

Minutes of the Work Session meeting of the Syracuse City Council held on February 25, 2014, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson

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

City Employees Present:

Finance Director Steve Marshall
Public Works Director Robert Whiteley
City Attorney Clint Drake
Parks and Recreation Director Kresta Robinson
City Planner Jenny Schow
City Planner Noah Steele

The purpose of the Work Session was to receive Open and Public Meetings Act and Ethics Act Training; have a general discussion regarding future Planning Commission agenda items; review and discuss City Council appointments and assignments; review the makeup of Syracuse City Board of Adjustment; accept for review a document making amendments to the City's Engineering Standards; discuss the water feature in the City Hall lobby; and discuss Council business.

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Public Comments

TJ Jensen stated the Council and Planning Commission met in a joint session a few weeks ago and he had the opportunity to express most of his concerns regarding the recommendation to rescind the C-2 zone in the City; most of those concerns have been addressed, however, part of the reason he voted in opposition to the recommendation is that he does not think rescinding the zone in favor of the business park zone is a smart idea; he would recommend zoning C-2 properties to GC General Commercial while the implications of the overall decision are worked through. He then stated the Planning Commission wants to visit the idea of the alignment of the West Davis Corridor and he asked that the Council task the Planning Commission with taking a position on the issue; the body has not addressed the issue since 2011 and since Syracuse City is a stakeholder they want to hear additional concerns from the citizens and assist in issuing a statement from the City. He concluded that he likes the water feature in the City Hall lobby and he believes many other residents do as well; it fits well in the room and adds appeal to the lobby.

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Gary McEntee stated he has questions and concerns with respect to the decision to move to change C-2 properties to the business park land use designation at this point in time. He stated he and other representatives of Ninigret met with Mayor Palmer at the end of last year and suggested they should collectively look at collecting additional information from professionals to determine what makes the most sense in that location of Ninigret's property. He stated they discussed putting that together and getting that input and he has not received follow up to that conversation; for that reason he was surprised to see the notice of this meeting and the discussion of rescinding the C-2 zone. He added he does not understand the rationale of extending the business park zoning over property that is currently zoned industrial. He stated he is also trying to understand the ramifications of that decision. Mayor Palmer stated he is also unsure whether it is necessary for the business park zoning designation to cover the property that is currently zoned industrial.

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Kenneth Hellewell addressed Mr. McEntee's comments and stated that the general plan land use designation for a property can be different than the zoning for a property; the property is currently zoned industrial and the property owner can maintain that designation, or they can opt for the land use designation called out in the general plan, which in this case is business park zoning. He stated the owner basically has an option to choose the current zoning or the general plan land use designation. There was a brief discussion regarding the zoning of the Ninigret property with a focus on the idea of

prohibiting mixed-use developments via zoning. City Manager Bovero noted zoning has the force of law and the general plan is an advisory tool.

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Mr. Hellewell then noted the maps included in the packet for the discussion of the C-2 zone are incorrect and he briefly identified the inaccuracies on the maps.

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Brent Moss stated he is seeking clarification regarding the intent of rescinding the C-2 zone of the City and whether another zoning designation is available that would allow mixed-use developments wherein there would be a business on the bottom floor and a condo on the top floor. Councilmember Johnson stated upon rescission of the C-2 zone, there would be no other zone in the City that would allow that type of development.

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Discussion regarding proposed General Plan amendments relative to the C-2 Zone.

A staff memo from Community Development Director Christensen explained last July the Planning Commission and City Council met for a joint work session to discuss recommended General Plan amendments regarding the C-2 zone. At the conclusion of that meeting staff was directed to bring forward General Plan amendments related to the Ninigret property to be changed to the R-3 zone and a text amendment to the C-2 zone, limiting the maximum density in that zone. Along with those changes the Planning Commission would begin work to do a comprehensive General Plan update. The recommended changes from the Planning Commission for the C-2 zone were not placed back on a Council agenda. Mayor Palmer has requested these items to be placed back on the agenda for final action by the Council. The memo provided a summary of amendments as follows:

- District 1-recommended change of the Ninigret and PRI property from C-2 zoning to General Commercial and Business Park.
- District 1-recommended change of the IHC/Lindquist Mortuary properties from C-2 zoning to General Commercial (please note as previously discussed, an amendment to the General Commercial zone will be necessary to allow a mortuary in the General Commercial zone to accommodate the current property owner.)
- District 2-Town Center area from 2000 West to 2500 West (North side of 1700 South) from C-2 zoning to General Commercial.
- District 9-recommended change of the property located at Bluff and Gentile from C-2 zoning to General Commercial.

