

Minutes of the regular meeting of the Syracuse City Council held on March 14, 2023, at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 871 2450 4717, in-person in the City Council Chambers at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

Present: Councilmembers: Lisa W. Bingham  
Jennifer Carver  
Paul Watson  
W. Seth Teague  
Paul Watson

Mayor Dave Maughan  
City Manager Brody Bovero  
City Recorder Cassie Z. Brown

City Employees Present:

Administrative Services Director Stephen Marshall  
City Attorney Brie Brass  
Fire Chief Aaron Byington  
Police Chief Garret Atkin  
Parks and Recreation Director Kresta Robinson  
Public Works Director Robert Whiteley  
Community and Economic Development Director Noah Steele

### 1. Meeting Called to Order/Adopt Agenda

Mayor Maughan called the meeting to order at 6:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Councilmember Savage provided an invocation and Councilmember Carver led the audience in the Pledge of Allegiance.

COUNCILMEMBER BINGHAM MOVED TO AMEND THE AGENDA BY MOVING ITEM 8 TO FOLLOW ITEM 3, AND TO ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR.

### 2. Public comment:

The following individuals addressed the Council regarding agenda item eight dealing with noise caused by snow removal related activities and the activities being performed at a property in Syracuse City that is utilized for commercial/industrial purposes: Kristy Randall, Wayne Volk, Jennifer Ralphs (used an audio/visual aid as part of her comments), Kay Volk, Connie Wicker,

Jeremy Bingham, owner of Earthworks, spoke to the need to perform certain activities in the evening and early morning hours to provide a 24/7 snow removal service to the community. He asked that the noise ordinance be amended to provide clarity about permitted activities and to address any confusion.

City Recorder Brown then read the following public comment that was submitted via email:

“My name is Karla Robinett. I am unable to attend this meeting due to a commitment tonight with my youth organization, but wanted to go on record. In February of this year, I sent each of you an email regarding a request for rezoning on the corner of 2700 So and 1000 W. I along with many residents throughout the city thank you for holding to the integrity of our current City’s General Plan and voting to maintain the current R-2 zoning in this area. My comments tonight are in regard to agenda item #8. In the factual summation of this item, city staff is requesting clarification on our city’s noise ordinance. Specifically, this summation identifies the city’s municipal code section 6.40.060 Exemptions, Subsection C “Noise resulting from snow plows engaged in snow removal activities.” And Subsection E “Noise resulting from operations at a city public works facility related to necessary preparation of construction materials, snow removal equipment, or other critical functions.” In reading the City’s Ordinance Code section 6.40 Noise, it is apparent the intent of the subsections in question are in regard to city snow plows and snow removal not commercial or private snow removal. Snow removal is part of a city’s infrastructure. Snowplows pass most of our homes a few nights throughout the winter months, but are not warming up their engines, loading, etc. in one residential location. I ask the council to reword the subsections in question to restate the current regulations as written in section 6.40.030 (C) Which prohibits the loading, unloading, opening, or otherwise handling of crates, containers, garbage containers or other objects. If loading operations are greater than 200 feet from a residential use, then loading may begin at 6:00 a.m. If the council changes this ordinance to allow noise from such businesses to begin earlier or run all night, I believe this will be an open invitation for businesses throughout the city to make similar requests. The key words in this situation are Public Works vs. Commercial Business add to this that the area currently in question is zoned as R-2 (residential). As the council considers the city’s staff request for direction on this issue, I ask the council to maintain the current intent of our city’s noise ordinance and to add wording to the subsections in question to uphold its current intent... Which I believe is to keep noise to a minimum in the residential areas of our great city.

Thank you,  
Karla Robinett”

### 3. Approval of minutes.

The following minutes were reviewed by the City Council: Business Meeting of February 14, 2023 and Work Session of February 28, 2023.

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

### 8. Discussion and/or potential action on Proposed Ordinance 2023-06 regarding amendments to Syracuse City Municipal Code Section 6.40.060 (C) related to exemptions for snow removal activity.

