

Minutes of the Work Session meeting of the Syracuse City Council held on April 28, 2020 at 6:00 p.m., held virtually via Zoom, meeting ID 995-0948-7819, and streamed on the Syracuse City YouTube Channel in conformance with Executive Order 2020-1 issued by Governor Herbert on March 18, 2020 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus.

Present: Councilmembers: Lisa W. Bingham
Corinne N. Bolduc
Dave Maughan
Doug Peterson
Jordan Savage

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
Community and Economic Development Director Noah Steele
City Engineer Brian Bloemen
Administrative Intern Brittany Morgan

The purpose of the Work Session was to receive public comments; discuss the City's response to COVID-19 Pandemic; continued discussion of Proposed Ordinance 2020-06 amending the Syracuse City zoning map for property located at 1000 West 1900 South from A-1 to Planned Residential Development (PRD), tabled from March 10, 2020 business meeting; discuss/review proposed Amendment #4 to Interlocal Agreement with Davis County for animal control services; discuss next Flash-Vote survey question regarding City-wide spring cleanup; recognition items requested by City Council; discussion of future agenda items/Council announcements; recess to convene in Special Redevelopment Agency (RDA) meeting; and reconvene and 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 imminent litigation; or the purchase, exchange, or lease of real property (if necessary); consideration of setting aside the Council's Electronic Meetings policy prohibiting electronic participation in a Closed Executive Session

Councilmember Savage provided an invocation and Councilmember Maughan led the audience in the Pledge of Allegiance.

Public comments

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 email comments were provided.

Presentation and consideration of Mayor's recommended appointees to Syracuse City Planning Commission and Architectural Review Committee.

An administrative staff memo explained there are currently vacant positions on the City's Planning Commission and Architectural Review Committee. The City has advertised the vacancies and solicited letters of interest from residents who meet the requirements of the positions. Mayor Gailey has recommended the appointment of Nick Webber (current Planning Commission alternate) to fill the Planning Commission vacancy and plans to backfill the alternate position from the applicant pool. Mayor Gailey has vetted and interviewed the applicants and is prepared to recommend the following appointments:

- Ryan Wessel, Planning Commission Alternate – term expiration June 2023.
- Bill Rands, Architectural Review Committee – no term limit.
- Dallas Johnson, Architectural Review Committee, no term limit.

The Mayor has invited these individuals to log-on to the Zoom meeting and be available to answer any questions the Council may have before the Council considers consent for the appointments at the May 12 business meeting.

Mayor Gailey reviewed his staff memo and invited each of the recommended appointees to provide the Council with information regarding their professional and personal background. Following brief discussion between the Council and each applicant about the background information provided, the Council concluded to support the Mayor's recommended appointments. The authorized staff to include items on the consent calendar for the May 12, 2020 business meeting to formalize the appointments.

Councilmember Savage asked Mayor Gailey if the members of the Architectural Review Committee that are being replaced have been asked to step down or if they resigned. Mayor Gailey stated he is replacing those members because of tenure and he has asked City Attorney Roberts to evaluate the need to define term limits for the Committee given it is the only Committee in the City for which the length of a member's term is not dictated by City ordinance.

Review/discussion of Syracuse Museum Five-Year (2020-2025) Strategic Plan.

A staff memo from the City Manager explained the **Museum Board** is a public body of the City that is appointed by the Mayor with the advice and consent of the City Council. The **Museum Foundation** is a private non-profit that was set up to care for the displays and fund the museum programs. Currently, the Museum Foundation Board members act as the City Museum Board members. By City ordinance, the Museum Board is responsible for the day-to-day management and operations for the Museum. The City owns and maintains the buildings and grounds for the use and operation of the museum. The ordinance also states that one of the duties of the Museum Board is to "Prepare and recommend for approval by the City Council a long-range plan, including goals, for the Museum and Cultural Center, review any adopted long-range plan on an annual basis, and recommend any updates or changes to the City Council." The memo concluded the goals of this discussion are to review highlights of the Museum plan, along with progress over the previous year and discuss any updates or changes needed to the plan.