The memo concluded that staff requests instructions from the Council regarding the proposed amendments, so that maps and ordinances can be produced for action on the March 11, 2014 meeting agenda.

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Mayor Palmer read the staff memo and Council discussion of the proposal to rescind the C-2 zone ensued. Councilmember Duncan noted that when the Planning Commission initially recommended rescission of the C-2 zone Ninigret protested and said they needed additional time to determine what type of zoning they would prefer and he asked why that work has not been done and why Ninigret is still asking for the item to be delayed. Mayor Palmer stated the focus of the discussion should be why the Planning Commission and City Council want to rescind the C-2 zone.

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Ms. Christensen reviewed her staff memo and the maps accompanying the report. There was brief Council discussion regarding the changes to be made to the maps in order for them to be accurate. There was a discussion regarding changing to industrial the general plan land use designation for the portion of Ninigret owned property currently zoned industrial to avoid any confusion. Councilmember Johnson opposed that direction. Ms. Christensen highlighted the other parcels of property currently zoned C-2 and explained what zoning will be assigned to those properties upon rescission of the C-2 zone. She concluded staff needs direction from the Council regarding what changes should be made to the general plan and zoning maps in order to properly prepare for the public hearing that will be scheduled for March 11. Councilmember Lisonbee suggested that the dividing line between the two different land uses assigned to the Ninigret property be 1550 West Street where it enters the site from State Road (SR) 193. Councilmember Johnson stated corrections are needed to recognize R3 zoning in the area. Ms. Christensen noted the Council will ultimately consider a zone change for the Intermountain Health Care (IHC) property to change the zoning from C-2 to Professional Office, but that will not take place until after all general plan changes are approved and the C-2 Zone is rescinded.

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Discussion regarding the general plan land use designation and zoning of the Ninigret property continued with a focus on the fact that the current zoning of the property east of the power corridor is industrial while the general plan calls for business park zoning. Mr. McEntee expressed the difficulties the differing land uses can present when trying to market the property to potential tenants. Mayor Palmer stated he is supportive of changing the general plan land use designation to industrial as well. Councilmembers Gailey and Peterson agreed. Planning Commission TJ Jensen noted that if Ninigret decides they want to change the zoning of the property in the future they would need to follow the process to receive approval of a general plan amendment. He noted leaving the general plan land use designation as business park would give the property owner the choice between the current zoning, which is industrial, and business park. Mr. Bovero stated Mr. McEntee's concerns regarding marking the parcel given to differing land use designations are relevant. He stated that if the property owner has no plans to change the zoning of the property from industrial in the future it make sense to change the general plan land use designation to industrial as well.

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Councilmember Peterson expressed his opinions regarding the proposed changes. He stated that he does not fear mixed use development in the City and he believes the recommendation to rescind the C-2 zone is based on the Planning Commission's fear of that type of development. He noted he believes mixed use development is a big part of the future of the Wasatch Front and he is not sure his is comfortable making a change that will prohibit that type of development. He then noted there are two land owners present that are not in favor of the proposed change and he is not comfortable changing the zoning of their properties to without their consent. Councilmember Johnson disagreed. Councilmember Lisonbee noted general commercial zoning is the answer to the C-2 problem; the majority of the Councilmembers disagree they do not want C-2 zoning in the City because it is fraught with problems and is poorly designed. She stated she has not problem changing the zoning of some C-2 properties to general commercial. She then addressed the business park zoning and stated a very small portion of the Ninigret property would be assigned that zoning and she stated she feels it is very smart to assign that zoning to that area. She then noted she has no problem with changing the general plan land use designation for the portion of Ninigret property located east of the power corridor to industrial. Councilmember Peterson asked why the C-2 zone is fraught with problems. Councilmember Lisonbee stated she personally feels mixed use development would not be good for Syracuse and she asked Ms. Christensen to identify the other problems associated with the C-2 zone. Ms. Christensen agreed it is a problematic zone for the City; mixed use development would work well in an area with good mass transit options and the City does not have that and is not ready for the land uses permitted in the C-2 zone. She stated if the C-2 zone were to continue she would prefer that it only be located in the downtown area of the City. Mayor Palmer inquired as to the biggest difference between the C-2 zone and the general commercial zone. Ms. Christensen stated the biggest issue relates to mixed use land uses. Mr. Moss stated that there are some other various permitted uses in the C-2 zone that are not permitted in the general commercial zone. Councilmember Johnson stated it would be possible to recommend that Planning Commission consider a change to the general commercial zone to include some of the other land uses permitted in the C-2 zone. There was a discussion regarding the intent behind the creation of the professional office zone to address the loss of some land uses permitted in the C-2 zone.

