

Minutes of the regular meeting of the Syracuse City Council held on November 10, 2020 at 6:00 p.m., held virtually via Zoom, meeting ID 868 0755 5000, 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. Pursuant to written determination by the Mayor finding that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present due to infections and potentially dangerous nature of Infectious Disease COVID-19 Novel Coronavirus.

Present: Councilmembers: Lisa W. Bingham
Corinne N. Bolduc
Dave Maughan
Jordan Savage
W. Seth Teague

Mayor Mike Gailey
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:

Administrative Services Director Steve Marshall
City Attorney Paul Roberts
Police Chief Garret Atkin
Fire Chief Aaron Byington
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 Gailey 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 Teague provided an invocation and Councilmember Savage led the audience in the Pledge of Allegiance.

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

2. Public comment:

Mayor Gailey stated that tonight's meeting agenda provided instructions for residents to email their public comments to City Recorder Brown by 5:00 p.m. tonight in order for them to be read into the record of the meeting. He indicated no written public comments were submitted to Ms. Brown prior to the deadline.

Mayor Gailey then invited Zoom participants to provide public comments. There were no public comments.

3. Accept public input regarding Ordinance 2020-24 adopted October 27, 2020, amending the zoning from R-1 residential to R-3 residential for property located at 2889 S. 3000 W.

Susan Booth, 2853 S. 3000 W., stated she lives next door to the subject property, and she is concerned about the number of homes to be constructed there; she is concerned about how the project will impact her animal keeping rights for her property. She butchers animals in the fall and worries that could present a problem for new residents. She would like for the City to consider zoning regulations to offer protections for her and her neighbors who currently conduct agricultural activities on their property. She indicated she is unsure why the R-3 zoning designation was allowed in this area, but going forward she would like for the development plan to be amended to include a road adjacent to her property or stubbed into her property to allow for future development purposes when she is no longer living on the property.

Keith Bourgeois stated that this past week he met some of his neighbors living in one of the most recent developments in the City and they are great people. Also, a few weeks ago he took his tractor to his neighbor's house to help him clean out his corral. This generated dust and odors as cow manure was being moved; cow manure contains e-coli and salmonella bacteria, both of which are human health risks. Two weeks ago, the Council voted to allow a development that will place homes within 30 to 40 feet of the corral where the cow manure was located. He does not think the Planning Commission can fix that problem with a change to City ordinances regarding animal keeping. It is his understanding the Council has legislative authority to protect the health and safety of the residents and solve this kind of problem rather than creating it. He stated that before this becomes a bigger problem, the Council should reconsider the vote they took on this zoning ordinance; the Council has the authority to guide this matter to a solution that works for everyone. He then noted that a year ago he took it upon himself to visit his neighbors living in unincorporated Davis County to talk to them about the benefits of annexing their property into the City in a joint action with other property owners; he visited with Planning staff about the process for doing so. The landowners in the area have received this idea well, though one of them raised the value of their property by \$1 million. Since that time, he has looked for investors for the area, but the City enacted a new General Plan that assigns the R-3 zoning to the property; in this Plan, R-3 is defined as low density. This is poison to an agricultural neighborhood. Additionally, the General Plan map includes a medium density overlay for the area, though that land use does not match any existing use in the area. The property

owners in this area have not been asked to be rezoned and, therefore, the request for the R-3 zoning does not meet the City's defined approval standards. He can see from City engineering documents that the City has been setting the stage for this R-3 spot zoning for some time. This puts him in a tough position, and he wondered if he will need to go back to his neighbors and tell him he was wrong to encourage them to annex into Syracuse City. He stated he knows the Council is passionate about development in the City, but he asked that they not let that detract from their real responsibility to take care of the health, welfare, and property rights of existing residents. He stated this type of action will result in a loss of trust that is needed for the Council to govern the City.

Amy Epps, 2933 S. 3000 W., stated she and her husband are asking that the Council not approve the minutes of the October 27 business meeting. During the October 13 business meeting, the applicant, Keith Russell, asked when his application would be discussed again as it was being tabled; Mayor Gailey responded that the earliest the discussion would take place was November 10. However, the application was placed on a business meeting agenda for October 27 for discussion and action. She feels as though there was some deceit in regard to scheduling that meeting as Mr. Russell was notified of the meeting, but adjoining property owners were not. She hoped that the Council will allow residents to have a voice in the matter as they are personally impacted by the zone change. She stated she knows the City is working on ordinance amendments that could address the concerns that the residents have raised, but she is unsure they can address matters such as the location of cow feeding and watering troughs that are located near her property line. Those could eventually be located very close to a new home depending on where the new homes are built, and she is worried new residents will complain about nuisances. She stated that residents fought for a buffer around their properties when the Shoreline project was being considered, but that same buffer has not been taken into consideration for this project. The residents understand that development will happen, and they are comfortable with new neighbors moving in, but they desire for their animal keeping rights to be protected and this could be accomplished with an appropriate buffer. The zoning of a property should take into consideration the existing uses in adjacent areas. Additionally, if the project is allowed to proceed, she would also like a road similar to what was requested by Ms. Booth so that this project does not landlock her property and make it undevelopable in the future.

Stan Epps referenced approval standards for zone changes, the first of which is for a requested zone to be harmonious with existing uses in an area. That standard can not be met for this application and never will be met. That is the same reason that he and his neighbors fought against the Shoreline project and they were able to secure buffering between that project and existing homes. The City Council must take into consider the adverse impact that this project will have on existing property values and they have not done that. Building this many homes in a rural area will negatively impact the agricultural properties and reduce their values. He asked that this project be delayed until zoning rules can be addressed and standards can be met. Otherwise, the City is being unfair to the residents that live on 3000 West who have opposed the zone change. New residents will be complaining about the impacts of living next to an agricultural property with farm animals and that will place a burden on the City to respond and address the concerns. He asked that the Council reconsider this issue and protect property owners' rights. He would also like for the entire City to consider a referendum and consider whether they want Syracuse to become southern California with high density housing allowed everywhere. With no planning for the future, apartment complexes and multi-family housing can be built everywhere. People of Syracuse should be allowed to vote on that. The legacy of this current City Council will be high density housing throughout the City.

