

Minutes of the Special meeting of the Syracuse City Council held on March 12, 2013, at [7:11:45 PM](#) 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
City Planner Sherrie Christensen

Visitors Present:	Alec B.	Fred Ballingham	Lindsay Kendrick
	Paul Melling	Ben Bolingbroke	Jacob Jones
	Kenzie Long	Tanner Parry	Trevin Craig
	Brook Schuler	Stormy Lyons	Lexi Mora
	Cheyenne Gooch	Tyler Ralphs	Carolyn Starr
	Parley Banz	Marc Gaimond	Jacob Bergman
	Rachael Fresh	Jesse Cook	Adam Dixon
	Tyler Westbroek	Travis Jackson	Terry Palmer
	Ray Zaugg	Pat Zaugg	Quinn Peterson
	Kyle Showman	Paula Anderson	Jason Aussem
	Tyler Harrison	Trevor Dickson	Garrett Ostler
	Everrett Ostler	Brandon Jackson	Sandy Tinti
	Jordan Porter	Travis Hammon	Kenneth Hellewell
	Gary Pratt		

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 Lisonbee provided an invocation. Boy Scout Trevin Craig, representing Troop Number 456, then led all present in the Pledge of Allegiance.

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

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Ben Bollingbroke and Alexis Daniels.

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 stated the two students are from North Legacy Junior High and Councilmember Peterson teaches at that school and he has asked for the opportunity to present the two students with their award.

Councilmember Peterson asked both students to join them at the front of the room to be recognized as he read the nomination statement about them. He first read the word for word statement about Ben Bollingbroke as follows:

"Ben is an outstanding and remarkable individual. He is one of the most diligent, dedicated and hardworking students and athletes we have ever had the pleasure of working with. As a Wrestler he was a District Placer in 7th grade and as a 9th grader he wrestled for Clearfield High School and placed 2nd in region. Ben is not only a great athlete, but also a very successful student. He currently has a perfect 4.0 cumulative GPA. Ben always strives to do his best in all his endeavors. He works very hard and his successes are a direct result of his efforts. He is always positive and seeks to bring out the best in every situation. Ben's peers and classmates look up to him not only as an example of a good student, but as someone who exemplifies good values, citizenship and remarkable character. In the classroom and in athletics, Ben portrays the best qualities that a young person should have. He has a great sense of dedication and responsibility, a willingness to assist others, and to always have the courage to stand up and do what is right. This attitude of success in the face of adversity is in much demand in our world today and exemplifies his inner strengths." –Bruce Illum and Doug Peterson, Legacy Jr. High

Councilmember Peterson then read the word for word the statement written about Alexis Daniels as follows:

"Alexis is an excellent student, helpful to her fellow students, kind to everybody at all times, and is both inquisitive and brilliant! She carries a 4.0 GPA. Alexis is a Syracuse resident who makes a difference in her community. She is destined to do great things and is a great asset to our community. On Valentine's Day, students were purchasing roses for each other, giving out valentines, and asking each other "out." Infatuation and social awkwardness was in the air. Now it is not unusual for students' emotions to run high on this day, particularly when love interests are revealed. These students tend to get their hopes up and when those hopes are not met, they are disappointed and have a hard time coping. I saw one of these types of students in the corner of the commons area, crying. She was obviously disappointed or hurt emotionally for whatever reason. She is a special needs girl and has some challenges. I was absolutely not surprised to see that Lexi was tenderly comforting her by giving her an embracing hug and then handed the girl one of her roses. This made the girl very happy and she was smiling before I finished walking past. This act did not surprise me, because of Lexi's caring attitude. It is interesting and fitting that she had just been voted by the student body as "biggest heart," which she earned without self promotion or fanfare. Lexi has probably already forgotten that she did this. She probably did not see me watching the incident as I walked past to get my lunch. It is simply who she is, and what she stands for. She stands as an example that the rest of us can learn from." –Carve Wilson, Jason Vilos, and Doug Peterson, Legacy Jr. High

All members of the City Council then shook the hands of both of the students as they received a round of applause from all those in attendance.