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Councilmember Gailey stated he would like to understand the difference between high schools surrounded by mixed use or other commercial developments and high schools surrounded by residential developments. He stated he has been told that Woods Cross High School has fewer delinquencies than high schools that are surrounded by residential developments. Councilmember Peterson stated the Assistant Superintendent of Davis School District has communicated the high school with the highest number of delinquencies is Viewmont High School, which is surrounded entirely by residential development and the high school with the lowest number of delinquencies is Woods Cross, which is surrounded by commercial development. He stated he is not worried about the impact that surrounding land uses would have on the high school. Councilmember Duncan agreed as long as there are no businesses that have a physical environmental impact on the area.

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Mayor Palmer refocused the discussion and stated staff needs direction from the Council regarding any changes to be made to the general plan and land use code for the City. Councilmember Duncan stated he recognizes the concerns that have been expressed by Mr. McEntee and Mr. Moss, but he is ready to proceed with the changes to the general plan and rescinding the C-2 zone because it no longer works for the City. Mayor Palmer asked if any type of industrial development is permitted in the general commercial zone. Councilmember Duncan answered no. Mayor Palmer asked Mr. McEntee his feelings about that. Mr. McEntee stated Ninigret is not limited to industrial development, but they believe the location of the property lends itself to a warehousing, transportation, and storage type of development that may include some industrial uses.

He stated his concern is that Ninigret is being asked to accept a new zone on their property without first being allowed to enter into a dialogue between the City and other professionals to examine the location and determine if the business park zoning is appropriate. He stated there are some very specific permitted and conditional land uses included in the zone, but they do not make sense to him and he simply wants the opportunity for additional dialogue. Councilmember Johnson stated several studies have been conducted regarding the entire City, including the Ninigret property. Mr. McEntee stated Ninigret was not involved in any of those studies and they would like to be involved as the property owner. Councilmember Duncan reiterated this issue was tabled last year because Ninigret expressed the same concerns; he asked why work has not been done in the meantime to address Ninigret's concerns. Mr. McEntee stated the Council is isolating one specific location in the City and assigning it the business park land use without any input from the property owner. Councilmember Duncan stated he has had discussions regarding this issue with other Ninigret representatives and she stated this is not a new idea or proposal. Councilmember Johnson reiterated three different studies have been completed regarding the property. Mr. McEntee stated he does not understand the rationale behind singling out a printing and publication use as a permitted use in the business park zone; a conditional use is a utility substation. He stated if those are uses that may be placed on Ninigret's property, the property owner would like to have continued dialogue about that. Mayor Palmer stated he would be willing to meet with representatives of Ninigret and staff to address those concerns, but he would like for staff to move forward with the proposal to rescind the C-2 zone while taking into consideration the comments and recommendations made by the Council this evening. Councilmember Peterson reiterated his opposition to assigning the business park zoning to a portion of the Ninigret property without a study being conducted. Councilmember Johnson stated three different studies have been conducted, including one from MGB&A and Brigham Young University (BYU). Councilmember Peterson stated none of the studies have indicated that the business park zone is the best use of the land, though that may be what certain Councilmembers want. He stated he feels that this issue only came up because of the type of development Ninigret wanted to create on the property and the proposed changes are a knee-jerk reaction to put a stop to the perceived industrial uses. Councilmember Duncan suggested Councilmember Peterson research and read the studies that have been in existence for years and he noted this is not a new concept. Ms. Christensen stated she will provide the entire Council with a summary of the findings of the studies that have been conducted to date.

