

Minutes of the Work Session meeting of the Syracuse City Council held on July 25, 2017 at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson  
Corinne N. Bolduc  
Mike Gailey  
Dave Maughan  
Jordan Savage

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

City Employees Present:

Finance Director Steve Marshall  
City Attorney Paul Roberts  
Community and Economic Development (CED) Director Brigham Mellor  
Public Works Director Robert Whiteley  
Police Chief Garret Atkin  
Fire Chief Eric Froerer  
Assistant Parks and Recreation Director Chad Smout

The purpose of the Work Session was to receive public comments; hear a request to be on the agenda: Utah Department of Transportation (UDOT) and the Langdon Group re: announcement of West Davis Corridor (WDC) preferred alternative; discuss proposed changes to City Newsletter format; discuss a Council request for review and discussion of current sign ordinance; discuss request to amend the General Plan land use designation for property located at approximately 2700 S. 3800 W. from A-1 to R-1; review Final Subdivision Plats, Grayson Ridge Phases 1 and 2, located at approximately 3600 W. 2000 S.; discuss proposed amendment to Syracuse City Code Section 10.82.040, Front Yard Encroachments in the Residential Planned Community (RPC) Zone; discussion regulations for legal nonconforming accessory buildings, conditional use permits, and covered spaces; discuss the “advice and consent” process for Mayoral appointments; review proposed Interlocal Agreement with Clinton City regarding Victim Advocate Services; continued discussion regarding utility rate structure and five-year capital projects funding plan; continued discussion regarding civil enforcement of parking violations; discuss a proposal to create informational videos to engage with and educate citizens; review and discussion of Request for Proposals (RFP) for Regional Park Master Plan and Design Services; receive a presentation regarding the Truth in Taxation process; discuss promotional process for Police Lieutenant position; discuss Council request for review and discussion of current firework regulations; and discuss Council business.

A local Boy Scout led the audience in the Pledge of Allegiance. Council member Gailey provided an invocation.

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**Public comments**

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Randy Brown stated he lives in West Point, but he owns 20 acres west of the bluff at 2175 S. Bluff Road. Syracuse City has retention pond in the area and the Utah Department of Transportation (UDOT) has indicated their plans to build a highway over it, but that they want to replace the pond. There is ground in the area that can be used, but Syracuse City has set that ground aside for a future park. He stated it is not a good place for a park as it is not easily accessible. He noted that he spoke to the City Planner today who indicated that the impacts to the City’s property will need to be mitigated; there is some property near Jensen Park that could be available to meet the mitigation requirements, but there have been no discussions between the City and UDOT about that option. He is asking the City Council to explore that possibility as UDOT will push the requirement for the pond onto him and take half of his land, which he is not happy about. He stated that the property has been in his family for four generations and he would like to continue farming it.

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Jeanie Brierly stated she and her husband live at 3053 S. 2000 W. and they have some concerns about the final plans for the West Davis Corridor (WDC) project. They have three children living at home ranging from ages five to 10; when they moved to their home 12 years ago there were only five homes further south than theirs on 2000 West and they enjoyed relatively light traffic and a quiet, rural atmosphere. Now, several neighborhoods have been built or in the process of construction, which has increased traffic in the area, but now a freeway exit ramp will be located nearby and the safety of her children is a large a concern. She would like to know the City's plans for addressing these issues; she wondered if there are any plans to widen 2000 West to accommodate the traffic from the exit ramp and the future construction of an elementary school in the area. She added the lighting needed for the freeway will most likely increase the troublesome mosquito population in the area and she will likely need blackout curtains in her home so that her family can sleep at night. The potential for an impaired driver to lose control on the exit ramp and barrel into her home is also very worrisome. When the WDC "B Alternative" route was initially published, her home was listed as one that would potentially be purchased for the project; UDOT asked her preference and she and her husband indicated they would like for UDOT to purchase their home, but as the plan sits now, the exit ramps have been compressed further to the south to avoid having to purchase her home. She stated that her home value will be very negatively impacted by this project. She concluded that her family initially chose their home because of the light traffic and rural environment; they are not opposed to the freeway as they see the need for improved flow for commuters, but they are very concerned about the complete change of atmosphere and the impact to their way of life.

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Harry Stem stated he is a retired Air Force Veteran and he submitted an email to the Council recently regarding his concerns associated with the discharge of fireworks in Syracuse City. He has been diagnosed with severe post combat post-traumatic stress disorder and he does not understand why the State of Utah allows for the discharge of fireworks three days before and after a holiday. He sleeps with ear plugs in his ears every night to prevent waking in the middle of the night reliving a combat situation. He understands that people enjoy fireworks, but many are being disrespectful of their fellow citizens by discharging fireworks late into the morning hours. He stated that he rises at 4:30 a.m. to be to work at 5:30 a.m. and today was not a great day for him as he was up throughout the night reenacting something that had happened nine years ago before he retired from the Air Force; this impacts his wife and his service animal. He stated he has nothing against fireworks, but he suggested that the City designate a central location for them to be discharged. He added that there is a vacant field adjacent to his property and he is waiting for it to be set on fire by fireworks and ultimately damage his home. He understands that fireworks are regulated by the State, but he wondered when this issue will be addressed.

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A visitor, no name or address given, stated he is the owner of the Olympus Fireworks stand in the City; his family has been selling fireworks for 35 years and they sell to many families for whom fireworks are a part of their family traditions and memories. He stated his father is a Vietnam Veteran and he is actively involved in the business as well. He stated he understands Mr. Stem's concerns, but there are laws in place to regulate the activity. It would be appropriate for the City to regulate the discharge of fireworks after the nightly cutoff time, but a proposal to ban fireworks in the City is unreasonable and would result in taking away a freedom that residents enjoy. He stated that the law allows for discharge three days before and after a holiday and that is because not everyone can participate in celebrations on the actual holiday and they are given flexibility to celebrate the holiday in the way they choose. He stated that he does not want anyone to experience damage to their private property, but it is his belief that most people that use fireworks do so in a safe and responsible manner. He stated he supports the current laws of the State of Utah and he concluded that he does not want the few people that do not like fireworks to ruin it for those that do enjoy fireworks. He recommended that current laws be better enforced in order to address the few concerns that have been raised.

