

Minutes of the Special Meeting of the Syracuse City Council held on February 23, 2016, at 7:05 a.m., in the Council Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson
Corinne N. Bolduc
Mike Gailey
Karianne Lisonbee
Dave Maughan

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

Staff Present: City Attorney Paul Roberts
Finance Director Steve Marshall
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson

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1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 8:45 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.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND THE AGENDA TO MOVE ITEM 7 TO THE TOP OF THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. 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 LISONBEE 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 ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 8:48 p.m.

The meeting reconvened at 9:15 p.m.

[9:15:16 PM](#)

2. Award contract for Smedley Acres Culinary Waterline Project Phase II

A staff memo from the Public Works Director explained this project will install new culinary and secondary waterlines in 2250 South Street between 2000 West Street and 1800 West Street. Curb, gutter and sidewalk will be replaced/installed to improve drainage and pedestrian safety. The entire road width will be replaced upon completion. The construction will begin as soon as contract documents are in place and be completed by the summer of 2016. Bids were opened on February 16, 2016. Five bids were submitted and the low bidder was KAPP Construction with a bid amount of \$371,624.35. The funding for this project will come from the following sources:

	204070 Class C	501670 Culinary Capital	301670 Secondary Capital	404045 Storm Drain Maintenance	401670 Storm Drain Capital	
Total	\$164,099.60	\$126,079.55	\$70,556.20	\$6,389.00	\$4,500.00	\$371,624.35
Budget	\$167,000.00	\$131,191.00	\$73,000.00	\$7,000.00	\$4,500.00	\$375,691.00
Difference	\$2,900.40	\$5,111.45	\$2,443.80	\$611.00	\$0.00	\$4,066.65

The memo indicated the Public Works Department acquired CDBG grant funding for this project in the amount of \$286,295.14. The actual estimated cost to the City for this project is \$85,329.21. The memo concluded staff recommends the City award the contract to KAPP Construction.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AWARD THE CONTRACT FOR THE SMEDLEY ACRES CULINARY WATER LINE PROJECT, PHASE II, TO KAPP CONSTRUCTION. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:15:37 PM](#)

3. Public Hearing: Proposed Ordinance 16-10 amending Title 10 of the Syracuse City Code to provide a temporary opening for amendments to the General Plan until March 15, 2016.

A memo from the Community and Economic Development (CED) Department explained a proposed amendment to ordinance 10.20.060 is being forwarded from the Planning Commission. The amendment will create an open grace period for General Plan Map change applications until March 15, 2016. The City Council discussed this idea during their January 12 meeting.

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Mayor Palmer opened the public hearing.

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TJ Jensen stated the language in the proposed ordinance reflects the Planning Commission's proposal.

[9:16:34 PM](#)

There were no additional persons appearing to be heard and Mayor Palmer closed the public hearing.

[9:16:37 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 16-10 AMENDING TITLE 10 OF THE SYRACUSE CITY CODE TO PROVIDE A TEMPORARY OPENING FOR AMENDMENTS TO THE GENERAL PLAN UNTIL MARCH 15, 2016. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:16:57 PM](#)

4. Public Hearing: Proposed Ordinance 16-12 amending Title Two of the Syracuse City Code relating to appointments to certain local districts, and also amending Section 2.25.070 relating to the decision regarding the manner of voting in municipal elections.

A staff memo from the City Attorney explained that as there are two proposed amendments to Title 2, they are being addressed in a single ordinance. One relates to appointments; the other relates to who makes the decision regarding the manner of voting in municipal elections. When it comes to appointments, there are two policy decisions to make as a Council: (1) where the powers of appointment lie for specific appointed individuals, and whether they should be changed; and (2) determining the procedures which should accompany those appointments. I recognize that there are diverging opinions on this matter among the Councilmembers. However, if we are able to come to a consensus on a fair process and have clear policies moving forward, then I hope that we can avoid some future conflicts when the need to fill appointments arises.

As a starting point, there are a variety of positions to which individuals are appointed, and each warrants consideration of the appropriate method of their appointment. The general questions for this body to decide are: Who is the appointing authority? Do we want to change the appointing authority, and why or why not? What procedures will we employ when one of these positions is due to be filled? What are the terms of appointment?