Bonnie Bourgeois referenced a written statement she sent to City Recorder Brown and asked that it be included in the record; she also briefly summarized the statement, which reads as follows:

"Dear Mayor, Council Members and Recorder Brown

I am disappointed in the ethics in choosing to do a "hurried up" and "secret" vote on the Toucan development project. During the city council meeting on October 13th, Mr. Russell specifically asked when the tabled item would be up for vote and Mayor Gailey responded the earliest would be November 10th.

I found out from my brother-in-law, Keith Bourgeois, that there a vote on the October 27th work session. This meeting is for **discussion** of items, **not voting**. Item number 5 on the Agenda for the October 27th meeting lists the Toucan development, but there is no indication on the agenda that the item would be voted on. According to state regulation 10-9a-302 (5a) applications can only receive "streamlined" review if the proposal is uncontested. From the council meeting on October 8th several residents spoke against the rezone. This should not have been allowed to be voted on during a "work session". Adjacent neighbors are also to be notified when there is a vote to take place and none of the neighbors were notified of a vote.

On the October 27th meeting, Keith Bourgeois attempted to join the Zoom many times for comment but was unable to access the Zoom and had to watch the meeting on YouTube.

Amy Epps visited with Cassie Brown and was told that the item would be rescheduled to the November 10th meeting date for a vote. As of Friday November 6th, it is only listed as public input. We did not pursue a referendum because we were informed that the item would be on the agenda for a revote. It is only listed as "public input". By such you have denied our right to have input in the original vote and then our right to file a referendum. You are cheating the rules in favor of the developer and ignoring citizens.

I am writing to appeal to you add this item back to the agenda for a vote and to change your vote. Do not approve the rezoning change from R1 to R3. It is not about lot size but about taking from surround neighbors. You are the elected

representatives for the city. Taking rights and privileges from current residents to allow a developer to make more money is unethical and a violation of the trust placed in the office you hold.

Keith Bourgeois has done extensive research and presented you with violations of the city codes and statutes this zoning change would cause. The general plan for the property on 3000 West should have never been overlaid with high density housing. It is agriculture land and should remain as such. The Shoreline development for which the overlay was changed, created a buffer zone adjacent to current residents. The overlay should have been removed when CW Lands changed their development. Mr. Russell's property should remain in the buffer zone created by CW Lands in the shoreline development. Do not keep bending and breaking the rules for developers. Respect the rights of the current citizens.

Quote: "What a country chooses to save is what a country chooses to say about itself." - Mollie Beattie.

What do you wish to say about Syracuse? What do you wish to say about the community? Please save the farms. Do not take from us the things we love and enjoy about where we live. Please say that you CHOOSE to save our lifestyle. Here is a picture of my grandson in my backyard with the cows



...and a picture our annual slaughter of cows in Susan Booth's backyard. You can see the proposed Tuscany development property shed across the fence.



I again appeal to you to preserve the R1 zoning, to preserve our lifestyle and allow large farm animals and agricultural use of the land. Mr. Russel has received several offers to purchase the land by surrounding neighboring families. The offers have been very generous and much higher than the current land value, but he ignores them."

Brent Bourgeois stated that as a teacher, one of the things he has been discussing with his students recently is the difference between a growth mindset and a fixed mindset. Students are taught to have a growth mindset so that they are willing to try again if they make mistakes. A fixed mindset is when someone makes a decision and holds to it even if they are proven wrong. He fears the City has a fixed mindset about growth; the City Council and Mayor need to consider this carefully and plan the rest of the City appropriately. The City is 'running over people' who have chosen a comfortable and quiet place to live and are now facing the concept of being encroached upon by high density housing. He cited the existing retirement community near the Smith's grocery store; the residents there will be dealing with high rise apartment buildings as their neighbor in the near future and a liquor store was recently built nearby. Now the City is focusing on lands to the west and allowing higher density development there as well. He asked when the City will stop having a fixed mindset about growth and truly think about what is best for the entire City in the long run.

Mayor Gailey then invited staff to respond to the concerns raised by the public. Community and Economic Development (CED) Director Steele reported that the City takes growth management and all development applications very seriously and his department strives to ensure that all actions are taken in an open and transparent way. He summarized the public process the City followed relative to the rezone application; it was heard and discussed at length by the Planning Commission and that body even held an additional meeting regarding the project due to a noticing error that was discovered. He then noted that the property owner could proceed with development of six lots at this time with no additional approval from the City; such a project would be compliant with the R-1 zoning designation, which requires minimum lot sizes of 12,000 square feet. The application to change the zoning would reduce lot sizes to 10,000 square feet and result in eight lots being created. He stated that the concerns raised by the public are valid and he understands their position, but noted that there are already 12,000 square foot lots very close to the subject property and the properties owned by those who have spoken tonight, so he does believe the application is harmonious with existing development. He added that the specific lot layout will be considered as the project moves forward through the subdivision plat process.

Councilmember Teague asked if there are still opportunities to adjust the subdivision plan to respond to some of the requests made by the residents tonight; specifically, Ms. Epps and Ms. Booth asked that the roads to be reconfigured in a way that would not impede future potential development opportunities for their properties. Mr. Steele stated presented the concept plan and stated that the road configuration can be adjusted as the subdivision plat moves through the City's development process. He stated that he has not thoroughly analyzed the Epps and Booth properties to determine if they have proper frontage to allow for future subdivision.

