

Minutes of the Work Session meeting of the Syracuse City Council held on October 24, 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
Interim Fire Chief Larry Jo Hamblin

The purpose of the Work Session was to receive public comments; meet Victim Advocate, Alex Smith; hear a presentation from Utah Telecommunication Open Infrastructure Agency (UTOPIA) Fiber regarding potential partnership for internet service provision; discuss proposed adjustments to the Syracuse City Budget for Fiscal Year ending June 30, 2018; her a Councilmember request for review of business licensing fees in Syracuse City Consolidated Fee Schedule; discuss parameters for Centennial Park Splashpad project; discuss proposed Title 10 amendments pertaining to reasonable accommodation requests; hear a Councilmember request for discussion of Syracuse City noise ordinance; review minor Subdivision Plat – Benjamin Sprague Subdivision, located at approximately 2309 S. 1000 W.; review proposed amendment to Syracuse City Code Section 10.30.010(C) pertaining to accessory structures; hear public comments; and discuss Council business.

Mayor Palmer led the audience in the Pledge of Allegiance. Council member Savage provided an invocation.

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Public comments

There were no public comments.

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Introduction of Alex Smith – Victim Advocate.

A staff memo from the City Attorney explained earlier this year, Syracuse teamed up with Clinton City to apply for a Victims of Crime Act (VOCA) grant to fund a local victim’s advocate to serve victims of misdemeanor crimes in Syracuse and Clinton. Last month, we hired Alex Smith to fill that position.

Alex comes to us from Safe Harbor, where she most recently served as the Lethality Assessment Protocol (LAP) program coordinator. She is already well-connected into the victim resources of our area and is poised to help our citizens access help when they have been victimized. Alex will briefly explain her process of identifying and assisting crime victims.

Alex will provide crime/victim reports to the Council on a regular basis. Additionally, if you know of individuals or organizations who may be interested in serving crime victims, please connect Alex with them. Community outreach and support for crime victims will enhance the standard of living in our city. Plus, every volunteer hour spent on advocacy saves the City money on its grant match.

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City Attorney Roberts reviewed his staff memo, after which Ms. Smith provided a brief overview of her professional background and noted she looks forward to working with the City and meeting with the Council to provide future reports.

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Council discussion with Ms. Smith centered briefly on the goals and objectives of the VOCA grant.

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Presentation from Utah Telecommunication Open Infrastructure Agency (UTOPIA) Fiber regarding potential partnership for internet service provision.

A staff memo from the City Manager explained Roger Timmerman, Executive Director of UTOPIA will be presenting information on the services they provide. UTOPIA offers two models now:

- The first is a simple franchise agreement to allow UTOPIA to compete in Syracuse City as a data provider. Under this model, they allow internet service providers to use their fiber to serve customers.
- The second model is a partnership with the City whereby UTOPIA fronts the cost to bring high-speed fiber to every household. The payback occurs as residents choose to sign up. A certain percentage of homes would need to sign up in order for UTOPIA to achieve a return on investment. The City, in this model, would guarantee the difference if there was an insufficient number of homes that signed up.

