

Minutes of the Special meeting of the Syracuse City Council held on February 12, 2013, at 7:09 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:

City Attorney Will Carlson
Finance Director Steve Marshall
Community Development Director Michael Eggett
Parks and Recreation Director Kresta Robinson
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Garret Atkin

Visitors Present:	Brett Coleman	Tristan Pendley	Tony Pendley
	Joel Goeckair	Dan Schuler	Kim Schuler
	Spencer McBride	Kade Burrows	Alysia Noyvong
	Wayne Kinsey	Gary Pratt	Jerry Guffey
	Terry Palmer	Mike Thayne	Brandon Haddick
	Bob Yeaman		

1. Meeting Called to Order/Adopt Agenda

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Mayor Nagle called the meeting to order at 7:00 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. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Duncan provided an invocation. Councilmember Lisonbee then led all present in the Pledge of Allegiance.

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COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Alison Shepherd and Bryson Burroughs.

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 Nagle first read the word for word statement bout Alison Shepherd.

"During one of our recent snowstorms, Alison's mother slipped and fell while she was out in the back yard feeding the chickens. It was storming and very cold. Alison's mother's ankle was badly broken from the fall and she could not get up to walk back to the house. Losing body heat quickly, she screamed out for help. Luckily, Alison heard her mother's cries and heroically called 911. Alison showed composure in a critical situation as she recited her address and other important information to the person on the phone. Soon, the ambulance arrived at their home and

transported her mother to the hospital. Alison's feat of heroics surely saved the day and her mother is now safely at home recovering from the fall. Great job Alison!"

Mayor Nagle asked Ms. Shepherd to stand to be recognized by those in attendance.

Mayor Nagle then read word for word the statement written about Bryson Burroughs by Judy Nixon, Principle of the Syracuse Arts Academy.

"Bryson works hard in the classroom and is an excellent student. He always turns in his homework, even though he is busy with after school events. Depending on the season, he plays soccer, football, baseball, and basketball. He excels at sports, and loves soccer most of all. At school he participates in the arts activities with a good attitude and cheerful disposition. He is well rounded, respectful, and a good friend to all."

Mayor Nagle asked Mr. Burroughs to stand and be recognized by those in attendance.

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3. Proposed Resolution R13-02, recognizing Brett Coleman and Coleman Orthodontics as the Winter 2013 Recipient of the Syracuse City "Friend of the Community" Business Award

A staff memo from the Community Development Department explained that continuing marketing efforts to support and drive commerce, the Community and Economic Development Department (CED) developed a business award concept for the community. The CED Department has prepared a brief statement about the presentation for the upcoming City Council Regular Session. The background information is as follows:

"To recognize the ongoing support to the residents of Syracuse from the business community, Brett Coleman has been selected for the Syracuse City "Friend of the Community" Business Award. Mayor Nagle and attending Council Members will present a framed business award certificate, signed by Mayor Jamie Nagle and City Manager Robert Rice."

An important part of the Business Award is formal recognition and presentation of a resolution at a City Council meeting. The attached resolution recognizes Brett Coleman as the winter 2013 recipient of the business award.

Brett Coleman has been nominated because:

"Dr. Brett Coleman and Coleman Orthodontics have contributed to Syracuse's community and economic well being by providing high quality orthodontic care, creating local jobs, sponsoring and donating to local events and charities including the local nonprofit Smile for a Lifetime who provides free orthodontic care for people with financial challenges, giving generous gifts through fun contests with their patients, and being a positive example to many Syracuse youth who go for braces but leave with important life lessons learned."

The Community & Economic Development Department hereby requests that the Mayor and City Council pass and adopt attached Resolution 13-02 recognizing Brett Coleman and Coleman Orthodontics as the recipient of the Syracuse City "Friend of the Community" Business Award. Furthermore, Brett Coleman of Coleman Orthodontics will be present at the City Council meeting, and CED staff recommends that the Mayor present the resolution at that time.

Mayor said it is with great honor that we recognize Dr. Coleman. She stated that Dr. Coleman always participates in community events and his investment shows. She then asked Dr. Coleman to accept his award from the Council and say a few words to those in attendance.

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Dr. Coleman stated that he and his wife and family moved to Syracuse over 10 years ago; they want to raise their kids here and they have no intention of leaving anytime soon. He stated this has been a great place to start a businesses and it has given him an opportunity to meet so many great friends and make great memories. He stated those are things he will cherish his entire life. He stated that he is happy and honored to receive the award and he is grateful for those in the community that have supported him and his business.

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COUNCILMEMBER JOHNSON MOVED TO ADOPT PROPOSED RESOLUTION R13-02 RECOGNIZING BRETT COLEMAN AND COLEMAN ORTHODONTICS AS THE WINTER 2013 RECIPIENT OF THE SYRACUSE CITY "FRIEND OF THE COMMUNITY" BUSINESS AWARD. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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4. Public recognition of retired Police Chief Brian Wallace for his 20 years of service to Syracuse City.

Mayor Nagle stated that tonight the Council would like to publicly thank former Police Chief Brian Wallace for 20 years of outstanding service to the community and the residents; he has touched everyone that lives in the City in some way and he has been a pillar of the community. She stated she is excited to have new Police Chief Garret Atkin, but she has joked that it is hard to replace Andy Taylor. She stated she knows a lot of citizens will miss Chief Wallace. She added that she will miss him and his calm, steady presence and she wanted to present to him a small token of appreciation for everything he has done for the City. She stated that it can never show how much the City can appreciate all he has done. She asked him to stand and be recognized and he received a standing ovation from the Council and the audience.

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Chief Wallace stated that he wanted to thank Syracuse City and the elected officials that he has worked with over the years. He stated one thing he can say is that Syracuse has always supported public safety, whether that be the Police or Fire Departments. He stated that a lot of times people get caught up in wages and other issues, but those are not the important things; every citizen he has come into contact with, as well as the elected officials, has been supportive of law enforcement in the City. He stated the City has a great bunch of residents, though the City has changed over the years, and he appreciates all the support they have given the Police Department. He stated that it has been difficult to give bad news to his officers at times, but that is reality and Syracuse City is no different than any other City. He stated that he has always appreciated the honesty and integrity of the people he worked with and he especially wanted to thank the officers that are still working for the City and those that have moved on. He stated they are his family and he will still spend time with them and enjoy their company and he no longer has to be their boss. He stated he appreciates everything that everyone has done for he and his family; Wendy has been a rock in his life and she has always helped him make tough decisions over the years and live with those decisions. He stated that he has been in law enforcement for 31 years, 20 of those as the Police Chief in Syracuse. He stated it has been a great career and he is looking forward to whatever is ahead of him.

Chief Wallace then received another round of applause.

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5. Approval of Minutes.