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Tricia Roundy stated she lives on Bluff Road and would like to make her voice heard about the proposed WDC project in front of her home. She was raised in Syracuse and it was a farming community that has grown a lot over the years. She loves the growth and all of her neighbors, except for Wal Mart, but she wished to remind UDOT and City leaders that there is not room for an interchange at Bluff Road and 1700 South regardless of the way it has been proposed. The people that she knows in her neighborhood who are not objecting to the freeway are those who will not lose their home to the project. She stated she may feel the same if her home were to be purchased by the

project, but that is not the case. She stated that she has four children and a business to operate and she does not have a lot of time to spend to fight against the freeway, but she did want to take a minute to put a face to the many people that will be negatively impacted by a freeway running through the community in a place that may not be the best spot.

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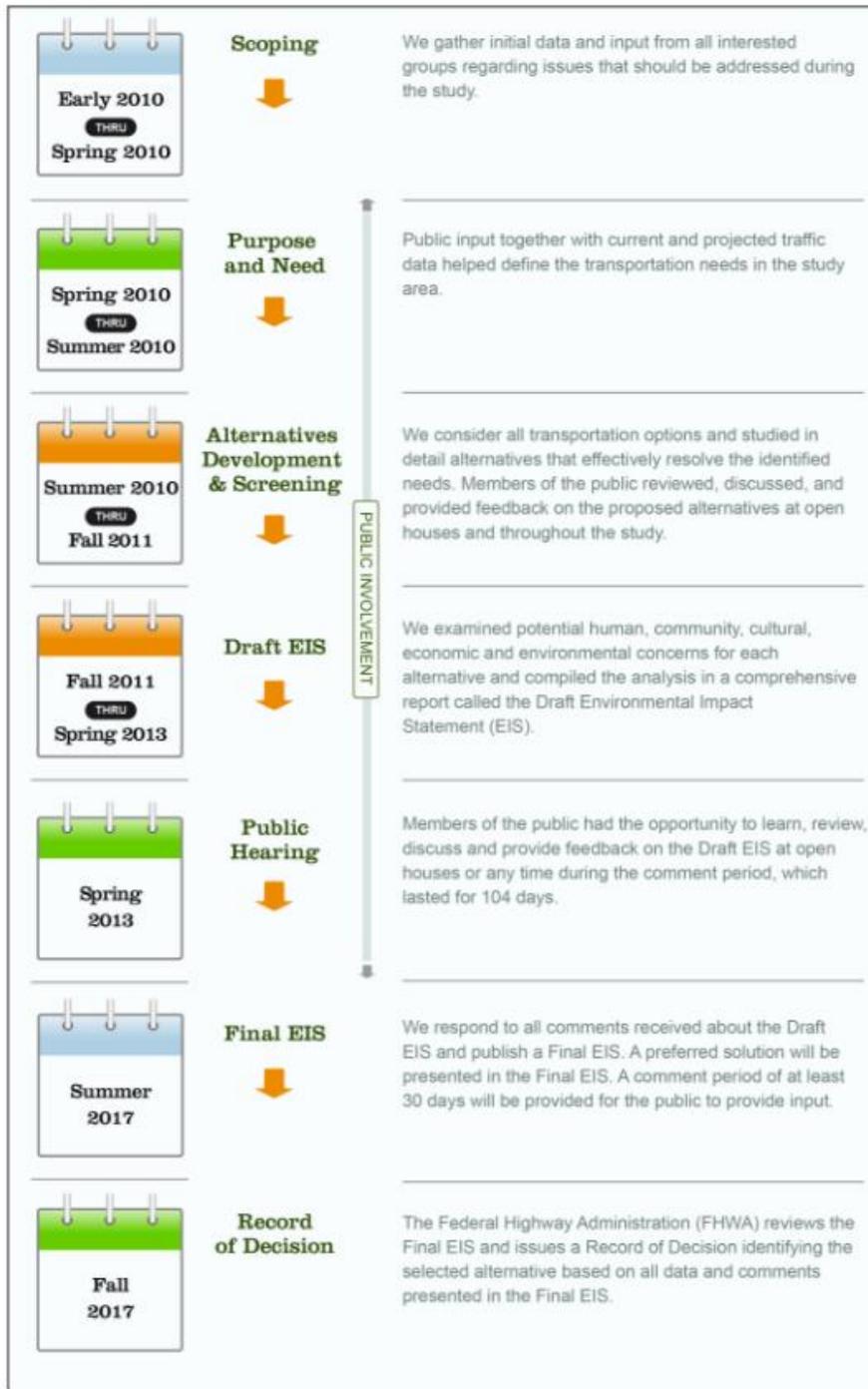
Ralph Vaughan addressed agenda item “F”, which relates to the proposed annexation of property; he has major concerns about the proposal as annexing the 100 acres of property into the City will create a tremendous domino effect by communicating to developers that if they can annex their property and have the City provide all infrastructure to their project. Additionally, surrounding property owners will believe that they can annex and secure the right to develop a cluster project on their property. Although there should not be discussion of development plans when considering an annexation, there has been so much talk about the applicant regarding a new golf course, off-road track, and private lake, which must mean that the residential units will be clustered on the property. He stated that one of the reasons the applicant wants to designate the lake as private is that it would not be required to obey the safety laws of the State of Utah. An off-road track will disturb a native habitat and will attract the attention of conservancy activists. Additionally, the golf course currently operated in Syracuse City is having a difficult time being successful and the addition of a new nine-hole golf course to compete with Glen Eagle will be problematic. Before considering annexation, the City needs to perform an analysis to understand the infrastructure costs for the City to install pavement, curbing, sewer, and water lines; there has already been discussion about the developer’s desire to raise the back of the property by up to 18-feet in height to allow for the sewer to be gravity fed to 2700 South, but he wondered what the weight of that amount of dirt will do to the water table. Any work of this type will require completion of an environmental impact report and he suggested that the Council not consider the annexation of this property at this time.

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**Request to be on the agenda: Utah Department of Transportation (UDOT) and the Langdon Group re: announcement of West Davis Corridor (WDC) preferred alternative.**

A staff memo from the City Manager explained Randy Jeffries, Project Manager for the West Davis Corridor Project, has requested time on the meeting agenda to address the Mayor and City Council, as well as residents. The purpose of the discussion is to present UDOT’s preferred route of the West Davis Corridor, and to answer questions. UDOT provided a chart illustrating the Environmental Impact Statement process; the project is in the Final EIS stage.