Parks and Recreation Director Robinson reviewed the staff memo and invited Dean Hill and Annie Bommer to discuss the Five-Year Plan with the City. Ms. Bommer and Mr. Hill used the aid of a PowerPoint presentation to summarize the accomplishments and progress in implementing the Syracuse Museum Five-Year Strategic Plan. The Syracuse Museum and Cultural Center is dedicated to inspiring self-reflection and dialogue in its community and visitors through exhibitions, programs, and collections in the arts, histories, and humanities. The vision of the Museum includes the following:

- Stimulate wonder and curiosity through relevant, creative, and interactive programs and exhibitions.
- Foster trust, responsiveness, and a spirit of cooperation between the museum and our community.
- Share information and ideas with honesty and respect for diversity of our community.
- Encourage stewardship for the preservation of our history, culture, and community.

Goals of the Museum include increasing tourism; preserving history, culture, and community; internal organization improvements; and education, collaboration, and public involvement and Ms. Bommer expounded on work that is currently underway aimed at helping to achieve those goals. Additionally, changes that the Museum is pursuing include creating a "Family Night at the Museum" program, a youth essay contest, and working on getting Antelope Island tour buses to stop at the museum. Mr. Bommer concluded by providing information on how the City Council can help to make the museum successful; they can become more involved in operations and get training to understand the challenges the museum faces. They can also read the ICOM: a guide for local governments, communities, and museums. Increased resources would also be very helpful.

Mayor Gailey and the Council thanked Ms. Bommer and Mr. Hill for the information provided and indicated they will take the recommendations under advisement.

Consideration of extension of lease of Syracuse City cemetery property

A staff memo from the City Manager explained in 2014, the City entered a lease agreement with Mr. John Diamond to allow him to farm the property located just north of the City cemetery (approx. 20 acres). The lease expired at the end of 2019, and Mr. Diamond desires to continue farming the property. The Administration has explained to Mr. Diamond that the City is making plans to sell the majority of the property, and build a cemetery expansion on the remaining portion. The lease extension would allow the City's property to be maintained by Mr. Diamond, while allowing Mr. Diamond to benefit from

farming the land. This agreement would be mutually beneficial while the City makes plans for the future of the land. The 2014 lease would continue, with the following amendments:

1. The lease agreement shall now automatically expire on December 15, 2020. The agreement may be renewed only by written agreement of both parties, subject to terms agreeable at the time of renewal.
2. The lease fee shall be \$0. The City agrees that the maintenance of the property free from nuisances shall be adequate payment for the 2020 year.
3. The Lease Agreement may be cancelled and terminated upon ninety (90) days' prior written notice. If either party terminates the lease, there shall not be a prorated share of lease payments due from Mr. Diamond, nor shall the City be required to pay any compensation to Mr. Diamond for lost opportunities or services rendered on the Premises.
4. If the City exercises its option to expand the Cemetery or otherwise reduce the area subject to this Lease, Mr. Diamond shall not be entitled to any reimbursement or compensation of any kind.

The memo concluded the goals of the discussion include reviewing the proposed lease extension and determining whether to place this item on the May 12 City Council meeting consent calendar.

City Manager Bovero reviewed his staff memo.

Councilmember Maughan expressed concern that the value of the lease is \$0 and he recommended that a dollar amount be listed in the lease, even if that is just \$1. He indicated that a \$0 value communicates that the property is of no value to the City. Mr. Bovero indicated that the lease indicates that the amount paid for the lease is in-kind in the form of Mr. Diamond's maintenance and care of the property. City Attorney Roberts agreed. Councilmember Maughan then wondered if a \$0 transaction in this lease would set a precedent for future potential land leases. Mr. Bovero indicated he is comfortable adding a dollar amount to the contract. The Council indicated their support for the amendment and for placing an item on the May 12 consent calendar for approval of the lease.

Review responses to request for proposal (RFP) for Founders Park Improvements and Pickleball Court bids

A staff memo from the Parks and Recreation Department explained bids for the West and East Founders Park Projects were opened Tuesday, April 21, 2020. Four bids were received for the West Founders Park Project and two bids were received for the East Founders Park Project. The lowest bid for both projects was E.K. Bailey Construction, Inc. The memo referenced the following public documents:

- Bid Tabulation Founders West Project;
- Bid Tabulation Founders East Project Schedule A;
- Bid Tabulation Founders East Project Schedule B;
- Bid Tabulation Founders East Project Schedule C; and
- 5- year Parks Improvement Plan.

The memo concluded the goals of the discussion are to review the bids for West and East Founders Park Projects and provide direction to staff on modifications to the projects in order to meet the budget.