The minutes of the following meetings were reviewed: work session of February 14, 2012; work session of February 28, 2012; work session of April 10, 2012; work session of April 24, 2012; work session of January 22, 2013; and special meeting of January 22, 2013.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSIONS OF FEBRUARY 14, 2012, FEBRUARY 28, 2012, APRIL 10, 2012, APRIL 24, 2012, JANUARY 22, 2013 AND THE SPECIAL MEETING OF JANUARY 22, 2013 AS PRESENTED. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6. Public comments

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Dave Wakefield stated Chief Wallace was a wonderful Chief and he has known him for years. He stated that the new Chief is a great Chief as well; he has known him for years as well through employment and they are now neighbors. He stated the City has a good man. He then stated that he wanted to discuss concerns he has about safety issues at 3000 West and Bluff Road. He stated in July of 2011 he was riding his bike along the trail and a car that was not familiar with the area ran the stop sign at the intersection and hit him. He stated he had to have shoulder and wrist surgery as a result. He stated that it took him a year to recover from the accident. He stated he has talked to City leaders about the issue and he was told that the Chief would have to do a traffic study about making changes to the intersection. He stated that all he would like to see is the installation of red flashing lights above the stop signs at the intersections. He stated it is an abnormal place for a stop sign and people not familiar with the area are not used to seeing a stop sign in that type of location. He stated it would be a small expense to do that and it could save someone's life. He stated that he almost lost his life and he does not want to see anyone else go through what he went through. He asked that the issue be turned over to Chief Atkin for resolution. He stated there are similar lights at trail crossings in Layton City and it should be fairly easy to do.

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TJ Jensen stated that he wanted to talk about the upcoming budget retreat; one thing he was involved with in the past was the trails committee that helped to put together a master plan that the City Council ultimately adopted. He stated that Councilmembers Shingleton and Johnson were very helpful on that committee as were some members of the Planning

Commission and several citizens. He stated that one of the guiding goals of the master plan was to have an effective trail system, but one that would be as low in cost as possible. He stated there were a couple of areas where there would need to be rights of way, but the vast majority of the trail system is designed as a shared use trail system which requires no changes to the roads, but rather the installation of signage explaining that bikes are sharing lanes with cars. He stated that was done deliberately so that the plan could be implemented easily and with little expense. He stated that the smog this year has been particularly bad and trails are one way to get people to use their cars a little less. He stated that the plan encourages walkability to schools. He stated that it is important that the City show they are serious about the trails plan, even though there are a vast number of roads that need to be fixed. He stated that the City could start to invest in signs and paint and allowing boy scouts to work on those projects. He stated he would also like to set up a 10 year plan to get the trails projects going. He stated that he thinks it is a good idea to show that the City is serious about trails and encourage people to use bicycles and walk more. He stated it is something very easy to do and it would be good for the Council to have a conversation about it at the budget retreat.

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Terry Palmer congratulated Wayne Kinsey and Brandon Haddick for their opportunities to be working on the Planning Commission. He stated he plans to get to know them a lot better because he loves this City and he fights for it. He stated another item he wanted to talk about was wages for City employees. He stated the Council allocated \$150,000 for wage increases and after receiving information from a government records access and management act (GRAMA) request and seeing the amount of money that went to the 'higher' people in the City, that bothered him a lot, especially considering the wages of the Police and Fire employees and he stated the Council should have looked at their wages a little more seriously. He stated that the highest paid person in the City and a \$5,000 increase for that person is pretty impressive. He stated that if he were to make that wage he would have to lay off two of his employees. He stated he wanted to let the Council he is a little disappointed in that category. He then stated the main thing he wanted to talk about is the second amendment considering the fact that the Federal Government would like to infringe upon the right to bear arms. He stated that he is very impressed with the County Sheriff and his willingness to sign on with 27 other sheriffs in the state to say that they uphold the constitution, which includes the second amendment. He stated that the Councilmembers and Mayor have taken an oath to uphold the constitution. He stated that in Georgia there was a Council in 1982 that required that all citizens own and keep and bear arms. He stated the name of the city was Kennesaw, Georgia. He stated that they are now considered to be the safest community in the United States. He stated that he has also found 38 other states have allowed concealed weapons and in all of those 38 states violent crimes have decreased. He stated Utah is one of those states. He stated that when he talked with Sheriff Richardson recently he said that Police Officers are not the first line of defense and the citizens are. He stated he would ask the Council to consider giving a resolution. Mayor Nagle stated that Mr. Palmer's time to address the Council had expired and she stated she would be willing to talk to him after the meeting.

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Scott Slademan stated that he is a third or fourth generation of the City with the exception of a 20 year hiatus due to his 20 year military service. He stated that he has spent many evenings in Council meetings in different states, but this is his first dealing with the City Council in the City he was born and raised in. He stated that in the past couple of weeks he discovered that the plumbing problem in his house was going to force him to excavate his front yard. He stated he has been working with the City's Public Works Department on the issue and he has never been more impressed with a department as they dealt with him and his family. He stated he called the City just before 5:00 p.m. and they came to his house within five to 10 minutes and shut his water off and helped him out. He stated they came back three or four more times throughout the week. He stated most Council meetings he has been to have been very contentious and conversations get heated and not many times do citizens thank employees for the work they have done, but he wanted to thank the Public Works Department for everything they had done to help his family over the past week.

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7. Authorize Administration to adjust utility accounts by writing off bankruptcies.

The City Utility Billing Department provided the following summary for utility billing write-offs:

NAME	ACCOUNT #	TERM DATE	FILED	AMOUNT	DATE TO STEVE FOR COUNCIL APPROVAL	DATE APPROVED BY COUNCIL
Anderson, Kristen	56.3.426.01	8/6/2012	Chap 7 (11-21-12)	158.05	1/24/2013	
Baird, Randy	55.3.436.01	10/12/2011		40.02	1/24/2013	
Brimhall, Brandi	55.4.030.03	3/18/2012	Chap 7 (5-1-12)	141.44	1/24/2013	
Byrns, Jamie	55.2.732.05	2/29/2012	Chap 7 (6-14-12)	173.13	1/24/2013	
Child, Viola	55.3.580.01	8/15/2012	Deceased	160.53	1/24/2013	
Matschull, Brian	55.1.310.02	12/27/2011	Chap 7 (8-23-12)	227.24	1/24/2013	
Smith, Courtney	55.3.239.01	3/26/2012	Chap 7 (11-26-12)	222.73	1/24/2013	
Tinti, Antonio	55.1.213.03	9/23/2010	Chap 13 (11/12)	216.73	1/24/2013	
Vine, William	55.1.935.01	9/5/2012	Bankruptcy	152.75	1/24/2013	
Wilkins, Rhonda	15.1.775.03	NA	Bankruptcy (9/12)	647.2	1/24/2013	
TOTAL			2139.82			

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COUNCILMEMBER DUNCAN MADE A MOTION TO AUTHORIZE ADMINISTRATION TO ADJUST UTILITY BILING ACCOUNTS BY WRITING OFF BANKRUPTCIES. COUNCILMEMBER PETERSON SECONDED THE MOTION;

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Councilmember Duncan stated that he does not know that the Council has a choice but to authorize the write-offs. He stated that Federal Law prevents the City from continuing to try to collect on these debts.