Councilmember Bolduc asked for assurance that all meetings during which this application was discussed and acted upon were legally noticed. Mr. Steele stated that is correct and reiterated that the application was discussed at an extra Planning Commission meeting to correct an error in the notice that was mailed to adjacent property owners; the notice cited an address on 2000 West rather than 3000 West. Councilmember Bolduc asked if the application meets the standards defined in the City's land use ordinance in order for it to be approved. Mr. Steele stated that zoning is a legislative decision and the approval standards are not hard and fast; however, the ordinance indicates the application should be harmonious with the overall character of existing development in the vicinity of the subject property, be consistent with any applicable overlay zone (there is no overlay zone in this case), will not adversely impact adjacent property, and has adequate facilities and services to serve the subject property. He stated he feels the approval standards have been properly analyzed and vetted by the Commission and the City Council. Councilmember Bolduc then referenced the comments made by the public regarding any agreement that was reached between the citizens and the developer of the Shoreline project to ensure larger lots and buffering near agricultural properties; she noted that the City was not party to that agreement and it is not binding upon future projects. Mr. Steele stated that is correct; he presented the Shoreline Subdivision plat to illustrate the buffering between that project and larger agricultural properties and noted that project was developed by another party and any agreements regarding that project are not binding on Mr. Russell. Councilmember Bolduc inquired as to the status of developing an ordinance that will protect the animal keeping rights of those that spoke tonight. Mr. Steele stated that a draft ordinance has been written and presented to the Planning Commission for their consideration and providing a recommendation to the City Council. He added that the property owners cannot be required to adjust their existing agricultural buildings or animal pens simply because a new home is built nearby; new building standards and setbacks will only apply to future buildings that may be built on the agricultural properties. This led to a brief review of the current setbacks for animal buildings, corrals, and pens as well as larger agricultural buildings – such as barns. Mr. Steele added that Mr. Russell has agreed to employ R-1 setbacks and R-2 densities within a R-3 zoned project. Councilmember Bolduc stated that is the reason that she voted to support the project during the October 27 meeting; she was satisfied by the applicant's efforts to provide larger lots adjacent to the agricultural properties, the owners of which the Council has heard from tonight.

Councilmember Maughan stated that he voted in opposition to the project because of the precedent that the action could set for the area; if other property owners see that the R-3 zone has been granted for this property, they may believe they are entitled to the same zoning, which could increase the density in a fashion that is different for the subject property. He stated he does not believe anyone will remember that a development agreement was executed for this property that imposed different lot standards than those allowed under the R-3 zoning designation. Councilmember Savage stated he agrees with those points and stated it may be appropriate to open the General Plan and amend the Map to designate the area for lower density zones. Mr. Steele stated that on November 17 the Planning Commission will be considering a text amendment to that end; the Council

will have the opportunity to vote upon that issue at a later date. Councilmember Maughan stated that means that the City is one-week shy of addressing the real issue and it may be appropriate to wait to affirm the action taken on this application. Councilmember Bolduc stated that is an oversimplification; the Planning Commission will be having their first discussion about that issue on November 17, but it could be until after the first of the new year that the Council has heard their recommendation, which would delay this project significantly.

City Attorney Roberts then affirmed that the process to consider this rezone application has been legal and open and the Council is not obligated to reconsider the vote taken on October 27, 2020.

4. Approval of minutes.

The following minutes were reviewed by the City Council: Business Meeting of October 13, 2020, and Work Session and Special Business Meetings of October 27, 2020. Councilmember Bingham stated that it appears there is an error in the minutes for the October 27, 2020 business meeting; the description of Ordinance 2020-24 amending the zoning from R-1 residential to R-3 residential for property located at 2889 S. 3000 W. is incorrect. The actual agenda title and motion are correct, but the project description is for another R-3 application the City considered during the same meeting.

Mayor Gailey asked if the Council would like to reconsider the action taken on October 27 in regard to Ordinance 2020-24. Councilmember Maughan indicated he cannot make a motion to reconsider given that he did not vote with the majority. Councilmember Savage wondered if reconsideration is appropriate to provide additional time to change the General Plan to assign the R-2 zoning designation to the property. Councilmember Bingham inquired as to the hard and soft costs associated with delaying approval of the zone change until the General Plan can be amended. She stated she is not sure a delay is appropriate when the applicant has agreed to enter into a development agreement that would impose R-1 and R-2 development standards on the project even though it will carry the R-3 zoning designation. Mr. Steele stated that the application cost incurred by the applicant to pursue the General Plan change would be \$600. City Manager Bovero stated that the City could initiate the General Plan amendment and waive that fee. Mr. Steele presented the General Plan Map, which is meant to be a guiding document. The zoning must match the General Plan designation. Councilmember Bolduc stated that the General Plan designation for the property is low density, which includes the R-3 zoning designation. Mr. Steele stated that is correct, but the item being considered is whether to specifically assign the R-2 designation to the property on the General Plan Map. Councilmember Savage stated that if the end result will be the same, he is unsure it is necessary to reconsider the action taken on October 27. He is not opposed to what the applicant is proposing, but he is concerned about the confusion that has been created through this process. Mr. Roberts noted that an additional option available to the Council is to uphold the adoption of Ordinance 2020-24 amending the zoning for the subject property and then initiate a zone change to shift the zoning to R-2 after the General Plan Map has been amended. He recommended the Council uphold the vote taken on October 27 if they truly are comfortable with the project and development agreement that the applicant has indicated he will agree to. Councilmember Savage stated that addresses his concerns. Councilmember Teague added he is comfortable with that suggestion and indicated he planned to vote to uphold the decision made on October 27, 2020.

COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS AMENDED. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

5a. Common consent: Authorize Administration to execute Second Amendment to Annexation and Development Agreement for property located at 700 S. 4000 W. and 1200 S. 4000 W., Criddle Farms Subdivision.

A staff memo from the Community and Economic Development (CED) Department explained the landscape plan for Criddle Farms was forced to be changed because the trees proposed in the plans were in conflict with an underground canal. The canal company objected to the trees being planted over the facility. An updated landscaping plan has been provided and some minimal verbiage of the document has been adjusted to reflect the change.