Parks and Recreation Director Robinson reviewed her staff memo. Councilmember Savage inquired as to the number of pickleball courts included in the bids, to which Ms. Robinson answered six. Councilmember Maughan stated the pickleball line item in the low bid is \$329,337, but the budget for that component of the project is \$180,000. Councilmember Savage stated that is correct, but the largest cost in that line item is concrete and conduit, a large majority of which is not specifically for the pickleball courts. Ms. Robinson stated that is correct; the actual pickleball cost in the low bid is \$220,000. Councilmember Maughan stated he would like to adhere to the budget. Ms. Robinson stated the bidders were asked to provide costs for three or four courts and that information has been included in the budget. Council discussion then centered on the appropriate scope of the project and budget implications of proceeding with constructing six courts. City Manager Bovero stated that the actual hard costs for the pickleball courts is fairly close to the \$180,000 budget amount; however, since the pickleball courts are being combined with other improvements at Founder's Park, the costs can be higher. Unique conditions associated with the Founder's Park sight require additional labor and higher costs and the decision for the Council to make at this time is whether to fund the \$38,000 in excess of the approved budget in order to allow for the construction of six courts. Ms. Robinson then facilitated a review of the remainder of the line items included in the bid; she advocated for completion of the improvements as detailed in the RFP document because this is the City's premier park and she would like to ensure that it is completed appropriately. The Council discussed staff's recommendation and budget constraints; Councilmember Maughan expressed his concern about the pickleball court costs of the project exceeding budget, while other

Councilmembers reiterated Mr. Bovero's explanation that the increased costs are associated with other improvements being completed at the park. Councilmembers offered suggestions for reducing costs and the entire body ultimately concluded to pursue the bid option referred to as 'option four'; this includes delaying the parking lot on the west side nearest the school until next year.

Mayor Gailey asked if the Council is comfortable adding an action item to the May 12 to allow for the contract for this project to be awarded. The Council offered support for that next step in the process. Administrative Services Director Marshall indicated that this project was slated for funding in the next Fiscal Year (FY) budget; however, given the current COVID-19 pandemic and associated park shutdowns/Heritage Days cancellation, it may be a good idea to get working on the project while the park is not occupied. He noted it is an option for the Council to amend the current FY budget to get working on the project sooner rather than later. The Council supported this idea as well. Councilmembers Maughan and Savage suggested that the Council instead support the project option referred to as 'option one', which includes the west parking lot. If Heritage Days is cancelled and funding that was previously allocated for fireworks may be available, it could be used for the parking lot and the entire project can be completed at the same time. The Council supported the shift to preference for option one.

Review results of Flash-Vote survey question regarding City-wide spring cleanup.

A staff memo from the City Manager explained that while discussing the solid waste service contract last year, the City Council requested that we survey the community regarding a spring clean-up service offered by the contractor. The City contracted with FlashVote to provide a survey service in order to enhance the amount of public input, and provide it in a way that has stronger statistic validity. The intent of the survey service is to give the Council data as part of their decision making, not to override the Council's decision making. The memo supported the goals of the cleanup survey:

- Find out if survey participants are interested in a spring/fall clean up service
- Find out which type of service the participants would prefer, if any.
- Find out what time frame the participants would prefer, if any.

The memo concluded the goals of the discussion include to review the results of the Clean-Up Service Survey and provide direction to administration on next steps in using this data toward policy decisions on whether to provide this service.

Mr. Bovero reviewed his staff memo and facilitated high level review of the survey result data. Philosophical discussion and debate among the Council focused on unintended negative consequences associated with providing trash dumpsters for central drop-off of debris from private residences in the City. The Council ultimately concluded not to pursue a spring clean-up program at this time based upon the survey feedback indicating there is not a demand for the service and that groups of residents (neighborhoods) currently have the ability to order a dumpster for clean-up purposes at any time during the year.

Discuss next Flash-Vote survey question regarding UTOPIA internet service

A staff memo from the City Manager explained the Mayor and City Council have received requests from residents to look into UTOPIA as an option for highspeed fiber to the home in Syracuse. Based on that feedback, members of the Council have requested that we use a survey to find out more from citizens. The City contracted with FlashVote to provide a survey service in order to enhance the amount of public input, and provide it in a way that has stronger statistic validity. The intent of the survey service is to give the Council data as part of their decision making, not to override the Council's decision making. The goals of the survey include the following:

- Find out if residents would be supportive of the City partnering with UTOPIA to provide a high-speed fiber network throughout the entire City.
- Find out if enough residents would sign up in order to make the installation of UTOPIA financially feasible.
- Find out if there are specific areas of the City that have higher or lower levels of support.