The various positions which can be addressed include:

- City boards and commissions
- City committees
- External boards (local districts, irrigation districts)
- Filling vacancies in elected positions
- Manager and department heads
- Liaisons to external bodies

Some of these positions have the appointing body and basis procedure identified by state code; others do not. Changes to some of these appointments will require a five-member majority of the council or mayor-council consent; others do not.

I propose that the Council establish procedures and policies governing all of these appointments, working together to reach consensus, and pass an ordinance which will draw clear lines to avoid conflict when appointments arise.

On the next agenda, competing amendments have been proposed for consideration as it relates to appointments to local improvement and mosquito abatement districts. One moves the power of appointment for two district board positions exclusively into the province of the voting council-members. The appointment would presumably be made by motion, resulting in an approved resolution. The other confirms that city code vests the appointing power for these positions in the mayor, subject to advice and consent of the council. State law does not specify the procedure for city appointees, so it is left to the City to determine the best course of action to take. As the amendment moving the appointing power exclusively to voting members only would remove a power from the mayor, he will be entitled to participate in the vote.

I leave to the Council the decision of whether to address this issue as a discrete item, or whether to address all of these appointment issues in a global discussion. If the Council wishes to take action and adopt one of those proposals, then the appropriate motion would be to adopt one of those proposals as Exhibit A to the ordinance.

Relative to elections, it has been proposed that a provision be added to section 2.25.070, City Recorder. Their main concern is the City Recorder's ability to choose the manner of municipal elections (either traditional or entirely-absentee), rather than the Council having that power. State code provides: "[A]n elections officer may administer an election entirely by absentee ballot." Utah Code Ann. § 20A-3-302(1). It also indicates that the decision of whether to administer an election by absentee ballot must be rendered by the election officer. *Id.* § 20A-3-302(2) ("If the election officer decides to administer an election entirely by absentee ballot . . .").

However, there does not appear to be a prohibition against a municipality's governing body directing the election officer in this decision. As such, I have prepared an amendment which narrowly addresses this issue. Specifically, it vests the power to determine the manner of election – whether traditional or vote-by-mail – in the Council. This decision will need to be made well in advance of the election, and the Recorder will likely have a recommendation based upon experience, cost and other relevant considerations.

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COUNCILMEMBER MAUGHAN CALLED FOR A DIVISION OF THE TWO ISSUES INCLUDED IN THE PROPOSED ORDINANCE. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

[9:17:50 PM](#)

Mayor Palmer opened the public hearing.

[9:18:09 PM](#)

TJ Jensen referenced the discussion the Council had regarding this issue during their work session and stated he thinks it is a good idea to review Title Two and consider comprehensive edits to provide a consistent process for appointments.

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

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Councilmember Maughan stated that he would like to work towards reaching consensus among the Council, but he would like to proceed with the creation of a sub-committee to tackle this issue and consider a comprehensive approach that would address all City appointments. Discussion ensued regarding this proposal.

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COUNCILMEMBER MAUGHAN MOVED TO CREATE A SUB-COMMITTEE TO CONSIDER AMENDMENTS TO TITLE TWO PERTAINING TO COMMITTEE APPOINTMENTS AND ASSIGNMENTS.

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The Council engaged in discussion regarding Councilmember Maughan's motion, with a focus on the duties and purpose of the sub-committee.

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COUNCILMEMBER LISONBEE OFFERED A SUBSTITUTE MOTION TO ADOPT PROPOSED ORDINANCE 16-12 AMENDING TITLE TWO OF THE SYRACUSE CITY CODE RELATING TO APPOINTMENTS TO CERTAIN LOCAL DISTRICTS, WITH THE CAVEAT THAT THE MAYOR WOULD HAVE A VOTE ON SPECIAL DISTRICT APPOINTMENTS.

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Councilmember Lisonbee clarified that allowing the Mayor to vote could result in tie votes on appointments and in the case of a tie, Robert's Rules of Order calls for a coin toss to break the tie.

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COUNCILMEMBER BOLDOC SECONDED COUNCILMEMBER LISONBEE'S SUBSTITUTE MOTION.

