

Minutes of the Regular meeting of the Syracuse City Council held on January 10, 2017 at 6:02 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson
Corinne N. Bolduc
Mike Gailey
Karianne Lisonbee (arrived at 6:08 p.m.)
Dave Maughan (arrived at 6:05 p.m.)

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

City Employees Present:

City Attorney Paul Roberts
Finance Director Steve Marshall
Community Development Director Brigham Mellor
Police Chief Garret Atkin
Fire Chief Eric Froerer
Public Works Director Robert Whiteley
Parks and Recreation Director Kresta Robinson

1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:06 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 Gailey provided an invocation. Boy Scout Ben Zundell led the audience in the Pledge of Allegiance.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT THE AGENDA. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Jacqueline Rowley and Ryan Zaugg for the month of January 2017.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and City's website; be featured on the Wendy's product television; and receive a \$10 gift certificate to Wendy's.

Mayor Palmer noted both teens receiving the award for September 2016 were nominated by the staff of Syracuse Junior High School.

Jacqueline Rowley:

Jacqueline Rowley was chosen by several teachers because of her ability in maintain top grades (4.0) while taking honors and AP classes. She also shows initiative in class, going above and beyond what is asked of her on assignments. She does great work and turns it in early. She is a good example to other students of a respectful and driven student. She is very kind to others and works to include others who may feel left out. She is organized and always does what is asked of her. She did a great job managing her time with VB and student government and always keeps her advisor informed as to what she was doing which eliminates a lot of potential problems. She comes highly recommended by her teachers. One of Jacqueline's unique qualities is that she is extremely well organized. She plans out each minute of her day, organizing her activities in her mind and planning the exact amount of time she needs to accomplish specific tasks. After such precise planning, another of Jacqueline's unique qualities is that she sticks to her plans with strong purpose. Jaqueline loves school; she loves the learning process; she hates to miss school when she is sick. She loves to write. She practices calligraphy regularly.

She cares about others. Recently, she helped her grandmother plan a 50-year class reunion. During her interactions with her grandmother, she continually asked questions about her grandmother's responsibilities as a class officer years ago. Jacqueline plans to continue serving in school leadership capacities in her high school years. Jacqueline is helpful to others and personally ambitious. Jacqueline is currently serving as the Student Body Secretary. In this position, her advisor has increasingly relied on her to help keep the other officers organized and on task, by keeping notes of tasks and responsibilities. Her mother says she loves the responsibility in this position and loves to wear her sweater, demonstrating her commitment to her position and the school.

She is a member of a competition volleyball team as well as the school volleyball team, which placed 3rd in the District (among 16 teams). This year she served as a captain on the school volleyball team. She is a member of the school National Junior Honor Society. Quarterly Honor Roll 4.0 High Honors recipient. Service to school and community through student government. This year, she helped organize the "Penny Wars" charity drive. The school donated over \$3,000, which was used to purchase Christmas gifts for needy families in our school boundaries. In addition to the school volleyball team, Jacqueline participates on a competition team, which will be traveling to Oregon in early January. One of the highlights of the trip will be her planned participation in the feeding of a sloth. She absolutely adores sloths!

Jacqueline has earned a 4.0 GPA 1st term of this year, following in the tradition of straight A's since her 7th grade year. She plans to continue this tradition straight through high school, and no doubt college. She has been recognized as a Student of the Month for Syracuse Junior High. This award is given by teachers who select the highest caliber students.

She is enrolled in AP Human Geography; as well as English and Math Honors.

Ryan Zaugg:

Ryan Zaugg was nominated for this award because of his outstanding character and his devoted application the goal of learning and personal improvement. Ryan is unique because he is a very aggressive learner. His class load includes AP Calculus, AP Environmental Science, AP Human Geography, English 9 Honors as well as a few other electives.

