

Minutes of the regular meeting of the Syracuse City Council held on December 13, 2022, at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 822 3532 1492, 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: Lisa W. Bingham
Jennifer Carver
Paul Watson
W. Seth Teague

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

Excused: W. Seth Teague
Jordan Savage

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

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 Bingham provided an invocation and Councilmember Watson led the audience in the Pledge of Allegiance.

COUNCILMEMBER MOVED TO ADOPT THE AGENDA. COUNCILMEMBER SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmembers Savage and Teague were not present when this vote was taken.

2. Public comment:

Dallas Johnson stated he lives in the Trails Edge Subdivision, and he is aware of a proposal for the second phase of that project that would include 180 units, which is nine units per acre. This is more than double the density of the existing development; the density of his neighborhood is approximately four units per acre. He encouraged the Council to visit the southern part of the City to observe the congestion resulting from the development in that area; he has driven through the area at 6:00 p.m. to observe the traffic congestion associated with residents traveling to and from their homes and it is very bad. He stated that he understands that growth will happen, but he still desires a bedroom community with area in his neighborhood to move around. He stated his neighborhood is very tight knit and they are very concerned about the proposal; he encouraged the Council to reject the proposal and prevent a project that will turn Syracuse into a city that more closely resembles West Valley.

Steve Burton stated he also lives in the Trails Edge Subdivision, and he echoed the concerns expressed by Mr. Johnson.

Scott Secrist stated he also shares the concerns expressed by Mr. Johnson; he is most concerned about the potential increase in traffic associated with the project. Another of his concerns is that the project will convert Thurgood Lane to a thru street that will connect to State Road (SR) 193; there will be speeding motorists trying to get through the neighborhood to SR193. He understands there is an agreement with the Utah Department of Transportation (UDOT) for a traffic signal at that intersection, but he also understands that agreement could be amended, and Thurgood does not need to be a thru street.

City Recorder Brown read the following public comment submitted via email:

“Karlie Sanchez - 2637 W 3230 S

I'm asking for code to be amended to allow 4' height fencing for front yards in some capacity whether it be privacy or semi privacy. As stated in the information all cities around us allow some degree of 4' front yard fencing. In my research 4' is more accessible and comes in a wider variety of styles, as well as cost is about the same as 3', sometimes even cheaper. It would also allow for fences that have a U type shape, that are sometimes 3.5-4' in total height.

Thank you for your consideration!”

3. Approval of minutes.

The following minutes were reviewed by the City Council: Work Session and Special Meetings of September 27, 2022, and Business Meeting of October 11, 2022.

COUNCILMEMBER BINGHAM MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER WATSON SECONDED THE MOTION; ALL VOTED AYE. Councilmembers Savage and Teague were not present when this vote was taken.

4. Proposed Ordinance 2022-30 amending Syracuse City Code Section 10.125.120 related to preliminary requirements for proposed development within the Sensitive Overlay Zone.

A staff memo from the Community and Economic Development (CED) Department explained the City's location on the shores of the Great Salt Lake create soil and wetland conditions that are sensitive to development. To protect those lands, the city has a 'Sensitive Overlay Zone'. The requirements of the ordinance are applicable to all properties 'below the bluff'. West and Southwest of Bluff Road, the elevation drops anywhere from 5-15 feet resulting in a higher concentration of wetlands and high water table. The current requirement is for the developer to, prior to construction, hire a third-party contractor to conduct a groundwater and wetland study of the site and then submit the study to the Army Corps of Engineers for review. The Core will then issue a 'Jurisdictional Determination' (JD) accepting the study as being accurate or on the inverse, could dispute the study. The Army Core has historically been the ultimate authority for development in enforcing the Clean Water Act. Being the sole authority also has at times meant that projects were delayed while waiting for a JD. This text amendment would take away the requirement for a JD if they passed a two-step test of having a third-party study saying that no wetlands exist and also no wetlands being shown on a national database map of wetlands. This way, the city still does it's part by making sure the site is property studied out and wetlands protected but also helps keep projects from needlessly being delayed while waiting sometimes six months for a JD letter on a site that has two reliable sources saying that it doesn't have any wetlands. The Planning Commission held a public hearing on 9/20/22 and is forwarding a recommendation to approve this text amendment. The City Council discussed the item on 9/27/22 work session and had some questions about the legal liability to the city if a wetland was erroneously filled or if a home flooded a result of the 'reduced' requirements. The City Council discussed the item again on October 25, 2022 and concluded that the amendment was ready for a vote. The goal of tonight's discussion is to determine whether to approve, approve with conditions, deny, or table this item.