The memo summarized the proposed survey questions. Syracuse City is interested in resident feedback on broadband internet options in the City. Your response will be used by the city to evaluate the level of support there may be for the city doing more to improve the broadband options in the city. Providing your address is optional, but helpful in determining what areas of the City have higher/lower demand. Thank you for your participation in this survey.

1. Are you happy with your current broadband internet service?

- a. Yes
- b. No
2. Do you feel the price you pay for your current internet service is a good value?
 - a. Yes
 - b. No
3. UTOPIA is a highspeed broadband service that partners with cities to make highspeed internet available to all residents. The use of UTOPIA is not required by the City. Residents retain the option to choose their internet provider.

UTOPIA and the City could partner to ensure highspeed internet is available to every home in Syracuse. The service is paid for by subscribers to UTOPIA. The City does not pay for the cost of installing the fiber network IF enough residents sign up for UTOPIA services. As an example, if it takes 30% of homes to subscribe in order to pay the full cost of installation of the city-wide network, and 30% of homes did subscribe, then the City would pay nothing for installation of the network. If, however, only 20% of homes subscribed to UTOPIA, the City would have to pay for the remaining cost to install the fiber network.

Are you supportive of the City pursuing a partnership similar to that described above, in order to provide a highspeed fiber network to the entire City?

 - a. Yes
 - b. No
4. If you answered No to the previous question, would you support the City pursuing a partnership if the risk were reduced to one of the following scenarios (select the highest risk you would tolerate) :
 - a. 25% of homes would have to subscribe for the City to pay nothing toward installation.
 - b. 20% of homes would have to subscribe for the City to pay nothing toward installation.
 - c. 15 % of homes would have to subscribe for the City to pay nothing toward installation.
 - d. 10% of homes would have to subscribe for the City to pay nothing toward installation.
 - e. I would not support the City pursuing this partnership under any circumstance.
 - f. N/A, I selected Yes on the previous question.
5. If the following fiber broadband options were available from UTOPIA services, what would you sign up for, if any?
 - a. \$65 for 250 Mbps download / 250 Mbps upload
 - b. \$78 for 1 Gbps download / 1 Gbps upload
 - c. \$229 for 10 Gbps download / 10 Gbps upload
 - d. None - I would keep my current service
 - e. Other (please specify)
6. What is your street address (optional)?

The memo concluded the goals of the discussion include reviewing the goals and the proposed questions of the survey and providing direction to staff on any changes to the goals or questions in the survey.

Mr. Bovero reviewed his staff memo and facilitated Council review of the draft survey questions. The Council provided feedback regarding adjustments to the questions in order to garner unbiased responses; they also stressed a need to educate residents regarding long-term financial implications of contracting with UTOPIA. This includes the length of time it may take for UTOPIA infrastructure to be installed in order for all areas of the City to receive service; during this time, the City and residents may be paying for UTOPIA without having access to the service. The Council directed Mr. Bovero to further research the updated UTOPIA business model and network with other cities to determine the costs they and their residents are paying for the service. Mr. Bovero stated he will get that information and bring this issue back to the Council before proceeding with publication of the survey questions. Councilmember Savage stated this is a topic of great interest among the citizens and he would like to advertise for at least a few months that a survey question about this issue is forthcoming. Mr. Bovero stated that is a great idea if this is something the City is campaigning for; however, if the Council truly wants unbiased survey results, it may be better to conduct the survey as has been done for past issues.

Planning item: Request for General Plan Map amendment for property located at 2105 W. 1900 S. from Commercial to Low-Density Residential. Applicant: Trent Barney; and

Proposed rezone of property located at 2105 W. 1900 S. from Professional Office (PO0 to R-2 (Single-Family Residential at three units per acre). Applicant: Trent Barney.