One of the biggest hurdles that Ryan overcomes is the amount of time it takes to complete all the homework for his heavy class load. It is not unusual for him to be up until 2:00 or 3:00 AM, completing his homework. He enjoys learning. He especially enjoys Math. His academic goals include earning a bachelor's degree in Utah and then traveling to MIT for his advanced degrees. He plans on serving his community as an expert in nuclear energy or alternative forms of energy. Member of the National Academic League team (NAL). Ryan plays cello, and is the first chair in the school orchestra cello section. He is an accomplished piano player. Founder and president of the "Magic the Gathering" card club at Syracuse Junior High School. President of the VEX IQ Robotics Club, which recently took 1st place in a competition. His score in this competition was the highest at the competition and earned him the opportunity to compete in Iowa at a national competition. Ryan has earned his Boy Scout rank of Life Scout, and has participated as a Senior Patrol Leader.

As a boy scout, Ryan has participated in numerous service projects sponsored by his local unit. Ryan is also a member of the Syracuse City Youth Court. He is a very positive influence on several younger male students. By knowing Ryan, their bar of performance has been raised. He mows lawns for profit as well as for service. Ryan's team won a recently robotics competition, qualifying him to participate on a national level at a competition in Iowa later this school year.

He is the vice-president of the SHIELD club, which is an Honors, Leadership, and Service oriented club.

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3. Presentation to City by Hunter Woodhall and residents' committee for support of Hunter Woodhall Day.

Two Syracuse residents approached the Council and indicated the City has many great talented residents, one of which being Hunter Woodhall who participated in the 2016 Paralympic games and medaled in the events he participated in. They thanked the Mayor, City Council, citizens, and Police and Fire Departments for their support of Hunter and for participating in the event to welcome him back to the community at the conclusion of the games.

Hunter Woodhall then presented a plaque to the City in appreciation of the City's support of him while he was participating in the Paralympic games and when he returned home.

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4. Acknowledgement of receipt of National Night Out Award by Syracuse City.

City Manager Bovero explained the City received the National Night Out Award recently for the stellar production of the National Night Out Against Crime event; over the past several years City Administration and the City Council have set goals to find ways to communicate to residents that the Police Department is an extension of the community rather than an independent entity. He stated Police Chief Atkin has done a great job at executing those goals and this event is one of the tools he has used to do so. He stated the award is well deserved and he is pleased to accept it on behalf of the City.

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Police Chief Atkin thanked the Council for their support of the National Night Out Against Crime event and of his Department in general. He looks forward to continuing to hold the event in future years. He offered special thanks to Councilmember Maughan for his idea to display photographs of Police Officers doing things beyond their law enforcement role; there were approximately eight tables with the photographs and this communicated the message to those in attendance that Police Officers are human beings as well. He stated he gets the great fortune of being the fact of the Police Department, but other members of his Department – Officer Stan Penrod, Detective Erin Behm, and Administrative Professional Mazie Waters – were responsible for organizing the event and making it a success. He again thanked the Council for their support of the event and indicated he hopes it will grow in the years to come.

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5. Approval of Minutes:

The following minutes were reviewed by the City Council: Business Meeting and Work Session of December 13, 2016.

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COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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Councilmember Maughan stated that there has been some concern raised about the accuracy of a document that was approved subject to changes directed by the Council during the December 13 meeting and he indicated he is willing to reconsider that item if doing so would address those concerns. Mayor Palmer stated he does not believe that is necessary since action was taken to approve the item.

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Councilmember Bolduc provided City Recorder Brown with information about a typographical error that should be corrected before the minutes are published.

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Mayor Palmer stated there has been a motion and second to approve the minutes and he called for a vote; ALL VOTED IN FAVOR.

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6. Public comments

There were no public comments.

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7. Proposed Resolution R17-02 appointing members to the Syracuse City Disaster Preparedness Committee

An administrative staff memo explained Lee Hammond and Bill Moody have resigned from the Disaster Preparedness Committee. Mayor Palmer has recommended the appointment of Karen Jenkins to complete Mr. Hammond's term, which was

set to expire June 30, 2018. Mayor Palmer is completing interviews to seek a replacement for Mr. Moody and will make a recommendation to the Council during the meeting for the appointment. Mr. Moody's three-year term was set to expire June 30, 2019. Lance Davenport was appointed to complete Joe Thornton's term, which expired June 30, 2016; Mayor Palmer is recommending Mr. Davenport's reappointment and his new term would expire June 30, 2019.

