

Minutes of the Regular meeting of the Syracuse City Council held on July 10, 2018 at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson (via telephone)
Corinne N. Bolduc
Dave Maughan
Doug Peterson
Jordan Savage (via telephone)

Mayor Mike Gailey
City Manager Brody Bovero (via telephone)
City Recorder Cassie Z. Brown

City Employees Present:

City Attorney Paul Roberts
Finance Director Steve Marshall
Community and Economic Development Director Brigham Mellor
Public Works Director Robert Whiteley
Police Chief Garret Atkin

1. Meeting Called to Order/Adopt Agenda

Mayor Gailey called the meeting to order at 6:02 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 Peterson provided an invocation and Councilmember Bolduc led the audience in the Pledge of Allegiance.

COUNCILMEMBER MAUGHAN MOVED TO REMOVE ITEM SEVEN FROM THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Public comment.

Brigham Mellor, Community and Economic Development (CED) Director stated when he was 14 years old he worked a summer for his brother laying concrete; he was about six weeks into his employment and he came to hate the job and working for his brother, who was very tough on him. One day they were cleaning out concrete equipment and he was exhausted sitting in the car and his brother approached him and said he had been doing the job for so long that he did not remember what it was like to not know how to do it. He stated that can sometimes be the same way municipal employees get; he has been working in municipal government his entire career and sometimes he gets frustrated that people do not understand the inner workings of government, but he tries to remember that is because he has been doing it so long that he doesn't remember how not to do it. In all his experience with municipal government, he can say that the current Syracuse City Council is the best Council he has worked with; their ability to look objectively at things and represent their constituency is admirable. This Council understands they do not represent a small population, but more than 30,000 residents. He stated it has been an honor to work with them and this will be his last Council meeting; when he thinks back to where the City was when he started, where it is now, and things that are on the horizon for the City, he thinks the trajectory is great. He stated he appreciates the leadership of the Council and the trust they have put in him and the rest of the staff and he wished them and the City the best.

Councilmember Maughan stated Mr. Mellor has done a great job for the City and he will truly miss him in this position; he hopes to interact with him in the future and he hopes they will maintain their friendship.

Councilmember Peterson echoed Councilmember Maughan's comments and wished him luck in his future endeavors.

Councilmember Bolduc stated when she was first appointed to her position on the Council, Mr. Mellor invited her to lunch and a discussion to update her on development activities underway.

Councilmember Savage stated that Mr. Mellor has been great to work with. He thanked him for everything that he has done and wished him luck.

Councilmember Anderson stated Mr. Mellor has done a phenomenal job and Farmington is lucky to have him.

Mayor Gailey wished Mr. Mellor nothing but the best in his future employment.

3. Approval of minutes

The following minutes were reviewed by the City Council: Regular Meeting of April 10, 2018 and Work Session of May 22, 2018.

COUNCILMEMBER MAUGHAN MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER BOLDOC SECONDED THE MOTION; ALL VOTED AYE.

****COUNCILMEMBER MAUGHAN ASKED THAT ITEMS D AND E ON THE COMMON CONSENT AGENDA BE REMOVED FOR FURTHER DISCUSSION****

4a. Common consent: Final Plat Approval, Criddle Farms North Phase One, located at approximately 900 S. 4000 W.

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

Location: 900 South 4000 West
Current Zoning: R-3
General Plan: R-3
Property Area: 4.398 Acres
Number of lots: 17

The applicant is requesting a final subdivision approval for Criddle Farms Phase 1 Final Plat. The plat has 17 lots which all meet the minimum requirements for lots in the R-3 Zone.

The applicant has been asked to include Parcel A from the Criddle Farms North Preliminary Plat into this final plat as Parcel A will complete the City Park being developed by D.R. Horton Homes. The developer has agreed to develop the City Park, but has suggested an easement be placed over Parcel A in Phase 2 that would allow this development instead of adding Parcel A to Phase 1. This is because the developer will not own Parcel A until early in 2019. Not owning the parcel complicates the plat by requiring additional signatures, title work, and coordination with Hooper Canal Company which has been a significant challenge thus far.

To avoid this and to keep Parcel A in a phase that will have geographically adjacent lots, the developer requests that the City Council allow the easement on Parcel A rather than adding it to phase 1. This proposal would meet the intent of the Development Agreement quoted below in that it will allow cohesive development of the City Park early in the development. "(D) Park. A park (the "Park") shall be developed within the parcels in accordance with the conceptual rendering attached hereto at Exhibit D and in accordance with the City's regulations and codes. The Park shall be generally located so as to interface with the City's Trail defined below and shall be developed along with adjacent properties during the first phase of the Development."