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

Location:	2105 West 1900 South
Current General Plan:	Commercial
Proposed General Plan:	Low-Density Residential
Total Site Area:	1.25 acres

The applicant has requested a General Plan Map Amendment from Commercial to Low-Density Residential. The intent is to subdivide the property in half and build two single-family homes. What is proposed meets the minimum requirements for the R-2 Zone. The allowed zones in the Commercial General Plan Designation are General Commercial, Professional Office, Mixed Use, Neighborhood Services and the allowed zones in the Low-Density Residential General Plan Designation areas A-1, R-1, R-2, R-3, Cluster, and Residential Planned Community. The proposed use will be essentially similar to the houses to the west but the type of proposed architecture is unknown. The Town Center Overlay also requires new development to be reviewed by the Architectural Review Committee, but there are no clear development standards for single-family houses. The PO Zone is focused on office uses but also allows for the previously proposed use which was an expansion of the Raintree Assisted Living Center. Because of the higher property taxes associated with most uses in the PO Zone, the proposed rezone represents a significant down-zone in terms of potential fiduciary benefits to the City. Given its location, the likelihood of office development is plausible but relatively low. A potentially beneficial use would be the continuation of Jackson Court to the South. This would provide a buffer between the Raintree Assisted Living and the single-family units to the west. However, a PRD zoning would be required to accomplish this result. During their regular meeting on April 7, 2020 the Planning Commission unanimously recommended the City Council approved the proposed General Plan Map amendment.

An additional memo regarding the proposed rezone explained the applicant has requested a rezone from PO (Professional Office) to R-2 (Single-Family Residential 3 Units Per Acre). The intent is to subdivide the property in half and build two single-family homes. What is proposed meets the minimum requirements for the R-2 Zone. This area is within the Town Center Overlay Zone which in its Purpose promotes “the preservation of existing natural features, especially trees; new development that blends in with existing conditions and enhances the traditional town center character; the advancement of architectural and site design standards that promote walkability and human scale; and the creation and maintenance of historic town center identity.” The proposed use will be essentially similar to the houses to the west but the type of proposed architecture is unknown. The Town Center Overlay also requires new development to be reviewed by the Architectural Review Committee, but there are no clear development standards for single-family houses. The PO Zone is focused on office uses but also allows for the previously proposed use which was an expansion of the Raintree Assisted Living Center. Because of the higher property taxes associated with most uses in the PO Zone, the proposed rezone represents a significant down-zone in terms of potential fiduciary benefits to the City. Given its location, the likelihood of office development is plausible but relatively low. A potentially beneficial use would be the continuation of Jackson Court to the South. This would provide a buffer between the Raintree Assisted Living and the single-family units to the west. However, a PRD zoning would be required to accomplish this result. During their regular meeting on April 7, 2020 the Planning Commission unanimously recommended the City Council approved the proposed rezone.

Mr. Steele reviewed his staff memos. The Council briefly discussed the relationship between the subject property and adjacent residential properties and offered their support for acting on the application during the May 12 business meeting.

Planning item: Request to amend Syracuse City Code Section 10.30.020 “Regulations for Buildings and Structures” relating to detached accessory dwelling units.

A staff memo from the Community and Economic Development (CED) Department the applicant has requested amendments to the Accessory Dwelling Ordinance with the intent of matching the newly updated Accessory Building Ordinance as there are some leftover inconsistencies and barriers to accessory dwellings not in keeping with the newly

updated Syracuse General Plan. The proposed amendments largely affect how setbacks are measured, removes a restriction on window placement, and also includes changes recommended by staff to remove barriers placed in the ordinance previously to make the creation of accessory dwellings more challenging. In 2019 the City Council updated the General Plan with the following statement “Basement apartments and backyard cottage apartments also known as accessory dwelling units (ADU) are viewed as a preferred way of providing housing options, while also giving a financial boost to the homeowner.” To accomplish this in accordance with State Code requirements concerning housing affordability, they agreed upon the following goal: “Study barriers to creating ADU’s on single family lots.” In keeping with this intent, the Code has been modified to remove the requirement that accessory dwellings have entrances facing the rear or interior property lines and to meet the same aesthetic standards for single-family units where accessory buildings are not. Allowances for the A-1 Zone and RPC have been included where A-1 is substantially similar to R-1 where ADU’s are permitted and RPC because the City Council allowed them in the Zone when it was created. During their regular meeting on April 7, 2020 the Planning Commission unanimously recommended the City Council approve the proposed amendment.