## EIS Process & Schedule



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Randy Jeffries, Utah Department of Transportation (UDOT) project manager, first provided a brief video illustrating the process UDOT has followed to develop the preferred alternative for the WDC project, after which he used the aid of a PowerPoint presentation to facilitate discussion among the Council regarding to process that will be followed for the project going forward. He stated that all information being discussed tonight is available on

UDOT's website and he used the aid of a map to identify some of the features of the WDC where it will run through Syracuse. Discussion among the Council and Mr. Jeffries centered on topics such as trail connectivity, the location of on and off ramps, the use of sound walls through residential areas, anticipated traffic levels, the allowance of truck traffic on the road, speed limits, redirection of canals and waterways, the impact the project could have on the Syracuse Arts Academy, the ability for a property owner to seek that their property be acquired in association with the project, and laws governing the proximity of this type of roadway to residential properties. Mr. Jeffries concluded that he and representatives of the Langdon Group will remain in the lobby area of City Hall this evening to continue discussion of the project with residents and affected property owners.

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**Proposed changes to City Newsletter format.**

A staff memo from the City Manager explained the City currently budgets \$8,400 annually for production and mailing the monthly newsletter, which is a four-page, largely text-only publication that is inserted in the monthly utility bill. The discussion for this meeting is part of a greater concerted effort to better engage with our citizens, educate them on what their City government is doing, and to fulfill a part of the City's mission of "promoting community pride". For the last two years, the City scaled down the newsletter and realized a significant savings on the publication. While there is not comprehensive study on readership, anecdotal evidence suggest that readership of the current newsletter is low. Over the last year, more and more information is needed in the newsletter but space is extremely limited, resulting in a very crowded and unsightly appearance. City Administration was made aware of a new concept currently being used in North Ogden and Pleasant View. The concept is in the form of a community magazine, rather than a typical newsletter. Examples of the magazine will be distributed at the Council meeting. The concept requires coordination between City officials and a third-party producer, who formats, edits, publishes, acquires the advertising revenue, and distributes the magazine to each resident and business in the City. Article content can come from the third-party producer, city officials, or even residents who serve as contributing authors. A company by the name of Connection Publishing, headed by Ryan Spelts, is the company that produces the magazine for North Ogden and Pleasant View. Administration has been in contact with them, and they have agreed to make a presentation to the Council on their concept. Connection Publishing has also submitted a proposal, which will be included in your Dropbox outside of this packet. Due to the estimated costs, the City would need to advertise for bids before selecting a third-party publisher, assuming the Council decides to move forward with this concept. Estimated costs will be discussed further at the meeting. The memo concluded this item is on the agenda to consider a new concept that might improve and enhance the City's overall communication with its residents and businesses. This concept would replace the current newsletter.

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City Manager Bovero reviewed his staff memo and he introduced Ryan Spelts of Connection Publishing, who provided a presentation to the City Council regarding the service his company has provided in other cities relative to publication of a communication tool that is heavily read by citizens. He stated that he lives in North Ogden and that city was his first client and it has been a great success; the magazine provides a voice for the city while allowing community member involvement. He discussed the various content included in magazines that he publishes in other communities and the cost of the publication. Mr. Bovero noted the City currently budgets \$8,400 per year for its newsletter and Mr. Spelts has indicated that after the initial transition from the newsletter to the magazine, once advertisers have been secured for the publication, the costs should be roughly the same. He and Mr. Spelts then facilitated a discussion regarding the manner in which businesses are enticed to advertise in the newsletter as well as the City's oversight of content of the magazine and the shift between staff resources/time dedicated to the newsletter versus support of the magazine. The Council indicated they support the idea of transitioning to a City magazine rather than a newsletter and, in conclusion, Mr. Bovero reviewed the request proposal process (RFP) the City will follow to ensure that the service is advertised for competitive bids.

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**Council request for review and discussion of current sign ordinance.**

A staff memo from the Community and Economic Development (CED) Director explained the Council has requested a discussion item on the agenda for the purpose of reviewing the City's sign ordinance.

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The Council participated in high level discussion regarding the City's ordinances pertaining to traffic signs and the criteria that is considered according to national standards when placing a stop sign or other traffic control sign on a City street. There was also brief discussion regarding yard advertising signs, specifically campaign signs, and placement of such signs in the park strip. In conclusion, the Council directed staff to work on revisions to the City's sign ordinance to provide consistency in regulations for various sign types.

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**Discussion regarding request to amend the General Plan land use designation for property located at approximately 2700 S. 3800 W. from A-1 to R-1.**

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

- Acres – 117
- Current zoning – Not zoned because the property is not yet annexed into the City.
- Current General Plan land use designation – A-1 and Open Space
- Proposed General Plan land use designation – R-1
- Development scenarios – A-1 density = 58 units, R-1 density = around 200 units.

The property is located south-east of the North Davis sewer plant. The applicant's land is currently being farmed as the soils and low valley elevation near the lake are prime for agriculture. The southern edges of the property are wetlands and fall within flood hazard maps. Development will be very limited south of the property as the lake levels fluctuate and ground water is high. There is a sewer line in 2700 South that the project would drain north to. In order to service the entire property with sewer, the southern portion of the land would have to be built up to maintain the right slope for sewer. Otherwise, development would be limited to the extent that gravity sewer could be provided. The additional utilities required for development are found in 2700 South, a county road. This portion of road does not have curb gutter or sidewalk and is two lanes.

The 117 acres is included in our annexation declaration. Approximately 57 acres of the current request includes land that was part of a previously filed annexation petition by David George. This was known as the Seifert Annexation as they were the land owners. The annexation was filed with the city recorder in June, 2014. The applicant desired to construct a residential subdivision but due to concerns over wetlands, sewer fall, farm lands and the financial ramifications of the development for the city, the petition was tabled. That item had never returned to City Council and is essentially a pending item. The conditions of the site remain unchanged from 2014. In April 2017, David George along with Steven Vasic submitted a new petition, now expanded to 117 acres. The City Council chose to accept the request to consider the annexation on April 25, 2017. The next steps include a recommendation from Planning Commission and decision whether to approve the annexation plat by the City Council.

As a precursor to the annexation, the developer has applied for a General Plan amendment of the property. The city council chose to open the general plan map to consider this amendment on June 13th, 2017. He desires the R-1 zone to build homes and a ski lake. The specifics of the subdivision design are not under review by this body at this time. This application is strictly concerning whether this body recommends a residential use with R-1 densities at this time and at this location.