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Roger Timmerman, UTOPIA representative, used the aid of a PowerPoint presentation to provide the Council with information about the proposed fiber project to be completed in Syracuse City. He first provided information about the UTOPIA agency, which was created in 2002 according to the Utah Interlocal Cooperation Act; members of the entity include Brigham City, Layton, Midvale, Orem, Perry, West Valley City, Centerville, Lindon, Murray, Payson, and Tremonton. Phase one of UTOPIA fiber installation ran from 2004 to 2008 and in 2010 UTOPIA issued a \$65 million bond to proceed with phase two. Phase one included construction of the core backbone system, but revenues lagged and expenses were higher than anticipated with few service providers participating in the project. Phase two has been much more successful with revenues exceeding debt service, buildouts have been sustainable, material and electronic costs are lower than in the past, and there is stronger service provider competition. UTOPIA now designs, builds, and operates open-access community fiber networks for various municipalities using open access fiber with carrier-grade transport. The capacity of the system is 100 GB individual links, 4.4 TB aggregate across a single pair of fiber, with the most common connection being one GB symmetrical dedicated ethernet. Cities desire open-access fiber because their residents desire it; the infrastructure can support home based businesses while attracting brick and mortar businesses. The system improves the quality of life for citizens, promotes a competitive market for private service providers, decreases expenses for citizens including non-subscribers, and reduces damage to city infrastructure associated with installation of other service provide equipment. UTOPIA can also provide connectivity for City services, such as SCADA systems, video surveillance, public Wi-Fi, and utility applications such as meter monitoring. It can also enhance connectivity for schools and other community institutions while reducing telecommunications overbuild. He then expounded on the various applications that would be enabled via the UTOPIA system, such as video surveillance, SCADA, smart irrigation, disaster recovery, traffic control/monitoring, Wi-Fi solutions, and meeting broadcasting. He then noted that municipal 'open-access' fiber is an industry term that means the operator of the network and service provider are separate entities. It is sometimes referred to as a wholesale model or infrastructure remodel, but unlike closed systems it is pro-private sector and pro-competition. Utah Code refers to open-access as "leases, sells capacity in, or grants other similar rights to a private provider." He compared fiber to another type of infrastructure provided by municipalities: streets; he noted cities provide street infrastructure that is shared by private shipping companies and fiber is no different. Municipal provided fiber infrastructure can be shared by competing telecommunications companies to keep costs low for the end user. He then discussed restrictions or obstacles cities may encounter when working to provide fiber, including feasibility public hearings, consultants, and studies to ensure that revenues cover operating expenses and the system can be profitable after the first year and over a five-year term. Cities must also hold several public hearings and publish potential usage rates and there are several other restrictions included in Utah Code Title 10, Chapter 18. However, there is a wholesale exemption in the code; restrictions and obstacles do not apply to a municipality or interlocal entity that operates on a wholesale basis. UTOPIA is classified as this type of interlocal entity. Mr. Timmerman then explained why dedicated ethernet is better than a Gigabit Passive Optical Network (GPON):

- Ethernet offers dedicated capacity to each home and business
- It is never congested, ever
- It supports carrier-class services to any address
- Recent industry and technology advancements have made it cost competitive with GPON
- Ethernet offers better performance (lower latency, jitter)
- It has the same architecture as business-class fiber from other providers

- There is no legitimate technical reason for providers to not be able to interoperate and utilize UTOPIA infrastructure
- It can pass industry standard tests for carrier transport

He then discussed wireless options:

- Wireless technologies have 3-5 year lifecycle
- Enables faster ROI, but worse long-term investment
 - In the 40+ year lifespan of fiber, wireless alternatives will be deployed and replaced eight times
- Great option for private companies seeking short ROI, selective coverage, underserved/rural areas
- There are problems with coverage, weather, line-of-sight obstacles, reliability, performance
- What about next generation millimeter wave phased array technologies?
 - They have a very limited range
 - They require line-of-sight (not good for Utah suburban densities and tree coverage)
 - They are more expensive than fiber from a long-term perspective
 - They are more expensive to operate/maintain
 - They are less reliable than fiber
 - They are vulnerable to rain, snow, ice
 - Aggregation still requires fiber
 - They are still far less capacity than fiber
 - But, they are better than nothing for underserved areas

He then stated that though some fiber companies have received negative reviews, UTOPIA has received the highest customer satisfaction rating in Utah following a third-party survey conducted in May 2017. UTOPIA continues to add customers throughout its coverage area because it offers the best value for speed and service/support. He communicated that municipal fiber is sustainable because UTOPIA is covering all of its operational expenses and the original 11 UTOPIA cities are paying for original bond obligations. The newer entity created under phase two of the project, Utah Infrastructure Agency (UIA), is covering all of its operational expenses and debt service and UIA's net revenues continue to grow as a result of 1,000 to 1,500 new homes accessing the system each month. He reviewed a chart illustrating UIA revenue compared to debt service for the \$65 million in bond proceeds, noting that monthly revenue continues to increase and is sufficient to cover debt service. He also reviewed a chart comparing the combined monthly revenue for UTOPIA and UIA, noting that both continue to increase steadily. Through a potential partnership between the City and UTOPIA, Syracuse City would enter into a pledge agreement based upon an approximate 30 percent take target rate. UTOPIA or UIA would bond for construction of the project using infrastructure fees to pay debt service. UTOPIA or UIA would receive a portion of subscriber fees to cover operational expenses, including:

- Electronics replacement
- Fiber maintenance
- Utility locating
- Repairs
- Backbone interconnectivity
- Network Operations Center monitoring
- Service provider management
- Marketing

UTOPIA currently offers residential users 250 Mbps for \$65 per month or one GB for \$78 per month. This service is available through 10 different residential providers and covers the entire cost of the fiber project. He then discussed revenue distribution, which would be defined within the interlocal agreement between the City and UTOPIA or UIA. The \$65 monthly user rate would be divided between infrastructure (\$30 per month) and the retail fee (\$35 per month billed by the service provider). The revenues would be used for debt repayment, churn replacement, excess revenue potential, UTOPIA operations/maintenance, service provision, and early debt retirement. He then reviewed two different aerial photographs illustrating the current fiber routes near and through Farmington as well as the inquiries UTOPIA has received about fiber availability between January 2015 and May 2017. He then discussed the risk associated with the partnership. At a 30 percent residential take rate and 20 percent non-residential take rate, all expenses would be covered by revenues. UIA revenues for all projects since 2009 have exceeded debt coverage by over two times. If the take rate were higher at 40 percent or 35 percent, the City could dedicate \$33,288 or \$16,644 per month to early debt retirement, respectively. However, the opposite is true if the take rate were 25 or 20 percent; the City would be required to cover the monthly shortfall. The benefits of partnering with UTOPIA include bringing top speeds, price, service, and value for telecommunications service to the City. There is also an

expected decreased cost of service for all residents of \$27 per month and an increased residential property value of 3.1 percent. UTOPIA can provide better service and lower costs for businesses and schools as well. He then offered a comparison between the generic breakeven example and a breakeven model developed specifically for Syracuse City:

Generic

- **Assumptions**
 - 2000 Single-family Homes
 - 100 Businesses
 - 1 Shelter
 - Near UTOPIA Backbone
 - Typical construction conditions
 - Typical city service revenue
 - Target take rates
 - Residential – 30%
 - Business – 20%
- **Total project cost – \$4,183,653 (including 2yr cap interest)**
- **Monthly debt service on 30yr bond – \$19,973**
- **Monthly subscriber revenue - \$23,020**
- **Monthly churn replacement - \$3,000**
- **Monthly net Revenue - \$47**

Syracuse City:

- **Assumptions**
 - 10000 Single-family Homes
 - 500 Non-residential
 - 1 Interconnect Route
 - 3 Huts
 - Near UTOPIA Backbone
 - Typical construction conditions
 - Typical city service revenue
 - Target take rates
 - Residential – 30%
 - Business – 20%
- **Total project cost – \$20,918,265 (including 2yr cap interest)**
- **Monthly debt service on 30yr bond – \$99,865**
- **Monthly subscriber revenue - \$115,100**
- **Monthly churn replacement - \$15,000**

The benefits of partnering with UTOPIA include avoidance of startup costs, stable finances, no economy of scale issues, access to 25 service providers already in place, simple feasibility based on UIA proven track record of revenues covering expenses, and lower project costs from UTOPIA volume materials and labor purchasing. The next steps to be taken to determine whether to proceed with the partnership include conducting a community survey regarding the residents' desires for a fiber system, conducting a feasibility study to lock in pricing and terms, execution of the UTOPIA partnership agreement, vote by the City Council, and construction of the project. It can take up to three years for the project to mature before the City achieves the target take rates. He reviewed examples of the types of community surveys that could be used to determine whether the residents would be supportive of the project, after which he concluded his presentation by indicating his willingness to answer any questions the Council may have about a partnership with UTOPIA.

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Council discussion with Mr. Timmerman centered on the cost difference for users between UTOPIA and other service providers, other stakeholders/owners within UTOPIA, the risk to the City associated with engaging in a partnership with UIA, the difference between UTOPIA and UIA, and the options available to the City. Mayor Palmer concluded he felt this was important information for the City Council to receive and he asked if the Council is comfortable authorizing staff to continue discussing the options with Mr. Timmerman. The Council indicated they were comfortable with continued discussion between staff and UIA, but did not grant formal authorization for negotiation of an interlocal agreement with UIA. Mayor Palmer ultimately concluded further Council discussion of the concept will be needed during future City Council work session meetings.