COUNCILMEMBER TEAGUE MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE SECOND AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 700 S. 4000 W. AND 1200 S. 4000 W. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

5b. Common consent: Authorize Administration to execute agreement with Weber Basin Water Conservancy for the sale and use of district three untreated water.

A staff memo from the Public Works Director explained City Code 8.10.090(H) provides an option for a developer to provide a fee in lieu of dedicating water shares for secondary water. The fee is equal to 12 years of assessments for the water acquired by the city from Weber Basin Water. This amount is approximately equal to the current market rate of each water share. The City has received payment for District 3 water prices to serve Stillwater 7 and 8. This is for 33.1-acre feet of secondary water. A contract with Weber Basin is required before a purchase of that water can be made. Contracts must be approved in the December Board meeting before it can be used for the following irrigation season. The memo concluded staff recommends the Council consider adding secondary water to the City's system to accommodate growth. In doing so, a contract

with Weber Basin for District Three water is necessary to receive the water. If the Council chooses to approve a contract, then it must go to the Weber Basin Water Board on December 3rd for consideration before the water can be made available during the 2021 irrigation season.

COUNCILMEMBER TEAGUE MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENT WITH WEBER BASIN WATER CONSERVANCY FOR THE SALE AND USE OF DISTRICT THREE UNTREATED WATER. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

5c. Proposed Ordinance 2020-27 amendment to Zoning Map from agricultural A-1 to residential R-3, 60 acres located at approximately 2400 West 3700 South.

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

Location:	2400 W. 3700 S.
Current General Plan:	Low Density Residential
Current Zoning:	A-1 (Agriculture Residential at 0.5 Units per Acre)
Proposed Zoning:	R-3 (Single-Family Residential at Four Units per Acre)
Acreage:	60 acres

The applicant is requesting approval of a rezone of approximately 60 acres of property from A-1 to R-3 to develop single-family units. Assuming the entirety of the ground is developable, the current zoning would allow for 30 units and the proposed zoning would allow for 240. Currently The Fields and Still Water projects to the east and west have stopped development somewhere around the midpoint of their properties when viewed from north to south due to sewer-fall restrictions. SCC 4.45.020 states that the City will not accept sewer lift stations which leaves the creation and maintenance of such stations to landowners within a special assessment district established for station maintenance. This has limited development to areas served by gravity-fed sewer. As a result, properties in this area have only partly developed with large areas being dedicated to the City. That is the intent in this case if the entire property is not sewer serviceable. The applicant understands this and still wishes to proceed with the application as included in this report. The properties are located in the Low-Density Residential General Plan designation which supports the R-3 Zone. The minimum lot size of 8,000 square feet in the R-3 Zone will be the largest consistent lot size in the area with lots in The Fields in the 7,000 square foot range and lots in Still Water ranging from 3,500 square feet to approximately 10,000 square feet. Development of this property will facilitate the connection of 2400 West from its current termination to 3700 South. This will connect with the Still Water development and provide western access to the City-owned regional park property on the northwest corner of 2000 West and 3700 South. Development will also allow for exaction of a trail segment along 3700 South according to the Syracuse City Trails Master Plan. A map has been included in this report along with the application showing the reasoning for the request. Because this is a legislative decision, no staff recommendation will be included. Planning Commission reviewed the item on October 20, 2020 and is forwarding a unanimous recommendation for approval following a public hearing. During the hearing, no public comment was provided.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT ORDINANCE 2020-27 AMENDING THE ZONING MAP FROM AGRICULTURAL A-1 TO RESIDENTIAL R-3 FOR 60 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2400 WEST 3700 SOUTH. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE.

6. Recognition of Community and Economic Development (CED) Department for graduating the Economic Development Corporation of Utah (EDCUtah) "Development Ready Communities Program".

A staff memo from the City Manager explained On October 23, 2020 Syracuse City was part of the first class to be awarded the certificate of completion of the EDCUtah Development Ready Communities Program (DRC). The City was one of 8 communities in the state to receive the certification. The DRC is a 5-stage program designed to better prepare communities to attract and grow competitive companies and foster the expansion of local businesses. The stages include market and demographic research, a SWOT analysis of the City's economic strengths and weaknesses, and training on attracting and hosting companies for onsite visits. The program also helps develop relationships in the economic development community. Achievement of this certification is primarily due to the efforts of CED Director Noah Steele, who manages the economic development efforts of the City. His efforts have given us a grounded, practical understanding of the City's potential of economic develop based on data-driven research.

Mr. Bovero reviewed his staff memo and presented a press release from EDCUtah regarding the program's first graduation class. He recognized Mr. Steele for his efforts and leadership of his Department. Several Councilmembers expressed their gratitude to Mr. Steele as well and indicated they are proud of the work he has performed and his participation in this program.

7. Discussion and/or action of Interlocal Agreement with Wasatch Integrated Waste Management District for use of CARES Act Funds.

A staff memo from the City Manager explained at the July City Council work session, the Council reached consensus on a plan that outlines the City's utilization of the \$2.7 million of CARES Act funds that it is scheduled to receive. Since that time, the Council has amended it from time to time in order to address new issues. Wasatch Integrated Waste Management District (WIWMD) has reached out to the cities and county in Davis County to assist with COVID-19 related expenses incurred. As a special service district, Wasatch Integrated does not receive CARES Act funding directly. The main focus of the expenses was to combat COVID-19 by protecting their employees and the public and providing means to accomplish their work with lower risk of infection.

Terms of Interlocal Agreement

Major terms of the agreement include:

- The City will remit \$6,376.03 to Wasatch Integrated for qualified expenses under the CARES Act.
- If any Wasatch Integrated expenses are deemed to be non-qualified for CARES Act spending, the City will reimburse the State or Federal government, and Wasatch Integrated will reimburse the City for those expenses.
- If Wasatch Integrated desires further assistance, the agreement allows them to submit a request, which will be reviewed and voted on by the City Council for approval or denial.