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Continued discussion regarding water feature in City Hall lobby

A memo from City Planner Steele explained the existing water fountain located in the City Hall foyer has not been operating for the last year and has been very maintenance intensive. It is currently in the need of some TLC. Noah was asked to create some alternative designs for the space that would be affordable and require less maintenance. Those design alternatives were presented to the Council during the January 28th work session meeting. The discussion resulted in the Council requesting an additional alternative to be considered. That alternative included removing the entire water feature and leaving the foyer area open as a flexible space. This presentation contains information about the requested design alternative in comparison to the original designs plus one additional alternative. Staff is requesting direction on which design alternative to pursue in order to improve this important public space.

Mr. Steele reviewed his staff memo and used the aid of a PowerPoint presentation to review several design options for the Council to consider implementing in the City Hall lobby.

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Council discussion of the issue began with Councilmember Lisonbee stated one idea discussed at the last work session that has not been incorporated into Mr. Steele's presentation is the idea of conducting a contest in the community to select the design of the mural to be painted on the floor. Mr. Steele stated the artwork included in his presentation is simply an example and not what he is proposing for the final product. Councilmembers Johnson and Gailey stated they like the idea of opening up the lobby area. Councilmember Gailey focused on the idea of installing a mosaic art piece in the floor and the various aspects of the mosaic could be determined via a community contest. He added local fourth grade history classes could be empowered to maintain of the mosaic. Councilmember Johnson stated the key is community involvement; this should not be a Council decision. A broad discussion centered on different ideas that could be incorporated into a potential mural to be featured in the lobby and there was focus on the costs associated with different mural options. Councilmember Peterson stated he is not supportive of spending a lot of money addressing the issue, except for he would like the lobby to look presentable. He stated he is supportive of maintaining the current rock feature while making the most inexpensive changes to the feature. Councilmember Johnson stated he does not feel the cost of removing the feature would be too great

and there are different mural options that would also likely not be too costly. Mr. Steele reviewed the costs associated with removing the rock feature from the lobby.

Mayor Palmer stated two residents contacted him and expressed their support for using the buffalo in the lobby. Mr. Steele provided additional information regarding the option for using the buffalo in the center of the existing rock feature.

Councilmember Peterson asked if any member of the Council is dead set on removing the rock feature. Councilmember Johnson stated he is because he feels it is too obtrusive. Councilmember Peterson stated the options that call for removing the rock feature are too expensive. Councilmember Lisonbee stated she is comfortable with choosing one of the more affordable options as well. Councilmember Duncan agreed.

A general discussion regarding the various options available for implementation in the space continued. The final consensus was to opt for a less expensive option at this time with the knowledge that the issue can be revisited in the future if necessary. Mr. Bovero stated his biggest concern is ongoing maintenance needs and costs. Mr. Steele summarized his understanding of the discussion to this point is to eliminate the use of real plants, which will also eliminate the need for water in the feature; leave the rocks in place and use artificial plants to complement the existing rocks. Information Technologies (IT) Director Peace noted that the existing frame and structure under the rocks is starting to rot and will need to be replaced in the near future.

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Review and discussion of proposed budget opening

A memo from Finance Director Marshall explained each fiscal year, staff completes a mid-year review of our budget at approximately the mid-point of the fiscal year to make recommendations on any needed changes to the current year budget. Along with this review, Mr. Marshall has worked with Public Works Director Whiteley in updating and revising the City's capital projects list for upcoming projects. The Council packet included two separate spreadsheets on capital projects; the first sheet shows the approved projects that are currently in the budget and the second spreadsheet shows the proposed changes to the City's projects listing. Staff is proposing adding two new projects as well as changing a couple of projects from the previous list. The total cost of the new projects would be approximately \$918,000. A positive note is that the City has realized savings in completed projects of approximately \$720,000. The net increase in this proposal would be \$198,000; these projects are needed with the new developments from Ivory homes on 700 South and the Trailside development along 2000 West south of the roundabout. Following are the requested operational cost changes in this budget opening:

General Fund

- \$10,000 increase for purchase of new copier, printer, scanner combo.
- \$10,000 increase for telecommunications enhancement (IT Director can answer any questions associated with this item.)
- \$25,000 increase for building maintenance (IT Director can answer any questions associated with this item.)
- \$10,000 increase for vehicle maintenance for the police department.
- These increased costs will be offset with increased revenues from sales tax and other general fund revenues.