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Discussion regarding adjusting the Syracuse City Budget for Fiscal Year ending June 30, 2018.

A staff memo from the Finance Director referred to the following documents included in the Council packet:

- a. FY2018 Mid-Year Budget Adjustments PDF.
- b. Capital Projects Revised project list.
- c. Capital Vehicles and equipment priority listing.
- d. Class C Road projects recommendation.
- e. Please review the detailed **capital projects** listing attached with this document for recommended changes. In this budget opening, we have carryover for projects from FY2017. These projects were started last fiscal year and were not completed by June 30, 2017. We also are proposing new projects and updates to approved projects as follows:
 - a. **New Project– Bluff & Gentile Waterlines - \$580,000** – bumped up from FY2019 to save money when we receive federal grant on the Bluff & Gentile road project and round-a-bout.
 - b. **New – Bluff & Gentile round-a-bout and road project - \$219,000.** This is our match portion of the project.
 - c. **New – Linear Park along 2000 W. - \$300,000** – UDOT estimates that we will get to this project sooner.
 - d. **New – Tuscany Park climbing structure - \$50,000**
 - e. **New – Sewer Lateral at 465 S 2000 W - \$40,000**
 - f. **Revised – 2017-2018 Surface treatments** – increase from \$300,000 to \$827,000. This includes the allocation of the \$162,000 from the tax increase and carryover of FY2017 funds.
 - g. **Carryover – 2000 West Culinary & Sec. waterlines project - \$969,000**
 - h. **Carryover - 1500 West Land Drain to Jensen Park - \$115,000**
 - i. **Carryover – Sliver Lakes Land Drain - \$100,000**
 - j. **Carryover – 2700 South Storm Drain Outfall - \$300,000**
 - k. **Carryover – City Shop Drying Bed - \$25,000**
 - l. **Carryover - Tuscany Park Improvements - \$294,000**
 - m. **Carryover – Monterey Trail Improvements - \$47,000**
 - n. **Carryover – Secondary Water Pump Addition - \$151,500**

f. Changes to **operational budgets**:

General Fund – major changes

- a. \$10,000 increase in federal grants for the ICAC program.
- b. \$13,500 – increase in salaries and wages for the ICAC program and reallocating EMC funds from the fire department.
- c. \$4,000 – increase in grant funded expenses in police for ICAC equipment.
- d. \$7,500 – decrease in fire salary and wages for reallocation of EMC position.

All Other Funds – Significant Changes

- e. Carryover for trail resurfacing - \$51,750
- f. Increase of \$19,040 for Founders Park Bowery repair. Insurance proceeds were received for this amount.
- g. Made changes for our rate changes to Storm, Sewer, and Garbage funds.
- h. Updated depreciation expense in Storm, Culinary, and Sewer Funds.
- i. Removed grant for fire breathing apparatus.
- j. Carryover of capital equipment and vehicles from FY2017.

Proposal to still fund the fire breathing apparatus with funds that are available in the capital projects fund.

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Finance Director Marshall reviewed his staff memo and he and Public Works Director Whiteley facilitated discussion among the Council regarding transportation projects related to various State transportation projects being completed in the City, and more specifically, the Bluff/Gentile round-a-bout project. There was also brief high level discussion about significant budget amendments relating to carryover funding for other capital projects and capital equipment

purchases. Mr. Marshall concluded that a public hearing will be advertised for the November 14 City Council business meeting to allow for official action on the proposed budget amendments.

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Councilmember request for review of business licensing fees in Syracuse City Consolidated Fee Schedule.

A staff memo from the Community and Economic Development (CED) Director explained that during the 2017 legislative session the State of Utah passed SB 81 which made changes to Business Licensing regulations for municipalities. On September 12th there were changes proposed to the council on the fee schedule that were in response to this change to the law. The memo referenced Syracuse City Council Resolution 17-35 “Reduced Impact Business License - \$25.00 – to cover the administrative fee for filing a business licensing fee for in home businesses that do not have an impact on the city. This fee takes the place of a traditional business license fee for home occupation of \$100.00.”