Current Plan for CARES Act Funding

The following is the City's plan for utilization of CARES Act Funding:

Phase I: \$900,000

1. \$450,000 Davis County business assistance program.
2. \$120,000 Business grant program (non-county recipients).
3. \$179,800 Continued assistance for businesses impacted by COVID-19.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$80,000 Hazard pay for public safety.

Phase II: \$900,000

1. \$140,000 Technology improvements for teleworking functions.
2. \$73,261 Reserved for supplies, PPE, and other preventative measures for City staff and customers.
3. \$1,739 Mosquito Abatement District COVID-19-related expenses
4. \$174,800 Improvements to 10 City conference rooms, including Council Chambers to provide functional virtual meetings and trainings.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$250,000 RDA loan forgiveness.
6. \$65,000 Reserved for potential "full disinfectant" of City buildings.
7. \$125,000 Firefighter/AEMT COVID prevention equipment

Phase III: \$900,000

1. \$ 150,000 Improve CED and administrative transactional processes to better serve public electronically.
2. \$ 100,000 Hazard pay for public safety.
3. \$ 650,000 Reserve for contingency or return to US Treasury.

Possible Amended Plan for CARES Act Funding

If the Council agrees with the Wasatch Integrated proposal, one possible amendment could be as follows:

Phase I: \$900,000

1. \$450,000 Davis County business assistance program.
2. \$120,000 Business grant program (non-county recipients).
3. \$179,800 Continued assistance for businesses impacted by COVID-19.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$80,000 Hazard pay for public safety.

Phase II: \$900,000

1. \$140,000 Technology improvements for teleworking functions.
2. \$73,261 Reserved for supplies, PPE, and other preventative measures for City staff and customers.
3. \$1,739 Mosquito Abatement District COVID-19-related expenses
4. \$174,800 Improvements to 10 City conference rooms, including Council Chambers to provide functional virtual meetings and trainings.
5. \$70,200 Davis Education Foundation Child Care Assistance Program
6. \$250,000 RDA loan forgiveness.
7. \$65,000 Reserved for potential "full disinfectant" of City buildings.
8. \$125,000 Firefighter/AEMT COVID prevention equipment

Phase III: \$900,000

1. \$ 150,000 Improve CED and administrative transactional processes to better serve public electronically.
2. \$ 100,000 Hazard pay for public safety.
3. **\$6,376 Wasatch Integrated Waste Management District COVID-19-related expenses.**

3. \$ 643,624 Reserve for contingency or return to US Treasury.

Mr. Bovero reviewed his staff memo and added that as the deadline for spending CARES Act funding approaches and the City has a greater understanding of outstanding expenses to be covered with the funding, Administration feels that it is possible to shift some of the resources to businesses in the community that are still struggling. If the Council is comfortable dedicating the remaining CARES Act reserve to business grants, that would be his recommendation.

The Council then discussed the request specific to the WIWMD. They expressed concern about the purchase of new and costly televisions, computer monitors that appear to be made available to employees for personal use, and cell-phone chargers for vehicles. They asked that Administration reach out to WIWMD for additional information about those purchases and the reasons they qualify for CARES Act funding and report back to the Council at the next business meeting for consideration and/or action.

Councilmember Maughan then stated that he is not opposed to allocating CARES Act reserve funds for business grants, but he is concerned that action was not noticed separate from the proposed WIWMD agreement. Mr. Bovero stated that he can formulate a recommendation to adjust the budget allocation for CARES Act funds to provide additional resources to businesses.

COUNCILMEMBER BOLDUC MADE A MOTION TO TABLE ACTION ON INTERLOCAL AGREEMENT WITH WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT FOR USE OF CARES ACT FUNDS. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE.

8. Public hearing: Declare various parcels of real property located near the preferred alignment of the West Davis Corridor project as surplus property; and

Proposed Resolution R20-36 authorizing the transfer of property to the United States Bureau of Reclamation; and
Proposed Resolution R20-37 authorizing the sale, trade, or acquisition of various parcels with the Utah Department of Transportation.

A staff memo from the Community and Economic Development (CED) Department explained The West Davis Corridor (WDC) alignment will cross over city owned right of ways. Namely, portions of St. Andrews Drive, (1300 S Street), Gleneagles Drive (3050 W Street), 700 S., and Tryall Drive (1350 S.) The total combined acreage is .538 acres. The land is proposed to be deeded to the Bureau of Reclamation, which is listed on the parcel ID as 'United States of America'. The Bureau owns the land where the Layton Canal runs and has been a significant stakeholder in the design of the freeway as the infrastructure carries large volumes of water and is not desirable to have roadways over the pipeline. The transfer of ownership will not discontinue access to the subdivisions or access and ownership of the city utilities within the right of way. The roads and pipeline will be redesigned slightly to continue service under and or around the new freeway. The deeding of the aforementioned right of way will facilitate these redesigned adjustments to the pipeline. The value of the land in question is insignificant because it is encumbered as roads and is not buildable. The memo concluded the Planning Commission reviewed this item during their November 3, 2020 meeting and forwarded a positive recommendation to the City Council.