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Mayor Palmer reviewed the staff memo. He noted that he has interviewed Kevin Homer and recommends that his name be inserted into the proposed resolution to replace Bill Moody on the Committee.

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COUNCILMEMBER LISONBEE MOVED TO ADOPT RESOLUTION R17-02 APPOINTING MEMBERS TO THE SYRACUSE CITY DISASTER PREPAREDNESS COMMITTEE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Councilmember Lisonbee stated she personally knows the two new people that have been chosen for appointment to the Committee and she feels they are wonderful choices.

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8. Rampton Acres Preliminary Subdivision Plat, located at approximately 1743 South Bluff Road.

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

- Location: 1743 South Bluff Road
- Current Zoning: R-1
- General Plan: General Commercial
- Total Subdivision Area: 1.79 Acres

An application for the Rampton Acres preliminary plat was received on December 20, 2016. The applicant has requested approval of a 4-lot preliminary subdivision plat known as Rampton Acres in the R-1 Zone. The dimensions of these lots are as follows:

Lot	Lot Size (12,000 square foot minimum)	Lot Width (100 foot minimum)	Structures to remain
1	22,486	155	Shed
2	25,233	100	Dwelling
3	15,594	115	None
4	12,001	102	None

As is shown, all proposed land areas meet the minimum requirements for the R-1 Zone. The Planning Commission reviewed this application during their January 3rd meeting and is forwarding a unanimous recommendation for approval.

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CED Director Mellor reviewed the staff memo. There was brief Council discussion about lot configuration in the proposed subdivision with a focus on elimination remnant parcels and the relationship between the subject property and the future West Davis Corridor.

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COUNCILMEMBER GAILEY MOVED TO GRANT APPROVAL OF THE RAMPTON ACRES PRELIMINARY SUBDIVISION PLAT LOCATED AT APPROXIMATELY 1743 SOUTH BLUFF ROAD. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9. Proposed Resolution R17-03 authorizing the Mayor to execute an amendment to the annexation agreement with Woodside Homes of Utah, LLC, pertaining to extended deadlines for final approval of pending applications.

A staff memo from the Community and Economic Development (CED) Department explained the architect hired by the developer needs additional time to complete architectural floor plans and elevations required to meet the conditions of planning commission's recommendation for approval on January 3rd 2017 – and to meet the requirements for a complete packet item. The following changes have been made to the agreement:

1. Moved the deadline for providing final action to January 24, 2017.
2. Fixed the typo in the original paragraph that said that the PC would give approval on January 3, 2016, and amended it to 2017.
3. Added a paragraph that says that we can move the deadline again with mutual, written agreement of the developer and city manager.

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CED Director Mellor reviewed the staff memo. Council discussion regarding the matter centered on change number one to push the final action deadline to January 24. Mr. Mellor indicated he recommended that the deadline be pushed to February, but Woodside has indicated they will complete all necessary work in January in order for a final application to be presented to the Council.

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Councilmember Lisonbee stated that she would prefer that change three be stricken as she feels that any further adjustments to the deadlines should be approved by the City Council rather than the City Manager.

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COUNCILMEMBER LISONBEE MOVED TO REMOVE PARAGRAPH 4.3 ALLOWING ADDITIONAL DEADLINE EXTENSIONS WITHOUT COUNCIL APPROVAL AND ADOPT RESOLUTION R17-03 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ANNEXATION AGREEMENT WITH WOODSIDE HOMES OF UTAH, LLC, PERTAINING TO EXTENDED DEADLINES FOR FINAL APPROVAL OF PENDING APPLICATIONS. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[6:38:30 PM](#)

10. Proposed Ordinance 17-01 enacting Section 4.25.140 of the Syracuse City Municipal Code pertaining to conservation plans for large area property owners.