Mayor Nagle stated this is the best part of the meeting; it is amazing that Councilmember/Coach Peterson wears a lot of hats in the community and it shows in the way "our" kids turn out and the support the community gives him. She feels so fortunate to have him in the City and she again congratulated Mr. Bolingbroke and Ms. Daniels.

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3. Approval of Minutes.

The minutes of the following meetings were reviewed: regular meeting of June 12, 2012; work session and special meeting of June 26, 2012; work session of July 10, 2012; and work session and special meeting of February 26, 2013.

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COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 12, 2012; WORK SESSION AND SPECIAL MEETING OF JUNE 26, 2012; WORK SESSION OF JULY 10, 2012; AND WORK SESSION AND SPECIAL MEETING OF FEBRUARY 26, 2013 AS PRESENTED. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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4. Public comments

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TJ Jensen stated he wanted to make an observation; he has attended many meetings over the years and it is rare that he is not in attendance at the City Council meetings. He stated he had a quick thought for the Council. He stated that the newspaper obviously likes to make a big deal of how the Council likes to debate over decisions; it can get somewhat heated and he wanted to make the observation that it is not the end of the world to table an item until the next meeting. He stated there are some issues that need to be dealt with immediately, but sometimes there is “no harm, no foul” and as a citizen he would rather see the Council taking the extra time to make sure an issue is thoroughly debated and comes to a good conclusion. He stated the newspapers may read what they want into that, but he would rather hash out their decisions thoroughly rather than trying to push them through. He stated that recently two Councilmembers felt like they were not able to give their advice and consent on an issue. He stated that he and the Mayor had a short discussion about that issue and he wanted to put it out to staff and the Mayor that advice and consent is just that. He stated a Councilmember needs to feel like they can, in good conscience, give advice and consent and it really is the Mayor and staff’s job to demonstrate that the candidate they have put forth is the best choice and not the other way around. He stated that if the Council does not give their advice and consent, it is not the end of the world; the appointments for the last two Planning Commissioners were able to move forward, one of them with just three votes. He stated his point is that the City administration needs to remember it is their job to convince the Council that they have made the right choice.

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Ed Gertge stated he wanted to stand and address the Council as a developer and make a couple of comments about the ordinance changes the Council will be considering tonight. He stated that he has been the beneficiary of some good will by the City and he does not want to make light of that or burn any bridges, but he would say that in this economy the City needs to be very careful about restrictive ordinance. He stated that he does not want to appear to be coming down on one side or the other of the ordinance change, but he has heard from other developers and contractors and there was a time not very long ago that the consensus was that if someone wanted to develop, they should not go to Syracuse to do it. He stated that the feeling was that things are tough out here and he does not think the City should be in the position of making it any tougher. He stated he does understand the Commission, staff, and Council have the job to make things safe and right, but they need to be careful. He stated in the economy that the City had a few years ago they could afford to be very restrictive and still get developments, but a 500 foot cul-de-sac ordinance will be impactful. He stated that it is not always about what the profit margins will be and in some cases it is about whether the development will “pencil out”. He stated that developments are not about big profits like six or seven years ago; now it is about surviving and making the project work. He stated he is grateful for all the City has done and what he hopes they continue to do and he would like to continue to develop here. He stated he has a lot of family here invested in the community and they like Syracuse and think it has great potential. He stated “we” need to get over some of the tough spots in the economy and make things work. He stated he thinks that can happen if everyone works together.

