

Minutes of the Work Session meeting of the Syracuse City Council held on March 25, 2014, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan  
Mike Gailey  
Craig A. Johnson (arrived at 6:02 p.m.)  
Karianne Lisonbee  
Douglas Peterson

Mayor Terry Palmer  
City Manager Brody Bovero  
City Recorder Cassie Z. Brown

City Employees Present:

Finance Director Steve Marshall  
Public Works Director Robert Whiteley  
City Attorney Clint Drake  
Parks and Recreation Director Kresta Robinson  
Community Development Director Sherrie Christensen  
Fire Chief Eric Froerer

The purpose of the Work Session was to receive public comments; receive a presentation from Irben Development regarding the proposed Ski Lakes Subdivision; have a discussion regarding the process to appoint Syracuse City Justice Court Judge; discuss a proposed ordinance amending Title Seven of the Syracuse City Code relative to fireworks and the adoption of the International Fire Code; discuss a proposed ordinance amending Title X relative to duplexes, basement apartments, and accessory dwelling units; discuss the Fiscal Year (FY) 2014-2015 budget; and discuss Council business.

## **Public Comments**

[6:01:02 PM](#)

John Lewis thanked the Council and Mayor for reviewing the request he made in February regarding the format of City Council minutes and noted he wanted to publicly thank City Recorder Brown for changing the format of the minutes to include more discussion and summary. He then noted he wants to work with the Council relative to changes in the City's laws dealing with financial declarations for municipal election candidates. He stated that according to the current reporting requirements, candidates are not required to file their declarations until after voting has commenced and many people have found things that they did not like about a candidate's contributions or spending once those declarations have been filed. He noted it would be much better if the candidates were required to be up front and transparent about the finances of their campaigns.

[6:03:02 PM](#)

## **Presentation from Irben Development regarding the proposed Ski Lakes Subdivision**

Mike Thayne, a representative of Irben Development, used the aid of a PowerPoint presentation to provide the Council with a brief history of the proposed Stillwater Estates Development as well as an updated proposal and design of the project. Representatives of Brighton Homes provided the Council with information regarding the lot layout of the residential components of the development as well as the proposed design and architecture of the homes to be built. The square footage of the homes to be constructed in the portion of residential area east of the ski lakes ranges from 2,500 square feet to 3,000 square feet. There was a brief discussion regarding the space allowed in the side-yards of the homes in the current design, with a focus on access to the properties for emergency responders, with Fire Chief Froerer stated the design is not concerning to him. Mr. Thayne continued his review of his presentation and highlighted the location of public parks, benches, and walking trails within the development. All parks will be maintained by the Homeowners Association, but they will be open to the public.

Councilmember Peterson asked how the lakes will be filled with water. Mr. Thayne stated that the lakes will be gravity fed from a storm drain ditch located on the east end of the property. He stated he has secured all water rights that he is required to dedicate to the City for the development. There was then a discussion regarding the potential for the development increasing the mosquito population in the City, with Mr. Thayne explaining that will not happen because there

will be no vegetation in or around the lakes, which is the habitat needed for mosquitos to multiply. Councilmember Johnson stated he has had a discussion with the Davis County Mosquito Abatement District about that subject and what Mr. Thayne says is correct, but the District's concern is whether residents in the development may call them for help with other insects. He stated the District has asked for a follow-up meeting with Mr. Thayne to allow for continued review of the plan for the development.

Councilmember Duncan stated it seems there are two different developments within one single development and he asked if there will be separate conditions, covenants, and restrictions (CCRs) for each portion of the development, to which Mr. Thayne answered yes. Councilmember Duncan stated it seems one portion of the subdivision is actually high density housing while the other meets the terms of the City's cluster subdivision ordinance. He asked if all residents will have access to the lakes. Mr. Thayne stated people living in the cottages will not be allowed to put a boat in the lakes. Councilmember Duncan expressed his concern that the design is technically two different subdivisions and the proposal is destroying the concept of public open space. Councilmember Johnson agreed and stated the residents living around the lakes have access to the open space and the other portion of the development that contains the higher density housing does not meet the requirements of the City's cluster subdivision ordinance. He stated there should be two different subdivisions and subsequent applications for those subdivisions. He continued by explaining he is disappointed that the Planning Commission would approve this application as a cluster subdivision; they are not being objective and interpreting the City's ordinances appropriately. He noted this is the reason he would like for the City Council to review sketch plans. Councilmember Peterson stated that is Councilmember Johnson's opinion based on his interpretation of the ordinance, but the Planning Commission should interpret the ordinance in the manner they feel appropriate and the City Council has the right to vote differently than the Planning Commission. Councilmember Johnson stated the City's cluster subdivision ordinance dictates that all residents should benefit from the open space, but there is no open space near the homes located in the high density portion of the development. Councilmember Peterson disagreed and stated the residents can access the walking path and walk around the lakes; the open space does benefit the entire development and he feels the concept will attract many people. Councilmember Johnson stated the 'numbers are being fudged' in order to make the development comply with the cluster subdivision ordinance. Councilmember Duncan stated the open space is being given to the people willing to build a \$1 million home on the lakes and the people living in the smaller homes are being told they can look at the open space.