Mr. Steele reviewed the staff memo and facilitated a review of the proposed ordinance amendments. The Council briefly discussed the differences between regulations for single-family residential development and accessory dwelling development; they focused on adjusting the maximum size standards for an accessory building based on a percentage of the lot and a percentage of the primary dwelling unit. They reached consensus to limit an ADU to taking up 50 percent of the backyard, but no more than 1,500 gross square feet, after which they offered their support for considering the code amendments during the May 12 business meeting.

Planning item: Final Subdivision Plat – Request of D.R. Horton for a 35-lot final plat - Criddle Farms North Phase 4, located at approximately 975 S. 4000 W.

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

Location:	975 South 4000 West
Current General Plan:	Low-Density Residential
Proposed General Plan:	R-3 (Residential 4 units per acre)
Total Site Area:	10.46 Acres

The applicant has requested approval of a 38-lot residential subdivision slated for single-family housing. This is the fourth phase of the northern portion of Criddle Farms. During their regular meeting on April 21, 2020 the Planning Commission recommended the City Council approve the plat with the following condition: All comments shall be addressed prior to the plat being reviewed by the City Council. The memo concluded that as of the date of the staff report being written, all staff comments have been addressed.

Mr. Steele reviewed his staff memo and the Council offered support for acting on the application during the May 12 business meeting.

Planning item: Final Subdivision Plat – Request of Woodside Homes for a 68-lot final plat - Still Water Phase 7, located at approximately 2100 W. Parkview Drive.

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

Location:	2100 West Parkview Drive
Current General Plan:	Medium-Density Residential
Proposed General Plan:	Residential Planned Community (RPC)
Total Site Area:	11.76 Acres

The applicant has requested approval of a 68-lot residential subdivision slated for single-family housing. This is the sixth phase of the Still Water development. During their regular meeting on April 21, 2020 the Planning Commission recommended the City Council approve the plat with the following condition: All comments shall be addressed prior to the plat being reviewed by the City Council. The memo concluded that as of the date of the staff report being written, all staff comments have been addressed.

Mr. Steele reviewed his staff memo and the Council offered support for acting on the application during the May 12 business meeting.

Planning item: Final Subdivision Plat – Request of Woodside Homes for a 73-lot final plat - Still Water Phase 8, located at approximately 2000 West Combe Road.

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

Location:	2000 West Combe Road
Current General Plan:	Medium-Density Residential
Proposed General Plan:	Residential Planned Community (RPC)
Total Site Area:	9.91 Acres

The applicant has requested approval of a 73-lot residential subdivision slated for single-family housing. This is the seventh phase of the Still Water development. During their regular meeting on April 21, 2020 the Planning Commission recommended the City Council approve the plat with the following condition: All comments shall be addressed prior to the plat being reviewed by the City Council. The memo concluded that as of the date of the staff report being written, all staff comments have been addressed.

Mr. Steele reviewed his staff memo and the Council offered support for acting on the application during the May 12 business meeting.

Planning item: Request for consideration of land lease in Syracuse City Town Center.

A staff memo from the Community and Economic Development (CED) Department explained Phantom Fireworks would like to lease the 'Town Center' land that the city recently purchased. The parcel is .8 of an acre. They propose to set up a tent for firework sales from June 20th to August 5th, 2020. The proposed lease payment is \$5,000 dollars. This is the same setup that has been done in previous years with the previous landowner. This requires a recommendation by Planning Commission and approval by City Council. If the lease is approved, a temporary business license will be needed from the city prior to selling fireworks. The memo concluded the goal of this discussion is to determine if the matter should be referred to the Planning Commission for a recommendation.

Mr. Steele reviewed his staff memo. The Council indicated support for the lease, but discussed long-term plans for the property and voiced support for permanent development of the property in a manner that would generate tax revenue for the City.

Continued review/discussion of draft policy regarding fee reductions or waivers for use of City facilities

A staff memo from the City Manager explained from time to time, the City receives requests for a waiver or reduction of fees charged for utilization of City facilities or services. These requests are usually from people associated with non-profit, charitable, or service-related organizations or causes. Cities are required to study the costs and benefits of granting these requests, and hold a public hearing prior to a decision, unless the City is a sponsor. The memo summarized the purpose for having a policy as follows:

- Rather than processing each request separately and holding a public hearing for each application, a policy would grant the Administration the ability to automatically approve fee waivers or reductions based on preset criteria established by the Council.
- A policy would save the City in administrative time and money.
- A policy would allow applicants to receive a decision on their request in a timelier manner.
- A policy would provide a way for the City to participate in charitable or service-related efforts in the community. This, in part, helps the City fulfill its mission of "...promoting community pride..."