The memo concluded the Planning Commission reviewed this item in their meeting on 7/18/17 and unanimously voted to forward a recommendation for denial. The findings for denial discussed included concerns over the isolated nature of the property, cost ramifications surrounding the maintenance of taking over 2700 s from the county, the amount of fill that would need to be brought in in order to service the property with sewer, the desire to follow the general plan, and concern over wetlands. The general sentiment was that at this time they recommend that that area of the city be maintained as A-1. It was discussed that R-1 would be appropriate once the infrastructure is bolstered with surrounding development.

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CED Director Mellor reviewed his staff memo and responded to Council questions regarding the process of considering a General Plan change prior to taking action on the annexation petition. Mr. Mellor and City Attorney

Roberts indicated that when a property is annexed, zoning must be assigned to the property and for properties where the owner is interested in a zoning designation that differs from what the General Plan currently calls for, staff has advised that they should proceed with a General Plan amendment application prior to proceeding with their annexation petition. Mr. Mellor stated it is sensible for a property owner to seek to understand whether the City will support their ultimate development plans before pushing for annexation; otherwise, there would be no reason to annex.

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Council discussion then centered on the presence of wetlands on the subject property and whether changing the General Plan designation for the property would increase the value of the property and cause wetland mitigation costs to be much higher than they would otherwise be if the land use for the property remained agricultural in nature. Mr. Mellor indicated that prior to any construction commencing at the site, the City would require a wetland delineation study and an environmental impact analysis.

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The Council ultimately concluded that they would like additional information about development possibilities for the property before considering a General Plan amendment at this time; they are comfortable with the agricultural designation for the property and did not feel there was a significant reason to consider R-1 residential development, which would also allow for clustering of units in the development. Mr. Mellor indicated that the only way to make an additional ski lakes development possible in the City would be to allow for clustering of the residential units.

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**Review Final Subdivision Plats, Grayson Ridge Phases 1 and 2, located at approximately 3600 W. 2000 S.**

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

- Location – 3600 West 2000 South.
- Current zoning – R-1
- General Plan land use designation – R-1
- Total Subdivision Area – 1.264 acres in Phase 1 and 11.397 acres in Phase 2.
- Number of lots – Four in phase 1 and 25 in phase 2. 29 lots total.

The applicant is requesting approval of two final subdivision phases containing 4 lots and 25 lots respectively. The City Council finally approved the preliminary plat for this development on May 9, 2017.

The lots in both final plats meet the minimum lot dimension standards of the R-1 Zone. These phases will extend Doral Drive halfway to 2200 South with the remaining phases to complete the connection. Doral Drive is a Minor Collector according to the Syracuse Master Transportation Plan. This means that all homes bordering Doral Drive will be required to install one street tree every 50 feet. This can be completed by the developer or the homeowners according to Buffer Table F in SCC 10.30.080.

Because this is an administrative item, if it meets the City Code requirements, it must be approved unless there is a viable public health, safety, or welfare reason for denial.

The memo concluded the Planning Commission reviewed the project in their July 18, 2017 meeting and is forwarding on a recommendation for approval with conditions. The conditions are that all remaining staff comments are resolved prior to City Council final approval.

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CED Director Mellor reviewed his staff memo.

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Council member Maughan stated he is concerned about the design of the roads in the development due to the lack of stop signs throughout; providing for a 'straightaway' on the road that runs from Bluff Point Elementary to 2700 South is very problematic because it will encourage high rates of speed and could be dangerous for students and others walking to and from the school. Council member Bolduc asked if a four-way stop in front of the school would resolve the issue, to which Council member Maughan answered yes, but indicated he has been told the City cannot require that. Staff discussed the criteria that must be met in order for the City to require installation of a stop

sign, and Mr. Mellor indicated that the City cannot legally deny final plat approval based on concerns over a stop sign. Council member Maughan stated he does not want to stop the subdivision from going forward, but he does want to address safety in the school zone. The Council and staff participated in high level discussion regarding various options for addressing the issue and City Manager Bovero indicated that the Public Works Director has indicated that the issue will be addressed when the developer submits for approval of the phase of the development where connectivity is made to Doral Drive.

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**Discussion proposed amendment to Syracuse City Code Section 10.82.040, Front Yard Encroachments in the Residential Planned Community (RPC) Zone.**

A staff memo from the Community and Economic Development (CED) Director explained Woodside Homes has requested that the City modify section 10.82.040 of the Syracuse City Code to allow covered patios in the front yards of SFD 3,500 square foot lots that front public streets to encroach 2 feet into the setback. This issue arises from several circumstances:

1. The City required that covered front porches which face the street be added to all homes in the RPC Zone.
2. SFD 3,500 homes which abut a public street are required to have their front door facing that street.
3. The porches are required to be at least 25 square feet and be able to accommodate 2 chairs.
4. When the preliminary plat was approved, front porches had not yet been added to home plans developed by Woodside Homes, so the extent of yard encroachments was not known.
5. This amendment would be applicable to approximately 1/3 of the 3,500 square foot lots where the garage faces the private drive and the front entrance faces the street. The interior lots would not need the encroachment.

Allowing covered patios as required by code to encroach 2 feet into the front yard setback of SFD 3,500 lots in the RPC Zone that front a public street would allow Woodside Homes to develop the properties with their current building plans and provide the required covered porches.

The memo concluded the Planning Commission reviewed this application in their meeting on July 18, 2017 and voted to forward a recommendation of denial. Grounds for denial that were discussed included concern about interference with the 10' PUE (Public Utility Easements) and the concern that the project would feel more dense if the front setback was shortened. It was also discussed that the front porches are desirable and should be maintained as required by ordinance.

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CED Director Mellor reviewed the staff memo and facilitated a discussion among the Council regarding the implications of the proposed ordinance amendment. There was a brief focus on the impact the amendment could potentially have on the location of City owned utilities in public utility easements.

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**Discussion regarding regulations for legal nonconforming accessory buildings, conditional use permits, and covered spaces.**

A staff memo from the Community and Economic Development (CED) Director explained that in the spring of 2017, the City Council requested that the Planning Commission consider providing a legal-nonconforming status to all accessory buildings built before a specified date. During the Planning Commission meeting on April 18, 2017 the Commission recommended to the City Council that the Code should not be amended to allow legal-nonconforming status to accessory buildings built before a certain date. They expressed concern about the implications of providing a legal-nonconforming status to old accessory buildings and felt that the existing City Codes regulating nonconforming structures would be sufficient to address potential issues the nonconforming structures may cause.