Mayor Palmer stated he has had some concerns about the proposal and he asked that Mr. Thayne make this presentation to the Council tonight before moving any further in the approval process. He stated he would like to understand how the Council may vote on this issue if further applications are made.

A representative of Brighton Homes stated the current design is not the starting point; Mr. Thayne and Brighton Homes have been working with the City over a long period of time to address the concerns of the Planning Commission and City Council and the scope of the project has actually been greatly reduced. He stated it is not uncommon for different neighborhoods to have different amenities although they are part of the same subdivision. Councilmember Duncan reiterated his concern about two separate developments and noted there are basically two different zones included within the same subdivision. This led to a discussion regarding the overall density of the development with Ms. Christensen noting the density is approximately five units per acre. Councilmember Johnson stated the density of half of the development is higher than allowed in a cluster subdivision. Mr. Thayne stated that if he were really trying to leverage the open space to increase the number of lots in the development, he would be asking for twice as many residential units. He stated he has reduced the number of units to 165. Councilmember Peterson added that he has a hard time classifying the design that is being presented as high density housing. Councilmember Johnson stated it is not high density housing, but it is higher than allowed by the cluster subdivision ordinance.

Councilmember Gailey stated the proposed West Davis Corridor route will run adjacent to the subdivision and will ultimately impact the value of the properties and the homes constructed there; he noted he is not opposed to considering the development as it is currently designed and he feels the use of space as a whole meets the letter of the law. There was a general discussion and review of the City's ordinance governing cluster subdivisions, with Mayor Palmer noting the density of the residential portion east of the ski lakes would qualify as R-3 zoning and he asked if the Council would be willing to assign R-3 or PRD zoning to that portion of the development. Councilmember Johnson stated that type of design would meet the letter of the law. He stated he wants to be consistent in following the ordinances of the City.

Councilmember Lisonbee asked if there will be a development agreement for the project, to which Mr. Thayne answered yes. Councilmember Lisonbee stated the Council has input in development agreements, including defining maximum density and open space; for that reason she does not think the Council is out of line in questioning the development as it is being proposed. She stated she shares the concerns of Councilmembers Duncan and Johnson and Mayor Palmer. She stated she recognizes Mr. Thayne has been working on the development for some time and she appreciates all the work he has done to this point, but she has also been concerned with what the Planning Commission has been saying about the

development. She indicated she would like for the project to be broken into two different developments with separate zoning designations and HOAs with their own open space. She stated she understands both sides of the argument, but she does share the concerns expressed by Councilmembers Duncan and Johnson.

Mr. Thayne provided a history of the development and explained he did not request the R-1 cluster zoning; he met with the City over two years ago and the Planning staff recommended that zoning designation for the property. He stated he has gone down the road of following that recommendation, designing a product, and spending thousands of dollars and now he is hearing this is the wrong product. He stated that is very concerning to him. Councilmember Johnson stated it is not necessarily the wrong product, but it needs to comply with the City's ordinances. Mr. Thayne stated that the ordinance that was in place at the time that he initially applied for this project was not clear about open space being available for use by all residents of the development. He stated he feels the current proposal meets the ordinance and actually exceeds the open space and density requirements.

Mayor Palmer asked that each Councilmember communicate their desires to him and he will work with Mr. Thayne and Ms. Christensen to find a way forward.

Councilmember Johnson asked if Mr. Thayne would be willing to place money in escrow to pay for future road improvements in the area as well. Mr. Thayne stated those issues have been discussed at length at the Planning Commission level. Mayor Palmer suggested that Councilmember Johnson also work with Ms. Christensen and Mr. Thayne to work through those issues before an application is forwarded to the City Council.