Other Funds

- Various changes in Utility accounts associated with proposed capital project revisions.
- Consolidation of Park Purchase and Park Development Funds.
- Street Light Participation costs = \$15,000 (money given to City from developers to install new street lights.)
- Increases in the capital projects fund for offices supplies = \$6,100, Professional & Technical = \$7,600, and Culinary System maintenance = \$23,500. These are all offset with revenue increases.
- Adjustment for growth numbers in our city with Utility revenues and expenses.

Staff recommends moving forward with a budget opening in the March 11, 2014 meeting and adjusting the Syracuse City budget for the fiscal year ending June 30, 2014.

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Mr. Marshall reviewed his staff memo.

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Councilmember Gailey asked if 700 South will be widened to the north. Public Works Director Whiteley explained the City will widen the south side of the road and Ivory Homes will be responsible for widening the north side of the road. He also provided a brief description of the scope of the project, which includes installation of curb, gutter, and sidewalk

where none presently exists. Councilmember Peterson asked if the sewer lines in the area are sufficient to serve the residential development and the companies that will be located in the nearby Ninigret development. Mr. Whiteley stated a North Davis Sewer District (NDSD) main line is located in that area and Ivory Homes and Ninigret have been instructed to contact NDSD to receive approval to connect to that line based on available capacity.

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Mr. Marshall continued his review of the staff memo and Mr. Whiteley summarized the work the City intends to do in the six-way roundabout at 2000 West and Bluff Road while the road is under construction by the NDSD. Mr. Marshall concluded the total proposed increase is \$918,000 and a savings of \$720,000 and the total capital projects budget will be increased by approximately \$200,000. He then briefly reviewed the minor projects or expenses that will be funded by the general fund.

Councilmember Gailey asked if the City will execute a service agreement in association with the purchase of a new copy machine. Mr. Peace answered yes. Councilmember Johnson asked if \$10,000 is the going rate for a new copy machine. Councilmember Duncan answered yes and stated \$10,000 will actually only cover the purchase of a basic machine.

Councilmember Johnson inquired as to which communications companies currently serve the City. Mr. Marshall stated there are four different companies that provide different communications services to the City. Mr. Peace stated he is working to execute a contract with Comcast to bundle all communications with one carrier and increase communications capacity and bandwidth. Councilmember Duncan asked if the funding associated with that contract is ongoing. Mr. Peace answered yes and noted the improvement s will address the concerns expressed by Councilmember Peterson regarding the quality of the connection when using the speaker phone to participate remotely in a Council meeting.

Mr. Marshall concluded his review of the items included in the budget opening and noted that with the exception of capital projects, all revenues are sufficient to cover any increased expense. He noted the sales tax revenues continue to increase by approximately two percent over the same period last year. Mr. Peace also provided a brief summary of the items in the budget opening that his Department is responsible for.

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Discussion regarding City Council minutes policy

Mayor Palmer stated this item was added to the agenda to give the Council an opportunity to discuss the legal requirements associated with Council meeting minutes. City Recorder Brown provided each Councilmember with a copy of the resolution adopted by the Council in 2012 dealing with the format of City Council minutes; the second whereas of the document states “instead of providing a verbatim record of the meeting, the minutes document will be a basic summary of the meeting including time links that will refer the reader to the digital recording of the meeting. The summary document will include the time and date of the meeting; a clear description of each agenda item; any public comments made regarding any agenda item; any motion made during the meeting; and the voting record for any item considered by the Council”. She stated the resolution also refers to the section of Utah Code containing the Open and Public Meetings Act (OPMA), which dictates the items that must be included in a minutes document. She stated the minutes format currently being used in Syracuse City is compliant with the OPMA and the resolution. She stated she thought the intent of this agenda item was to respond to comments made by a citizen during a recent Council meeting about the lack of detail in Council minutes. She noted she spoke to the resident about the issue and addressed his concerns and he commented that he was comfortable with that explanation and that he would follow up with her if additional concerns arise. She noted public comments made during a meeting are included in the minutes in detail.

