

Minutes of the Work Session of the Syracuse City Council, held on July 26, 2022 at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 861 4298 7979, 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.

Present: Councilmembers: Lisa W. Bingham
Jennifer Carver
Jordan Savage
W. Seth Teague
Paul Watson

Excused: Councilmember W. Seth Teague

Mayor Dave Maughan
City Manager Brody Bovero (via electronic means)
Deputy City Recorder Marisa Graham

City Employees Present:
Administrative Services Director Stephen Marshall
City Attorney Paul Roberts
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

The purpose of the Work Session was to receive public comments; review draft Rocky Mountain Power franchise agreement; discuss the following planning items:

1. Review/discussion regarding existing procedure for considering architectural style of a development project.
2. Discussion regarding building permit fees for Accessory Dwelling Units (ADUs).

Discuss open space requirements in Cluster Zone; discussion possible amendment of City Code Section 3.10.080 pertaining to the scope of the Planning Commission; participate in continued discussion regarding Syracuse City Youth Council; and participate in General Budget discussion and preparation for Truth in Taxation process.

Public comments

Mayor Maughan invited in-person public comments. There were no persons appearing to be heard.

Mayor Maughan noted the agenda for tonight's meeting provided instructions for individuals to email public comments to be read for the record of the meeting. He invited Deputy City Recorder Graham to read any emailed public comments. Ms. Graham read public comments sent by Matthew Shumann, as follows:

"Mr. Mills/City Council

I am a Syracuse UT citizen in the Criddle Farm subdivision (4000W 800S). Our neighborhood has struggled with secondary water pressure. Are the pumps adequately sized to the number of connections in the city? Also with the watering restrictions are the pumps able to maintain pressure with usage restricted to dates and times. Neighbors and I are finding water being wasted running full sprinkler cycles to find out the water trickled out of the pop-ups not having the pressure to raise them. At one point my main line secondary water hose had zero water coming out of it with it all the way open. NOTE filter has been checked and is clean, NOTE system does function when pressure is present

- 1) Are you aware of the current pressure issues?
- 2) Is there a plan in place?
- 3) Is the city council aware of the current pressure issues?
- 4) One other strong concern I have is many irrigation systems have auto drains to avoid freezing in the winter months. These drains open when there is no pressure in the line. I fear they could be large amounts of water being wasted if secondary water line pressures aren't maintained causing self-drain systems to open.

Matthew Shumann"

Review of draft Rocky Mountain Power franchise agreement.

A staff memo from the City Manager explained the franchise agreement with Rocky Mountain Power is made to allow RMP to provide electricity to citizens and businesses via the City's public rights of way. It is essentially a blanket

permission for all roadways in the city, with certain requirements and restrictions attached. The current franchise agreement dates back to 2013 and has a term of 10 years. With the expiration approaching, it is time to review it and adopt a new agreement with a new term. The memo provided a general overview of the agreement:

- **Grant of Franchise and General Utility Easement:** The city allows RMP to use public rights of way for purposes of supplying and transmitting electric power.
- **Term:** The proposed term is not set. The suggested term is 10 years.
- **Indemnification:** The City is in no way liable for any damage, loss, injury, or death caused by the construction, operation, or maintenance of RMP facilities.
- **Annexation:** When areas are annexed, this agreement automatically applies to the newly annexed area.
- **Construction and Installation of RMP Facilities:** RMP facilities must comply with the City's engineering standards and comply with City rules and regulations. Except in cases of emergency, RMP is required to obtain permits from the City prior to construction.
- **City Use of Poles:** The City may utilize RMP poles, without cost, for public safety communications or signals.
- **Relocation of Electric Facilities:** The City has the right to require RMP to relocate electric facilities for purpose of public convenience, necessity, health, safety, or welfare at no cost to the City. RMP shall not be obligated to pay the cost of relocation that is required as part of a private development.
- **Vegetation Management:** RMP may prune any trees that overhang the public right of way and interfere with RMP facilities. With approval of the owner, any such tree may be cut down and removed by RMP.

The memo then summarized proposed changes from the current agreement:

- **Section 1:** Clarifies that parks and other public properties are not part of the agreement.
- **Section 4:** Broadens the non-exclusive use of public ways by the City to allow all other services, not just water and sewer.
- **Section 18:** Adds a waiver of jury trial clause, where both parties waive the right to a jury trial associated with the agreement.

The memo concluded the goals of this discussion are to review and discuss the draft franchise agreement with Rocky Mountain Power and provide direction to the Administration on placing this item on a future agenda for adoption by the Council.

Mr. Bovero reviewed his staff memo and facilitated discussion among the Council regarding the implications of the draft franchise agreement; there was a focus on resident notification regarding vegetation management/control within rights-of-way. Mr. Bovero indicated he will reach out to Rocky Mountain Power to determine if they are accepting of adjusting the language in the agreement regarding resident notification when a certain percentage of a resident's tree will be removed; once he has a response from the utility provider, he will include an action item on a future business meeting agenda for Council consideration.