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Mayor Nagle stated there has been a motion and a second and she called for a vote. ALL VOTED IN FAVOR.

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8. Public Hearing: Proposed Resolution R13-03, adjusting the Syracuse City budget for Fiscal Year ending June 30, 2013.

A memo from the Finance Director explained the Council discussed the budget opening and potential changes at the last Council meeting. For this meeting, I have updated the PDF file to show changes we had discussed. All changes are highlighted in red. We discussed adding overtime wages to the departments that were helping with snow plowing and snow removal. The total cost estimate for this change is \$6,000. In addition to these we have also proposed a few additional changes as discussed below.

Police Chief Atkins and Fire Chief Froerer would also like to discuss a potential add on to the budget opening. They currently have 18 mobile radios that are obsolete. When these radios break or fail, we will not have a way to fix them. Motorola no longer makes parts for them and they no longer provide assistance in fixing them. We are proposing that we add in this budget opening a line item to purchase and replace these radios. If we replace them now, Motorola will give us a rebate of \$500 per radio or a total of \$9,000. The cost of the radios would be approximately \$3,100 each for a total cost of \$55,800. The increase in sales tax projections will more than cover this expense.

We also had our bid opening for the 700 South and 2500 West project. The low bid came in at \$2,770,275. We are requesting two modifications to the budget based on this bid. The first is the sewer line which came in at \$275,000 instead of \$250,000 as originally discussed. The second is an increase to storm water impact fee expense. We estimated \$430,000 for this project and the bid for the storm sewer came in at \$500,000. This is a total increase in budgeted expense of \$95,000. The great news piece is our estimate for use of Class C roads funds on this project came in \$240,050 under budget. We estimated \$310,050 and the bid came in at just under \$70,000. This is a savings of \$240,050 in road money that came be utilized in future road projects.

These are the only changes that were made to the budget proposal since the last Council meeting. Administration recommends adopting proposed resolution R13-03 adjusting the Syracuse City budget for the fiscal year ending June 30, 2013.

Mr. Marshall reviewed his staff memo.

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Mayor Nagle convened the public hearing.

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TJ Jensen stated he thinks it is a good idea to upgrade the radios used in the Police and Fire Departments; they depend on them and it would be sad if an officer missed a call due to a radio malfunctioning. He stated all of the budget adjustments sound reasonable, but the adjustment for the radios is a 'no brainer'.

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There being no further persons appearing to be heard Mayor Nagle closed the public hearing.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-03 ADJUSTING THE SYRACUSE CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2013. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Shingleton stated he wanted to note for the benefit of the citizens that these budget adjustments do not affect the City's rainy day fund, which is still over 14 percent of the City's total general fund budget. He stated that is great.

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Councilmember Lisonbee stated she wanted to commend the officers; there was talk about purchasing radios in order to use parts from them to repair the existing radios and they have done a tremendous job at making their budget stretch. She stated they definitely need new radios and she is glad there is funding available to do that without going over budget. She stated she commends staff for doing things that keep the City fiscally conservative and sound.

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

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9. Public Hearing: Proposed Resolution R13-04 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments throughout.

A memo from the Finance Director explained staff has reviewed the consolidated fee schedule and is recommending a handful of changes that are considered necessary. The items in red are either new fees being proposed or are changes to existing fees in the fee schedule. Most items are very minor changes. One major change is that we are proposing adding a fee for police contract services. This would be for any special event or interagency utilization. The rate proposed is a one-time admin fee of \$20 and a \$55 per officer per hour fee to staff the event. These charges are strictly to recover our costs to staff the event.

Mr. Marshall reviewed his staff memo.

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Mayor Nagle convened the public hearing. There were no persons appearing to be heard and Mayor Nagle closed the public hearing.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-04 AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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10. Proposed Resolution R13-05, appointing Wayne Kinsey to the Syracuse City Planning Commission with his term expiring on June 20, 2014.

****THE MINUTES OF THIS AGENDA ITEM WERE TRANSCRIBED VERBATIM AT THE REQUEST OF COUNCILMEMBER LISONBEE.****

A memo from the Community Development Director explained on November 21, 2012, Planning Commissioner Braxton Schenk submitted his notice of resignation from the Planning Commission. The term of this vacancy is scheduled to expire on June 30, 2014, which is in line with an effort to maintain established term rotations for commissioner appointments. Recently, resident Wayne Kinsey submitted a letter of interest to be considered for the Planning Commission vacancies and met with the Mayor, Council Member Johnson, and CED Director Mike Eggett to discuss his interest and desire to serve in this position. The conclusion is that Mr. Kinsey has served on various decision-making boards (within the medical industry) in a professional capacity and would be a great benefit to the Syracuse Planning Commission. The Mayor is recommending that the City Council support the appointment of Mr. Wayne Kinsey to serve as a member of the Planning Commission by filling Mr. Schenk's vacancy on the Commission. Mr. Kinsey has affirmed his interest and intent to fill this vacancy, if appointed to serve in this capacity, and will be present at the next City Council meeting. Additionally, the Community and Economic Development Department fully endorses and is in support of the Mayor's proposed appointment of Wayne Kinsey to fill Mr. Schenk's vacancy on the Planning Commission. The CED Department looks forward to working with Mr. Kinsey as a member of the Planning Commission. For your use and review, City Staff has provided resolution R13-05 that supports the aforementioned appointment of Wayne Kinsey to fill the Planning Commission vacancy. The Community and Economic Development Department hereby recommends that the Mayor and City Council show their support for Wayne Kinsey by approving his appointment to fill a currently vacant position on the Planning Commission.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-05 APPOINTING WAYNE KINSEY TO THE SYRACUSE CITY PLANNING COMMISSION WITH HIS TERM EXPIRING JUNE 30, 2014. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Duncan stated he does not know Mr. Kinsey very well, but he wanted to bring up a couple points to help clarify this for him. He stated it is his understanding is that there were several applicants for this position – and he may be wrong and he wants some clarification – but his understanding is that there were several applicants and some of the letters we didn't receive as a City Council. He stated three people were interviewed and that the process seems to be a struggle to him. He then stated that during the work session he asked Mr. Kinsey what his philosophies were and he has some things that he thinks are very important. He stated he is not asking for an engineer and he is not asking for. . . he thinks we need some of those things on the Planning Commission, but they do not all need to be engineers and experts, but he is being asked to vote for someone that is enthusiastic about the Planning Commission that does not have a philosophy about the General Plan and cannot give him an answer. He stated he is not accusing Mr. Kinsey of anything, but he is torn because his responsibility is to give consent and he does not know what he is giving consent to other than what appears to be a nice guy who has had a very successful career and is excited about the community, but he does not understand his philosophies about planning the City and the General Plan. He stated he struggles with the process and with the lack of information about what Mr. Kinsey can offer the City other than enthusiasm. He stated enthusiasm is important and he gets that; he is on the City Council because he is enthusiastic about the City. He stated those are some of his concerns and he wanted to open the discussion on those issues.