An additional staff memo from the City Manager explained West Davis is a new 19-mile, 4-lane divided highway project currently planned to be constructed in western Davis County. The first phase of construction will connect to Interstate-15 and Legacy Parkway at approximately Glovers Lane in Farmington, extending west and north, terminating at 4500 West and the future extension of State Road 193 in West Point. In future phasing, the highway is planned to extend to 1800 North in West Point. Long range plans show it extending further into West Haven and Hooper, ultimately connecting back to I-15, however there is currently no funding or environmental process planned for this extension. By 2040, the number of homes in western Davis and Weber counties will increase by 65 percent. This growth is expected to increase travel delays in this area by 62%, even with all other planned projects. West Davis will help address the growing population and meet future transportation needs. The current project budget is an estimated \$800 million. The project is currently in pre-design and engineering. Construction is anticipated to begin Spring 2021. As part of the project, several properties owned by Syracuse City were needed by the Utah Department of Transportation (UDOT) to build the highway. Additionally, a few properties owned by UDOT were needed for future roadway, utility, and economic development projects planned by the City. In order to facilitate the objectives of both entities, this land trade agreement was created. The following outline generally describes the terms of the agreement:

- Properties Traded: The table below shows the properties being traded:

UDOT-Syracuse Trade Parcel Summary				
		10/30/2020		
<i>Parcels from Syracuse to UDOT</i>				
Tax ID	UDOT Parcel #	Address	Acreage	UDOT Appraisal
121110108,9	130	3800 S 550 W	5.025	\$ 161,300
127170002	127	1953 S 3000 W	15.971	\$ 245,900
120910091	128	1775 S Bluff	2.795	\$ 207,000
120910096	129	2819 W 1700 S	1.557	\$ 118,700
120490112	607	2800 W 1700 S	0.05	\$ 5,100
120470243	651	849 St. Andrews	0.72	\$ 70,400
125520230	131	2225 S Fremont Crest	6.97	\$ 713,300
		Total	33.088	\$ 1,521,700
		4f Property Credit	4.90	\$ 75,400
		Adjusted Total:		\$ 1,446,300
<i>Parcels from UDOT to Syracuse</i>				
Tax ID	UDOT Parcel #	Address	Acreage	UDOT Appraisal
12049059,111,112		Antelope/3000 W	8.29	\$ 2,115,000
121110113	486	Future Bluff Rd	1.46	\$ 30,661
		Total Surplus	9.75	\$ 2,145,661
		Difference		\$ (699,361)

- Net Amount Due: The City will pay UDOT \$699,361 at closing.
- Occupancy of Lands: Upon the effective date of the agreement, UDOT will have the right to occupy Syracuse Properties and begin construction. The City, however, will not be able to occupy the UDOT lands until the completion of the WDC, which is estimated to be December of 2024.
- First Right of Refusal: The City has first right of refusal if the land being acquired by UDOT is placed on surplus in the future.
- Future Trade Parcels: The City and UDOT have identified land located near the Bluff Road/2700 S roundabout as a future purchase of UDOT land by the City for the purposes of secondary water storage. If by trade, the land to be traded to UDOT is the current Bluff Pond property.

The memo concluded the action to be taken is a vote on whether to authorize the Administration to enter into this land trade agreement with UDOT.

Mr. Bovero reviewed his staff memo and presented maps identify the location of the properties to be traded to and from UDOT.

Mr. Steele reviewed his staff memo and presented maps to identify the properties subject to the land transfer with Bureau of Reclamation.

Councilmember Maughan asked why it is necessary to issue warranty deeds for the properties as opposed to providing a utility right of way for the Bureau of Reclamation properties. Mr. Steele stated that the Bureau has been a key stakeholder in the entire WDC project process, and they are particular about ownership of properties that their pipeline runs through. They have specifically requested this action to ensure ownership of the land their pipe sits on. Councilmember Maughan stated that he is only concerned about the potential for the Bureau to take action that would render the road unusable or no longer accessible. City Attorney Roberts stated that once a right-of-way has been established, the City cannot give away the public's right to access it; the Bureau has indicated they must have a warranty deed to the property in order to proceed with their participation on the WDC project.

Mayor Gailey opened the public hearing at 7:50 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER MAUGHAN MADE A MOTION TO DECLARE VARIOUS PARCELS OF REAL PROPERTY LOCATED NEAR THE PREFERRED ALIGNMENT OF THE WEST DAVIS CORRIDOR PROJECT AS SURPLUS PROPERTY. COUNCILMEMBER SAVAGE SECONDED THE MOTION. ALL VOTED AYE.

COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT RESOLUTION R20-36 AUTHORIZING THE TRANSFER OF PROPERTY TO THE UNITED STATES BUREAU OF RECLAMATION. COUNCILMEMBER TEAGUE SECONDED THE MOTION. ALL VOTED AYE.

COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT RESOLUTION R20-37 AUTHORIZING THE SALE, TRADE, OR ACQUISITION OF VARIOUS PARCELS WITH THE UTAH DEPARTMENT OF TRANSPORTATION. COUNCILMEMBER SAVAGE SECONDED THE MOTION. ALL VOTED AYE.

9. Public hearing: declare a parcel of real property located at 1830 S. 3000 W. as surplus property and consideration of Real Estate Purchase Agreement with Syracuse Arts Academy, LLC.

A staff memo from the City Manager explained the West Davis Highway project has impacted both City and Syracuse Arts Academy (SAA) properties due to a planned interchange at Antelope Drive near Bluff Road. Because of this, the Utah Department of Transportation (UDOT) will need to provide new traffic circulation patterns at the school and will require portions of adjacent City-owned land to accomplish it. At the same time, UDOT land has become available that would be helpful in meeting the City's economic development objectives. The City-owned land on 3000 West, just east of the fire station, is both desired by SAA for its expansion plans, and will be impacted by UDOT's highway project. By selling this land to SAA, the proceeds can be used to purchase UDOT land that is more advantageous to the City. The Planning Commission reviewed the proposed surplus action and voted unanimously to forward a positive recommendation to the Council. The following outline generally describes the terms of the agreement:

- **Purchase Price:** The property will be sold at the appraised value of \$4.50/sf
- **Deposit:** SAA will post a \$25,000 deposit within 3 days of the effective date of the agreement.
- **Park & Trail Access Guaranteed:** SAA will ensure that the public will have access to Fremont Park and the Syracuse Trail.
- **Future Consideration of Shared Parking:** The City and SAA agree to work together to provide shared parking arrangements for activities at Fremont Park and on SAA campus.
- **45 Day Due Diligence Period:** SAA has 45 days after effective date to conduct investigations and due diligence on the property prior to closing.
- **Possession:** SAA is granted possession of the property at closing.