A staff memo from the City Attorney explained with the volume of snowfall this winter season, city staff has received complaints regarding the noise caused by commercial snowplow equipment preparation heard within residential areas. There is an exemption in Syracuse City Municipal Code Section 6.40.060(C) for “Noise resulting from snowplows engaged in snow removal activities” There is also an exemption in subsection (E) for “Noise resulting from operations at a City public works facility related to necessary preparation of construction materials, snow removal equipment, or other critical functions.” In reading the exemptions of section 6.40.060 as a whole, the exemption in subsection (C) can be interpreted to exclude the “necessary preparation” of “snow removal activity” for commercial businesses that is included within subsection (E) for public works; however, if subsection (C) is read as a standalone provision, it could be interpreted to include snowplow preparation as a snow removal activity”. Currently, in Section 6.40.030(C), a commercial business that engages in snow removal services that has loading operations, such as loading salt into snowplow trucks or other such functions, may begin those operations at 6:00a.m. if the business is beyond 200 feet from a residential use, otherwise if the business is within 200 feet, the loading activity, if not included within the meaning of “engaged in snow removal equipment” must wait until 7:00 a.m. Staff is seeking direction from the Council on whether the Council would like subsection (C) to exempt all preparation for snow plowing activity for commercial businesses similar to the exemption for public works. If the Council would like to provide an exemption for commercial snow plowing services inclusive of the preparation for snow plowing activity, staff would recommend adding clarifying language to subsection (C) to include more than “snowplows engaged in snow removal activity.” If the Council would like to exempt the commercial snowplow truck preparation, the ordinance could be amended as follows:

(C) Noise resulting from the preparation of snowplows and other snow removal activities”

An ordinance and proposed amendment are attached if the Council would like to amend the noise exemption. The memo concluded the goal of this discussion is to determine whether Council would like to exempt commercial snow removal equipment preparation from the noise regulations of Section 6.04 and discuss possible amendments to exemption language in section 6.40.060(C). The Council has the option of adopting Ordinance 2023-06 as drafted or amended.

Mayor Maughan noted this item was added to the agenda at his request because he felt there was some confusion among City officials and staff, particularly those handling enforcement issues; he wanted the Council to have the opportunity to resolve this issue during the winter season while snow removal activities are occurring.

Councilmember Carver stated that the City needs to enforce rules that will allow citizens to leave peacefully; she understands the importance of commercial businesses, but the City should primarily be focused on protecting its residents.

Councilmember Bingham stated that she feels it is necessary to address the language in the ordinance that is causing confusion; it may be appropriate to define the term ‘preparation’ relative to snow removal activities and also address where such activities should be permitted. She stated there is a clear difference between the noise created by a snow blower being started and constant operation of heavy equipment used in preparation for snow removal activities. Additionally, the City’s land use code requires a 200 foot buffer between residential properties and commercial properties where certain types of activities are being conducted. She noted it may be appropriate to address all of these issues independently of one another.

Councilmember Watson asked if the City Code dictates hours of operation for commercial uses in a commercial zone. Mayor Maughan stated he does not believe so; he added that the issue before the Council tonight is noise specific to snow removal. He noted there is an ongoing debate in the community regarding whether an exception to the Code should be permitted for City snow removal activities, but not for commercial or residential snow removal activities. He stated that if there is any confusion about the hours of the day or night in which a resident can operate a snow blower at their home, the Council must consider a new ordinance to address that confusion.

Councilmember Carver asked Public Works Director Whitely to explain his Department’s efforts to prepare for a snow storm. Mr. Whiteley stated that work begins at approximately 4:00 a.m. and includes using equipment to load salt into salt spreaders. Councilmember Carver asked Mr. Whiteley if he would like to live next to that type of operation. Mayor Maughan stated he would like to avoid putting staff in the position of answering that type of question.