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The Council and Mayor engaged in discussion regarding Councilmember Lisonbee's substitute motion. Mayor Palmer indicated he feels State Law and the City Code is clear in its assignment of the power to appoint various officers and board members to the Mayor as a member of the Legislative Body. He understand the Council's desire to be involved in the process and feels they have the opportunity to do so through their offering of advice and consent. He welcomes and asks for advice from the Council on any appointment he recommends, but he has not received that in the past. He stated any change to the process would essentially be a change to his powers as Mayor. However, he is willing to facilitate a process whereby the Council could offer suggestions for appointments, though he would make the final recommendation for advice and consent of the Council. Councilmember Anderson stated that she feels that Councilmember Lisonbee's motion to allow the Mayor to vote on appointments may accomplish the desires of those on both sides of this issue. She stated she understands that the Council has advice and consent on appointments suggested by the Mayor, but members of the Council have not taken the opportunity to provide their advice in the past. She stated one way to ensure that all discussions about potential committee appointees are held in the open is to assign the duty to the Council because all deliberations of the Council must take place in public. She stated she is still supportive of allowing the Mayor a vote on committee appointments.

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Councilmember Lisonbee stated that her suggestion is not unprecedented in that the State Legislature, of which the City is a political subdivision, has given direction that the Legislative Body be the appointing authority for two specific special districts. She stated she understands other cities may not be practicing under that direction, but it is a good process and this is not about any certain person that is currently a member of the Legislative Body. Mayor Palmer stated he does not think the Council truly knows the intent of the State Legislature when they passed legislation regarding certain special districts. Councilmember Lisonbee stated that Utah Code 17B-2a specifically indicates the Legislative Body is the appointing authority for certain districts. A subsection identifies the Mayor as the appointing authority for one sewer district in the State of Utah and, so, interestingly there are two different processes for different sewer districts in the State of Utah. Mayor Palmer stated that the Council does not know the intent of the Legislature when they enacted that law. Councilmember Lisonbee stated that if they did not mean Legislative Body they would have said Mayor instead. Mayor Palmer stated he is part of the Legislative Body and the Council has a role in the appointment process through advice and consent. Councilmember Lisonbee stated she understands the Mayor's contention, but she disagrees with his opinion based on the fact that there is different language in two sections of State Code that deal with the same type of entity.

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Council discussion regarding the motions on the table continued, with Councilmember Anderson reiterating that the Council has the ability to participate in the appointment process by giving their advice and consent regarding appointments recommended by the Mayor. She stated Councilmembers have failed to offer their advice in the past. Councilmember Lisonbee stated she disagrees; she has offered plenty of advice in the past as have other members of the Council and that advice was not taken. Councilmember Anderson asked if the advice was given in public. Councilmember Lisonbee stated there is not an opportunity to do so. Councilmember Bolduc stated offering advice publicly could become very contentious. Councilmember Anderson stated there are some changes she would like to propose to the ordinance that would amend Title Two pertaining to appointments, such as a rule that any vacancy on the Council must be filled before the Council votes on appointments to special district. She indicated she is supportive of Councilmember Maughan's motion to table the ordinance and send the issue to a sub-committee. Councilmember Gailey agreed; he would like for the sub-committee to present a comprehensive proposal. Councilmember Lisonbee stated that if the Council refers the issue to a sub-committee, the issue of appointments to the two special districts referenced in 17B should be handled differently; however, she is willing to amend her motion to add language to the ordinance that dictates that any vacancy on the Council must be filled before considering an appointment to a special district.

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COUNCILMEMBER LISONBEE AMENDED HER SUBSTITUTE MOTION TO ADD LANGUAGE TO THE PROPOSED ORDINANCE THAT WOULD REQUIRE THE COUNCIL TO FILL ANY VACANCY ON THE COUNCIL BEFORE CONSIDERING AN APPOINTMENT TO A SPECIAL DISTRICT.