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Community and Economic Development (CED) Director Mellor reviewed his staff memo and he and City Attorney Roberts facilitated a discussion among the Council regarding efforts made to amend the City’s business license fee schedule in order to comply with recent changes to State Code that limit the City to only impose fees that may cover the municipalities cost of regulation. This led to a high level philosophical debate regarding the appropriateness of the City regulating businesses in general. Mr. Mellor then noted that the cost of regulation can vary widely from business to business and, for that reason, City Administration has developed an administrative fee of \$10 in an attempt to spread regulatory costs across all businesses regulated by the City. Councilmember Anderson acknowledged the need to monitor businesses operating in the City, but she suggested that a program be developed to offer businesses the opportunity to list their business on the City’s website so long as they renew their business registration each year. She stated that these businesses should not be charged the \$10 fee. Mr. Mellor stated that the City has already communicated that low-impact business licenses are exempt from licensure fees except for the \$25 fee associated with printing a business license, which some businesses require for their own purposes. Continued Council discussion centered on the subjective nature of the term ‘low-impact’, with a focus on the City’s ability to regulate and enforce regulations associated with the term. The Council ultimately determined to direct staff to provide, via email, the detailed business license cost breakdown contained within the consolidated fee schedule in order for them to continue their review and consideration of the matter before determining whether to place an action item on a future business meeting agenda.

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Discuss parameters for Centennial Park Splashpad project.

A staff memo from the City Manager explained the City sent out an RFQ to identify qualified bidders for the Centennial Park splashpad, which is a design/build project. The City received only one respondent, and subsequently extended the deadline another two weeks and invited other potential bidders to submit. No other respondents submitted. The respondent that did submit has met the qualifications to make a proposal for the contract. The purpose of this discussion is twofold:

- Discuss and agree upon the parameters that we want to place on the contractor for this project, such as budget, theme, specific features or materials, etc. For this portion of the discussion, please bring your ideas and concerns.
- Normally, the next step of the process would include presentations from all of the potential contractors, so the City could select the firm with the best proposal. With only one respondent, it would be appropriate to bypass this step and begin the contracting process, with the contract award scheduled for the November Council meeting. A consensus of the Council is requested prior to moving in this direction.

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City Manager Bovero reviewed the staff memo and he and Parks and Recreation Director Robinson facilitated discussion among the Council regarding the best way forward for executing a contract and placing parameters on the contractor for the project. The Council ultimately concluded to solicit a complete bid from the one respondent for the entire project and provide direction relative to the theme of the project. Additionally, Councilmember Maughan disclosed that he has a familial relationship with a principal of the firm that responded to the RFQ.

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**Discussion regarding proposed Title 10 amendments
pertaining to reasonable accommodation requests.**

A staff memo from the City Attorney explained that under the Americans with Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA), those with disabilities are entitled to reasonable accommodations from government zoning regulations if they can demonstrate: (1) that they have a disability, (2) that an accommodation is necessary in order for them to live in the home and community of their choice, and (3) that the requested accommodation does not impose an undue burden on the community (i.e. fundamentally changing the character of the neighborhood). Our code currently lacks an established procedure for applicants to make such a request. While an established procedure is not required by federal law, a City decisionmaker will be required to address accommodation requests, and establishing a procedure will assist the City in processing these requests.

The proposed ordinance makes changes to three parts of the zoning code:

- (1) Establishing Section 10.20.115, Reasonable Accommodations, which will be generally applicable to any zoning regulation (found in Title 10).
- (2) Amending the reasonable accommodation procedure established in Section 10.30.040, Animals, and funneling that type of request into the Section .115 procedure.
- (3) Amending provisions related to Residential Facilities for Persons with a Disability and moving it to Section 10.30.035.

The purpose of this discussion item is to review the following proposed changes:

(1) Creation of Reasonable Accommodation Procedure

Requests for accommodations from our zoning regulations could come in many forms. It could include an exception from our setback requirements due to the need to install a wheelchair ramp, a deviation from our limit on unrelated individuals living in one residence, or a prohibition against having miniature horses on properties of a certain size. When a person with a disability makes such a request, it is important that the issue be resolved promptly. It should also be handled free from public clamor. As such, I have recommended that the CED Director be empowered to make decisions related to reasonable accommodation requests, with an administrative appeal going to the Board of Adjustment.