During their regular meeting on June 19, 2018 the Planning Commission recommended approval of this plat with the condition that an easement be placed on Parcel A in Criddle Farms North Phase 2 that will allow the proposed City Park to be developed cohesively. The easement was not finished yet, but is underway.

The memo concluded because the plat meets all the requirements of the City Code, staff recommends that the plat be approved with the condition that the developer provide an easement on Parcel A in Phase 2 which will allow for cohesive development and future dedication of the City Park.

Councilmember Bolduc asked if the easement referenced in the staff memo has been secured. City Attorney Roberts answered yes.

COUNCILMEMBER MAUGHAN MOVED TO GRANT FINAL PLAT APPROVAL FOR CRIDDLE FARMS NORTH PHASE ONE, LOCATED AT APPROXIMATELY 900 S. 4000 W. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

4b. Common consent: Final Plat Approval, Grayson Ridge Phase Four, located at approximately 3600 W. 2110 S.

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

Location: 3600 West 2110 South
Current Zoning: R-1
General Plan: R-1
Property Area: 4.54 Acres
Number of lots: 10

The applicant is requesting a final subdivision approval for Grayson Ridge Phase 4. The plat has 10 lots which all meet the minimum requirements for lots in the R-1 Zone. This is the final phase of the Grayson Ridge East subdivision plat. The cul-de-sac on the plat appears to be exactly 500feet as permitted in City Code 8.15.010.(L).

The memo concluded that because the plat meets all requirements of the City Code, staff recommends that the plat be approved.

COUNCILMEMBER MAUGHAN MOVED TO GRANT FINAL PLAT APPROVAL FOR GRAYSON RIDGE PHASE FOUR, LOCATED AT APPROXIMATELY 3600 W. 2110 S. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

4c. Common consent: Proposed Resolution R18-23 updating and approving edits to Section 5.150 of the Syracuse City Personnel Policies and Procedures Manual pertaining to Special Programs.

A staff memo from the City Manager explained there are two primary proposed changes to the existing policy:

- o Alignment of our current and past practices with recent changes to several special programs regarding compensation rates.
- o Setting limits to paid leave when used for time participating in special programs.

Current and past practices for several special programs included a compensation rate for the employee at 1.5 times his/her regular salary, regardless of the number of hours worked during that pay period. Many of these programs reimburse the City at the 1.5x rate. Recently, some of these programs have changed their agreement language to indicate that reimbursement will occur at whatever rate the City provides for in policy (up to 1.5x). The proposed changes in our policy provide for the 1.5x rate to become effective. Since the program reimburses the 1.5x rate, the City does not experience a budgetary impact. This policy incentivizes employees to voluntarily participate in special programs.

For many years, it has been a timekeeping practice for employees to utilize paid leave hours for time worked in special programs. While we are unsure of the reason, we presume it was intended to minimize the additional time the employee would be away from "City Work" when they utilize that paid leave by taking time off. The proposed changes in the policy establishes a formal structure to this practice and sets limits on the number hours that can be utilized. This policy is intended to incentivize employees to voluntarily participate in these special programs, while minimizing the direct service lost to the City.

COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R18-23 UPDATING AND APPROVING EDITS TO SECTION 5.150 OF THE SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES MANUAL PERTAINING TO SPECIAL PROGRAMS. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

4f. Common consent: Proposed Ordinance 18-13 enacting Chapter 3.35 of the Syracuse City Municipal Code re-establishing the Parks Advisory Committee.

A staff memo from the City Manager explained that pursuant to previous discussion at Council meetings, Proposed Ordinance 18-13 has been prepared for Council consideration; if adopted, the ordinance will establish a Parks Advisory Committee and outlines membership and assigns duties.

Councilmember Maughan stated that he would like for Council appointments to the Committee to be appointed in the same manner that other assignments are made on an annual basis. City Attorney Roberts stated that it is his understanding that the ordinance calls for a Mayoral appointment with advice and consent of the City Council.

COUNCILMEMBER MAUGHAN MOVED TO ADOPT ORDINANCE 18-13 ENACTING CHAPTER 3.35 OF TH SYRACUSE CITY MUNICIPAL CODE RE-ESTABLISHING THE PARKS ADVISORY COMMITTEE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

4d. Common consent: Proposed Resolution R18-22 appointing Stephen Marshall to the position of Administrative Services Director.