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Terry Palmer stated four weeks ago he was at the City Council meeting talking about the second amendment of the Constitution of the United States and he would like to continue his comments tonight. He stated he appreciates Councilmember Johnson for bringing up the second amendment issue that will be discussed later tonight. He stated he would like to mention that these rights do not come from government; they come from a higher power – they come from God. He stated he believes it is important for the Councilmembers and Mayor to represent the citizens. He stated they have also sworn to uphold the Constitution of the United States. He stated that “we” have a former Utah great, Ezra Taft Benson, and one of his comments of December 1, 1952 was “I would rather be dead than lose my liberty. Have no fear we will ever lose it because of invasion from the outside, but I do have fear it may slip away from us because of our own indifference. Our own negligence as citizens of this land. And, so I plead with you this morning that you take an active interest in matters pertaining to the future of this country.” Mr. Palmer stated that is why he is here tonight – he likes to take active action to let the Council know that he supports the Constitution of the United States. He stated he would ask the Council and Mayor to make a resolution tonight that has been brought forward, with the exception of one paragraph in the resolution that states “Whereas, on January 16, 2013. . .”. He stated he would recommend striking that clause totally. He stated he would also ask the Councilmembers to let the citizens know whether they support the Constitution and also the Bill of Rights, which includes the second amendment. He stated he would like to know that tonight as they discuss the issue. He stated that if they do not support the Constitution 100 percent, they should let the residents know what portion they do not accept.

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Mike Thayne stated that, like Mr. Gertge, he appreciates the working relationship he has with the City of Syracuse. He stated it has been good and he does not think his comments tonight will deter from that. He stated he would like to make a couple of comments relative to the Title Eight changes. He stated that first, the changes relative to not requiring irrigation water for acreage that would become a lake – he would fully support that change. He stated the second change is regarding the cul-de-sac length and he would recommend that the City maintain some flexibility in that area. He stated cul-de-sacs are a great amenity and they create a desirable place to live. He stated he is comfortable with conditions that must be met in order to exceed a certain length, but those conditions need to be reasonable. He stated he believes the conditions as included in the revision would be almost impossible to meet, and, therefore they do not provide flexibility from the City. He stated that the third change is relative to preliminary plat approval. He stated he is comfortable with the change depending on what is meant by the sentence at the end of Section 8.05.030, which reads “all requirements of sketch and preliminary plat approval shall be completed prior to the Planning Commission’s consideration of final plat.”. He stated that if that simply means that the conditions noted during a sketch or preliminary approval must be resolved prior to final plat approval, that make sense and he has no concerns; but, if that means that another meeting is required with the Planning Commission prior to going for final approval, that adds unnecessary time to the approval process. He stated he agrees that conditions need to be met, but that could be a very quick step in the process at the final approval stage.

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Peter Carroon provided a handout to the Council. He stated he is representing the Ninigret Group. He stated he is the former Salt Lake County Mayor. He stated he wanted to talk to the Council about the cul-de-sac ordinance as well. He stated that, like Mr. Thayne, his goal is not to say that the City should not have any restrictions or limits, but it is about retaining some flexibility on the City’s part of there are developments that they would like to see go forward, but the restrictions prevent that from happening. He reviewed the handout that he presented to the Council and stated that limits make developments harder to build. He stated there are certain circumstances where the Council may want to make exceptions to the ordinance and, as was mentioned in the prior work session meeting, cul-de-sacs are not only useful in designing projects, but oftentimes homeowners or business owners like to be located in cul-de-sacs. He stated that from his point of view one of the most important part of a cul-de-sac is that it limits unwanted traffic in neighborhoods. He stated that the City may not want trucks going into neighborhoods. He stated that in commercial parks, like the one Ninigret is building, a cul-de-sac will prevent trucks from going into residential neighborhoods. He stated that is why he thinks this issue is important. He stated that flexibility for the Council and the City is important; the Council should retain as much flexibility in its ordinances to decide how a development should look and how the City should look as well. He stated from Ninigret’s perspective, they have heard some of the concerns and they want to try to provide some options to the City as they come forward with their development plans. He stated that they will consider the concerns and make changes based on those concerns. He stated they think the cul-de-sac ordinance may actually reduce the options that Ninigret can provide to the City to address the concerns with the development. He stated that is their issue and he appreciates the Council listening to him. He then noted that he does support the Constitution and supports his ability to express his concerns to the Council.