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Mayor Nagle stated that she would like to address the issue about the applications. She stated Councilmember Duncan is saying that there were some letters that were not forwarded to the Council, but every letter was forwarded to them and if there are citizens that applied that did not get their letters in. . .the Council received ever single letter.

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Councilmember Lisonbee stated she is confused about that; she stated she knows some people dropped out, but the Council did not receive letters for all the people that were chosen for an interview and she would have liked to read those letters also. Mayor Nagle stated those people dropped out and asked to have their names withdrawn so they did not apply. Councilmember Lisonbee stated that was after they had already submitted them to the City and she would have appreciated seeing them. Mayor Nagle stated they asked to withdraw. Councilmember Lisonbee stated she knows, but she asked for the letters back on December 12. Mayor Nagle stated the people did not want to be considered. Councilmember Lisonbee stated she knows and she is just saying.

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Councilmember Peterson stated that he can understand that Councilmember Duncan would want some information about someone's philosophy, but there are no requirements to be on the City Council or the Planning Commission. He stated he heard Councilmember Duncan mention something that he agrees with and that is that it is good to have a mixture of people; it is good to have an engineer and it is good to have someone that knows nothing about planning. He stated he is comfortable with this; everybody who applied obviously wants to do it. He stated there were three very capable people that interviewed the applicants and the Council has had a chance to review their resumes and letters, so he is comfortable.

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Councilmember Duncan asked what is the role of the City Council in terms of consent. Mayor Nagle stated the Council can either say yes or no.

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Councilmember Lisonbee stated she has some concerns also that she would like to bring up at this time. She stated that her concerns are with the process also and they are not directed at Mr. Kinsey at all. She stated she has serious concerns with head of the Planning Commission – the Planning Commission Chair – not being involved in the process at all. She stated that in the past the Planning Commission Chair has always been involved in this process. She stated she is concerned that the City Planner is recommending to the Council that they adopt the appointments when the Planner is actually support staff to the Planning Commission. She stated the Planning Commission Chair, in essence, has Mr. Eggett as support staff, yet we chose to have, or someone chose to have planning staff instead of the Chair, even though he expressed a desire to be involved in the process. She stated she does have concerns with that. She then stated that she has concerns with not being given the resumes in order to give advice prior to the choosing of an appointee. She stated she asked on December 12, 2012 for the letters of intent, and she knows they were not received by the City, but she was trying to be proactive since she had a conversation with Mr. Rice. She stated she was ignored for six days after which she asked again. She stated she received a short and cursory answer that she did not understand so she asked for clarification and she did not receive clarification for an additional four days. She stated she went ahead and asked the City Recorder and the long and short of it is that she did not get them when she asked; she did not get them in the timely manner that she requested them. She stated she takes issue with a legal opinion that states that it would be like the Council appointing if they were to have the letters of intent or interest prior to the Mayor making a choice. She stated it is important to remember that the Council has the responsibility to advise and consent and advice seems almost superfluous post choosing an appointee.

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Mayor Nagle interrupted Councilmember Lisonbee and asked when she has ever offered advice. She stated she would love for the Council to provide information on the qualifications they would like to see in an appointee. Councilmember Lisonbee stated she is not finished and she asked that the Mayor not interrupt her and that she be allowed to finish her comments. Councilmember Duncan called for a point of order. Councilmember Lisonbee stated she is not finished. Councilmember Duncan again called for a point of order and stated the Mayor does not get to interrupt someone on the Council when they are speaking. Mayor Nagle stated he just interrupted her. Councilmember Duncan stated he interrupted her to call for a point of order – thank you very much – and this is in the rules. Mayor Nagle stated this is ridiculous. Councilmember Lisonbee stated she is not finished. Mayor Nagle again stated this is ridiculous and the Council had the resumes for two weeks before this appointment. Councilmember Duncan again called for a point of order. Councilmember Lisonbee stated she is not finished and that she received the letters of interest on Friday. Mayor Nagle stated the Council received the letters two weeks before this meeting. Councilmember Lisonbee said excuse me and asked the Mayor to stop interrupting her. She stated she received the letters of interest last Friday and that was not two weeks. She stated last Tuesday would have been two weeks and that is when she emailed and requested the documents again and she was told no. She stated that those are her concerns that she would like to put forward to the body. She stated she would suggest that a person that is the current Planning Commission Chair who has served the City diligently for over eight years and requested to be involved in the process should have been allowed to be involved in the process of hiring. She stated she worries that involving the Planning Department and telling the Planning Commission Chair no sends the message that

somehow the Planning Department is over the Planning Commission when that is not the case; in fact, the Planning Department is staff to the Planning Commission, which is an independent body to advise the Council.

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Mayor Nagle stated there has been a motion and a second to adopt the resolution and she called for a vote. Councilmembers Duncan and Lisonbee stated that the Council has not concluded discussion. Mayor Nagle stated that she can call for a vote. Councilmember Lisonbee stated that the Mayor cannot call for a vote until discussion is over. Councilmember Duncan stated discussion is not over. Mayor Nagle stated that she has called for a vote. Councilmember Lisonbee stated the Mayor cannot call for a vote; that is out of order. Mayor Nagle stated it is not out of order for the head of the Governing Body to call for a vote once a motion and a second has been made. Councilmember Lisonbee stated that the Mayor cannot make a motion and the only way to stop discussion. . Mayor Nagle stated she did not make a motion; there is a motion and a second.

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City Attorney Carlson stated that there has been a motion and a second, but according to the rules of procedure adopted by the Council, discussion occurs before the vote occurs. He stated the Mayor has the authority to conduct the meeting and he noted that points of order are not explicitly in the Council's rules of order and procedure. He added that it is appropriate, according to the rules of order, to complete discussion before engaging in a vote.

[7:51:14 PM](#)

Councilmember Peterson stated his problem is that that this discussion can go on forever. He stated he appreciates Councilmember Duncan's and Lisonbee's feelings because they have come up every time the Council has an appointment. He stated their feelings are not going to change and he can respect that, but he thinks the Council should vote because there is no sense in arguing about the issue when it will be the same every single time and we will not get anywhere with it.

[7:51:39 PM](#)

Councilmember Duncan stated he would suggest something if we want to go ahead and hold a vote. He is in favor of one thing of two things; he would like to either table the resolution or he will vote no. He stated that he does not have to agree with everything that Mr. Kinsey believes in and we all have our differences of opinion, but no opinion is not an opinion that he can vote on. He stated that is where he struggles. He stated he is in a position where he asked for basic principles and he does not see how he can consent to a very bright guy and capable guy who may be a wonderful Planning Commissioner, but he does not know anything about him other than that he is enthusiastic. He stated that bothers him. He stated he is not the Mayor and he does not get to appoint who he wants to be on the Planning Commission and he gets that. He stated there may be some philosophical differences between himself and Mr. Kinsey, but he would like to know what those are so that he can make an informed decision that says they are far enough off base for him that he is going to say no or they are close enough while I don't agree with everything I would like to say yes; otherwise, let me get in my bag and pull out a rubber stamp. He stated that advice and consent means absolutely nothing if he is voting for someone that he does not know anything about. He stated that is his stance and if the Council wants to vote – no offense to Mr. Kinsey – his vote will be no because he cannot responsibly vote yes. He stated that if we want to give Mr. Kinsey two weeks to read through the General Plan and come back to the Council with a philosophy. He stated that Mr. Kinsey is going to be advising the Council and if he knows his philosophy he can at least go to the citizens if he votes yes or no and hold him responsible if he varies from that philosophy or thank him for not varying from it. He stated he has nothing to go and his vote is to either table or vote no tonight. He stated that is no offense to Mr. Kinsey; he just cannot vote because he is a nice guy and is enthusiastic, that is not enough for him.