Mayor Maughan asked City Attorney Brass to provide her interpretation of the current ordinance language. Ms. Brass stated that based upon her interpretation of the Code as it is currently written, she does not believe a private or commercial business would be exempted from the noise regulations. She does not believe that preparation for snow removal is covered under the language included in Section 6.40.060(C), which provides an exemption for ‘noise resulting from snowplows engaged

in snow removal activities'. She stated the Public Works Department does have an exemption from the noise ordinance, but in her reading of the ordinance in its totality, she does not believe a private commercial business qualifies for the same exemption. She added that the City Code does provide commercial business owners for activities that cause disturbing noise; activities cannot start until 7:00 a.m., unless the property upon which the activity is occurring is 200 feet from a residential area and in that case, the activity can start at 6:00 a.m.

Mayor Maughan stated that others have had a different interpretation of the ordinance; this led to philosophical discussion and debate of the intent of the ordinance; the Mayor and Council agreed that it is necessary that the City Code provide for private and public operation of snowplows. Ms. Brass stated that based upon her interpretation of the City Code, both private and public operation of snow plows is currently permitted; the exemption provided in the ordinance specifically references snow plow operation. The issue at hand is whether the preparation activities that are occurring before 7:00 a.m. are disturbing the residents in the area and there is no exemption for those activities. The Council indicated they do not believe the current practices occurring in a residential area are sustainable or permitted by the ordinance. Councilmember Bingham stated that the Council is aware that this issue is a result of some concern about a specific business in the City, but this type of situation could happen elsewhere in the City, and it is important to craft an ordinance that addresses that issue. The Council agreed and discussed appropriate language adjustments for consideration this evening.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2023-06, AMENDING SECTION 6.40.060(C) OF THE SYRACUSE CITY CODE RELATED TO NOISE EXEMPTIONS FOR SNOW REMOVAL ACTIVITY, WITH ADJUSTMENTS TO THE ORDINANCE LANGUAGE TO COMMUNICATE THAT PREPARATION FOR SNOW REMOVAL IS NOT EXEMPTED FROM THE NOISE REGULATIONS.

Councilmember Carver stated she feels the ordinance should be left as it is based upon the City Attorney's interpretation of the ordinance. Councilmember Watson agreed. Mayor Maughan stated that the Council can vote in that manner, but there are residents in the community who have expressed confusion about the ordinance. He believes it would be helpful to staff, specifically those charged with enforcing the ordinance, to clarify the language to clearly communicate the type of work that meets the definition of being a snow removal activity. Councilmember Bingham stated that she feels an amendment is appropriate to provide such clarity. Councilmember Teague stated that he is concerned about amending the ordinance; he agreed that the City should rely upon Ms. Brass's interpretation of the current ordinance as she is the expert upon which the Council should rely. As an elected official, he regularly reads City ordinances and is often confused about their intent; he regularly reaches out to Ms. Brass to understand her interpretation of the ordinance and that is her job. He stated that he wants to be sure that Ms. Brass is comfortable with any adjustment to the ordinance being considered by the Council. Ms. Brass indicated that she feels that a small adjustment that indicates that snow removal activity does not include snow removal equipment preparation.

COUNCILMEMBER BINGHAM AMENDED HER MOTION TO INCLUDE THE LANGUAGE PROVIDED BY MS. BRASS THAT SNOW REMOVAL ACTIVITIES DO NOT INCLUDE SNOW REMOVAL EQUIPMENT PREPARATION. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR.

#### 4. Proposed Resolution R23-09 authorizing the Mayor to execute an amendment to the Robinson Waste garbage hauling contract.

A staff memo from the Administrative Services Director explained the City contracts with Robinson Waste Services for all curbside solid waste and green waste services. The solid waste contract is contracted through April 30, 2027. Robinson Waste Services has sent the city a letter requesting an increase equal to the consumer price index increase last calendar year of 6.0%. This letter along with supporting CPI details are included in the packet for your consideration. This request is allowed per our contract with Robinson Waste. They are requested this increase to be effective May 1, 2023. Changes to rates are proposed as followed:

	<b>Current Rate:</b>		<b>Requested Increase:</b>
1 <sup>st</sup> Can	\$ 4.60	1 <sup>st</sup> Can	\$ 4.88
2 <sup>nd</sup> Can	\$ 1.70	2 <sup>nd</sup> Can	\$ 1.80
GW	\$ 4.50	GW	\$ 4.77

The memo concluded the action before the Council is to determine whether to approve Resolution 23-09 approving the CPI increase for garbage hauling services.