CED Director Steele reviewed his staff memo.

The Council briefly referenced their previous discussion of this item during their October 25, 2022 work session meeting; they are satisfied that removing the requirement for a JD from the Army Corps of Engineers will remove an unnecessary step in a development application process.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT ORDINANCE 2022-30 AMENDING SYRACUSE CITY CODE SECTION 10.125.120 RELATED TO PRELIMINARY REQUIREMENTS FOR PROPOSED DEVELOPMENT WITHIN THE SENSITIVE OVERLAY ZONE. COUNCILMEMBER WATSON SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmembers Savage and Teague were not present when this vote was taken.

5. Proposed Resolution R22-36 authorizing the execution of a Consultant Services Agreement with Blu Line for design services for the West Davis Corridor (WDC) aesthetics improvement project.

Mayor Maughan recused himself from discussing this agenda item due to a personal relationship with one of the contractors that responded to the RFP.

A staff memo from the City Manager explained as part of all new highway projects, UDOT dedicates a percentage of the project budget to cities for aesthetic improvements. The amount allotted to Syracuse City for the West Davis Highway project is approximately \$800,000. The highway project is scheduled to be completed in 2024 but could be finished as soon as 2023. Planning for any aesthetic improvements will need to happen soon in order to coordinate irrigation, stormwater, lighting, etc. as needed. The city had already budgeted \$40,000 for this in the 2022-2023 fiscal budget year. (10-52-37 Professional and Technical Services). The city recently amended the budget on October 11, adding \$35,000 to 10-52-37 Professional and Technical Services to cover this project with a combined total of \$75,000. The City has received two responses to the RFP from the following contractors: Confluence and Blu Line.

Councilmember Carver asked if the Council will have the opportunity to provide suggestions regarding matters such as the incorporation of wildflowers into the design prior to Blu Line commencing their work. Councilmember Watson stated he believes the Council will have that opportunity.

City Attorney Brass indicated that since the packet for tonight's meeting was published, there has been a small adjustment to the contract; the original agreement includes a maximum contract price of \$59,700, but staff requests to increase that amount to \$67,700 based upon certain service options available to the City. Councilmember Bingham stated that the purpose of those adjustments was included in an email sent to the entire Council prior to tonight's meeting.

COUNCILMEMBER CARVER MADE A MOTION TO ADOPT RESOLUTION R22-36 AUTHORIZING THE EXECUTION OF A CONSULTANT SERVICES AGREEMENT WITH BLU LINE FOR DESIGN SERVICES FOR THE WEST DAVIS CORRIDOR (WDC) AESTHETICS IMPROVEMENT PROJECT AND TO ADJUST THE MAXIMUM CONTRACT PRICE TO \$67,700. COUNCILMEMBER WATSON SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmembers Savage and Teague were not present when this vote was taken.

6. Authorize Administration to award contract for Syracuse Secondary Reservoir Project Phase 2.

A staff memo from the Public Works Director explained This project consists of installation of a new 37.5-acre foot secondary reservoir and associated utilities along 2700 South Street from 2400 West Street to 2000 West Street. This project will include the installation of a concrete lined reservoir, pump station, 36" supply/discharge line for the new reservoir and

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installation of new 30" and 24" secondary mains. It is estimated construction will begin this winter and all pipe work will be completed by April 15, 2024.