[7:53:34 PM](#)

Mayor Nagle stated that Mr. Kinsey did not say that he would be a rubber stamp. She stated what she heard from him was that he needs to learn. She stated she would challenge the Council to find any Planning Commission that did not approach the Planning Commission in that same manner. She stated that to Councilmember Lisonbee's point that every Planning Commission Chair has always been involved in the process of appointing, that is not true because Mayor Nagle was on the Planning Commission and she can tell her that the Planning Commission Chair was not a part of her appointment process. She stated she has talked to the Chair about this process. She stated there is a whole citizen's panel and there is a group of citizens that want to be involved. She stated they are citizens and not experts and they just want to be involved in their community. She stated a mom that stays at home with her kids has no less value in learning the system or participating in the process as someone who is a civil engineer that navigates that system every single day. She stated there is a place and a value for all of them. She stated one of the things that she thinks is most encouraging is that both of the candidates have come with an open mind. She stated we have had a very politicized Planning Commission and she is trying her very best to get people that will look at things with an open mind, be reasonable, not be swayed by what the Mayor or Council wants

them to do, but what is right for the City and the citizens and make sound decisions. She stated she thinks Mr. Kinsey's experience on boards and his experience at being able to make those decisions is exactly what the City needs. She stated she thinks he will do great in working with the whole Planning Commission; he is very respectful to everybody that we have seen him engage in. She stated the Council's vote is yes or no and that is obviously their right and that is the beauty of the way this works. Councilmember Duncan said sure.

[7:55:30 PM](#)

Councilmember Johnson stated he participated in the interview process and the reason that he likes Mr. Kinsey and would vote to appoint him was that he was open minded and he said that as issues came up he would do his own research to find out the pros and cons behind everything. He stated Mr. Kinsey has an open mind and is willing to listen and he will not rubber stamp anything; he will engage in conversations with people to come to a conclusion about whether something is good or bad. He stated that is why he is fine in confirming Mr. Kinsey. He stated he thinks that at the end of the day we are looking at those that will be open minded and not steered by one group or another or one philosophy or another, but are trying to look at the best interest of the citizens. He stated that the part that he would like to see with the General Plan, it has been said that the General Plan is the 'bible' of the Planning Commission and so that does have a bearing degree on what your things are, but you have to reflect the community standards in the General Plan. He stated that he would urge Mr. Kinsey to find out what the General Plan is and what the citizens want it to be and that is the direction he should take. He stated that with that and with Mr. Kinsey's past experience on the boards he has been on, he feels he can engage in those kinds of conversations and be able to talk to people on every side of an issue.

[7:57:23 PM](#)

Councilmember Duncan stated he needs to make a clarification because he was apparently misunderstood; he is not calling Mr. Kinsey a rubber stamp and he would hope he isn't; he was suggesting that going in without any information on Mr. Kinsey's philosophies and what he believes and how he views the General Plan, he feels like he is a rubber stamp and he is voting with no really appreciable knowledge of what Mr. Kinsey stands for. He stated he is not asking for Mr. Kinsey to side with the Mayor or the City Council or with Robert Whiteley or anyone else; he just wants to know and understand what his general philosophy is and he does not think that is developed yet. He stated that he is being asked to vote for someone who honestly and fairly. . .he is not accusing him of anything; he thinks he is a nice guy and is professional and has a lot of qualities, but he does not know his general philosophy. He stated he is voting for a nice guy who is concerned about the City. He stated that gets us part of the way there, but it does not get him all the way there and that is his problem. He stated he is not calling Mr. Kinsey a rubber stamp; he is suggesting he is being called upon to be a rubber stamp.

[7:58:26 PM](#)

Councilmember Lisonbee stated she would like to add to that that her concerns are that the process has not been clear. She stated she would also like to see this tabled and she would like the Mayor to go back and offer to the Planning Commission Chair all of the letters of interest and consult with him about those and have that conversation. She stated she thinks Mr. Kinsey is a very professional gentleman and she was impressed that he came dressed up in a suit and tie and ready to answer questions. She stated she is concerned because she feels that in any appointive or elected office that principles are very important and she does not have enough information to understand what Mr. Kinsey's principles are regarding the actions that the Planning Commission would take. She stated that does concern her and she too would like to see this tabled if at all possible because she shares those concerns and she thinks the process has not been followed as it should have and she does have serious problems with that issue.

[7:59:31 PM](#)

Mayor Nagle stated the process you will never be satisfied with, ever. She stated it is a shame that not one of the appointments over the last year for anybody in our City has gone in a nature. . .they have all been appointed, but not one of them has gone where they have felt welcomed or that they were set up for success; instead it has been contentious and vicious. She stated the process was a good process and it was transparent as it has been with all of them. She stated the Council may or may not like the appointments or they may like the appointments, but it is all about the fight. She asked what is wrong with us that we cannot figure that out. She stated Councilmember Lisonbee asked for the letters before so that she would have time to review them and she had plenty of time to review them so there is always another reason. She asked what is wrong that we cannot just make a yes or no vote and decide to vote yes or no. She stated we have a reporter here tonight and someone whispering in his ear trying to get some more spin in the paper so that the front page tomorrow say here is Syracuse in the news again, they still can't figure out how to get an appointment. She stated that there has been a lot of discussion and in the interest of closing this down, there has been a motion and a second.