Planning item: Review/discussion regarding existing procedure for considering architectural style of a development project.

A staff memo from the Community and Economic Development (CED) Department explained that before a new commercial, industrial, professional office, mixed use development, or public facilities building is built in the City, it is required to go through the site plan approval process. Planning Commission is the land use authority for site plans. Before the Planning Commission reviews a site plan, it must first go through staff review and a meeting with the Architectural Review Committee (ARC). The ARC acts as a recommending body to Planning Commission. The ARC consists of various community members, Staff, Planning Commissioners, and a City Council liaison (Lisa Bingham). The committee reviews architectural elevations and site plan documents for compliance with the design standards adopted in Chapter 10.28 of the City Code. The design standards are not overly specific to any one architectural style or color but rather focus on general form to ensure high quality design.

CED Director Steele reviewed his staff memo and invited Councilmember Bingham to participate in discussion with the entire Council regarding the current review process and current architectural standards and whether any adjustments may be appropriate; the Council engaged in high level philosophical debate regarding the appropriate architectural standards for buildings of different uses. There was a brief focus on standards that encourage walkability and cohesion in commercial developments within the City. They concluded that no changes to the architectural standards are needed at this time, but they would like to hear recommendations on potential changes to standards for the City center that could be implemented as new projects are completed or as existing buildings are updated, including relaxing of existing standards that could be interpreted as too strict or prohibitive for certain businesses interested in locating in the City.

Planning item: Discussion regarding building permit fees for Accessory Dwelling Units (ADUs).

A staff memo from the Community and Economic Development (CED) Department explained this discussion item was requested by a resident interested in building an ADU in his backyard but was surprised by the high dollar amount of impacts fees that would be charged to build the structure. Fees related to building permits are found in the consolidated fee schedule. When somebody builds a detached ADU behind their house, more people will move in and thus increase impacts to the city's parks, transportation, and public safety. Impact fees are charged with the original home building permit and then again with the ADU. The legislature passed a law that says for basement apartments (internal ADU) cities can't charge the impact fees. However, cities can still legally charge impact fees with a detached ADU. If the city waives the fee for detached ADU's, that can count as an approved strategy in the city's moderate income housing plan.

CED Director Steele reviewed the staff memo and facilitated discussion regarding the implications of approving the resident request; there was a focus on the manner in which impact fees are calculated and whether there is a need to change the City's impact fee standards for ADUs. The Council concluded the existing policy upon which impact fee calculations for ADUs is based is still valid and should be unchanged. They indicated they do not feel it is appropriate or necessary to approve the resident's request to adjust the impact fee for his ADU project and that they would like for the City's website to include clear information about the manner in which impact fees are calculated for all types of building projects.

Discussion regarding open space requirements in Cluster Zone.

A staff memo from the City Attorney explained developments in the Cluster zone are required to provide 50 percent or more of the ground for open space, which may be retained by the residents or dedicated to the City. Restrictions associated with open space in the Cluster Zone include:

- It may not include streets, driveways or parking areas
- It may only be used for agriculture, recreation, or wetland preservation
- Open space that is use for recreation is anticipated to be fully landscaped and developed with amenities for the full use of all residents and the public
- No fencing is permitted

These restrictions were established by the City in order to preserve the open space aspects of the zone – the higher densities of the clustered homes are enhanced by the views and openness they enjoy from the clustered open space. The question has arisen whether structures used for recreational purposes could be established in the open space. If the amenity had no parking areas or fencing, then it seems to fit within the stated purposes of the open space/common space designation. For instance, a soccer field could be established there if the soccer pitch relied upon on-street parking for its use. If parking areas, driveways to the parking areas, and fencing are contemplated as part of these recreational amenities, then the code would need to be changed prior to its establishment. If amended, then the text would apply to any other future Cluster zones. Potentially, a developer could build parking areas for a recreational amenity that also serves as overflow parking for the development. This effect could be limited by language that restricts the establishment of parking areas to those areas connected to a recreational amenity, and an indication that parking provided there does not count toward the parking requirements for the remainder of the subdivision. If fencing is permitted in recreational areas, then a developer could also establish a fence in future open spaces. This could serve as a perceived barrier against public use of the open space and would also result in a less open feeling for users of the property. The Council should also consider the impact this might have on residents who have settled into the homes built in the Fields with an expectation that the field to their south would remain a field. The Council should also consider whether preserving this as cropland will aid farmland conservation efforts. The memo concluded the goals if this discussion are to determine whether to pursue a text amendment with an eye of establishing an exception for recreational amenities with parking and fencing components and, if so, the next step will be for the CED Department to provide a proposed text amendment to Chapter 10.80 of the Zoning Code.