However, the discussion included a note from staff that the accessory structure Code is in the "Effects of Chapter" section of City Code Chapter 10.30 where it would be more aptly located in the "Regulations for Buildings

and Structures” section of this chapter. The Commission expressed an interest in moving the Code from the Effects section to the Regulations section and requested that staff bring this back for a vote. The Code change showing this move has been included in an attachment to this report.

During their meeting on June 13, 2017 the City Council expressed concern that the allowance for older accessory buildings to be considered legal nonconforming was removed from the text amendment. They have requested that the Planning Commission revisit this issue and determine the best method for grandfathering in old accessory buildings.

The City Code currently allows any property owner with a nonconforming accessory building to request a determination of legal nonconforming status for the building. This requires that the property owner provide proof that the building was constructed in accordance with existing Building Code and City Ordinance. Much of the documentation that would prove the legality of these buildings are normally kept and maintained by the City. Unfortunately, until recently, City records are often inconsistent or nonexistent. The amount of time and cost associated with Code Enforcement, staff research, and potential legal fees create a challenging situation for the City with limited resources to expend on such efforts.

To remedy this, the City Council has requested a discussion about a potential City Code amendment which would make all accessory buildings built before a certain date legal nonconforming in terms of setbacks. This would not apply to building height, appearance, or any other aspect of the Code which regulates accessory buildings. Accessory buildings with an accessory dwelling unit within would also be required to meet the current accessory building Code. The legal nonconforming determination would only apply to non-occupied building setbacks. Buildings that pose a threat to public health, safety, or welfare would not be permitted as legal nonconforming. The proposed ordinance also cleans up the accessory building Code by putting it in the correct ordinance section under “Regulations for Buildings and Structures” as opposed to “Effect of Chapter” where it is currently located.

Included with this memo is a copy of the legal nonconforming determination Code and accessory building Code with proposed amendments. The “proposed additions without context” page shows only the text proposed to be added while the pages below show the text to be added with the overall proposed amendment in context.

Staff would also request that the Commission consider a review of the Conditional Use Permit requirement for accessory buildings larger than 200 square feet. This is listed as a minor conditional use in the A-1, R-1, R-2, R-3, and RPC zones. A minor conditional use requires a complete application and \$100 fee according to the current adopted fee schedule. The Building Code also requires that any structure over 200 square feet obtain a building permit. The application for a building permit is \$50 plus incidental review fees based on lot zoning, size, and project cost. Planning staff is required to review the Conditional Use Permit and the building permit containing the same information. This results in a redundant review costing the applicant extra money.

The intent of a Conditional Use Permit is to provide case-by-case conditions to mitigate inherent negative impacts of a use on a surrounding area. Historically, these permits have been used by municipalities to approve or deny a use or structure based on the desires of the decision-making body, and not necessarily by an appeal to the Code regulating the uses or structures. In recent years, litigation regarding Conditional Use Permits has led to a standard for approval. This standard is that if a Conditional Use Permit meets the regulating Codes, it must be approved. Also, any condition applied to the permit must be reasonable and intended to mitigate negative impacts that the use or structure creates. Arbitrary conditions not directly relatable to the use or structure have been generally dismissed by the courts when appealed.

The current direction related to Conditional Use Permits is that they should not be required if conditions are either easily codified or are not imposed. A recent review of Conditional Use Permits for accessory buildings over 200 square feet revealed that there are no permits on record at the City where conditions have been imposed. Staff feels that this means the current Code is managing negative impacts of accessory structures negating the need for a Conditional Use Permit requirement. Because of this, staff recommends the removal of the Conditional Use Permit requirement for accessory buildings over 200 square feet.

On June 20, 2017, the Planning Commission discussed these issues and provided some recommendations:

1. Perhaps provide a rolling date which would make all accessory buildings legal which are a certain number of years old. For example, the Code could say that all accessory buildings older than 5 years from the date of the reading of the Code are considered legal-nonconforming. This would prevent the need to go back and address the issue again and again with further Code changes making accessory buildings legal nonconforming.
2. The accessory building Code for buildings under 200 square feet exists but is hardly enforced. If this Code were removed, all the buildings in this category would be legal unless they had electrical,

plumbing, mechanical work, or were multi-story which would require a building permit and would require regulation according to the building code.

3. The Conditional Use Permit requirement provides extra revenue to the City for these types of applications and should be maintained.

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CED Director Mellor reviewed the staff memo and facilitated a discussion among the Council regarding the implications of the proposed ordinance amendment; there was a brief focus on need for consistency when applying the ordinance to properties throughout the City as well as the enforceability of the proposed ordinance. City Attorney Roberts indicated that the ordinance has been crafted in a manner that is in conformance with the International Building Code, which is enforceable. The Council concluded to refer the matter back to the Planning Commission for continued discussion and review during their next work session meeting.

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### **Discussion regarding “advice and consent” process for Mayoral appointments.**

A staff memo from the City Attorney explained that per City Code, the Mayor is authorized to appoint members to the following boards and commissions “with the advice and consent of the City Council.”

1. Planning Commission
2. Board of Adjustment
3. Tree Board
4. Museum and Cultural Center Board
5. Arts Council Board
6. Disaster Preparedness Committee

These appointments are considered volunteer positions, and typically serve in an advisory role to the Mayor and Council.

Due to disagreements, misunderstandings, and miscommunications surrounding recent appointments, members of the Council have asked to discuss the appointment process. The applicable section of the current ordinance that pertains to this controversy is centered on the Council’s role in giving “advice and consent”.

The memo first discussed “advice”:

- Advice on these appointments has occurred in a myriad of forms and formats. The Council as a whole has provided advice in public meetings; but it has also come in the form of private communication with the Mayor via emails or phone calls. Broad discretion has been allowed in the advice portion of the Council’s role, probably due to the fact that it is a non-binding action (the Mayor can accept or ignore the Council’s advice according to his/her discretion). Certainly, there can be political fall-out when a Mayor completely ignores the Council’s advice, but procedurally speaking, the Mayor has that discretion.
- Recently, the Council has suggested a more formalized process for the Mayor to find, evaluate, and select nominees for these positions. There has been some discussion as to whether this process should be formalized in a written policy or ordinance, or just suggested as part of the “advice” role of the Council. Currently, the Mayor disagrees with this approach and feels it is unnecessary as it creates a limitation on the Mayoral powers of appointment. For some boards and commissions, the Mayor may want to advertise for vacant positions and interview candidates, similar to the traditional employment selection process. For others, the Mayor may want to use other methods of selection and nomination. Also, the Mayor feels that re-appointment candidates may be handled differently than new appointments.
- City Attorney Paul Roberts has been asked to research the following points related to this issue, and provide a legal opinion at the meeting:
  - Does the Council have the authority to formalize the process by which the Mayor selects his/her nominee? And if so, is this considered a reduction of the Mayoral powers, and thereby requiring either simple majority, super majority, or unanimous vote of the Council?