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Mayor Palmer inquired as to the format of Council minutes prior to the adoption of the resolution in 2012. Ms. Brown stated they were very detailed. Councilmember Johnson stated that he would prefer to meet in the middle between the two different formats. Ms. Brown stated she would move in the direction of including more information in the minutes, but noted the summary of the agenda item is already included in the minutes as well as the voting record and final action taken. Councilmember Lisonbee stated she would prefer reverting to the more detailed format because she feels the audio recordings of the meetings are quite cumbersome to search through. She stated the reason the resolution was passed was because the City was behind in preparing minutes for approval by the Council; the minutes have been caught up and now it may be appropriate to revert to a more detailed format. She stated she feels a more detailed set of minutes provides more transparency. Ms. Brown stated the format was not changed because the minutes were behind; the format of the minutes was changed because the minutes were too detailed and every time the Council was asked to approve the minutes document there was debate regarding whether an individual's comments included in the minutes were correct. She stated that she was ultimately being asked to provide some sections of the minutes verbatim and that is not a reasonable expectation especially

since the State Legislature passed legislation in 2013 requiring that minutes of a meeting of a public body be approved within 30 days of a meeting. Councilmember Lisonbee stated she does not recall the Council having issues with every set of minutes; she understands it is time consuming to transcribe minutes, but she anticipates the length of Council meetings will greatly decrease now that Mayor Palmer is conducting meetings. She suggested that the more detailed format of minutes be reinstated. Ms. Brown suggested implementing Councilmember Johnson's suggestion, which is a hybrid of the two formats, before reverting to the previous format altogether. Councilmember Johnson stated the Planning Commission minutes are in a format that provides the reader with an opportunity to understand the gist of the meeting. Ms. Brown stated the intent of minutes is to tell the story of a meeting and most government entities provide very summarized minutes of their public meetings. Councilmember Peterson stated that he regularly reads minutes of bodies that fall under the OPMA and Syracuse City's minutes are the most detailed; however, he is comfortable including additional information and a summary of the discussions that take place in public meetings. Councilmember Gailey stated he would suggest a summary and conclusion of issues discussed during meetings. Councilmember Duncan stated the format of the minutes needs to be a balance between a reasonable expectation for staff as well as what will provide the public with enough information to understand what occurred during a public meeting. There was then a general discussion centered on the extend of the information that should be included in a minutes document, with Councilmembers Johnson and Lisonbee expressing their desire to provide a minutes format that makes it easy for citizens to find information they may be seeking. Mr. Bovero stated creating a minutes document is an art and he suggested that the appropriate times to provide detail is when members of the Council may have a dissenting option from the majority of the Council. Councilmember Duncan agreed. Ms. Brown stated she will draft the minutes of this meeting in manner that she feels will address the concerns expressed by the Council and if more detail is still desired she can continue to make changes to minutes documents for future meetings.

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Discussion regarding City Council meeting schedule

The Council discussed the idea of amending its meeting schedule to allow work session meetings held on the second Tuesday of the month to begin at 5:30 p.m. Each Councilmember discussed their own personal schedules and a general discussion focused on the fact that a 5:30 p.m. start time may make it difficult for citizens to attend the meeting. The consensus was to maintain the current schedule and begin work sessions at 6:00 p.m. Councilmember Lisonbee suggested that the Council adhere to the time limits assigned to items on the work session agenda in order to streamline meetings. Councilmember Duncan added that some Council agenda may be too full and it is not possible to address all the items included. Mayor Palmer stated he will work on controlling the work session meeting to improve efficiency of the meeting in order to adjourn by 6:50 and begin the business meeting at 7:00 p.m.

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Council business

Each Councilmember briefly provided a report of meetings and activities they have participated in since the last Council meeting. Councilmember Johnson asked that staff direct the Planning Commission to take under advisement the alignment of the West Davis Corridor as well as the preferred design for interchanges and intersections with the road and provide a recommendation to the Council. He also asked that the Planning Commission consider amendments to Title Ten of the City Code relative to the density allowed in a Planned Residential Development (PRD).

The meeting adjourned at 8:29 p.m.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 11, 2014