The memo concluded the action to be taken is a vote on whether to authorize the Administration to enter into a sales agreement to sell the properties outlined in the attached agreement.

Mr. Bovero reviewed the staff memo.

Councilmember Maughan spoke to the benefit that this land trade will create for the entire community; the SAA has committed to maintain the property as open/green space that may be jointly used by the school and the general public.

Mayor Gailey opened the public hearing at 8:01 p.m.

Dale Pfister, Principal of Syracuse Arts Academy, thanked the Council for their consideration of this opportunity; the Board of the school is very supportive of this transaction and they look forward to taking ownership of the property.

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

The Council briefly discussed future plans for the property and expressed their gratitude to SAA for their willingness to preserve the property as publicly accessible open space.

Councilmember Bolduc asked for a brief explanation of the trail reconfiguration associated with the WDC project and the interchange at Antelope Drive. Mr. Bovero presented an aerial map to identify the location of the trail and current connectivity across Antelope Drive; the majority of the trail will be constructed on the east side of the West Davis Corridor (WDC) with bridges across the canal to provide connectivity to the school property and the existing tunnel under Antelope Drive.

COUNCILMEMBER MAUGHAN MOVED TO DECLARE A PARCEL OF REAL PROPERTY LOCATED AT 1830 S. 3000 W. AS SURPLUS PROPERTY AND AUTHORIZE EXECUTION OF REAL ESTATE PURCHASE AGREEMENT WITH SYRACUSE ARTS ACADEMY, LLC. COUNCILMEMBER SAVAGE SECONDED THE MOTION, ALL VOTED AYE.

10. Public hearing: declare a parcel of real property located at 1200 S. 1000 W. as surplus property.

A staff memo from the Community and Economic Development (CED) Department explained the City owns approximately 20 acres of land that was originally purchased for a future cemetery expansion. Clearfield City objected to having Syracuse's cemetery, at least 20 acres of it anyway. The two cities reached a compromise, leaving 12 acres open for future development and only about eight acres for future cemetery. The municipal boundaries were adjusted so that the eight acres are within Syracuse and the 12 acres remain in Clearfield. Now that the annexation is complete, and it is understood that the 12 acres is not needed for cemetery expansion, the City desires to sell the land. It is anticipated that a home builder will purchase the property. Ordinance 3.10.080 requires that Planning Commission review the purchasing, sale, lease, or trade of any city owned land or street. Also, sale of any 'significant' parcel must follow the City's surplus property policy. Planning Commission is recommending approval of the land surplus with a vote of six to one. One Commissioner felt that it would be prudent to hold onto the land for future cemetery expansion even beyond what the eight acres will provide.

Mr. Steele reviewed the staff memo.

Mayor Gailey opened the public hearing at 8:09 p.m. There were no persons appearing to be heard and the public hearing was closed.

Councilmember Teague stated he is supportive of this action based on the history of discussions with Clearfield City regarding the potential to sell the property for residential development.

COUNCILMEMBER MAUGHAN MOVED TO DECLARE A PARCEL OF REAL PROPERTY LOCATED AT 1200 S. 1000 W. AS SURPLUS PROPERTY. COUNCILMEMBER BOLDUC SECONDED THE MOTION, ALL VOTED AYE.

11. Public hearing: declare a parcel of real property located at 2068 W. 1700 S. as surplus property.

A staff memo from the Community and Economic Development (CED) Department explained the City owns approximately .8 acres of land that was purchased by the RDA to spur economic development in the city center. There has been development interest in the property and the city feels it may be time to prepare for a potential sale of the property. First step to prepare the property to be sold is to officially surplus the property. Next, an appraisal would be completed, and third an open bid process would be followed. Ordinance 3.10.080 requires that Planning Commission review the purchasing, sale, lease, or trade of any city owned land or street. Also, sale of any 'significant' parcel must follow the city's surplus property policy. The Planning Commission is forwarding a unanimous recommendation for approval.

Mr. Steele reviewed the staff memo.

Mayor Gailey opened the public hearing at 8:11 p.m. There were no persons appearing to be heard and the public hearing was closed.

Councilmember Bingham stated that she is glad to hear there is interest in the property as the City has long intended to sell the property for meaningful development. Councilmember Savage agreed and added a request that City Administration consider opportunities for the Redevelopment Agency (RDA) to pursue modifications to the parking areas for the businesses in the town center. Councilmember Maughan echoed that request, after which Mr. Steele indicated that the Council will have the opportunity to review future development plans for the site and discuss potential modifications to the surrounding parking areas.

COUNCILMEMBER MAUGHAN MOVED TO DECLARE A PARCEL OF REAL PROPERTY LOCATED AT 1200 S. 1000 W. AS SURPLUS PROPERTY. COUNCILMEMBER TEAGUE SECONDED THE MOTION, ALL VOTED AYE.

12. Proposed Ordinance 2020-28 amending Sections 10.85.020 and 10.85.030 of the Syracuse City Code pertaining to day care, preschool, and dwelling uses in the Professional Office Zone.

A staff memo from the Community and Economic Development (CED) Department explained Applicant Vanessa McNeill would like to run a daycare and simultaneously live at the home located at 1384 W 1700 S. However, the current zoning (P.O.) does not allow dwellings or daycares. The home was somewhat recently changed from residential zoning to P.O. in order to run a commercial business at the location. The business relocated shortly after, leaving the home vacant and with more limited allowed uses in the newly appointed zoning designation. One potential solution would be to add both dwellings and daycare centers to the list of permitted uses. The applicant is proposing this solution because it is the least costly and quickest option to accomplish her goal. Being located on a busy arterial road, the home most likely will attract another 100 % commercial tenant but having some flexibility may assist in leasing the space. Also, as with every text amendment, this will affect all P.O. zoned areas not just the subject property. See attached for a potential wording for the text amendment. The Planning Commission reviewed the item on October 20, 2020 and is forwarding a unanimous recommendation for approval following a public hearing. During the hearing, no public comment was received.