[8:01:05 PM](#)

Councilmember Lisonbee interrupted Mayor Nagle and stated she is still not done and stated she would like to say something; she is still continuing the discussion and she thanked the Mayor for giving her that opportunity. She stated that she would like to address the Mayor's concerns. She stated that is why she asked for the letters of interest; it was not just so that she would have time to review them, but she also said in her email that she wanted to have time to advise the Mayor and consent according to her statutory duty. Mayor Nagle interrupted Councilmember Lisonbee and stated that Councilmember Lisonbee has never given her any advice, ever. Councilmember Lisonbee asked that Mayor Nagle stop interrupting her and stated she is not finished. She then stated that the point of giving advice, in her opinion, is to give advice prior to and that is why she requested them. She reiterated that she takes issue with the legal opinion. Mayor Nagle asked Councilmember Lisonbee where the advice was. Councilmember Lisonbee asked Mayor Nagle to stop interrupting her. Mayor Nagle said no and stated that Councilmember Lisonbee is saying she did not get an opportunity to give advice. Councilmember Lisonbee asked Mayor Nagle to stop interrupting her. Councilmember Shingleton stated the Mayor is out of order and he asked that Councilmember Lisonbee be allowed to finish her comments and then the Mayor can say her peace; that is called courtesy. Mayor Nagle stated it is also called courtesy to recognize what it is. Councilmember Lisonbee stated that the point she is trying to make is that she wanted to give advice and consent and she was offered instead a no answer on her request which she made in plenty of time so this would not happen again. She stated she did not want this to happen again and that is why she asked on December 12 and did not get an answer for six days and asked again and asked again and did not get an answer for four days and so she finally emailed the City Recorder asked for those things, to which she agreed. She stated that she still did not get the documents and instead she was offered a legal opinion that said that if the Council had the materials before the Mayor chose, that would be considered the Council making the appointment and not the Mayor according to her opinion. She stated she takes issue with that legal opinion and she thinks that she should be able to have the documents, according to our statute, whenever she wants them 'at any time' our statute says. She stated she requested the documents in plenty of time. Mayor Nagle stated Councilmember Lisonbee requested the documents before the City even had them. Councilmember Lisonbee stated she knows that. Mayor Nagle stated that she did not ignore her emails and Councilmember Lisonbee keeps saying that so she is going to put that out there because she is spinning a half-truth. Councilmember Lisonbee said ok and that she is sorry and perhaps she was wrong. Mayor Nagle stated the day Councilmember Lisonbee sent her email she sent back a response and said she would make sure that she advised the Council accordingly of the process. Councilmember Lisonbee stated that was the response she received to her second email. Mayor Nagle stated that Councilmember Lisonbee was not happy about that so she asked for another response. Councilmember Lisonbee stated it was not that she was not happy with the response. Mayor Nagle asked Councilmember Lisonbee why she is allowed to keep talking even though she has told the Mayor to stop doing the same thing. Councilmember Lisonbee apologized and stated she was answering Mayor Nagle and she thought she was done speaking. Mayor Nagle said no. She stated that she gave the Council everything they asked for and if Councilmember Lisonbee wants to give advice why did she never say that she liked someone or that she would like to see someone like this on the Commission or that these qualities are very important to me. She stated that never once has Councilmember Lisonbee ever said that, so if advice is important, which she believes is, that is her obligation. She stated it is not her obligation to fight and put the City on the front page, but to give her advice. She stated she gave the Council the resumes and she answered her emails and gave her responses; just because they were not the responses Councilmember Lisonbee wanted does not mean she did not get a response. She asked her to quit saying that the Mayor ignored her because it is not true. Councilmember Lisonbee apologized and stated that she knows that generally the Mayor answers her emails on the same day, but as she said a couple of times she did not receive an answer for six days and when she did answer her she did not understand it and she told her that and asked for clarification and the Mayor did not answer her, ever. Mayor Nagle stated she is not going to engage in the back and forth fights. Councilmember Lisonbee stated that is fine and she is not done and she asked the Mayor to not interrupt her. She stated that because of that she did not get the documents in time to provide advice. She stated that every single time this has happened when she has asked for documents. Mayor Nagle asked if 10 days is not enough time. Councilmember Lisonbee said excuse me and said she is not through. She stated that every single time she has asked for the documents she has not been given them until the Mayor has made her selection. She stated she has asked for them in plenty of time to receive them prior to that. She stated she is statutorily allowed, but staff is continually told not to give her the things that she asks for and it is extremely frustrating because she is statutorily allowed by her elected position, by these good citizens who have entrusted her with a duty. Mayor Nagle stated that the good citizens have entrusted all of them to keep the City off the front page. Councilmember Lisonbee stated she is not finished. Councilmember Shingleton stated this has nothing to do with the newspaper and he asked the Mayor to let Councilmember Lisonbee finish her comments. Councilmember Lisonbee stated that she has not received the documents when she has asked for them and she has not received them until after the appointment has been chosen. She stated at that point it is very limited what kind of advice she can offer per the applicants to any appointment they have been asked to give. Mayor Nagle stated that Councilmember Lisonbee had the applications for 10 days and she asked why she did

not contact her after those ten days to say these are some of the qualities, have you considered this or that. Councilmember Lisonbee stated the Mayor had already made her selection according to the legal opinion she received. Mayor Nagle stated it had not been voted on and it was not on an agenda. She stated she is going to call it out; Councilmember Lisonbee is sitting there saying that she cannot do what the good citizens have elected her to do; the good citizens have elected us to run the City and not be on the front page every day. Councilmember Duncan stated it is not about the front page. Mayor Nagle stated it is her turn to speak, remember? Councilmember Duncan answered yes and said he will comment after. Mayor Nagle stated that every time there is an appointment, there is something the Council finds an issue with – every time. She stated that if the Council wants the application she has given the applications; if they get them on a Friday they will be obstructionists because they wanted them on Tuesday. She stated there has been plenty of time and there are two people that just want to serve on the Planning Commission. She stated we have two people will do a great job. She asked why we cannot just vote; you can vote no, but why do we have to keep dialoguing making ourselves look bad all of the time, spinning half-truths saying this and that did not happen, and calling it something that it is. She stated the Council has a yes or no vote and she encouraged them to vote yes or no. Councilmember Lisonbee stated she will again say to that that she expects to receive documents when she asks for them. Mayor Nagle reiterated Councilmember Lisonbee asked for the documents before the City had even received them. Councilmember Lisonbee stated she is not done; she waited for Mayor Nagle to finish her comments and she asked for the same courtesy. She then stated she would like to have the documents when she asks for them and she asked for them every single time at least two weeks prior to any vote given and because that was before the Mayor conducted interviews and the Mayor gave the legal opinion that stated she could not have them before that, she was not allowed to have them when she wanted them in order to provide advice. She stated she is saying the same thing over and over again and she has made her point on that. She stated she will not repeat herself again, but she wanted to clarify that that is what she is talking about.

[8:08:20 PM](#)

Councilmember Peterson stated he would like to make a plea again that the Council vote; the discussion is going to go nowhere; it is not going to change anyone's mind and it has nothing to do with the proposed resolution R13-05. He stated he would like to see the Council vote. Councilmember Lisonbee stated that it has everything to do with the proposed resolution.

[8:08:35 PM](#)

Councilmember Duncan stated that he wants to make a couple of comments real quick. He stated first of all he has to side with Councilmember Lisonbee and he knows the Mayor will not be surprised. He stated that it seems to him that when we have 12 applicants, nine of which did not withdraw their names, and the Council receives the letters after three people have been interviewed and six have been eliminated from the interview process, he cannot say that the Mayor has really provided the Council with the opportunity to give advice and consent as to all the candidates. He stated that we are already through the interview process and we have eliminated nine of the 12 candidates. He stated that is not giving the Council an opportunity to give advice and consent when it was already narrowed down to three and interviewed them and then turned over the letters. He stated it seems a little difficult for the City Council to come back and say what about this guy. He stated he can almost guarantee that the response would be that we decided not to interview them; so why even have advice and consent. He stated, second of all, that he thinks that at this particular point in time what has been said needs to be said; we apparently have two people that are ready to move forward with a yes and two that have concerns and he is going to dump it on Councilmember Shingleton to see if he wants to weigh in on this and determine where we want to go. He stated Councilmember Shingleton is the hinge here.