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Joe Levi stated there is an interesting set of topics on the agenda tonight and two items seem to be contradictory to one another; one is the resolution supporting the second amendment, supporting and upholding the commitment to a right that is enumerated in the Bill of Rights and the other is something that will put limitations on private property and land use. He stated that he wants to remind the Council and those in attendance that government does not give “us” rights, liberties, or freedoms. He stated government takes them away; otherwise he would be able to have a 5,000 foot landing strip in his backyard. He stated he could do that; it is his property and he should be able to do what he wants with it. He stated he should have a daycare on a quarter-acre lot that has 1,000 kids. He stated he could earn a lot more money and the City would get a lot more in taxes and he should be able to do that; but, “we” need to have fair and balanced limits based on community standards, safety standards, and it is necessary to remove ambiguities. He stated he has heard words tonight such as unlimited, flexibility, and land owner rights, but ambiguity is another word for all of those. He stated that is “we” are not clear and definitive in “our” ordinance, which are limitations on “our” property rights, it is ambiguous. He stated there was someone on City staff tonight that said “we” should not have any limits. He stated that he knows that was tongue in cheek, he hopes. He asked if 750, 700, or 500 feet are good limits. He stated he would put the shoe on the other foot. He stated that if the property owners who want to extend safety limits into cul-de-sacs and that causes an undue burden on the City to remove snow or respond to fires or crimes, lets shift that and put it back on the property owner. He stated that if extending the distance causes an undue burden on him, another person in the City who is also a property owner in the City, that burden should be shifted back to the property owner. He stated that there will be fair and reasonable limitations and if the land owner wants to exceed them, they will need to come up with a set amount per year to come up with the additional City

output. He stated City output is not City output; it is “our” output, “our” money, and “our” taxes that comes out of his wallet. He suggested getting rid of ambiguities, supporting freedoms, and remove ambiguities from people that say that an amendment does not imply in times of emergency or disaster. He stated those ambiguities should be removed and done in the ordinances as well. He suggested setting standards and saying this it he standard that the City abides by and if someone wants to do something beyond that, they will assume the burden.

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Gary Pratt stated it is not often he gets to stand up and do a “shout out”, but he would like to do that for Alexis, who is his neighbor. She is a great neighbor and he appreciates her. He then stated that he was looking at his water bill the other day and he knows the Council has discussed this issue relative to the 10,000 gallon limit. He stated just he and his wife live in their home and they think they maybe only use a couple thousand gallons per month. He stated the bill is only a few dollars, but he is paying for someone that is using 9,500 gallons of water. He stated he would ask the Council to reconsider the issue and work on it with City Manager Rice. He stated he is not in favor of putting in new meters, but he thinks there is a way of scaling the water bill differently. He stated the Councilmembers are smart people and they can maybe figure something different out. He then stated that he would speak to the Council as a member of the Planning Commission relative to the potential changes to Title Eight. He stated that quite a bit of effort went into amending Title Eight. He stated he does not think the Commission made any major changes; they did a lot of clarifying of language to make things a little more precise. He stated that most of the amendments were suggested by staff so that when a developer comes to them they have more explicit reasons to accept or add to the Planning Commission agenda certain ideas and plat requirements. He stated the process of approving an application really did not change; it is exactly the same and all that has been done is to clarify to the applicant or developer what the expectations are from the Planning Commission. He stated that over the past year the Commission was getting a lot of applicants that were asked to do certain things and they just kept passing that on from one approval step to the other. He stated they felt like clarifying that process a little better would make things better for staff and would give the developers a better idea of what the expectations were as far as getting things approved. He stated the one language that did change was to be more specific that an application would not be put on the agenda by City staff and it would not be approved if it were not complete on final approval. He stated that was just a clarification and was something that was always done. He stated he has not heard anything from any of the developers that have spoken tonight that he has disagreed with; developers and property owners have property rights and he thinks the Planning Commission spent a sufficient amount of time going over that. He stated he thinks the idea that an ordinance probably has some parameters that are reasonable and well thought out. . .they have talked to the Public Works Department, Police Department, and Fire Department and developers had an opportunity to present to the Commission. He stated the Ski Lake developers have had time to present as well and he thinks enough has been done on that.