The discussion concluded with a focus on the relationship between the Planning Commission and City Council and the role of the Planning Commission in the City.

[7:06:08 PM](#)

### **Discussion regarding process to appoint Syracuse City Justice Court Judge**

City Attorney Drake reported Justice Court Judge Joseph Bean has been nominated by Governor Herbert to be appointed as a Second District Court Judge; it will be necessary to select a new Judge to be appointed to replace Judge Bean and Mr. Drake used the aid of a PowerPoint presentation to provide the Council with an explanation of the appointment process.

Mayor Palmer asked how the Justice Court will function while waiting for a new Judge to be appointed. Mr. Drake stated the City can ask any other sitting Justice Court Judge to serve as a substitute Judge in the Syracuse City Justice Court until a new Judge can be appointed.

[7:17:42 PM](#)

### **Discussion of Proposed Ordinance amending Title Seven of the Syracuse City Code relative to fireworks and the adoption of the International Fire Code.**

A staff memo from Fire Chief Froerer explained this effort is to complete three proposed revisions to Syracuse Title VII as follows:

- 1) 7.01.020 – Adoption of International Fire Code (IFC). Our ordinance states that we adopt the current edition of IFC (2012) that has been adopted by the State of Utah, as stated in Utah Code 15A-5-103. 15A-5-103 excludes the appendices of the IFC. We propose adding language to our ordinance to also specifically adopt selected appendices of the IFC in an effort to eliminate confusion for anyone seeking to know the standard fire flow, hydrant placement and apparatus access for Syracuse City.
- 2) The 2013 Utah Legislative Session passed HB289, which is in conflict with our current ordinance 7.05.030. Proposed revision will bring our ordinance in compliance with HB289.
- 3) Current ordinance does not address request for public display of fireworks (i.e., Syracuse HS requests to use fireworks at homecoming). Proposed revision 7.05.015 provides description and permitting process for public fireworks display requests. Also attached is proposed form for the request, which would be available from [syracuseut.com](http://syracuseut.com) web site.

Chief Froerer reviewed his staff memo.

Mayor Palmer asked if the adoption of the IFC will cause the City to make any significant changes to its current operations. Chief Froerer answered no and stated the change will provide more consistency and less confusion between the City Code and the IFC. Mr. Drake added that the State of Utah has adopted the IFC, but the appendices have not been

adopted by the State because some of the items included in those documents cannot be addressed by small towns throughout the State.

Councilmember Gailey asked how the High School or other entity would be able to acquire fireworks for their homecoming game given that event is not held at the time when fireworks are typically available for sale in Utah. Chief Froerer stated the school would need to use a large fireworks distributor that sells fireworks for public display. There was a discussion regarding the licenses and restrictions that such companies are already required to adhere to. Mayor Palmer stated that he would request that any entity seeking permission for a public fireworks display be required to provide the City with a certificate of insurance.

Councilmember Johnson asked if the language recommended for Section 7.05.030 is taken directly from the State's legislation, to which Chief Froerer answered yes. Councilmember Duncan stated he has concerns about limiting controlled burns on agricultural property. Mr. Drake stated the language referencing agricultural property was taken directly from the State statute and the City's ordinances cannot be less strict than State laws. Chief Froerer explained controlled burns are permitted on agricultural property and any fire restriction put in place would be implemented to protect agricultural property from fireworks or other ignition sources. Councilmember Lisonbee stated she finds the use of the words 'ignition source' problematic. Mr. Drake stated that language is also pulled directly from State statute and fire restrictions will only be put in place when recommended by the Fire Chief and approved by the City Council. Chief Froerer agreed and noted the resolution the Council adopted last year only identified the prohibition of specific ignition sources. Mayor Palmer wrapped up the discussion and noted that a public hearing for the proposed ordinance will be advertised on the next Council business meeting agenda.