[8:09:44 PM](#)

Mayor Nagle stated that before Councilmember Shingleton comments she would ask Councilmember Duncan where his advice was. She stated he had them for 10 days and she never got a phone call or email from him asking questions about the process or why someone was chosen over someone else or how she determined the people she interviewed. She stated she agrees that advice is important and she asked where it is. Councilmember Duncan stated it does not do a whole lot of good to give advice after the fact; that is his point. Mayor Nagle asked Councilmember Duncan how he knows; she asked if he has ever tried to give her advice. She stated that when she has tried to engage him in a conversation. . . Councilmember Duncan stated that the Mayor has never tried to engage him in a conversation; he has been on the City Council for a year and she has called him once on a Friday night to let him know that there was a GRAMA request against his family. Mayor Nagle stated that is so not true. Councilmember Duncan stated it is true and the Mayor would not be able to find another time that she has contacted him. Mayor Nagle stated she sent him emails when he was elected and said she would like to get to know him and asked him to come in so she could show him around the City to get to know the Department Heads. She stated as well she has pulled him aside after a Council meeting one night and said I would really like to talk about. . . I think you have

this idea and perception of me that is untrue and try to get past that and Councilmember Duncan said no and that they would agree to disagree and shut down the conversation. She asked Councilmember Duncan to give her advice. She asked him to call her and have a conversation, but don't just sit here and fight over the dias for everybody to watch. She asked him to quit saying he has not had the opportunity to do that on this issue when he has. Councilmember Duncan stated his advice is that next time there is an appointment the Mayor should make resumes and letters available long before she does the interviews and eliminates candidates so that the Council can offer full advice. He stated there is some advice for her.

[8:11:24 PM](#)

Councilmember Shingleton stated the interesting thing about this whole thing is that in the past the Council did not even get to question the person; it was a foregone conclusion that they were citizens and they were interested in doing the right thing for the citizenry. He stated he thinks that is what is going on here. He stated he thinks there are some things that this candidate brings to the table and that is that he has some executive qualities; he has sat on boards and knows how to make decisions. He stated that is all important to him, too. He stated he did not know anything about only three people being interviewed and his question is why weren't the rest interviewed and he does not know. He stated if there had been 40 people it would probably be a different story, but there were nine. He stated that he sees everyone's points, but there has not been an amendment to this as far as tabling. He stated that sometimes we put a citizen, and in this case a citizen especially, at risk of saying 'why in the crap to I want to get involved in this, I'm sorry'. He stated he thinks everyone has good points and he thinks Councilmember Lisonbee has a good point, the Mayor has a good point, and Councilmember Duncan has a good point; he thinks the Council should have plenty of notice to go through and offer whatever advice they have. He stated that he looks Councilmember Johnson who sat in on the interview process and he has some knowledge; he has attended Planning Commission meetings and he asked him if he knew everything about the Planning Commission before he got involved. Councilmember Johnson answered no and stated it is definitely a learning process and the more one attends the more they learn. He stated you've got to have an open mind about it. Councilmember Shingleton stated he thinks the Council needs to move forward and take a vote; they can vote the way they want to vote – yes or no – and go from there.

[8:14:01 PM](#)

Mayor Nagle stated there has been a motion and a second regarding the proposed resolution and she called for a vote. VOTING "AYE" – COUNCILMEMBERS JOHNSON, PETERSON, AND SHINGLETON. VOTING "NO" – COUNCILMEMBER DUNCAN. Councilmember Lisonbee stated she is abstaining from voting and it is because, as she said, she does not have a problem with Mr. Kinsey; she would not be comfortable voting yes or no for his appointment. She stated her problem is with the process so she is abstaining.

[8:14:24 PM](#)

11. Proposed Resolution R13-06, appointing Brandon Haddick to the Syracuse City Planning Commission with his term expiring on June 20, 2016.

A memo from the Community Development Department explained that on December 11, 2012, Planning Commission Alternate Curt McCuiston was appointed to serve as a Planning Commissioner, which created an alternate position vacancy on the Planning Commission. The term of this vacancy is scheduled to expire on June 30, 2016, which is in line with an effort to maintain established term rotations for commissioner appointments. Recently, resident Brandon Haddick submitted a letter of interest to be considered for the Planning Commission vacancies and met with the Mayor, Council Member Johnson, and CED Director Mike Eggett to discuss his interest and desire to serve in this position. The conclusion is that Mr. Haddick has a great deal of professional experience in working around development conditions, residential environments and with wetlands/landscaping activities and, therefore, would be a great benefit to the Syracuse Planning Commission. The Mayor is recommending that the City Council support the appointment of Mr. Brandon Haddick to serve as a member of the Planning Commission by filling Mr. McCuiston's vacancy as the alternate on the Planning Commission. Mr. Haddick has affirmed his interest and intent to fill this vacancy, if appointed to serve in this capacity, and will be present at the next City Council meeting. Additionally, the Community and Economic Development Department fully endorses and is in support of the Mayor's proposed appointment of Brandon Haddick to fill the Planning Commission alternate vacancy. The CED Department looks forward to working with Mr. Haddick as a member of the Planning Commission. For your use and review, City Staff has provided resolution R13-06 that supports the aforementioned appointment of Brandon Haddick to fill the Planning Commission vacancy. The Community and Economic Development Department hereby recommends that the Mayor and City Council show their support for Brandon Haddick by approving his appointment to fill a currently vacant alternate position on the Planning Commission.

[8:14:30 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-06 APPOINTING BRANDON HADDICK AS AN ALTERNATE TO THE SYRACUSE CITY PLANNING COMMISSION WITH HIS TERM EXPIRING JUNE 30, 2016. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

[8:15:04 PM](#)

Councilmember Lisonbee stated that she thought the alternate members of the Planning Commission were basically volunteers and they were not paid. She stated she has been told that each time an alternate member attends a meeting they are paid for that attendance even if they are not required to make a vote. She stated she is concerned that by appointing alternate members to the Planning Commission, taxpayer funds are being used. She stated she talked to several Planning Commissioners that told her that over the past year alternate members were only needed at one or two meetings to make a quorum. She stated the City is paying them for every meeting they attend, and if they are going to vote on an issue eventually they should be attending meetings to be informed of the issues, but ultimately they are only being required to vote once or twice a year. She stated she is concerned that may be considered a misuse of taxpayer funds. She stated she understands Mr. Haddick wants to serve and she appreciates his qualifications. She stated she would simply suggest that because alternates are not required that Mr. Haddick be encouraged to apply to be a fully vested member of the Commission next time there is a vacancy. She stated she would like to forego appointing alternates in the interest of saving taxpayer money.