The burden of establishing that the person has a disability and that the requested accommodation is reasonable rests upon the applicant. In considering whether a request is reasonable, the ordinance requires the Director to ascertain whether it undermines the purpose of the zoning code, whether it is necessary (the city may propose an alternative), if it places the disabled person on the same footing as a nondisabled person (rather than in a better position), and additional factors.

After considering the request and the submissions by the applicant, the Director issues a decision within 60 calendar days of receipt of the request. Appeals from his decision would be made by filing an appeal within 10 business days, where the matter would be heard by the Board of Adjustment at a public hearing. I have recommended this body because the work will be similar to applications for variances, and the decision will be administrative in nature. Further appeals may be taken to the district court.

(2) Animals

Rather than establishing a per se accommodation with a potentially unlawful requirement to have a service dog certified by a particular registry, it is recommended that all accommodation requests related to animals go through the same procedure as other zoning accommodation requests. This would be broad enough to capture any request, from seeking relief from the number of animals restriction, to permitting miniature horses in lots that would be otherwise ineligible.

(3) Residential Facilities for Persons with Disabilities

Facilities for disabled persons, including rehabilitation facilities or group homes, are subject to protection under the ADA and FHAA. The automatic requirement that they go through site plan review, while someone building an ordinary single-family home is not required to do so, is problematic; I recommend removal of that provision. Additional language related to what constitutes a disability is also recommended for removal, as it will be addressed in Section 115.

Additional requirements related to elderly residential facilities are also recommended for removal. Certain provisions related to drug/alcohol treatment are problematic, along with requirements for those facilities that are not required for other single-family homes – for instance, the insurance requirement. Disabilities associated with age are protected by the ADA and FHAA, and any impediment the City imposes due to their status as an elderly residential facility is subject to challenge. I recommend a substantial reduction in the regulations imposed by this section.

The memo concluded that once Council input is received on the item, it will be forwarded to the Planning Commission for consideration before coming before the Council again for a final decision.

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City Attorney Roberts reviewed his staff memo and provided a review of the draft ordinance pertaining to reasonable accommodations. There was high level discussion among the Council regarding the implications of the ordinance and staff oversight of the regulations included in the ordinance. Mr. Roberts indicated that the ordinance contemplates appointing the Community and Economic Development (CED) Director to serve as the City’s decision maker relative to reasonable accommodations; the employee’s decision would be appealed to either the Board of Adjustment or a hearing officer appointed by the City Council. The Council indicated they would opt for a hearing officer rather than an appointed body.

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Councilmember Anderson then indicated she feels 60 days is too long for an applicant to wait for a decision, especially when they are applying for approval for a wheelchair ramp on their home. Mr. Roberts stated that time frame could be shortened in the proposed ordinance and the Council settled on a 30-day timeframe with an option to extend the timeframe in extremely complicated cases.

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Concluding discussion centered on definitions of various terms included in the proposed ordinance and the difference between various types of in-patient facilities that treat persons with disabilities. The Council also reiterated their preference for a hearing officer to consider appeals related to reasonable accommodations and offered their consent to Mr. Roberts to proceed with placing an action item on a future business meeting agenda for the Council to consider adoption of the proposed ordinance.

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Councilmember request for discussion of Syracuse City noise ordinance.

A staff memo from the City Attorney explained Councilmember Savage brought up noise complaints during our previous meeting, asking for discussion on a potential passage of a noise ordinance. As a starting point, Brody has asked that I compile a summary of the ordinances already on the books in Syracuse, which address the issue of noise. This should establish a base-line of where we are, so that we can identify any deficiencies that we wish to correct.