Mr. Marshall reviewed his staff memo.

Councilmember Teague asked if it is standard to include a consumer price index (CPI) clause in this type of contract that provides the service provider the ability to increase their rates responsive to inflation. Mr. Marshall answered yes. Councilmember Teague stated that if that is non-negotiable, the Council really does not have a choice but to approve the contract amendment.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R23-09 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ROBINSON WASTE GARBAGE HAULING CONTRACT. COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR.

5. Public hearing: Proposed Resolution R23-10 amending the Syracuse City Consolidated Fee Schedule by making adjustments throughout.

A staff memo from the Administrative Services Director summarized proposed amendments to the City's Consolidated Fee Schedule as follows:

- Add Equestrian Park Rental Fee of \$15.00 per hour for residents and \$25.00 per hours for nonresidents.
- Change the credit card processing fee from 1% to 3% for credit card transactions, excluding utility payments.
- Potential updates to garbage utility rate related to the proposed increase from Robinson Waste Services (May 1<sup>st</sup> effective date).
  - Increase the 1<sup>st</sup> can garbage rate by \$0.28 from \$12.55 to \$12.83.
  - Increase the 2<sup>nd</sup> can garbage rate by \$0.10 from \$9.63 to \$9.73.
  - Increase the green waste rate by \$0.27 from \$7.43 to \$7.70.
- North Davis Sewer District approved revisions to its Sewer Impact Fee Analysis (July 1<sup>st</sup> effective date).
  - Single Family Residential: \$3,454.03.
  - Townhome Residential: \$3,108.63.
  - Multi-Unit Residential: \$2,625.06.
  - TOD-type Residential: \$2,106.96.
  - Non-Residential (per 1,000 gal billed monthly): \$656.27.

Administrative Services Director Marshall reviewed his staff memo.

Mayor Maughan opened the public hearing at 6:57 p.m. There were no persons appearing to be heard and the public hearing was closed at 6:57 p.m.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT PROPOSED RESOLUTION R23-10 AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS THROUGHOUT. COUNCILMEMBER TEAGUE SECONDED THE MOTION, ALL VOTED IN FAVOR.

6. Public Hearing: request for fee waiver from North Davis Communities That Care (CTC) Coalition.

A staff memo from the City Manager explained North Davis Communities that Care is a coalition of community leaders with a mission to foster a safe and connected community for our youth by empowering our families, schools, and local leaders. They have a primary focus on prevention of vaping, depression, and suicide ideation. See website at <https://www.dbh.utah.org/north-davis-ctc/>. Each year, the CTC holds regular meetings every other month to plan and organize their activities and events. This year, they would like to hold their regular meeting at the Syracuse City Community Center and are requesting a fee waiver for the room rental for a total of 6 room rental fee waivers. A public hearing has been advertised for this agenda item, as required by state law. The City's policy provides some options for the City to choose from. These options range from reduction of fees, donation of goods and services, to actual funds provided. In this situation, the following options are available to the Council:

- **Automatic 50% Waiver:** This option is already provided for in the policy. 501(c)3 non-profit organizations may receive an automatic 50% reduction in fees, without appearing before the Council. This is not what the CTC has applied for, but is available to the Council.
- **Fee Waiver:** If an applicant requests a full fee waiver outside of the adopted policy, the City Council may do so. A public hearing is required prior to granting such waivers. The request from the CTC is for a full fee waiver the end of the year for a total of 6 meetings.