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A resident, no name given, stated that she is sure a lot of her fellow Syracuse High School students would agree with her that the stop light at the corner of 2000 West and 700 South could use a turning signal for left hand turns. She stated that trying to get into the school at 7:20 a.m. is kind of impossible.

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Reva Laurella stated that she would like to say that, as much as she respects City Attorney Carlson, the resolution about the second amendment. . .she would like to say that she and her family are in support of President Obama’s ideas about gun rights. She stated that she would like to say that being a secular government, our rights to not come from a higher power. She stated she just wanted to remind the Council that there are other views besides Mr. Palmer’s.

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5. Public Hearing – Authorize Administration to dispose of surplus property.

A staff memo explained Fire Chief Eric Froerer, Police Chief Garret Atkin, Public Works Director Robert Whiteley, Parks & Recreation Director Kresta Robinson, and IT Director TJ Peace have each compiled and attached a list of items that the City would like to dispose of. Staff will be present to review the list of items with the Governing Body as well as answer any question regarding this action.

Fire Dept. Surplus Equipment

Ahura Chemical Analyzer Kit

Syracuse Fire Dept acquired a Chemical Detection Kit in 2008 through a DHS FEMA grant. We have used it very infrequently to identify substances (tablets mostly) for the police dept. This kit is currently non-functional due to \$3000 in needed software upgrades. The Davis County Health Dept has expressed willingness to provide the needed upgrades and \$1400 annual maintenance to keep it operational, and keep it in the inventory of the Davis County Regional HazMat

Response Team. The kit would remain available to any agency upon request. We propose this equipment be surplussed and donated to the Davis County Health Dept.

IT Dept. Surplus Equipment

- 4 17" CRT Monitors – They no longer function
- 7 Ink Jet Printers – These are old and no longer function
- 3 Portable Ink Jet Printers – These are from Police vehicles and no longer function
- Misc. Cords

Public Works/Parks & Recreation Surplus Equipment

- Motorola MTS 2000 handheld radio (Qty 6)
- Motorola charger base for six handheld radios (Qty 1)
- Electric Typewriter Coronamatic 2200 (Qty 1)
- Office Phone TIE (Qty 2)
- Miniature Christmas Lights (Qty 260 lb)
- Lighted Christmas garland (Approx 50 feet)
- Plastic lighted 30" tall Christmas bells (Qty 5)

Police Dept. Surplus Equipment

Description	Make	Model	S/N	Quantity
Red cloth rolling chairs				6 (2 are broke)
Black rolling chairs				3 (all are broke or ripped)
Small wood/black top cabinet				1
Brown metal form holder				1
Fax machine	Brother			1
Parts of an L frame desk				1
7 large round tables				7 (all damaged)
1 metal chair				1
Wood book shelf				1
Flag pole				2
Flag pole stand				1
Flag				2
Motor Trend mini jump start				12 (8 new 4 used)
CD player w/case	Eddie Bauer			1 (damaged)
Scale	Ottaus	cent-o-gram		1
MTS 2000	Motorola		466ABS2000Z	1
MTS2000	Motorola		466ABS4475Z	1
MTS2000	Motorola		466ABS4162Z	1
MTS2000	Motorola		466ABS4248Z	1
MTS2000 battery	Motorola			4
Radio scan stands w/mic	Motorola			2
Trunk cargo kit for old Crown Vic				1
Mobile Vision Units				2
Typewriter	Olympia	Mastertype 3		1

Cages				4
Push bars				3
Vector light bars				2
Halogen light bar	MX7000 Federal Signal			1
LED light bar				1
Console (computer stands, etc.,)				several
Old copier	Sharp	ARM350N		1

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City Manager Rice introduced the item.