City Code Section	Restriction	Comments
10.120.070(B)(1)	No noise resulting in adverse effect on surrounding area or adjoining premises	Limited to uses in the Industrial Zone
10.120.070(B)(2)	No one-hour equivalent sound level at the lot line that exceeds six decibels above usual ground transportation sound levels	Limited to Industrial Zone
10.28.200(A)(8)	Noise generating functions must be located to minimize impact on neighbors, sound attenuation walls should be used	Industrial site plans
10.35.040(B)	Home occupation uses may not unreasonably disturb peace and quiet of neighborhood due to noise, or install equipment that is incompatible with residential area due to noise	
10.105.070	No noises over 1 hour that exceed 70 dB(a) between 7:00 AM – 10:00 PM, or 55 dB(a) from 10:00 PM to 7:00 AM.	Limited to uses in Neighborhood Services Zone
10.110.100	Uses must be free from objectionable or excessive noise	Limited to Business Park Zone
10.20.080	Land Use Administrator may impose safeguards against noxious or offensive noises	If subject to CUP
10.115.010	Generally states that uses in the Research Park Zone do not share characteristics with heavy industry, such as excessive noise	Limited to Research Park Zone

4.35.060	Undue noise between 10:00 PM and 7:00 AM in parks is prohibited	
4.30.100	Loud & boisterous noises prohibited in cemetery	
4.60.070 & 4.55.060	Undue noise at City Hall or Community Center is a public nuisance	

Applicable Davis County code:

DCMC 6.16.010	Animals nuisance if barks, whines, howls, or makes other disturbing noises for an extended period of time	Davis Co. Animal Code adopted by City Code.
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Relevant state laws touching upon noise:

State Code Section	Description	Comments
UCA 10-8-47	Council may restrain noises in streets, houses or places in the city	Authority for city to pass its own noise ordinance
UCA 53-7-225	City may not prohibit firework discharge between 11:00 am and 11:00 pm July 1 – 7, 21 – 27, and until midnight on July 4 & 24. Nor on New Year’s or Chinese New Year’s from 11:00 am to 1:00 am the following day	
UCA 72-6-112.5	Provides mechanism for state road construction to be exempted from local noise ordinances	
UCA 76-9-102	Disorderly conduct prohibited: - Unreasonable noises in a public place - Unreasonable noises in a private place which can be heard in a public place	Must intend to cause public inconvenience, annoyance or alarm (or recklessly do so)

City code addresses noise in certain planning contexts – i.e. taking measures to avoid nuisances caused by business activities of industrial or other commercial uses. But our ordinances do not address occasional noise nuisances – loud parties and music, untimely fireworks, shouting matches in the backyard, construction noise, etc.

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Councilmember Savage reported he has heard complaints from residents who are concerned about excessive noise generated by a business located adjacent to or near their property. He stated he has reviewed the various laws regarding noise and he can understand the difficulty in enforcing said laws though residents have lodged complaints with the City regarding noise. The Council then participated in high level discussion with City Attorney Roberts, Police Chief Atkin, CED Director Mellor, and City Manager Bovero regarding the potential of considering a more detailed noise ordinance to address current and potential future noise problems in the City. Councilmember Savage stated that he does not want to take an action that would create negative impacts for businesses, but he wants City residents to feel that the City is responsive to valid concerns. Mr. Mellor agreed and indicated he feels the City can have a reasonable conversation with any business to address noise complaints. Mayor Palmer concluded he feels it would be appropriate to direct Mr. Roberts to continue to research reasonable noise ordinance provisions and bring the item before the Council again in a future work session for further discussion.

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**Review items forwarded by Planning Commission:
 Minor Subdivision Plat – Benjamin Sprague Subdivision,
 located at approximately 2309 S. 1000 W.**

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

Location: 2309 South 1000 West
 Current Zoning: R-2
 General Plan: R-2
 Total Subdivision Area: 0.673 Acres
 Number of Lots: 2

During its regular meeting on October 17, 2017 the Planning Commission recommended conditional approval of the subdivision plat with the following condition:

1. All staff items must be addressed before the plat is recorded with Davis County.

The applicant is requesting approval of a minor subdivision plat which will add a strip of land along 2300 South to 2309 South 1000 West and creating 2 building lots. The existing home at 2309 South 1000 West will remain with the intent to construct a new home on the new lot. The existing building on lot 2 will be removed to make room for a new home. The memo concluded because the proposed plat meets the requirements of the R-2 Zone and there are still some staff comments to be addressed, staff recommends conditional approval of the plat.

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CED Director Mellor reviewed the staff memo and received consent from the Council to place the item on a future consent calendar included on a Council business meeting agenda.