A staff memo from the City Attorney explained that in accordance with our work meeting discussion in December, the annual conservation plan has been converted into ordinance form for Council review. Some grammatical changes have been made. Additionally, an eight-month window was placed on the written statement that exempts an owner from filing a new conservation plan. This was added to avoid an argument that a years-old statement could serve as a continuing exemption. It was increased to eight months to accommodate businesses that turn in their business license renewals before their December 31 expiration date. City staff begins sending renewal notices in early November.

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City Attorney Roberts reviewed the staff memo.

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COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 17-01 ENACTING SECTION 1.25.140 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO CONSERVATION PLANS FOR LARGE AREA PROPERTY OWNERS.

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COUNCILMEMBER GAILEY SUGGESTED A FRIENDLY AMENDMENT TO ADD THE WORD 'WATER' AHEAD OF CONSERVATION PLANS. COUNCILMEMBER BOLDUC ACCEPTED THE FRIENDLY AMENDMENT AND RESTATED HER MOTION. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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Councilmember Anderson expressed concerns regarding section 4.25.140(F) of the ordinance, which reads "failure to comply with the provisions of this ordinance may result in the same penalties established in section 4.25.130 of this Chapter". She stated Section 4.25.130 has not yet been adopted and there are items in the proposed ordinance relative to that section that

she has concerns about. Councilmember Lisonbee proposed that this agenda item be moved to the end of the agenda to give the Council the opportunity to first review the agenda item dealing with proposed ordinance 17-02.

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COUNCILMEMBER LISONBEE MOVED TO ADJUST THE AGENDA TO MOVE ITEM 10 TO THE BOTTOM OF THE AGENDA JUST BEFORE PUBLIC COMMENTS. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Mayor Palmer called for a vote on the original motion to adopt the proposed ordinance; ALL VOTED IN OPPOSITION.

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11. Proposed Ordinance 17-02 amending Section 4.25.130 of the Syracuse City Municipal Code pertaining to waste of secondary water.

A staff memo from the City Attorney explained that as requested during the December 13 work session meeting, this item has been placed on the agenda in ordinance form. There have been some modifications from the previous versions, but the overall substance remains the same. In subsection (B)(1), it indicates that the Public Works Department would need to request the Council's consideration of mandatory restrictions. Similarly, a catch-all provision was added to (B)(2), stating that evidence from the Public Works Department indicating that restrictions are necessary, is sufficient evidence upon which to impose restrictions.

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City Attorney Roberts reviewed his staff memo and facilitated a discussion among the Council regarding the concept of implementing mandatory watering restrictions with a penalty associated with a violation of the restrictions. There was a brief focus on the appeal process for any civil penalty issued for violation of watering restrictions and the trigger mechanism to be included in the ordinance that must occur in order for watering restrictions to be implemented. Councilmember Maughan indicated he does not feel the City is in the position to implement an ordinance calling for watering restrictions until further investigation is done regarding the overall condition of the City's secondary water system and the amount of water available to the system. He stated there are several questions that need to be answered before the Council proceeds with consideration of the proposed ordinance. Councilmember Lisonbee agreed, but noted she feels the proposed ordinance is a step in the right direction. She added she does not feel that lack of complete data this time should preclude the Council from considering an ordinance that includes a trigger mechanism for implementing watering restrictions. She stated she feels that the comprehensive data is needed before the upcoming water season, but she believes the Council can participate in continued discussion at the next Council meeting with the idea of moving forward with consideration of the ordinance. Councilmember Anderson agreed that a trigger mechanism is very important, but she would like to understand the true condition of the City's water system and the amount of water available before adopting the ordinance including the trigger mechanism.