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Councilmember Lisonbee urged the Council to take a vote on the proposed ordinance this evening because she does not feel additional discussion is necessary. Councilmember Gailey stated he does feel additional discussion is needed. The Council and Mayor continued discussion of the motions on the table, with Mayor Palmer stated he does not want to rush a decision on this issue; he stated this is one example of why it may be appropriate to require two readings of all ordinances that come before the Council. He indicated this is not the first time an issue has been rushed and he referenced the closure of

the General Plan as an example. Councilmember Lisonbee stated she does not feel the issue is being rushed; she has asked that it be added to three separate agendas, but has consented to withdrawing it at the request of Councilmember Gailey who was not going to be present during the February 9 meeting. She stated since initially adding the item to an agenda, she has not been contacted by any other member of the Council to discuss her proposal.

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COUNCILMEMBER LISONBEE WITHDREW HER SUBSTITUTE MOTION, BUT ASKED THAT THE APPOINTMENTS TO SPECIAL DISTRICTS INCLUDED IN STATE LAW 17B BE TREATED DIFFERENTLY THAN ALL OTHER CITY APPOINTMENTS.

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Councilmember Bolduc stated that she feels requiring two readings of all ordinances will only slow things down and government is already slow enough. Councilmember Lisonbee agreed and referenced the General Plan issue; she feels the actions taken in December of 2015 were reasonable and have worked out well and it is a natural and logical thing to do to consider additional issues that may arise after a certain action is taken. She also disagreed that the ordinance included on tonight's agenda was rushed.

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Mayor Palmer stated there has been a motion and second to table consideration of the portion of the ordinance dealing with committee appointments and refer the issue to a sub-committee. He called for a vote; ALL VOTED IN FAVOR.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO ADOPT PROPOSED ORDINANCE 16-12 AMENDING SECTION 2.25.070 RELATING TO THE DECISION REGARDING THE MANNER OF VOTING IN MUNICIPAL ELECTIONS. COUNCILMEMBER ANDERSON SECONDED THE MOTION.

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Councilmember Lisonbee stated this has been a topic of discussion among the Council and residents for the past several years and she supports the change.

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

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5. Proposed Ordinance 16-11 amending provisions governing the Syracuse Parks Advisory Committee.

A staff memo from the City Attorney explained this proposed amendment has come out of discussion at our last Council meeting. It adds additional members to the Parks Advisory Committee (PAC), provides for the appointment of committee members to oversee city specific city parks, and clarifies other provisions. An amendment to Section 3.35.020 increases the number of committee members from 7 to 11 or more. It provides that six members constitute a quorum, and that a majority vote is necessary to transact business. If more than 11 voting members are appointed, it requires that an odd number be appointed.

Amendments to section 3.35.030 require the PAC to meet at least six times per year. It does not designate the specific dates, as the PAC may meet more often in the summer or spring, but less frequently in the winter or fall. The PAC would have the discretion to set its calendar to meet its needs. It imposes an expectation of attendance of at least 75% of meetings. No specific action is automatically triggered when a person falls below this threshold.

Amendments to section 3.35.040 include an adjustment to the PAC members' duties. The PAC will now be focused more on the maintenance and care of parks, but will still review the parks master plan every 2 years and make recommendations for future parks and amenities. One major change is the assignment of PAC members to oversee parks. The main responsibilities of an overseer are to monitor and assist with clean-up, identify safety hazards, report criminal behavior, and to serve as a point of contact for the neighborhood. PAC members will have direct access to city staff, and can convey requests and concerns to them directly.

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Mr. Roberts reviewed his memo and summarized the options available to the Council for proceeding and taking action this evening. There was a focus on potentially creating boundaries and districts for the committee to identify areas from which members should be pulled from and which parks they should be assigned to. Mayor Palmer stated that if the goal of the committee is simply to provide service in parks, it may not be necessary to have a parks advisory committee any

longer. Councilmember Maughan agreed; the committee was given the task of developing a proposed Parks Master Plan and now that they have done that the committee could be dissolved.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO SUSPEND THE COMMITTEE.

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The Council and some staff members engaged in discussion about Councilmember Maughan's motion. Mr. Bovero stated the Council should take an action based upon what they want for the committee; if they want the committee to be a service committee to assist with the operation of the parks that could be a goal of the committee, but if they want the committee to be comprised of members that can offer assistance in planning for parks they should appoint people they trust to give good planning advice. Councilmember Anderson stated if the Council wants to move in the direction of creating a service committee, they should dissolve the Parks Advisory Committee as it is currently constituted and create a new committee with specific goals.