[7:36:50 PM](#)

**Discussion of Proposed Ordinance amending Title X relative to duplexes, basement apartments, and accessory dwelling units (continued from March 11, 2014 meeting.)**

A staff memo from Community Development Director Christensen explained the Planning Commission has been reviewing Title X for the past few months regarding Duplexes, Basement Apartments and Accessory Apartments. The proposed amendments provide limits and regulations for duplexes that have previously been allowed in all residential zones. These amendments will demonstrate compliance with State of Utah requirements to address moderate income housing in our City. The proposed ordinance reflects the recommended changes from the Planning Commission. The Planning Commission held a public hearing on the proposed amendments on January 21, 2014. At a public meeting that same night the Planning Commission recommended to the City Council the adoption of the proposed amendments. The memo provided the following summary of amendments included in the proposed ordinance:

- |                      |   |
|----------------------|---|
| Section 10-02-040    | Adds definition of an accessory dwelling unit, clarifies definition of multi-family dwelling and dwelling.  |
| Section 10-11-030    | Adds accessory dwelling as a conditional use in the A-1 zone  |
| Section 10-12-030    | Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-1 zone.  |
| Section 10-13-030    | Deletes Two-family dwellings (duplexes) and replaces with accessory dwelling as a conditional use in the R-2 zone.  |
| Section 10-14-030    | Add accessory dwelling as a conditional use in the R-3 zone and changes Two-Family Dwellings to a minor conditional use in the R-3 zone.  |
| Section 10-6-020(D)  | Provides regulations for two-family dwellings in the R-3 zone with the following requirements: <ul style="list-style-type: none"><li>• Increases the lot size requirement for duplex lot from 8,000 sq. ft. to 11,000 sq. ft. and lot width/frontage from 80 feet to 100 feet.</li><li>• Restricts rental of dwelling to long term rental, not nightly or weekly rentals.</li><li>• Provides design guidelines that restrict the look and feel of the structure, so that that the structure appears similar to a single family dwelling and has a lesser visual impact on the neighborhood.</li></ul> |
| Section 10-06-020(E) | Provides regulations for accessory dwellings (currently permitted as two-family dwellings) in residential zones with the following requirements:  |

- Requires one unit to be owner occupied.
- Limits 1 accessory unit per lot
- Provides for increased setback requirement for new accessory unit construction, which is detached from the main dwelling.
- Provides for required increased lot size by 3,000 sq. ft. for accessory units in detached structures and prohibits them in Cluster Subdivisions.
- Restricts nightly rentals.
- Restricts home occupations in accessory unit
- Requires increased setback if windows are placed on walls adjacent to abutting properties.
- Provides size restrictions for minor CUP:
  - Basement or attic 50% gross sq. ft.
  - Attached 650 sq. ft.
  - Detached 650 sq. ft.
- Provides major Cup process for units greater than 650 sq. ft. up to 50% of gross floor area of main dwelling.
- Requires parking based upon the number of bedrooms in the accessory unit.
- Requires entrance to accessory unit from the side or 20' to the rear of main dwelling entrance.
- Requires detached structure to be compatible architecture and materials of main dwelling.

Ms. Christensen reviewed her staff memo.

Councilmember Duncan stated he has thought a lot about this issue since the last meeting and he is in favor of eliminating two-family dwellings as a conditional use in certain zones and only allowing them in zones that currently allow them. Ms. Christensen stated two-family dwellings are currently allowed in the R1, R2, and R3 zones and she asked for direction regarding the zones in which the land use should be permitted. Councilmember Duncan indicated he would like to limit two-family dwellings to the planned residential dwelling (PRD) zone; residents do not appreciate the impact that two-family dwellings have on single-family home neighborhoods. He stated he likes the concept of accessory dwellings, but he would like to eliminate the allowance for a detached dwelling unit; it is infrequently used for the right purpose and more frequently used for the wrong purpose. Councilmember Lisonbee stated she knows of residents that would like to include a detached accessory dwelling on their property to provide a place for a member of their family to live and she has no problem allowing that. Ms. Brown noted she is aware of other cities that have adopted ordinances relative to ADUs and the ordinance requires that the person living in the ADU must be related to the owner of the primary dwelling. Ms. Christensen noted she is concerned about implementing such an ordinance because it would be difficult to enforce and it could also be interpreted as discriminating against individuals in need of renting a living space. Councilmember Duncan stated the goal of the ADU ordinance should be to find meaningful options to facilitate the needs of residents who would like to provide a place for a member of their family to live.

Mayor Palmer stated he is also in favor is disallowing two-family dwellings in the R1, R2, and R3 zones of the City and limiting them strictly to the PRD zone.

Councilmember Duncan stated he wants to ensure that the City's ordinance includes architectural standards to require additions to a dwelling to match as closely as possible the original architecture and construction materials used. Ms. Christensen stated that would apply to all home additions and would be included in another portion of the ordinance.

