RESOLUTION R24-39 ADJUSTING THE SYRACUSE CITY BUDGET FOR FISCAL YEAR (FY) ENDING JUNE 30, 2025. COUNCILMEMBER CRAGUN SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Proposed Resolution R24-39 authorizing the Mayor to execute an agreement with Woods Cross Properties 102, LLC for the exchange of real property.

A staff memo from the Community Economic Development (CED) Department explained the City is evaluating whether to enter into a land trade agreement with the landowner to the east of the Public Works facility. The landowner is Woods Cross Properties 102 LLC. The Public Works facility is located 3061 s. 2400 W. The landowner 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 landowner 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 0.4 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. 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.

COUNCILMEMBER ROBERTSON MADE A MOTION TO ADOPT RESOLUTION R24-39 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WOODS CROSS PROPERTIES 102, LLC FOR THE EXCHANGE OF REAL PROPERTY. COUNCILMEMBER CRAGUN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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.

A staff memo from the Community Economic Development (CED) Department explained 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. The City Council reviewed the item on August 27, 2024 and forwarded the item to Planning Commission for a recommendation. The Planning Commission held a public hearing on September 17, 2024 and voted five to one to forward a positive recommendation to the City Council. The process for General Plan amendments is provided in Section 10.20.060 of the Syracuse City Code: "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."

Councilmember Carver referenced Mr. Craythorne's comments during the public comment period of the meeting and stated she supports tabling the ordinance given his request; she questioned why the City Council would be asked to consider a General Plan amendment if the owner of the property is not supportive of the change. This led to discussion and debate among the Council and Mayor regarding the process and the Planning Commission's involvement in making a recommendation to the Council. Councilmember Carver asked who initiated the review of the General Plan map for this property, to which Mayor Maughan answered the City; the issue has arisen because of concerns about the rate of residential development in the City, specifically the increase in high-density and multi-family residential projects in recent years.

Councilmember Cragun stated he supports tabling the ordinance as requested by Mr. Craythorne; he feels it make sense to discuss Mr. Craythorne's concerns with him, and he does not feel there is urgency behind this proposal. Councilmember Savage agreed. He is willing to sit down with the property owners that are impacted by this change. Councilmember Watson asked if the same courtesy will be extended to all property owners in the future if the City considers comprehensive changes to the General Plan. Councilmember Savage stated he would be willing to visit with any landowner if they have concerns about the General Plan.

CED Director Steele noted that the other property owner does want the General Plan to be changed for their portion of the property. Councilmember Savage stated he would be willing to consider that but would like to table a decision on Mr. Craythorne's property. He also expressed a willingness to hear from the other landowner about their desires. Mayor Maughan invited input from the other landowner.

Charles Osmond stated he has met with Mr. Craythorne and his team and has created a proposed layout that

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identifies commercial use of the northern portion of the property as well as two or three acres to the east of Mr. Craythorne's property. He has not yet been able to share that concept with the City, but he is supportive of an action from the Council tonight that would change the General Plan designation for his property and to set aside an action on Mr. Craythorne's property.

COUNCILMEMBER SAVAGE MADE A MOTION TO AMEND ORDINANCE 2024-23 AS FOLLOWS:

- CALL FOR ADDITIONAL STUDY OF PARCEL 12-103-0119 PRIOR TO TAKING LEGISLATIVE ACTION TO DESIGNATE THE ENTIRE PARCEL AS COMMERCIAL ON THE GENERAL PLAN MAP; AND
- DESIGNATE ALL OF PARCEL 12-103-0127 AS COMMERCIAL.

AND TO ADOPT THE ORDINANCE AS AMENDED. COUNCILMEMBER CARVER SECONDED THE MOTION; VOTING 'AYE': COUNCILMEMBERS CARVER, CRAGUN, AND SAVAGE. VOTING 'NAY': COUNCILMEMBERS ROBERTSON AND WATSON.

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.

A staff memo from the City Attorney explained 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.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT 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. COUNCILMEMBER WATSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Proposed Ordinance 2024-27 amending Syracuse Municipal Code Section 5.30 pertaining to door-to-door solicitation.

A staff memo from the City Attorney explained Syracuse Municipal Code Title Five, Chapter 30 governs door-to-door solicitation. The chapter contains obsolete provisions and provisions that can be more clearly expressed and also does not currently allow for civil citations or civil penalties or for 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 for violations of the door-to-door solicitation regulations.

COUNCILMEMBER WATSON MADE A MOTION TO ADOPT ORDINANCE 2024-27 AMENDING SYRACUSE CITY CODE SECTION 5.30 PERTAINING TO DOOR-TO-DOOR SOLICITATION. COUNCILMEMBER ROBERTSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9. Proposed Ordinance 2024-25 amending Chapter 3.30 of Syracuse Municipal Code regarding access to the Syracuse City 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.]

COUNCILMEMBER CARVER MADE A MOTION TO ADOPT ORDINANCE 2024-25 AMENDING CHAPTER 3.30 OF SYRACUSE MUNICIPAL CODE REGARDING ACCESS TO THE SYRACUSE CITY EMPLOYEE APPEALS BOARD. COUNCILMEMBER ROBERTSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

10. Purchasing Policy amendments:

- 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

A staff memo from the City Attorney explained 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.

COUNCILMEMBER WATSON MADE A MOTION TO ADOPT 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 AND PROPOSED RESOLUTION R24-30 AMENDING SYRACUSE CITY PURCHASING POLICY RELATIVE TO COMPETITIVE BIDDING REQUIREMENTS FOR PROFESSIONAL SERVICES. COUNCILMEMBER CRAGUN SECONDED THE MOTION; ALL VOTED IN FAVOR.

11. Public comments

There were no public comments.

The Mayor recessed the meeting at 6:29 p.m. to convene the Redevelopment Agency special business meeting. The meeting reconvened at 6:40 p.m.

12. Mayor/Council announcements.

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The Council and Mayor provided announcements about recent and upcoming community events, and other opportunities for public involvement. Mayor Maughan also invited Assistant Police Chief, Austin Andreson, to provide the Council with a report of his recent attendance at the National Federal Bureau of Investigation (FBI) Academy.

COUNCILMEMBER CARVER MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION ALL VOTED IN FAVOR TO ADJOURN.

The meeting adjourned at 6:52 p.m.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: November 12, 2024