[9:57:43 PM](#)

COUNCILMEMBER BOLDUC MADE A SUBSTITUTE MOTION TO DISSOLVE THE PARKS ADVISORY COMMITTEE BY STRIKING THE ENTIRETY OF CHAPTER 3.35 OF THE SYRACUSE CITY CODE. COUNCILMEMBER MAUGHAN SECONDED THE MOTION.

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The Council and staff engaged in discussion regarding the motion and a way forward relative to future park planning. Mr. Bovero stated that it is sometimes nice to have an advisory committee to provide input regarding ongoing or future park needs. He stated that can be accomplished with an ad-hoc committee or a standing committee. Mayor Palmer stated that if the issue at hand tonight is the fact that the Council does not like those members serving on the Parks Advisory Committee, he would be willing to dismiss those members and start with new appointees rather than abolishing the committee altogether. The Council indicated they would prefer to shift the focus of the committee and it may be best to start from scratch to do so. Councilmember Maughan stated that as presently constituted, he does not feel the committee has been working on the mission they were charged with. He stated he feels the Council needs to aggressively attack change in the parks throughout the City and once that is done it may be possible to develop a scope for a future advisory committee.

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Mayor Palmer stated there has been a motion and second to dissolve the Parks Advisory Committee and he called for a vote; ALL VOTED IN FAVOR.

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6. Proposed Ordinance 16-09 approving amendments to the bylaws of the Planning Commission.

A staff memo from the City Attorney explained that following the City Council and Planning Commission joint session he made some additional changes to the by-laws based upon his perception of the direction of the Council as a whole. The following parts of the by-laws have been modified/annotated from our previous version:

II.B Duties of Chair – New subsection (14) addressing the procedure by which the Commission seeks preliminary authorization from the Council before it begins any work on code amendments. If an issue is identified as being problematic or in need of attention, the Chair solicits approval from the Council to move forward with code amendments. This is meant to save the time of commissioners, councilmembers and staff, to avoid putting substantial effort into issues which the Council does not think need attention. If the Chair does not agree that the issue should be brought to the Council's attention, then two commissioners may impose upon the Chair a duty to bring the issue to the Council's attention.

III.A Meeting Attendance – This section starts with the expectation that commissioners are expected to attend all sessions of the Commission. It requires the Chair to transmit quarterly reports of attendance. It sets 80% as a threshold which triggers special attention. The by-laws do not call out a specific procedure when someone drops below that threshold. However, it will likely include Chair and Mayoral interviews to determine if circumstances have changed which make it difficult for the commissioner to make the meetings.

IV.F Quorum – It was suggested that one way to improve attendance would be to increase the number of commissioners required to form a quorum. We should discuss this issue further.

IV.G Remote Participation – It appeared that the Council was in favor of providing for remote attendance in cases where an individual is out of town or stricken with a serious illness, if the

commissioner wishes to participate. The Council already has a resolution which allows electronic participation in meetings, so the specific procedures need not appear in the by-laws. However, state law requires that the agenda provide notice to the public that one or more members of the Commission may appear remotely. We should either begin noticing this on every agenda (this is a common practice in many jurisdictions), or require that the request be made before the agenda is published.

VI Voting – There was significant concern expressed over changing the number of votes necessary to transact business before the Commission. There is a concern that reducing the number of required votes only encourages poor attendance. See my comments in the draft.

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Mr. Roberts reviewed his staff memo and reviewed the changes to be made to the document based on feedback received during the work session.

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The Council engaged in discussion regarding the bylaws and indicated it may be appropriate to table consideration of the ordinance this evening to allow the Council to see a clean version of the document with all changes discussed incorporated.

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COUNCILMEMBER MAUGHAN MADE A MOTION TO TABLE PROPOSED ORDINANCE 16-09 APPROVING AMENDMENTS TO THE BYLAWS OF THE PLANNING COMMISSION. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[10:10:33 PM](#)

7. 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 RECONVENE 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 ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 10:12 p.m.

The meeting reconvened at 10:27 p.m.

At 10:27 p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 8, 2016