Due to the specialized nature of the work required to complete this project, a contractor prequalification was done for this project. All seven contractors who submitted for the prequalification were approved and six bids were received on November 9, 2022. The low bidder is VanCon, Inc. with a total bid amount of \$14,537,000. The available budget is \$11 million which includes a \$2 million dollar drought resiliency grant the City received from the Bureau of Reclamation. The memo then discussed strategies for reducing the costs of the project:

1. Finding equivalent materials that are more economical.
2. Reducing the scope of the project.
3. Delaying other capital projects.
4. Seek additional funding sources.

The memo concluded the action item before the Council tonight is to determine whether to award the construction contract to VanCon, Inc.

Public Works Director Whiteley reviewed his staff memo; he noted it is his recommendation to award the contract, after which staff can begin working with the contractor to implement the strategies listed above to reduce the cost of the project. He stated he believes cost reduction is achievable.

Mayor Maughan stated that the City has identified this project as one of priority for purposes of water conservation. The Council then engaged in discussion with Mr. Whiteley regarding specific opportunities to reduce the cost of the project; this included a focus on using alternate headgates that are more economical, reducing the scope of the road improvement project, delay the installation of a transmission line from the reservoir from points to the west, Councilmember Carver stated she is hesitant to complete a project that will be damaged by ongoing construction of the West Davis Corridor (WDC). Mr. Whiteley stated he shares those concerns, and his Department will continue to work closely with UDOT to coordinate construction schedules to avoid that type of situation.

Councilmember Watson stated he is hesitant to award the contract without assurance that the cost can be reduced or awareness of where the additional funding will come from if it is not possible to reduce the project costs. He would rather award the project with a maximum cost of the budgeted amount of \$11 million. Councilmember Carver stated that she does not want to reduce the cost by using materials or products that will not last and will only need to be replaced in the near future at a greater cost. Councilmember Watson stated he understands that, but he would like to award tonight with the \$11 million cap and ask staff to work with the contractor on cost saving measures, and eventually bring an additional recommendation back to the Council for a total project cost. Mr. Whiteley stated he is comfortable with that option. He added that the City received a \$2 million grant for this project, and he may be able to secure additional grant funding next year that could aid in covering the cost of the project. Councilmember Carver stated she will support the concept suggested by Councilmember Watson, but she wants to be sure that the project is done correctly the first time rather than 'cutting corners' in the name or reducing costs. Mayor Maughan agreed.

COUNCILMEMBER BINGHAM MADE A MOTION TO AUTHORIZE ADMINISTRATION TO AWARD CONTRACT FOR SYRACUSE SECONDARY RESERVOIR PROJECT PHASE 2, WITH A MAXIMUM PROJECT COST OF \$11 MILLION AND DIRECTION TO STAFF TO WORK WITH THE CONTRACTOR TO REDUCE THE COSTS OF THE PROJECT AND REPORT BACK TO THE COUNCIL AT A FUTURE DATE. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmembers Teague and Savage were not present when this vote was taken.

7. Public comments.

There were no public comments.

8. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement.

9. Recess to convene in special Redevelopment Agency (RDA) business meeting.

Mayor Maughan recessed the meeting at 6:43 in order to convene the Redevelopment Agency (RDA) Special Business Meeting and City Council Work Session meeting. Councilmember Savage joined the Council during their work session meeting.

10. Reconvene.

The meeting reconvened at 9:16 p.m.

11. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably

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imminent litigation; or the purchase, exchange, or lease of real property (if necessary).

COUNCILMEMBER CARVER MOVED TO ADJOURN INTO CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. COUNCILMEMBER BINGHAM SECONDED THE MOTION. ALL VOTED AYE. Councilmember Teague was not present when this vote was taken.

The meeting recessed at 9:16 p.m.

The meeting reconvened at 9:36 p.m.

At 9:37 P.M. COUNCILMEMBER BINGHAM MADE A MOTION TO ADJOURN. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Teague was not present when this vote was taken.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: December 13, 2022