Councilmember Maughan expressed concern about this recommendation due to recent occurrences related to Information Technologies (IT) services in the City; he had previously expressed concern about moving IT under a position in the City that is occupied by an individual who does not have extensive experience in this field. He noted that the City's website failed last week and there was a significant struggle to fix the issue; it appeared to him that the main point of contact was the City Manager and the City's outsourced professional contractor was not capable of helping much. He stated he is

concerned that the arrangement that has been recommended may not be best for the City moving forward. Website failures are typically resolved within a couple of hours and he witnessed it taking more than a full day to address the problem; he is concerned that the structure is not defined in a way that facilitates quick resolution to problems.

Councilmember Bolduc stated that the server which hosted the City's website is very old and in need of replacement that that is not the fault of the recommended appointee, Mr. Marshall. Councilmember Maughan agreed that this was a hardware problem that should have been solved years ago, but he was concerned to witness that the current arrangement did not relieve Mr. Bovero of responsibility over IT functions and, in fact, the website failure occupied an entire day of his. Mr. Bovero provided a synopsis of the factors that led to the website failure, noting that it would have occurred regardless of the recommended structure or the professionals working on the issue. He noted he was still responsible for IT as the function has not yet been assigned to Mr. Marshall. Councilmember Maughan stated he is not concerned about Mr. Marshall as the appointee; rather, he now feels that it may be necessary to provide improved IT in-house support rather than rely upon a contracted service provider. He stated it may be necessary to reevaluate whether the proposed arrangement is the right course of action for the City at this time. He discussed multiple flaws in the City's IT system and indicated his concern is that there is currently no one individual on staff that understands the processes needed to address and correct the flaws.

The Council engaged in high level discussion and debate of the issues raised by Councilmember Maughan, ultimately concluding that the problems the City has experienced lately are not related to the creation of the Administrative Services Director and the proposed appointment of Mr. Marshall to that position. They indicated their willingness to consider adjustments to the structure if it becomes apparent that such adjustments are necessary in the future.

COUNCILMEMBER PETERSON MOVED TO ADOPT RESOLUTION R18-22 APPOINTING STEPHEN MARSHALL TO THE POSITION OF ADMINISTRATIVE SERVICES DIRECTOR. COUNCILMEMBER BOLDOC SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

4e. Common consent: Proposed Ordinance 18-14 amending Section 13.40.080 of the Syracuse Municipal Code to remove reference to Finance Director position.

A staff memo from the City Attorney explained that in April the Council amended the City code to convert the Finance Director position into the Administrative Services Director. The ordinance was passed along to our codifier, who noticed that we had missed a spot and recently notified us. This housekeeping ordinance corrects that error and has been placed on the consent agenda.

COUNCILMEMBER PETERSON MOVED TO ADOPT ORDINANCE 18-14 AMENDING SECTION 13.40.080 OF THE SYRACUSE MUNICIPAL CODE TO REMOVE REFERENCE TO FINANCE DIRECTOR POSITION. COUNCILMEMBER BOLDOC SECONDED THE MOTION; ALL VOTED IN FAVOR. WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

5. Proposed Ordinance 2018-15 amending the Syracuse City Municipal Code by establishing noise restrictions throughout the City.

A staff memo from the City Attorney explained that based upon comments made in our work session and additional deliberation, the noise ordinance presented previously has been modified in the following ways:

- Quiet hours begin at 10:00 pm on Sunday – Thursday evenings
- Quiet hours begin at 11:00 pm on Friday and Saturday evening
- Noise complaints based upon decibel readings are required to be continuous sounds – which means 10 minutes or more “essentially” without interruption
- Blanket exemption for agricultural operations taking place within the A-1 and R-1 zones
- Exemption for warming of vehicles in winter months, or idling vehicles needed to maintain air conditioning or refrigeration – we had delivery and semi-tractors in mind when drafting this subsection

City Attorney Roberts reviewed his staff memo and noted that since the Council's last review of this item, Public Works Director Whiteley suggested additional adjustments to provide for exemptions to be made for road construction projects when it is deemed that night construction is safer and less impactful to motorists and adjacent property owners.

There was a brief discussion about the use of the word “continuous” in the context of continuous sound that could be deemed a noise disturbance, with Mr. Roberts noting that he has relied upon the traditional definition of the word “continuous” and feels that it is clear enough and enforceable by City officials. There was also a discussion about the exemption for agricultural activities and the Council directed Mr. Roberts to draft a definition for the term “agricultural” in order to provide clear direction to any entity in the City that may wonder if their use qualifies for an exemption. Mr. Roberts

asked that the Council table the item until the end of the meeting to allow him to craft language that could be added to the ordinance to provide a definition for “agricultural use”.