The draft policy for fee waivers and sponsorships has been adjusted responsive to the Council discussion at the February work session, the following amendments have been added:

1. The City may deny a request or cancel a reservation of an eligible applicant based on a history of non-compliance or uncleanliness of the venue by the applicant.
2. Events or reservations that are eligible for a waiver may only be scheduled up to 6 months in advance.
3. Deposits are still required for applicants that receive a fee waiver.

The memo concluded the goals of the discussion are to review the proposed draft policy and provide direction to Administration on finalizing a policy on fee waivers and reductions.

Mr. Bovero reviewed his staff memo and facilitated review of the draft policy document. Council discussion centered on matters such as an entity utilizing City facilities for free only to move their event or business to another location after the fee-waiver/reduction period has expired. Staff also provided the Council with examples of events/entities that may benefit from this type of policy. Councilmember Maughan stated that his greatest concern with this policy is that waiving fees makes it more difficult for the Parks and Recreation Department to be self-sufficient; the Council charged Parks and Recreation Director Robinson with adjusting her operations in order to cut costs and increase revenues and she has responded to that direction very well. If the Council is now going to allow for fee waivers or reductions, it will be hard for Ms. Robinson to maintain the Department's current status. Councilmember Savage agreed and expressed concern about helping private entities increase their revenues without covering the costs of providing facilities/support. Councilmember Bingham agreed, but noted the reason for having the policy is to eliminate the need for Administration to bring any request for a fee waiver to the Council for action; she feels the policy provides enough direction to staff in regard to appropriate situations for a fee waiver. She likes the concept of giving Ms. Robinson and Mr. Bovero the authority to determine good situations for waiving or reducing fees. This led to philosophical discussion and debate regarding the types of events or entities for which fee reductions should be considered; the Council communicated they do not want to waive or reduce fees for a program that may be in direct competition with a City program. They also indicated that they want to be the approving authority for any event hosted by a for-profit entity that wants to enter into a five-year agreement with the City. Mr. Bovero indicated he will adjust the draft policy and bring it before the Council again for further review before adoption.

Review Master Agreement with Utah Department of Transportation (UDOT) for the West Davis Highway Project

A staff memo from the City Manager explained the master agreement is a tool to help coordinate City projects that will be incorporated into the West Dave Highway Project. Below is brief summary of the terms:

- The City will review subsurface utility engineering performed by UDOT.
- UDOT will coordinate with the Design-Builder and the City on all relocating and adjusting of City Facilities within the project area.
- The City will perform necessary design reviews.
- UDOT will design and construct City facilities within the project area according to City design standards.
- The following utility betterments for the City will be performed under the UDOT contract:
 - Thurgood Lane extension to SR193
 - Utility replacement on Antelope Drive
 - 3000 West road improvements between Bluff Rd and Antelope Dr.
 - Bluff Road improvements between 3000 W and Antelope Dr.
 - Road improvements on 2000 W between WDC interchange and 3000 S.
 - Road improvements on 2700 S under WDC
- Due to the design-build nature of the project, UDOT and the City will enter into project agreements at specific project locations, whereby UDOT will design and the City will review for approval prior to construction.
- City must notify UDOT when a City representative is on the project site.
- The City shall provide on-call service available by City Engineer or inspector to address issues on the project.
- The City and UDOT will keep daily records of activities on the project.
- The City will not bill UDOT for staff time on reviews, inspections, observations, etc. unless it requires the assistance of a third-party paid professional.

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- The Design-Builder retains ownership of salvaged material. Salvaged streetlights will be returned to the City
- State and Federal government have the right to audit records and accounts of the City.
- City will have 60 days to accept work performed by UDOT and contractor.

The memo concluded the goals of the discussion are to review the UDOT Master Agreement for the WDC and determine whether this item should be on the May 12 consent agenda.

Mr. Bovero reviewed his staff memo. The Council indicated they are comfortable adding an action item to the May 12 consent agenda.

Discussion of future agenda items/Council announcements.

The Council briefly discussed their desire for future agenda items. There was also general discussion regarding current operations and needed adjustments to community events and programs in response to the COVID-19 pandemic.

The meeting adjourned at 9:17 p.m.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: June 9, 2020