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**Review items forwarded by the Planning Commission:
proposed amendment to Syracuse City Code Section
10.30.010(C) pertaining to accessory structures.**

A staff memo from the Community and Economic Development (CED) Department explained following the guidance provided by the City Council, the Planning Commission has been working on an amendment to the ordinance concerning accessory structures for the last several months. The intent of the amendment is to address existing non-conforming accessory structures, re-examine setback requirements, and clarify the regulations for other structures such as pergolas and temporary car ports. On 9/19/17 the PC voted to forward you the following proposed ordinance.

At the September 2017 work session, this topic was briefly discussed and it was proposed that a subcommittee be established to address this ordinance. The mayor, Staff, and councilmembers Gaily and Bolduc met to go over this ordinance before bringing it back to the council for a work session. The following is the revised version of the ordinance that came from that meeting.

[8:35:00 PM](#)

CED Director Mellor reviewed the staff memo and facilitated discussion among the Council regarding the recommendations made by the sub-committee that was created to consider the subject matter. There was high level philosophical debate regarding government regulation of aesthetics, design standards, building heights, minimum building size for accessory buildings for which a building permit is required and City regulations apply, ensuring an accessory building complies with the International Fire Code (IFC), record keeping by the City to ensure proper documentation of building permits issued by the City, and regulations to be applied to carports and other unenclosed structures that may qualify as accessory structures. Mr. Mellor concluded that he will use the feedback provided by the Council to amend the ordinance and email it to the entire Council for review at least two weeks in advance of the next scheduled work session discussion of the matter.

[9:19:33 PM](#)

Public comments

Lane Smith referenced the discussion regarding potential consideration of a noise ordinance and indicated that he would recommend the City engage a civil engineer to assist in determining appropriate decibel measurements to be included in the ordinance. He also recommended comparison with noise ordinances in other jurisdictions. He then referenced the discussion regarding accessory structures and government regulation of aesthetics; the point was well made that it is not appropriate for the City to be in the business of regulating the color of an accessory structures. He stated that some residents move into homeowners association (HOA) developments with the understanding that there will be certain regulations relating to building aesthetics, but many residents choose the opposite and opt to live in a neighborhood that is not governed by an HOA. He stated that adopting an ordinance that regulates aesthetics would be the equivalent of erasing that decision made by the majority of Syracuse City residents. He stated he would be opposed to submitting an application for approval of changing the color of the exterior of his home.

[9:22:07 PM](#)

Ray Zaugg also addressed the discussion regarding accessory structures; when considering modifications to an existing structure that is non-conforming, such a reroofing the structure, he wondered if the owner of the building would be

required to bring the building into conformance at that time. He provided information regarding a non-conforming building on his property and wondered if improving the beam system on the interior of the building along with reroofing the building would require a building permit and bring the structure into conformance with current ordinances. Mr. Mellor stated that any structural modification of a building requires a building permit. Mr. Zaugg stated there are several agricultural buildings throughout the City that may be considered non-conforming, but they are still useful and the owners of those buildings desire to make necessary improvements or updates to preserve their usefulness. He stated that owners should not be punished for that type of activity and he suggested that those buildings be grandfathered and left alone knowing that when the owner repairs the building they will do properly. Mr. Mellor stated that simple replacement of shingles does not require a building permit, but structural modifications do. He stated that has always been the case and is not specifically a result of the land use code amendments being considered at this time. Councilmember Anderson stated that Mr. Zaugg's concern is of interest to her; she can understand how the ordinance language could incentivize an owner of an older building to not repair or properly maintain their building for fear that they may be required to modify the building to ensure compliance with current codes. Mr. Roberts noted that the provisions being discussed are actually mandated by international and state codes, and not just the Syracuse City Code. Mr. Mellor agreed and noted that if the City fails to enforce those codes, the City holds a certain liability that could result in criminal penalties. He stated the safety element of this matter is very important and should be carefully considered by the Council. High level discussion centered briefly on the City's ability to impose less stringent regulations on accessory buildings than would be imposed on residential structures, with Mr. Roberts stating that staff would need sufficient time to research the matter before responding to the concerns raised by Mr. Zaugg.

[9:30:02 PM](#)

Council business

During each work session meeting, the Council and Mayor provided brief reports regarding the activities they have participated in since the last City Council meeting.

The meeting adjourned at 10:08 p.m.

Terry Palmer
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: December 12, 2017