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The Council reached consensus to move the item to the next work session meeting agenda for continued discussion. Councilmember Maughan stated he would like to hear from the engineering firm that was hired to complete an assessment of the secondary water system before considering the proposed ordinance; if both items could be included on the next agenda he is comfortable proceeding in that direction, however he does not want to rush adoption of an ordinance until all other investigation into the matter is complete. Councilmember Lisonbee stated she does not feel the issue is being rushed as the Council has discussing it for the past four months. She feels the work to be done by JUB Engineers is independent of the proposed ordinance relative to a trigger mechanism for watering restrictions. Public Works Director Whiteley reported JUB Engineers will be prepared to make their initial report regarding the secondary water system during the January 24 work session meeting. After continued philosophical discussion regarding the relationship between the proposed ordinance and the work being completed by JUB Engineers, the Council again expressed consensus to continue discussion of the matter during the January 24 work session meeting.

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COUNCILMEMBER GAILEY MOVED TO TABLE PROPOSED ORDINANCE 17-02 AMENDING SECTION 4.25.130 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO WASTE OF SECONDARY WATER. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

The Council then decided to revisit item 10 in order to table consideration of proposed ordinance 17-01 at this time.

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10. Proposed Ordinance 17-01 enacting Section 4.25.140 of the Syracuse City Municipal Code pertaining to conservation plans for large area property owners (continued).

COUNCILMEMBER MAUGHAN MOVED TO TABLE PROPOSED ORDINANCE 17-01 ENACTING SECTION 1.25.140 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO CONSERVATION PLANS FOR LARGE AREA PROPRETY OWNERS. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:04:29 PM

12. Proposed Resolution R17-01 supporting the application for Antelope State Park's designation as an international dark sky park.

A staff memo from the City Manager explained representatives from Antelope Island approached the City asking if we would support their application to be designated as an International Dark Sky Park. The International Dark Sky Association bestows this designation to locations that meet certain criteria, including a required level of 'dark sky'. Antelope Island currently meets these requirements and representatives from the State Park believe they have a good chance of being awarded the designation. Support from the surrounding community gives the State Park added points in their application. Information on the International Dark Sky Association (IDSA) can be found on their website at darksky.org. Research from the IDSA states that dark skies have far-reaching impacts from human health to wildlife and ecosystems. For example, migratory birds navigate by using the moon and stars. Nocturnal animals and reptiles rely on light/dark patterns to hunt, travel, and reproduce. In addition to this, it promotes the ability to see the night sky during a time when a growing percentage of the world's population lives without ever seeing the depth and breadth of the Milky Way and the Universe at night.

The memo summarized the benefits of IDSA designation:

- **Increased Visitation:** The Dark Sky designation gives the State Park another marketing tool as a growing number of campers and outdoor enthusiasts value the ability to see dark skies.
- **Economic Impact:** The City is economically tied to the State Park. As approximately 400,000 visitors go to Antelope Island every year, they must drive through Syracuse City to do so. Local businesses are positively impacted as these visitors stop to use local services and buy local goods. Increased visitation to the Park will translate into increased business within the City.
- **Quality of Life:** Syracuse City borders some of the most sensitive lands in the State. Much of these lands are under preservation and serve as open space for Syracuse residents. The health of the local wildlife and ecosystems are important to maintain the beauty of the area, as well as keeping pests such as mosquitos and rodents under control. Dark Sky awareness is just one way to support the health of these resources that benefit our citizens.

The memo explained the proposed resolution accomplishes three things:

1. **General Support:** The resolution declares that the City generally supports the State Park's efforts in obtaining the Dark Sky designation.
2. **Reiterates Commitment to Our Existing Lighting Ordinances:** The City already has a lighting ordinance that encourages new development to install lighting fixtures that limit light pollution. The resolution simply states that we currently support responsible lighting through our regulatory powers.
3. **Small, But Meaningful Changes to Our Street Light Standards:** The resolution commits the City to changing our street light standards to a dark-sky friendly fixture. This applies to all future street lights only, not existing lights. The new street light would be the same model, but would have a shielded optic so the light ray is directed downward. This change would reduce light pollution, plus it is expected to improve the visibility of drivers and pedestrians because it reduces glare. The added cost to developers for this change is estimated at approximately \$100 per light.

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City Manager Bovero reviewed his staff report.