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Mayor Nagle convened the public hearing; there being no persons appearing to be heard, Mayor Nagle closed the public hearing.

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COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF SURPLUS PROPERTY. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Councilmember Lisonbee asked about the donation of the Chemical Detection Kit to Davis County; she asked if the City will be able to use the Kit free of charge when necessary. Mr. Rice stated he does not believe there is a fee. Councilmember Lisonbee asked if there is an agreement to that affect. Fire Chief Froerer stated that the Kit has been part of the City's contribution to the regional hazmat response team and they still want it to be available to all members of the team. He stated it will be available to all of them at no cost. He noted the reason the County wants to take the equipment is so that they do not have to buy one of their own at an approximate cost of \$10,000.

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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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6. Public Hearing: Proposed Ordinance No. 13-03 declaring the annexation of 26.99 acres of property located at approximately 3700 S. 2000 W. into the City of Syracuse, Davis County, Utah, and establishing zoning for the property.

A staff memo from the City Recorder explained On January 2, 2013 Michael J. Thayne (Irben Development) filed a petition to annex into Syracuse City 26.99 acres of property located at approximately 3700 South 2000 West. The City Engineer reviewed the annexation petition and his comments have been addressed by the petitioner. On January 8, 2013 the Council voted to accept the annexation petition and I immediately began the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated. On February 6, 2013 I sent the Council a memo declaring the certification of petition 2013-01. In that memo I explained that a notice of certification would be published in the Standard-Examiner for three consecutive weeks; the notice was meant to outline the annexation protest process. The same notice was also sent to all affected entities. The protest period expired March 10, 2013 and no valid protests were filed. It is now appropriate to move to the next step in the process, which is to hold a public hearing to consider adopting an ordinance approving the annexation petition. A draft ordinance has been prepared for your consideration and all relevant materials have been attached hereto.

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City Recorder Brown summarized her staff memo.

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Mayor Nagle convened the public hearing.

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TJ Jensen stated he owns the property immediately to the north of this property; it is on Gentile Street and 2000 West on the northeast corner. He stated he is supportive of this annexation and as a landowner he does not see any disadvantage to doing this. He stated essentially the person buying the property, Irben Development, do understand that in

order to do anything on this property they will need to run a water line to it and that that expense falls on them and not the City. He stated that should not be a “show stopper” at all for the City because the developer will absorb that cost and not the City.

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

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 13-03 DECLARING THE ANNEXATION OF 26.99 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3700 S. 2000 W. INTO THE CITY OF SYRACUSE, DAVIS COUNTY UTAH, AND ESTABLISHING ZONING FOR THE PROPERTY. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

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Councilmember Duncan stated this issue was discussed before and there have not been any changes. He stated he is ready to move forward.

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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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7. Recommendation for Award of Contract for 1000 West Street Culinary Waterline Project.

A memo from the Public Works Director explained this culinary waterline project is one that was identified on our list presented to city council as a high priority due to the age and restrictions the existing 6” lines place on the system. This project will involve the installation of a 12” culinary main on 1000 West & 1290 South, 8” culinary main on 1025 West and full width pavement replacement on 1290 South & 1025 West. The construction will begin as soon as contract documents are in place and will be completed in Spring/Summer 2013. The cost for this project came in about \$67,000 less than the estimate. The bid amount for the total project is \$503,252.95 and the funding breakdown is as follows:

- Culinary Water Impact Fee: \$298,504.39
- Culinary Water Capital Budget: \$150,154.23
- Class C: \$54,594.33

Staff recommends that the bid be awarded to Kapp Companies.

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Mr. Whiteley reviewed his staff memo.