[8:16:49 PM](#)

Mayor Nagle stated the reason that there are alternate positions is not so much for the sake of a quorum, but more for a training opportunity. She stated anyone that has served on the Planning Commission can tell the Council that it is an opportunity to get to know the process so that when there is a vacancy, the alternate is a viable candidate that can fill that vacancy easily. She stated that Curt McCuistion was an alternate and he was ready to fill a vacancy on day one fully prepared. She stated she thinks it is more complex to be on the Planning Commission because the members need to navigate all ordinances. She stated that there is a concern about having a quorum, but the purpose of having alternates is to offer more continuity. She stated that she believes that they earn \$25 per meeting so she does not know that it would be considered a misuse of public funds when the true purpose is to make sure the City has a fully functioning Planning Commission.

[8:17:54 PM](#)

Councilmember Johnson stated that the Planning commissioners actually earn \$50 per meeting. He then stated that Councilmember Lisonbee stated that an alternate does not vote unless there is not a quorum. Councilmember Lisonbee stated that is not what she stated. Councilmember Johnson stated he wanted to clarify that an alternate can vote whenever one member is absent. Councilmember Lisonbee stated they can, but they are not required to. She stated she was saying that the need for an alternate is when there is no quorum. She stated the alternates can vote when a person is absent, but her question is why pay an extra member. She stated it equates to \$1,200 per year and that may not seem like a lot, but if they are truly training to be part of the Planning Commission, the bylaws should be changed to designate those positions as volunteer positions for training purposes.

[8:18:53 PM](#)

Planning Commissioner TJ Jensen stated that when Curt McCuistion was serving as an alternate member he voted at over half of the meetings that he attended as an alternate. He stated that according to the bylaws the alternate members are considered full members of the Planning Commission any time there is someone missing from a meeting. He added that even when all members of the Planning Commission are present the alternates are allowed to participate in discussions and they bring a lot of good information to the table; even though the alternates are not always voting they are very involved in the decision making process.

[8:19:46 PM](#)

Councilmember Lisonbee stated she understands all the points that have been made, but she still has the concern that there are a certain number of Planning Commissioners and she would like to suggest that the issue be considered in the future. She then stated that she wanted to address Mr. Haddick's comments he made in the work session when he said he had talked with his employer and that if there was any conflict he would recuse himself from voting, but that he would still offer comments. She stated she is concerned that would be looked at as unethical according to Utah law. She stated that if someone recuses themselves, they cannot participate in the dialogue at all or sway a decision in any way. She stated she just wanted to make Mr. Haddick aware of that. Councilmember Johnson stated that is in the Planning Commission bylaws. Mr. Carlson agreed that is included in the bylaws and he will be happy to review the open and public meetings act and ethics act with the new appointees. He then stated that it seems an appropriate time to mention the safe harbor doctrine. He stated there are times when some City Councilmembers have disagreed with his opinion; however, the Council is protected from individual liability by following his advice in a way that they are not by coming up with their own bad advice. He stated the

safe harbor doctrine suggests that the Council's individual liability is protected if they are following his advice, even if he is misleading them. He stated he is not trying to mislead them, but when he gives advice he would encourage them to follow it. He stated if they think there is more that he needs to know, they should let him know, but he would encourage the new appointees and the Council to engage in the safe harbor that is available to them.

[8:22:02 PM](#)

Councilmember Duncan stated he agreed with Councilmember Lisonbee's concern about Mr. Haddick; he knows the golf course is an integral part of the City and his concern for him is that may put him in difficult decisions. He stated the responsibility is on Mr. Haddick to steer clear of conflicts. He stated there is a myriad of conflicts that may arise and he encouraged him to be careful.

[8:22:46 PM](#)

Mayor Nagle stated that she agrees with Councilmember Duncan; there have been members of the Planning Commission that have owned businesses or done business in the City or they have owned large parcels of property in the City and there will be conflicts that will arise. She stated the fact that Mr. Haddick already talked about that with his employer is encouraging to her. She stated she feels confident that Mr. Carlson and Mr. Eggett will help the Commission navigate through any potential conflicts as they arise.

[8:23:32 PM](#)

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

[8:23:39 PM](#)

12. Recommendation for Award of Contract for 2500 W. and 700 S. Roadway Improvements Projects.

A memo from the Public Works Director explained that enclosed is the bid tabulation graph for the bids opened February 5, 2013 for the above referenced project. This project includes utility infrastructure upgrades with widening on 700 South from 2500 West to St. Andrews Drive and widening 2500 West from 1700 South to 700 South. The low bidder and bid amount are as follows: Advanced Paving and Construction, Inc.; bid amount: \$2,770,275.00. We have reviewed the submitted bid from all bidders and recommend awarding the contract to Advanced Paving and Construction, Inc. as soon as possible. Please call us with any questions you may have regarding this information. Once the Notice of Award has been executed we will forward them to the contractor for signature. This project is one that was identified in our list presented to City Council as a high priority due to road width safety concerns and poor existing asphalt conditions. City crews will paint all crosswalks and furnish and install all signs for the project. The cost for purchasing the signs is estimated at \$10,000. The construction will begin as soon as contract documents are in place and be completed in August. The overall cost for the project came in about \$216,000 less than the budgeted amount; however the storm drain impact fee budget was approximately \$68,000 over budget. We have proposed increasing the storm drain impact fee budget \$70,000.00 to \$500,000 total for this fiscal year. The bid amount on this project is \$2,770,275.00.

Mr. Whiteley reviewed his staff memo.

[8:25:43 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO AWARD THE CONTRACT FOR 2500 W. 700 S. ROADWAY IMPROVEMENTS TO ADVANCED PAVING AND CONSTRUCTION. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[8:26:04 PM](#)

Councilmember Lisonbee stated she wanted to reiterate the comment she made in the work session about the minimal likelihood of there being any change orders associated with this project due to the spread of the bids. Mr. Whiteley stated that he has reviewed the unit prices in the bid and done his own calculations to make sure all math was done correctly. He stated those unit prices are compared to all other bids as well and this bid was fairly close to the bid submitted by the next lowest bidder. He stated he feels very comfortable that there should not be any change orders and if there are any they should be very small.

[8:27:11 PM](#)

Mayor Nagle stated there has been a motion and a second to award the contract and she called for a vote. ALL VOTED IN FAVOR.

[8:27:17 PM](#)

City Council Regular Meeting
February 12, 2013

13. Councilmember Reports

Councilmember Shingleton's report began at [8:27:31 PM](#) . He was followed by Councilmembers Johnson, Duncan, Lisonbee, and Peterson.

[8:36:48 PM](#)

14. Mayor's report.

Mayor Nagle's report began at [8:36:49 PM](#).

[8:40:15 PM](#)

15. City Manager's Report.

City Manager Rice stated he had nothing to report.

At [8:40:24 PM](#) COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: February 26, 2012