The following conditions apply to any fee waiver, per City policy, unless dismissed by the Council:

- Cancellation of waiver. The City may cancel any fee waiver or deny the request of an eligible applicant based on a history of non-cooperation, uncleanliness of the event, scheduling conflicts with full-paying applicants, or conflicts with City programs.
- Deposits. Refundable deposits are required of all applicants, including those granted waivers or reductions, to ensure all clean up and safety procedures were completed by the applicant. Deposits are returned after inspection reveals that the applicants met these obligations. The City may keep all or part of the deposit if damage occurred to the venue, or the City was required to spend additional resources on clean up. Applicants are liable for any costs above those covered by the deposit.
- Limited timeframes. In order to ensure full-paying customers have the opportunity to hold events and reserve facilities, the City will only schedule an event or reservation with a fee waiver or reduction if it is less than 6 months in advance. This excludes events that have been reserved by multi-year agreements listed above. In this situation, fee waiver applies for the whole year, however the City would only schedule the room 6 months in advance.

The action item before the Council is to determine whether to approve the fee waiver request from the North Davis Communities That Care Coalition for up to six room rentals at the community center during the year 2023.

Mr. Bovero reviewed his staff memo.

Mayor Maughan opened the public hearing at 7:00 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER CARVER MADE A MOTION TO AUTHORIZE A FEE WAIVER FOR THE NORTH DAVIS COMMUNITIES THAT CARE (CTC) COALITION. COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR.

7. Proposed Resolution R23-11 affirming the Syracuse City Council's review of the 2022 Municipal Wastewater Planning Program annual self-assessment.

A staff memo from the Public Works Director explained the Utah Department of Environmental Quality, Division of Water Quality has established the Utah Sanitary Sewer Management Program for the purpose of monitoring wastewater facilities throughout the State. The State requires that the City submit an annual Municipal Wastewater Planning Program Report. The proposed resolution acknowledges that the City Council has received and reviewed the annual report prior to its submittal.

Mr. Whiteley reviewed his staff memo.

Councilmembers commented on the quality of the work performed by the Public Works Department and thanked Mr. Whiteley for the completion of the self-assessment.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT RESOLUTION R23-11 AFFIRMING THE SYRACUSE CITY COUNCIL'S REVIEW OF THE 2022 MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL SELF-ASSESSMENT. COUNCILMEMBER TEAGUE SECONDED THE MOTION, ALL VOTED IN FAVOR.

9. Continued discussion regarding providing a "Blessing Box" at a City facility.

An Administrative staff memo explained the Council previously discussed the option of providing a "blessing box" at a city facility. The discussion was not finalized so this is on the agenda to make a decision on whether to do it, and if so, to discuss how it could be done.

Mayor Maughan reviewed the memo and invited Councilmember Carver to provide her suggestions; Councilmember Carver referenced the blessing box resources provided in other municipalities and indicated they are truly used and appreciated by residents in those communities. She is willing to build a structure that can be used as a blessing box that can be placed at a City facility – preferably the Police Department – to be accessed by residents in times of need; she will work with representatives of the Miss Syracuse Pageant to stock and maintain the structure. The Council expressed support for the idea of a blessing box and indicated they would like to monitor the service to ensure it is being utilized in a way that benefits the community. Councilmember Savage also added that an article be published in the City's magazine to communicate the presence of the blessing box to residents.

10. Public comments.

Jeremy Bingham addressed the Council's action regarding the City's noise ordinance; he stated that he is still confused by the language, and he does not feel it is clear. He stated it is still too vague; he feels that any activity related to snow removal should meet the definition of 'snow removal activities'. There are 12 companies in Syracuse City that perform snow removal services and if the Council tries to prevent them from conducting business, they will relocate to other communities and it will be necessary for other businesses or residents to hire service providers outside of Syracuse City to assist them. He added that customers want snow removal service before 7:00 a.m., so they will hire providers that can perform work before that time of day. He concluded he will continue to operate his business the way he has for the last 21 years; he has been at his current location for seven years and has only had two complaints in that time. He stated it has obvious that he has worn out his welcome with the neighboring property owners and he will begin looking for a place to move to, but in the meantime he will continue to operate his business and it may be that the issue ends in court. He asked for clarification of the ordinance because he still interprets it differently than Ms. Brass.

11. Mayor/Council announcements.

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

At 7:16 P.M. COUNCILMEMBER BINGHAM MADE A MOTION TO ADJOURN. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR.

City Council Regular Meeting  
March 14, 2023

Date approved: April 11, 2023