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COUNCILMEMBER PETERSON MADE A MOTION TO AWARD THE CONTRACT FOR THE 1000 WEST STREET CULINARY WATERLINE PROJECT TO KAPP COMPANIES. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

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Councilmember Duncan stated this was reviewed during the work session and there was a discussion about the company’s ability to perform and their bid is reasonable and the staff does not feel like there will be issues with them coming back for more money. He stated he thinks it makes sense for those reasons. Councilmember Johnson agreed and stated this is an area that definitely needs the work so this is a good project.

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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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8. Proposed Ordinance No. 13-02, amending various provisions of Title 8, The Subdivision Ordinance.

A memo from the Community Development Department explained the Planning Commission has been working on proposed amendments during their Work Session meetings for approximately three months. The proposed changes reflect suggested improvements to the subdivision process and refinements/clarifications of regulations and various issues the

Planning Commission has encountered in processing subdivision proposals. In making determination on Code amendments the Planning Commission should review the City Municipal Code, Section 10-4-070(E)(1), which states the following:

(E) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter of legislative discretion by City Council and not controlled by any one standard. However, in making an amendment, the City Council should consider:

(Ord. 10-02)

1. Whether it would be is consistent with goals, objectives and policies of the City's General Plan; (Ord. 10-02)

The changes recommended by the Planning Commission include:

1. Re-organization of the number formatting to match other Titles in the Municipal Code.
2. Addition of a severability clause in each chapter.
3. Addition of a definition for Street, Private
4. Change in language from Developer to Subdivider to be consistent throughout the document.
5. Change warranty period from two to one year, in accordance with State Statute.
6. Additional requirement for street light placement on a 45° or greater road bend within a cul-de-sac.
7. Irrigation Water Exemption for man-made ponds or lakes over 1 acre in surface area size, as the area will not be irrigated by secondary water.
8. Cul-de-sac length amendments specifying conditions under which an exception to the maximum length of 500 feet may be granted.

This particular amendment, as currently recommended by the Planning Commission may significantly affect the ability to approve a development such as Still Water Lakes Subdivision as it is currently proposed and would limit the cul-de-sac length of the Still Water Lakes Subdivision to a maximum of 500 feet due to a lack of existing physical barriers to development or existing barriers from a previous development. The City has received a letter from local developers who are concerned with this proposed change. Please see attached letter. This amendment will affect the way developments are processed and will hinder flexibility in street length and subdivision design.

9. Addition of where Private Streets will be allowed and the standards by which they are to be constructed.
10. Clarifying public hearing deadlines to be 10 days in accordance with other sections of City code.
11. Removal of requirement for staff to give subdivider a signed copy of preliminary plat approval, and clarifying that Planning Commission approval of Preliminary Plat authorizes the developer to proceed to final plat.
12. Clarifying that all requirements of sketch and preliminary must be met prior to consideration of final plat by the Planning Commission.

Significant discussion within the Planning Commission took place on this amendment as to whether it may impede development approvals and reduce flexibility of the Planning Commission and staff when development flexibility may be desirable and/or warranted by the City. Additionally, this standard may create for developers timeline constraints, budgeting constraints and other unforeseen consequences associated with the process proposed by the suggested amendments in this section.

13. Clarifying the required signature blocks for subdivision plats including, Land Use Authority (PC or City Council as applicable), City Attorney, and Public Utility companies.
14. Clarification that the Planning Commission is the body that holds the public hearing for subdivision approval and not the City Council.

Currently there is vague language in chapter 8

On December 4, 2012, the Syracuse City Planning Commission held a public hearing and at a public meeting on December 18, 2012 unanimously recommended that the Syracuse City Council approve the following amendments to the Syracuse City Municipal Code, Title VIII as attached. Commissioner TJ Jensen expressed a dissenting opinion on one amendment, please see Commissioner Jensen. The Planning Commission held a public hearing on January 15, 2013 on the proposed irrigation water exemption and recommended the change unanimously.