Mr. Steele reviewed his staff memo and identified the location of properties that are currently zoned for professional office use to give the Council an understanding of the areas that could be impacted by this ordinance amendment.

The Council briefly debated whether to designate daycares, preschools, and dwelling uses as major or minor conditional uses in the professional office zone. Councilmember Teague stated he is not convinced that an application for a daycare, preschool, or dwelling in the professional office rises to the level of needing additional scrutiny via an advertised public hearing. Councilmember Maughan disagreed and indicated that property owners should have the opportunity to weigh in on whether their neighbor qualifies for a major land use change on their property. Councilmember Savage agreed and stated that he does not feel that dwelling units are the highest and best use of a building in the professional office zone.

Councilmember Bingham stated that Mayor Gailey owns a professional office and she asked for his opinion regarding the proposed ordinance amendments and whether allowing a dwelling unit in the professional office zone is appropriate. Mayor Gailey stated that several years ago he purchased a home in a commercial zone; he ran his dental practice in the main level of the home and lived in the basement. This use served a great purpose for his family and the same may be true for the person that initiated this text amendment. He added that he suspects the neighborhood in which the applicant's home is located will likely be changing over the coming years and he is not too concerned about designating the dwelling units as a minor conditional use.

Councilmember Savage stated that his concern is this text amendment is the first step in converting the professional office zone to a mixed-use zone. Councilmember Maughan agreed and stated he wants to impose an additional step in the process for someone seeking permission to have a dwelling unit in the professional office zone; if the use is designated as a

minor conditional use, the application will be reviewed by staff and approval will be nearly automatic. Mr. Roberts stated that he feels the Council may be misunderstanding the purpose of the major conditional use application. If the Council designates the use as a major conditional use, the application will not be converted to a legislative matter; rather, the application must be granted so long as conditions can be placed on the use to mitigate any concerns. The Council cannot simply deny the application if they receive demands from the public to do so; ultimately, efforts must be made to mitigate any negative impacts. Mr. Steele stated that is correct; a conditional use is defined as a permitted use, but one for which conditions may be appropriate to address health, safety, or welfare issues. He added that the idea that staff review of an application results in automatic approval is incorrect; staff thoroughly evaluates applications. The only benefit to making the use a major conditional use would be to provide the opportunity for public input and discussion of an item that staff may not be aware of. Councilmember Maughan stated that he feels that the Council could address any expectations the public may have about their ability to defeat an application via input at a public hearing. He indicated he would still like for the use to be designated as a major conditional use. He does not think it is ever appropriate to structure the code in a way to avoid public input. Councilmember Bolduc emphasized that is not her intent; rather, she does not want to give the public the false hope that they can speak at a public hearing and the Council can use their input to deny an application; rather, the Council's response should be to create conditions to be placed on the use.

Mayor Gailey stated that he tends to agree with Councilmembers Maughan and Savage; it is not inappropriate to accept public input and it may be wise for the Council and Planning Commission to employ a policy that would provide for proper communication to the public regarding the options the Council has when considering a major conditional use application and the proper response to public clamor. Councilmembers Bolduc and Teague stated they can support that concept and Councilmember Teague indicated he will communicate the Mayor's direction to the Planning Commission Chair.

COUNCILMEMBER SAVAGE MOVED TO ADOPT ORDINANCE 2020-28 AMENDING SECTIONS OF 10.85.020 AND 10.85.030 OF THE SYRACUSE CITY CODE TO DAY CARE, PRESCHOOL, AND DWELLING USES IN THE PROFESSIONAL OFFICE ZONE. COUNCILMEMBER MAUGHAN SECONDED THE MOTION, ALL VOTED IN FAVOR.

13. Discussion regarding adjustments to City operations responsive to State of Emergency declared by Governor Herbert on November 8, 2020.

City Manager Bovero referenced the State of Emergency declared by Governor Herbert on November 8, 2020 and the manner in which the declaration has impacted City operations. He and City Attorney Roberts, along with Police Chief Atkin, briefly discussed the City's role or ability to enforce the declaration and any penalties that could or should be imposed on residents or businesses violating the order.

Council discussion centered on the political implications of imposing and enforcing additional standards for businesses and individual households responsive to Governor Herbert's State of Emergency; Councilmember Teague stated there is already a great deal of pressure on local businesses to comply with Health Department standards and he would prefer to leave enforcement of those standards to the Health Department. Additionally, the State of Emergency is temporary in nature and he would like to avoid drastic and sweeping changes until there is more clear information regarding how long the State of Emergency will be extended. Councilmember Bingham agreed and noted she does not want to task the Police Department with enforcing a State mandate during this time of negativity towards law enforcement agencies across the country. She referenced inconsistencies in social distancing regulations issued by different agencies and enforcing inconsistent regulations would be very difficult for the Police; additionally, she does not create a scenario where residents are incentivized to complain about their neighbors or a business who they perceive as not following the Governor's most recent orders. Councilmember Savage stated he does not want to minimize the risk associated with COVID-19, but he agrees with the sentiments expressed by Councilmembers Teague and Bingham. Councilmember Bolduc agreed and added that a businesses non-compliance with State orders will be to their own detriment as customers will spread information about that non-compliance by word of mouth. Councilmember Maughan agreed and stated that without the Governor providing information about the means by which local entities should enforce his orders, the City is not in the position to enforce them.

Mr. Bovero and Chief Atkin thanked the Council for their feedback and support.

13. Public comment.

There were no public comments.

14. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement. The Council also discussed requests for future agenda items.

Mayor Gailey also invited City Manager Bovero to make any necessary announcements.

At 9:11 P.M. COUNCILMEMBER BINGHAM MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

City Council Regular Meeting
November 10, 2020

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: December 8, 2020