The memo then discussed “consent”:

- In the most recent appointments, the possibility of withholding consent became a possibility. This raises the question as to the standard the Council can use to either give consent, or withhold it. Can a Council withhold consent for any reason, or does certain criteria need to be met?
- Again, we turn to our esteemed City Attorney to provide the findings of his research on this matter (to be provided at the meeting). Specifically, he has been asked to prepare an opinion on the following:
  - Is there any statutory definition of “consent”, or any case law defining it?
  - Is there any precedent on the standard by which a Council must use to give/withhold consent?

The memo concluded this item is on the agenda to gain a common understanding of the “advice and consent” role of the City Council for Mayoral appointments. It is also on the agenda to explore a possible understanding between the Mayor and Council on the appointment process for these boards and commissions.

[7:37:32 PM](#)

City Manager Bovero and City Attorney Roberts reviewed the staff memo and facilitated a discussion among the Council regarding their desired amendments of City Code or implementation of an administrative policy governing the advice and consent process. The Council ultimately concluded they are comfortable with they are comfortable with the current version of City ordinance so long as the Mayor is willing to advertise open positions on the Planning Commission and for those and all other appointments, inform the Council of the preferred appointee at least one week or preferably during the work session meeting preceding the Council business meeting during which the Council’s advice and consent is requested.

[7:48:30 PM](#)

Mayor Palmer stated he is willing to honor the Council’s request relative to the internal process for appointment members to boards and commissions; he also noted that he will be recommending to the Council three new appointments to the Emergency Preparedness Committee in the very near future. Council member Maughan stated that for all positions, he would prefer that the recommended appointee attend the Council meeting during which their appointment is considered in order for them to be introduced to the Council and potentially answer any questions the Council may have for them.

[7:51:14 PM](#)

### **Review proposed Interlocal Agreement with Clinton City regarding Victim Advocate Services.**

A staff memo from the City Attorney explained in April 2017, the City applied for a VOCA (Victims of Crimes Act) grant through the state (an 80-20 matching grant, allowing in-kind matches). It did so in collaboration with Clinton City, and with your support. The City was informed about a month ago that it had been awarded the grant, and in discussions with the state officials, they are particularly excited about our collaborative plan to provide victim services to two jurisdictions. An official grant agreement will be prepared by the state and will be brought for your approval at a future meeting. The grant will stretch across two fiscal years (FY18 & FY19). City Administration anticipates that the victim’s advocate will provide tremendous support for victims of misdemeanor crimes in the City, as well as helping assist our police and prosecution efforts. The advocate will provide an annual report to the council on the advocate’s efforts, likely in the Spring.

Part of the arrangement with Clinton City involves the establishment of our relationship with them. We have crafted an interlocal agreement that establishes the expectations and roles of each jurisdiction. Some of the highlights of the agreement include:

- Distribution of costs roughly based upon calls for service (subject to adjustment at renewal time, based upon updated numbers)
- Term lasts through the end of FY19 (June 30, 2019)
- Syracuse will hire and supervise the advocate, and provide office space and equipment. Clinton will participate in the hiring process.
- Clinton City will have access to advocate on an equal, as-needed basis.
- A crucial part of the grant will be the identification and utilization of volunteers to help provide victim services. Both cities will help facilitate that process.

- Syracuse will be up-fronting the costs of the advocate. Grant funds and Clinton’s financial contributions will provide reimbursement later in the fiscal year. Under the Interlocal, Clinton is required to make its payment to the City by May 31 for the fiscal year ending June 30.

The memo concluded that if this arrangement does not appear to be working in the long-run, then at the conclusion of FY19, either party may terminate the agreement. This correlates to the end of the VOCA grant’s term. We would simply not re-apply for that grant, if we are seeking to terminate the program.

[7:51:31 PM](#)

City Attorney Roberts reviewed his staff memo.

[7:56:59 PM](#)

**Continued discussion regarding utility rate structure and five-year capital projects funding plan.**

A staff memo from the Finance Director explained the Council asked for continued discussion regarding the following utility rates:

- o Culinary water rate structure – Council member Maughan’s proposal:

<u>usage/ gal</u>	<u>Current rate</u>	<u>usage/ gal</u>	<u>Proposed new rate</u>	<u>Increase per bill</u>	<u>Increase per year</u>
0-4000	16.85	0-4000	18.23	1.38	16.56
4001-5000	16.85	4001-5000	19.27	2.42	29.04
5001-6000	16.85	5001-6000	19.27	2.42	29.04
6001-7000	16.85	6001-7000	19.27	2.42	29.04
7001-8000	16.85	7001-8000	19.27	2.42	29.04
8001-9000	18.9	8001-9000	22.51	3.61	43.32
9001-10000	20.95	9001-10000	25.75	4.80	57.60
10001-11000	23	10001-11000	28.99	5.99	71.88
11001-12000	25.05	11001-12000	32.23	7.18	86.16
12001-13000	27.5	12001-13000	35.63	8.13	97.56
13001-14000	29.95	13001-14000	39.03	9.08	108.96
14001-15000	32.4	14001-15000	42.43	10.03	120.36
150001-16000	34.85	150001-16000	45.83	10.98	131.76
160001-17000	37.3	160001-17000	49.42	12.12	145.44
170001-18000	39.75	170001-18000	53.01	13.26	159.12
180001-19000	42.2	180001-19000	56.60	14.40	172.80
190001-20000	44.65	190001-20000	60.19	15.54	186.48
200001+	47.1	200001+	64.38	17.28	207.36

- o **Total estimated increase in culinary water revenue:**
  - ~\$22,000 per month
  - ~\$265,000 per year

Continued discussion about the five-year capital project plan from our June 27 meeting included discussion of an additional \$6.90 in all utility funds. Below are a couple of funding options ideas for future years:

- o **Option 1 (detail is shown in the attached chart)**
- o FY2018 – \$2.60 total = \$1.30 to storm & \$1.30 to sewer

- FY2019 - culinary water base change ~ \$2.77
- FY2020 - \$2.60 total = \$1.30 to sewer & 1.30 to culinary
  
- **Option 2**
- FY2018 – culinary water base change ~ \$2.77
- FY2019 - \$2.00
- FY2020 - \$2.00
- FY2021 - \$2.00
  
- **Option 3**
- FY2018 – no additional increase because of NDSO increase.
- FY2019 - \$3.00
- FY2020 - \$3.00
- FY2021 - \$3.00
  
- **Option 4**
- FY2018 – all \$6.90 at one time

Below is a summary of current utility rates at surrounding cities. This does not include any increases for FY2018.