COUNCILMEMBER MAUGHAN MOVED TO TABLE UNTIL THE END OF THE MEETING CONSIDERATION OF ORDINANCE 2018-15 AMENDING THE SYRACUSE CITY MUNICIPAL CODE BY ESTABLISHING NOISE RESTRICTIONS THROUGHOUT THE CITY. COUNCILMEMBER BOLDOC SECONDED THE MOTION, ALL VOTED IN FAVOR.

6. Authorize Administration to award Short Term Land Lease for 51.55 acres located at the northwest corner of 2000 West and Gentile Road.

A staff memo from the Finance Director explained the City Council authorized Administration to advertise a request for bids for a short term lease of the regional park land. Specifically, parcel #12-103-0087, consisting of approximately 51.55 acres, located to the Northwest of 2000 West & Gentile Road (see attached map). The City advertised for approximately two weeks with bids due on Tuesday, July 3, 2018. Below is a summary of the bids received. The detail bids are also attached with this packet item:

- | | | |
|----------------|--------------|-----------------|
| 1. Kip O'Brien | \$56.04/acre | \$2,888.88/year |
| 2. Enzo Leben | \$77.59/acre | \$4,000/year |

The memo concluded staff recommends the Council award the one-year lease to Enzo Leben under the conditions advertised in the RFP at a price of \$4,000 per year.

Mr. Marshall reviewed the staff memo.

COUNCILMEMBER MAUGHAN MOVED TO AUTHORIZE ADMINISTRATION TO AWARD SHORT TERM LAND LEASE FOR 51.55 ACRES LOCATED AT THE NORTHWEST CORNER OF 2000 WEST AND GENTILE ROAD. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Report regarding City-wide Mock Disaster Event by Councilmember Savage.

This item was removed from the agenda by a motion to amend at the beginning of the meeting.

8. Discuss City participation with Utah League of Cities and Towns (ULCT).

An administrative staff memo explained that given the recent action of the City Council to include in the operating budget funding for membership with the ULCT, Mayor Gailey felt it appropriate to discuss with the Council the City's participation with the ULCT, and - more specifically - the members of the Council to be appointed as voting members of the League's Legislative Policy Committee.

City Manager Bovero reviewed his staff memo and Mayor Gailey facilitated a discussion regarding the City's participation with the ULCT; he asked Councilmembers to communicate to him any interest they have in participating on a caucus group that will be dealing with the issue of rapid growth in cities in the State of Utah. He added that the City also needs to appoint voting and non-voting members to the ULCT Legislative Policy Committee and he asked Councilmembers to communicate to him any interest they have in serving in that capacity.

Councilmember Maughan reported that the Layton City Mayor is running unopposed for a Davis County Commission seat and that means that his position with the ULCT will be vacated. He suggested that Councilmembers consider whether they would like to seek to be elected to that position when the process to fill the vacancy is advertised.

5. Proposed Ordinance 2018-15 amending the Syracuse City Municipal Code by establishing noise restrictions throughout the City – continued.

City Attorney Roberts provided draft language that could be included in the ordinance to provide a definition for the term “agricultural operation): “Agricultural operations” means the cultivation of crops and husbandry and keeping of farm animals, including the operation of equipment essential to those operations.’

COUNCILMEMBER MAUGHAN MOVED TO TABLE UNTIL THE END OF THE MEETING CONSIDERATION OF ORDINANCE 2018-15 AMENDING THE SYRACUSE CITY MUNICIPAL CODE BY ESTABLISHING NOISE RESTRICTIONS THROUGHOUT THE CITY, AND INCLUDING THE FOLLOWING LANGUAGE PROVIDING A DEFINITION FOR “AGRICULTURAL OPERATIONS”:

“AGRICULTURAL OPERATIONS” MEANS THE CULTIVATION OF CROPS AND HUSBANDRY AND KEEPING OF FARM ANIMALS, INCLUDING THE OPERATION OF EQUIPMENT ESSENTIAL TO THOSE OPERATIONS.

COUNCILMEMBER BOLDUC SECONDED THE MOTION.

Councilmember Savage asked that a chart be added to the ordinance to provide examples of decibel measurements for common sound sources. Mr. Roberts stated that he can find a table for reference purposes and include it in the ordinance prior to codification.

COUNCILMEMBER MAUGHAN AMENDED HIS MOTION TO FURTHER AMEND ORDINANCE 2018-15 TO INCLUDE A CHART ILLUSTRATING DECIBEL MEASUREMENTS FOR COMMON NOISE SOURCES. COUNCILMEMBER BOLDUC INDICATED HER SECOND OF THE MOTION STANDS; ALL VOTED IN FAVOR.

9. Public comments.

There were no public comments.

10. Mayor/Council announcements.

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

At 7:01 p.m. COUNCILMEMBER MAUGHAN MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: September 11, 2018