City Attorney Roberts reviewed his staff memo and facilitated discussion among the Council regarding the subject matter; there was a focus on the type of fencing that would be used around the open space and parking accommodations based upon the amenities included in the public open space. Mayor Maughan concluded the feedback and direction provided by the Council tonight will be forwarded to the Planning Commission for their consideration; they will be asked to provide a formal recommendation regarding a possible text amendment.

Discussion of possible amendment of City Code Section 3.10.080 pertaining to the scope of the Planning Commission.

A staff memo from the City Attorney explained Section 3.10.080 of the Syracuse Municipal Code currently includes the following as within the scope of the Planning Commission (emphasis added):

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) 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) The acquisition or acceptance of land for any public property, public way, ground, place, or structure; also, the sale or lease of municipally owned property, and the location of public buildings, parks or other open spaces;
- (E) The location and extent of public or private utilities; and
- (F) 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.

State law does not require the Planning Commission's input on the acquisition or sale of land. For a list of Planning Commission powers and duties, see Utah Code Ann. § 10-9a-302(1). When it comes to selling "significant parcels," the city is required to conduct a hearing with 14-day notice. Utah Code Ann. § 10-8-2(4). The Code does not specify where the hearing is conducted, so we have been conducting them in the Planning Commission. The City is not required by state law to conduct a public hearing for land acquisitions, unless it is acquiring the land from outside of its boundaries for infrastructure or other facilities. The City is not required by state law to conduct a hearing for parcel sales that are not considered "significant." Reminder: The City Council defined whether a parcel is "insignificant" in a resolution it adopted in 2019: (i) the conveyance is not anticipated to result in a change of zoning on the property, (ii) the conveyance does not conflict with a specific reference in the general plan, and (iii) the parcel is not of the size, configuration and zoning that would permit the construction of a primary structure on the property. Requiring all land acquisitions and sale to go through the Planning Commission usually adds between 2-6 weeks to the overall process, depending on calendaring, notice deadlines and the cycle between work and business sessions for Council meetings. It can also draw the Planning Commission into matters of policy beyond planning – such as whether the transaction is a good deal or the details of the transaction. The goal of this discussion is to consider whether to remove the Planning Commission's purview over all land sales and purchases. If the Council wishes to do so, then direct staff to prepare an amendment to the ordinance for consideration at the next business meeting.

City Attorney Roberts reviewed his staff memo. The Council indicated they are comfortable adjusting the City Code to remove the requirement of the Planning Commission to provide a recommendation regarding land transactions.

Continued discussion regarding Syracuse City Youth Council.

A staff memo from the City Manager summarized previous discussions of the Council regarding organization of the Youth Council:

- **Number of Adult Mentors:** The Council previously discussed appointing one or two adult mentors to run the program.
- **Term of Service for Students:** The Council previously discussed adjusting the calendar of the Youth Council, so students serve beginning in the fall, and serving through the end of the school year into the summer.
- **Youth Council Activities and Service:** The Youth Council would do the following:
 - Attend one business session and one work session of the City Council
 - Assist in planning and helping with 5-6 public events, which could be city events or other public events.
 - Periodic meetings, monthly or quarterly, to plan and coordinate activities.
- **Age Groups:** There needs to be a consensus on the student grades that are eligible. 9th through 12th grade, or 9th through 11th grade are suggested.
- **Report Card Grade Standards:** Should the City require a report card grade and citizenship grade standard in order to participate?
- **Methods of Advertisement:** Which methods should be used to recruit participants? Suggested methods include the city magazine, social media, school district Peach Jar newsletter.

Prior to starting up the newly organized Youth Council, the following items will need to occur:

- Find consensus amongst councilmembers on the items listed above
- Amend the City ordinance pertaining to Youth Council, as needed
- Advertise and select volunteer adult mentors
- Recruit student participants

Mr. Bovero reviewed his staff memo and facilitated discussion among the Council regarding potential changes to the Syracuse City Youth Council ordinance; he indicated he will use the feedback provided by the Council to craft an ordinance that addresses topics such as student grades/citizenship requirements; limitations on the number of members of the Youth Council based upon the number of advisors; and methods of recruitment of student participants.

July 26, 2022

General budget discussion and preparation for Truth in Taxation process.

An administrative staff memo explained this discussion item is meant to allow any item related to the upcoming FY23 budget amendment pursuant to the August 9, 2022 Truth in Taxation hearing. The Council is welcome to address any items that they feel necessary to discuss related to the budget. In addition to the budget hearing on August 9, a presentation will be given to explain to the public the consideration of the potential property tax increase. The presentation is attached for the Council's review. If there are any other major points to consider in the presentation, the Council can provide that direction to staff at the meeting.

Mr. Bovero reviewed his staff memo and briefly reviewed his draft presentation for the Truth in Taxation hearing; the Council provided feedback regarding their desired adjustments.

The meeting adjourned at 7:33 p.m.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: September 13, 2022