City	Total Bill @ 8,000 GAL
<b>SYRACUSE CITY</b>	<b>\$74.55</b>
<b>ROY CITY</b>	<b>\$76.79</b>
<b>SUNSET CITY</b>	<b>\$77.00</b>
<b>LAYTON CITY</b>	<b>\$78.92</b>
<b>CLINTON CITY</b>	<b>\$82.16</b>
<b>KAYSVILLE CITY</b>	<b>\$89.05</b>
<b>FARMINGTON CITY</b>	<b>\$89.93</b>
<b>CLEARFIELD CITY</b>	<b>\$90.63</b>
<b>WEST POINT</b>	<b>\$93.33</b>
<b>AVERAGE RATE</b>	<b>\$83.60</b>

[7:57:20 PM](#)

Finance Director Marshall reviewed his staff memo and facilitated discussion among the Council regarding the revenues to be generated by the potential utility rate increases as well as the various infrastructure projects for which funding would be available if rates were increased. The Council also participated in philosophical discussion regarding the appropriateness of a tiered culinary water rate schedule, with a focus on the need to consider incremental increases over multiple years rather than implementing large one-time increases. The Council ultimately concluded to support option one detailed in Mr. Marshall’s memo and Mayor Palmer indicated that he will work with City Administration to finalize the proposal for the August 8 City Council business meeting.

[8:15:19 PM](#)

**Continued discussion regarding civil enforcement of parking violations.**

A staff memo from the City Attorney explained several months ago the Council and staff discussed the possibility of using a civil enforcement process to address parking violations – particularly those vehicles that park on public roads during periods of snowfall and that make clearing the rights-of-way more difficult.

This proposed amendment establishes the process and penalties for civil parking enforcement, with the following elements:

General Provisions

- (1) Violations are assessed against the registered owner, without regard to who actually parked the offending vehicle
- (2) Towing of vehicles under circumstances permitted under state or city law is not hindered by the issuance of a civil citation
- (3) The Council will have the flexibility to adjust parking fines through the consolidated fee schedule, and may adopt an escalating fee for delinquent payments (such as \$50 for fine paid within 10 days, \$75 fine paid between 11 and 20 days, \$100 fine if paid beyond 21 days, plus collections fee)
- (4) The City is authorized to pursue unpaid tickets through collection agencies and to recover its costs of doing so
- (5) For habitual offenders, the criminal process could still be pursued, with violations being prosecuted as Infractions
- (6) Enforcement may be undertaken by individuals other than police officers
- (7) State parking codes are still applicable, with the penalties set for criminal citation by the state (including illegal parking in disabled parking spaces)

Enforcement Process:

- (1) Issuance of citation, including date, time, location of vehicle, and identifying information for the vehicle
- (2) Copy of citation is left on vehicle and also mailed to registered owner's address
- (3) Payment will be due to the City immediately
- (4) An appeal must be filed with the City within ten business days of the citation's issuance

Appeals process

- (1) Appeal fee must accompany appeal paperwork
- (2) Justice Court is venue for citation appeal
- (3) Bench trial setting for first appearance (no pretrial conferences, arraignments, or other procedures associated with criminal cases)
- (4) Basic due process hearing is provided – right to present evidence/argument, cross examine witnesses, be represented by counsel (if they wish) – but the trial will be an informal process
- (5) City bears burden of production and persuasion by a preponderance of evidence (51%)
- (6) Further appeals are permitted to the 2<sup>nd</sup> District Court for a record review of the proceedings.

The memo concluded that if the Council proceeds with adoption of the ordinance, the next step will be to adopt penalty fees in the consolidated fee schedule. Once these policy directives are in place, it is expected to take at least a month to get all of the forms, training and internal procedures established by city staff. We believe that enforcement could definitely be in place in time for the winter season (when it is needed the most urgently).

8:15:39 PM

City Attorney Roberts reviewed his staff memo and facilitated a discussion about the implications of the proposed ordinance and the burden that will be placed on staff to enforce the ordinance. The Council suggested small technical changes to the ordinance and Mr. Roberts indicated he will make the adjustments before the item is included on the August 8 business meeting agenda for final action.

8:26:29 PM

**Proposal to create informational videos to engage with and educate citizens.**

A staff memo from the City Manager explained that currently the City does not produce periodic informational videos for the benefit of citizens.

The discussion for this item is part of a greater concerted effort to better engage with our citizens, educate them on what their City government is doing, and to fulfill a part of the City's mission of "promoting community pride". It can be easily argued that the City struggles to engage with citizens in a way that educates them on City issues. The public's attendance of City Council meetings is scarce. Special town hall meetings have been held with mediocre attendance. And social media outlets and the newsletter are suitable for short advisory statements or announcements but are not conducive to providing in-depth information. A large portion of the City's residents gather their news and information through digital media, via a mobile device or computer. This presents an opportunity to engage with residents using short 2-3 minute videos that give them a greater understanding of what

the City is doing. Recently, Finance Director Steve Marshall and the City Manager attended the annual Government Finance Officers Association conference in Denver, CO. At the conference, we attended a session that demonstrated effective examples of informing residents on City issues. One example was a short video that described the goals, projects, and efforts the City Council was working toward with their most recently adopted budget. This video will be shown at the City Council meeting as an example of the type of videos being proposed in this discussion.

The memo concluded this item is on the agenda to consider a new way to improve and enhance the City's overall communication with its residents and businesses. This concept is in the form of producing short digital videos on important issues within the City. The discussion will consider the benefits and estimated costs.

[8:26:47 PM](#)

City Manager Bovero provided a sample video that he first saw at the Government Finance Officers Association (GFOA) conference in Denver. He then facilitated high level discussion among the Council regarding various options for subject matter of this type of video and the manner in which it could be disseminated to the public. The Council supported the idea of providing more information to the public and, more specifically, sharing positive information about things happening in the City and they directed staff to investigate options for proceeding with creation of a video that is low in cost by possibly using students from the local high schools to aid in the project.