There was a discussion about the Walker Estates subdivision and the zoning assigned that that area of the City. Councilmember Gailey stated he likes the subdivision and would be supportive of prohibiting two-family dwellings in the residential zones of the City as long as there is a tool to allow for the construction of a subdivision similar to Walker Estates in the future. Ms. Christensen stated that the R-1 cluster or PRD zoning would accommodate such a development.

Councilmember Lisonbee noted zoning laws are meant to restrict rights to protect an expected community standard. She stated there could be an argument to eliminate zoning laws, but if the City opts to have zoning ordinances it is necessary to recognize the purpose of the laws, which is to take away certain rights. Councilmembers Duncan and Johnson agreed that zoning is used as a tool and it may take away certain rights or prohibit people from doing what they want to do with their property.

There was a general discussion about the manner in which to proceed in addressing the issue and the consensus was to permit detached ADUs and not require that the unit only be rented to a family member of the resident of the primary dwelling; this decision was reached due to the fact that one of the units on the property must be owner-occupied. Existing ADUs or basement apartments will be grandfathered according to the existing ordinance.

[7:57:09 PM](#)

### **Fiscal Year (FY) 2014-2015 Budget discussion**

City Manager Bovero stated Administration needs direction from the Council in order to proceed with assembling the budget for the next FY; during the recent budget retreat there was a discussion regarding an employee retention policy and the City's benchmarking strategy and he used the aid of a PowerPoint presentation to identify his goals for a retention policy as well as the cities that he feels it would be most appropriate for the City to benchmark against. The first list of cities is a location based list and if there are not at least 10 cities to use as a benchmark for any given position, staff will pull from an additional list of cities that are of similar size and total budget amount. There was a discussion regarding the cities being proposed for benchmarking and the consensus was to remove Ogden City and West Bountiful from the list. Mr. Bovero then stated he would like for the City's wages to be within the 60<sup>th</sup> or 70<sup>th</sup> percentile of the market wage for any given position. He used the pay range of a Police Officer 1 position to provide the Council with an example of his recommendation to pay within the 60<sup>th</sup> or 70<sup>th</sup> percentile. He stated he needs to understand the Council's feelings about this approach so he can proceed with developing a policy that will support engaged employees; an additional aspect of the policy will be setting clear standards regarding the expectation for employee performance. Councilmember Duncan stated he wants the Administration to be cognizant of anomalies because they will skew the data gathered throughout the benchmark survey.

Councilmember Gailey stated there was a discussion during the budget retreat regarding some of the benefits that have been taken from employees and the promises that were made to eventually restore those benefits and he would like to understand the details of those benefits. Mr. Bovero reviewed an informational spreadsheet identifying the changes that have been made to the employees' benefits packages since 2007. Finance Director Marshall stated he does not believe employees expect to have all benefits they have received in the past to be restored, but he does believe they would like to be able to see a long-term compensation plan for the City so they know what to expect in the future. Mr. Bovero agreed and noted that since 2007 inflation has increased 9.8 percent and employees have only received a three percent pay increase since that time. There was a discussion regarding increased health insurance costs that are out of the City's control, with Mayor Palmer noting the Administration is trying to address the concerns that have been expressed by the Council relative to how pay increases have been handled in the City in the past. Councilmember Lisonbee stated she appreciates the opportunity to look at all the data relative to wages; there may be instances where the City already pays 100 percent of the market wage for a position and it may be necessary to lower that wage through attrition, but there may be instances where wages are low and it is necessary to provide increases. She stated, however, the Council cannot assume the City was always behaving in a fiscally conservative way and some policies were abused, which led to some of the problems the City faced during the recession; The Council will be doing the best they can do if they continue to be fiscally responsible and determine whether the City can afford the long-term effects of raises. Councilmember Duncan stated that the benchmarking survey will provide transparency to the process and give the Council a tool to inform the citizens the reasoning for providing employees with pay increases.

Councilmember Lisonbee then requested that Eagle Mountain and Spanish Form cities be removed from the secondary benchmarking list. Councilmember Duncan also suggested that the data be analyzed as it is made available and if wages are very low in certain cities that data could be eliminated from consideration as well.

[8:26:17 PM](#)

### **Council business**

Each Councilmember provided a brief report of meetings and activities they have participated in since the last Council meeting.

The meeting adjourned at 8:33 p.m.

City Council Work Session  
March 25, 2014

---

Terry Palmer  
Mayor

---

Cassie Z. Brown, CMC  
City Recorder

Date approved: April 8, 2014