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The Council and Mayor engaged in discussion with Wendy Williams, Manager of Antelope Island State Park, regarding the impact lights in Syracuse City have on the Park. Councilmember Lisonbee stated street lighting in Syracuse has been a big issue over the past several years; many residents have had difficulty navigating sidewalks and streets after the transition was made to replace street lights with bulbs that offered less light. The Council has since made a commitment to replace bulbs with a lighter bulb as replacement is necessary, but her concern is whether developers and the City would be responsible to use upgraded fixtures at a greater cost. Mr. Bovero stated that would not necessarily be the case if the resolution were only applied to new development and not existing infrastructure. He stated the City has complete discretion relative to how to apply the program. Councilmember Lisonbee stated she is concerned about approving a program that would create a negative impact for developers.

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Councilmember Anderson stated she is concerned about how closely connected the City will be to the Dark Sky Organization if the proposed resolution were adopted; she is worried the Organization could impose certain requirements on the City in the future. Mr. Bovero stated that the Dark Sky Organization is a non-profit organization with no authority to require the City to do anything. Ms. Williams agreed and noted that the Park is the only entity that would be bound to the Organization as the Park is the entity submitting the application to be designated as an International Dark Sky Park. She then provided the Council with an explanation of what the Park hopes to accomplish as a result of being designated as a Dark Sky Park, with the main goal being increasing tourism and visitation at the Park.

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Public Works Director Whiteley briefly discussed the style of lighting fixtures that can be used in accordance with dark sky lighting provisions.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-01 SUPPORTING THE APPLICATION FOR ANTELOPE STATE PARK'S DESIGNATION AS AN INTERNATIONAL DARK SKY PARK, WITH THE AMENDMENT THAT ITEM 3 NOT BE INCLUDED IN THE RESOLUTION. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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COUNCILMEMBER LISONBEE OFFERED A SUBSTITUTE MOTION TO ADOPT RESOLUTION R17-01 SUPPORTING THE APPLICATION FOR ANTELOPE STATE PARK'S DESIGNATION AS AN INTERNATIONAL DARK SKY PARK, WITH THE AMENDMENT THAT ITEM 3 BE INCLUDED IN THE RESOLUTION, BUT THAT IT BE AMENDED TO INDICATE THAT DARK SKY LIGHTING IS NOT REQUIRED, BUT RATHER ENCOURAGED. COUNCILMEMBER BOLDUC SECONDED THE MOTION.

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Councilmember Maughan indicated that he was not willing to withdraw his initial motion. Councilmember Lisonbee clarified that her motion would be to provide dark sky options for developers to consider rather than imposing those options as requirements.

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Philosophical discussion regarding the two motions made ensued and Councilmember Gailey indicated it may be appropriate to consider the City's entire lighting ordinance prior to making the changes to the resolution as suggested by Councilmember Lisonbee. Councilmember Anderson stated that she would support Councilmember Maughan's motion as she feels that item three is a restatement of item two; the City is already committed to responsible lighting and it is not necessary to expound on that commitment.

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Councilmember Lisonbee withdrew her motion.

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Mayor Palmer stated there has been a motion and second to adopt the resolution and he called for a vote; ALL VOTED IN FAVOR.

7:30:12 PM

13. Status report on Redevelopment Agency (RDA) agreement with The Rush Fun Center.

A staff memo from the City Manager explained the original tax increment financing agreement with the Rush was executed in 2012. Since then there have been two amendments, one in 2013 and another in 2015. The owners of The Rush have notified us that they have closed, or will soon close the swimming pool portion of the facility. They have indicated that they plan to retrofit the space for a new entertainment/amusement use that they believe will be more viable. A timeline for this retrofit has not been given. They have indicated that their decision to close the pool was due to sustained losses in its operation. They have also indicated that the remaining portion of the The Rush is performing well financially. Below is a brief outline of the RDA Agreement with The Rush:

- The Developer (The Rush) has agreed to develop and maintain an 80,000 square foot expansion of the fun center for a minimum of 20 years. 24,000 square feet of the expansion consists of an aquatic center, and 56,000 square feet consists of additional activity space (go-carts, bowling, bounce house area, locker rooms, batting cages).
- Based on the new tax revenue generated from the development, a total of approximately \$1.3 million in tax rebates will return to the developer over the course of the agreement, with the projected final payment in 2024. Approximately \$600,000 has been rebated already. Remember that the tax rebates are represented from all taxing entities, not just the City. The City's portion of the rebates are approximately 10%-13% of the total figure. It is also noteworthy to remind the Council that the rebate comes from the added taxes due to development within the RDA area, not from the general property taxes or sales tax paid by residents.

Based on the language of the contract, The Rush is required to "construct and maintain" the 24,000 square foot aquatic center for the 20-year lifetime. While a retrofit of the space into some other related use may still accomplish the economic development goals of the RDA, the closing of the aquatic center could be a breach of contract. The Council's strategic discussions on how to handle this is best suited for a closed meeting, due to its high potential for litigation.

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City Manager Bovero reviewed the staff memo.

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Councilmember Lisonbee stated she recalls that at one point in time, management of The Rush requested a waiver of fees rather tax increment financing; the amount requested was approximately \$200,000 and she asked if that request was granted. Mr. Bovero stated that he believes The Rush paid their development fees. Councilmember Lisonbee stated she is almost certain The Rush received a credit or fee waiver and she asked that staff investigate that issue further. Mr. Bovero stated staff will be happy to look into that issue. Finance Director Marshall noted that approximately \$200,000 in tax increment financing was used to pay for the building permit fee; the Council approved the transfer of tax increment financing to cover the building and impact fees. He stated that was subject to the 2013 amendment to the agreement.

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Mr. Bovero continued his review of his staff memo and facilitated a brief discussion regarding the terms of the agreement; he indicated that it may be most appropriate for the Council to continue discussion of legal matters regarding the agreement during a closed executive session. Councilmember Maughan asked if prior to the December 13, 2016 City Council meeting management of The Rush had indicated in any way that they would be closing the pool. Mr. Bovero answered no; the City was first notified the week before Christmas.

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14. Public comments

Ralph Vaughan addressed secondary water and noted there are hose bibs attached to many secondary water systems at residential properties throughout the City and this gives residents the ability to do things with water besides using it for traditional secondary water purposes. This includes things like filling a swimming pool, washing vehicles, or sharing water

with neighbors. He stated the draft ordinance that was discussed by the Council earlier in the meeting may overlook other actions that constitute waste of water and he would suggest that the ordinance be amended to prohibit the three activities he mentioned previously. He then discussed The Rush and stated that it is his opinion that the developer of the fun center should have known what he was getting into; there is a long history of water park projects that have failed, the most recognized Utah park being the 49th Street Galleria where millions of dollars were lost. He stated that if there is a three-tenths reduction in the offerings of the fun center, the subsidy of the facility should also be reduced by that amount. He stated there was no extraordinary act that resulted in the closure of the pool; rather, the situation is a result of a bad business decision. He stated that the biggest impact the situation has created for the City relates to the past decision by the Council to not include a splashpad at Chloe's Playground. The argument was made that a splashpad would compete with the pool.

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15. Councilmember reports.

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Bolduc's report began at [7:42:42 PM](#). She was followed by Councilmembers Maughan, Gailey, Lisonbee, and Anderson.

[8:01:15 PM](#)

16. Mayor's Report.

Mayor Palmer's report began at [8:01:22 PM](#).

[8:02:40 PM](#)

17. City Manager report

City Manager Bovero's report began at [8:02:51 PM](#).

[8:09:38 PM](#)

18. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property.

COUNCILMEMBER MAUGHAN MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 8:09 p.m.

The meeting reconvened at 9:03 p.m.

At 9:03 p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer

Cassie Z. Brown, MMC

City Council Regular Meeting
January 10, 2017

Mayor

City Recorder

Date approved: February 14, 2017