[8:41:57 PM](#)

### **Review and discussion of Request for Proposals (RFP) for Regional Park Master Plan and Design Services.**

A staff memo from the Parks and Recreation Director explained City Administration is interested in receiving input from the Mayor and Council relative to the proposed request for proposals (RFP) document to be published for the City's Regional Master Plan and Design Services.

[8:42:10 PM](#)

Mr. Bovero reviewed his staff memo and facilitated a review of the draft RFP document. Council member Maughan stated that the City has been extended an offer from an individual that has worked on these types of projects in the past to review the RFP to determine whether it is thorough enough. Council member Savage stated the only issue is whether the same individual could be bidding on the project later. Council member Maughan stated it is very common to ask for advice before publishing the RFP and it would be a very noncommittal situation. Council member Savage stated he is comfortable accepting the input as long as it does not create a legal risk for the City. High level discussion centered on the possibility of publishing an RFP for both the regional park design and splash pad project at the same time and potentially listing the two different projects as phases that may or may not be awarded to the same bidder. Mr. Bovero indicated he has no objection to receiving input from the individual referenced by Council member Maughan; however, he indicated he is not sure the two different projects are similar enough in scope that it makes sense to make them part of the same RFP. Council member Maughan stated he has learned there are three or four different consultants in the area that have experience with both types of projects and it would not hurt to accept bids for both projects at the same time. He suggested publishing two separate RFPs at the same time and indicate that if one bidder desires to offer a savings for both projects, the City could consider that. The Council ultimately concluded to allow for the individual to provide input on the RFP publication.

[8:52:19 PM](#)

### **Presentation regarding Truth in Taxation process**

A staff memo from the City Manager explained the City Council currently has a Truth in Taxation hearing scheduled for August 8. Prior to the hearing, a town hall-style informational session is scheduled. To open up the informational session, it is proposed that the Mayor and City Manager present slides that outline the issues surrounding the need for the Truth in Taxation hearing, and provide information on the Council's intentions with the additional revenue. City Administration intends to provide a review of the draft PowerPoint presentation in preparation for the August 8 meeting.

[8:52:33 PM](#)

Mr. Bovero reviewed his staff memo and facilitated a discussion among the Council regarding the format of the August 8 meeting during which the truth in taxation hearing will be held prior to the Council taking final action on the Fiscal Year (FY) 2017-2018 budget and certified tax rate. He provided the draft version of the PowerPoint presentation that City Administration will provide during the August 8 meeting and solicited feedback from the Council regarding any changes to be made to the content included in the presentation. He indicated he will use that feedback to adjust the presentation in advance of the August 8 meeting.

[9:18:16 PM](#)

**Discussion regarding promotional process for Police Lieutenant position.**

A staff memo from the Police Chief explained earlier this year, the Council authorized the promotion of Heath Rogers from Lieutenant to Assistant Chief. The promotion, in part, was based on the elimination of a Sergeant position from the Department. Assistant Chief was a new position for the Department, but it was created specifically for Heath; it was not posted, and no promotional process was conducted. Due to the reduction of a Sergeant, it did not increase the overall authorized manpower of the Department. City Administration is now at a point where we need to begin the process for selecting a new Lieutenant. This is considered a vacant position in the Department, and current City policy 3.080 dictates that "... the Human Resources Department will publicly advertise all new and **vacant** positions. In general, all new and vacant positions will be posted externally on the Syracuse City Website and through the Utah Department of Workforce Services."

Based on the job description and consultation with the Human Resource Specialist, there are two Sergeants in the Department eligible to promote to Lieutenant; both have expressed a desire to participate in the promotional process. Chief Atkin believes both in-house candidates are capable of performing the duties of Lieutenant at a high level. Since the number of authorized sworn officers has not increased, hiring a candidate from outside the organization would increase the Department's payroll by a minimum of \$106,000.00; this amount is ongoing and will increase as wages increase.

The memo concluded that if the Council is not willing to increase the manpower and budget of the Department should an outside candidate be selected, then Chief Atkin recommends not spending the time and effort necessary to create and conduct a testing process that includes outside applicants. Chief Atkin believes it would be proper for the Council to make this theoretical decision before opening the position to outside applicants. Chief Atkin is requesting a decision from the Council on this matter.

[9:18:38 PM](#)

Mr. Bovero reviewed the staff memo and facilitated a discussion among the Council to solicit their feedback regarding the best way forward to select the best candidate for the position. There was a focus on the difference between the terms 'advancement' and 'promotion' in the City's Recruitment and Retention Policy and Council member Gailey stated he feels the Governing Body has the power to set the policy aside in this instance due to extenuating circumstances associated with the creation of the new Assistant Police Chief position with the intent of backfilling the Lieutenant position with an existing employee. The Council ultimately agreed and offered consent for Chief Atkin to proceed with the process of filling the position.

[9:34:06 PM](#)

**Council request for review and discussion of current firework regulations.**

Council member Savage stated he has heard from several residents in the City with concerns about the discharge of fireworks in the City and he wondered if there is any opportunity for the City to impose regulations that differ from those defined in State law. City Attorney Roberts stated that the City is not able to restrict the discharge of fireworks in a manner that differs from what is provided for in State law. State law allows for the discharge of legal fireworks between the hours of 11:00 a.m. and 11:00 p.m. three days before and three days after a designated holiday; one exception is that fireworks are allowed until midnight on July 4 and July 24. The City does have the ability to restrict fireworks to certain locations upon direction of the Fire Chief based upon fire risk. The City does not have the authority to consider an absolute fireworks ban in the City. Council member Savage wondered if it is possible to consider a noise ordinance that would make the discharge of fireworks after 11:00 p.m. illegal. He has heard from veterans and animal owners who have indicated they are comfortable with allowing fireworks so long as

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they stop by 11:00 p.m. High level discussion centered on Council member Savage's suggestion of a noise ordinance, with a focus on City staff's ability to enforce the ordinance; in discussion with Chief Atkin and Mr. Roberts, the Council ultimately determined that the City's 'disturbing the peace' ordinance provision can be used to enforce the 11:00 p.m. firework curfew. Chief Atkin advised the Council to refer residents who contact them with fireworks complaints to contact the Police Department to make a complaint.

[9:51:01 PM](#)

**Council business**

The Council and Mayor provided brief reports regarding the activities they have participated in since the last City Council meeting.

The meeting adjourned at 10:04 p.m.

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Terry Palmer  
Mayor

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Cassie Z. Brown, MMC  
City Recorder

Date approved: September 12, 2017