City staff is hereby forwarding the Syracuse City Planning Commission recommendation that the City Council adopt Ordinance 13-02 and approve the proposed amendments to Title 8 of the Syracuse City Municipal Code as herein presented.

[7:49:42 PM](#)

Community Development Director Eggett reviewed his staff memo.

[7:50:30 PM](#)

COUNCILMEMBER JOHNSON MOVED TO ADOPT PROPOSED ORDINANCE 13-02 AMENDING VARIOUS PROVISIONS OF TITLE 8, THE SUBDIVISION ORDINANCE. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[7:50:50 PM](#)

Councilmember Peterson suggested that the Council and staff reviewed the proposed changes to Title 8 page by page if the goal is to adopt the document tonight. Mr. Eggett, City Planner Christensen, and Mr. Carlson provided an explanation for the changes throughout the document.

[7:59:16 PM](#)

Discussion regarding the proposed changes relative to cul-de-sacs then commenced.

[8:20:36 PM](#)

Mayor Nagle suggested that the proposed ordinance be tabled and added as the first agenda item on the next work session agenda. Councilmember Johnson stated he does not think that is necessary. Councilmember Peterson stated that he has not had the opportunity to discuss the issue with the Planning Commission. Discussion regarding the proposed ordinance continued.

[8:28:07 PM](#)

COUNCILMEMBER SHINGLETON MADE AN AMENDED MOTION TO TABLE PROPOSED ORDINANCE 13-02 AMENDING VARIOUS PROVISIONS OF TITLE 8, THE SUBDIVISION ORDINANCE. COUNCILMEMBER PETERSON SECONDED THE MOTION.

[8:28:12 PM](#)

Council discussion of the item continued.

[8:31:30 PM](#)

Mayor Nagle stated there has been a motion and second to table the proposed ordinance and she called for a vote. VOTING "AYE": COUNCILMEMBERS PETERSON AND SHINGLETON. VOTING "NO": COUNCILMEMBERS DUNCAN, JOHNSON, AND LISONBEE.

[8:31:42 PM](#)

Discussion and debate of the proposed ordinance continued.

[9:11:42 PM](#)

Planning Commission Chair Kenneth Hellewell was invited to the podium to address some of the concerns of the Council.

[9:24:12 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO AMEND PROPOSED ORDINANCE 13-02 BY CHANGING THE LANGUAGE IN SECTION 8.03.010(12) TO SAY THAT:

. . . EXCEPTIONS TO THE MAXIMUM LENGTH OF A CUL-DE-SAC MAY ONLY BE GRANTED BY THE CITY COUNCIL, AFTER RECEIVING A RECOMMENDATION, POSITIVE OR NEGATIVE, FROM THE PLANNING COMMISSION FOR AN EXCEPTION. . .

COUNCILMEMBER DUNCAN SECONDED THE MOTION. ALL VOTED IN FAVOR.

[9:27:12 PM](#)

Discussion regarding proposed ordinance 13-02 continued.

[9:31:32 PM](#)

COUNCILMEMBER SHINGLETON MADE A MOTION TO TABLE PROPOSED ORDINANCE 13-02 AMENDING VARIOUS PROVISIONS OF TITLE 8, THE SUBDIVISION ORDINANCE. COUNCILMEMBER PETERSON SECONDED THE MOTION.

[9:31:57 PM](#)

Mayor Nagle stated there has been a motion and second to table the proposed ordinance and she called for a vote. VOTING "AYE": COUNCILMEMBERS PETERSON AND SHINGLETON. VOTING "NO": COUNCILMEMBERS DUNCAN, JOHNSON, AND LISONBEE.

[9:32:21 PM](#)

Discussion regarding the proposed ordinance continued.

[9:51:06 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO AMEND PROPOSED ORDINANCE 13-02 BY AMENDING SECTION 8.05.020 BY REMOVING THE LAST SENTENCE OF THE SECTION, WHICH READS:

ALL REQUIREMENTS OF SKETCH AND PRELIMINARY PLAT APPROVAL SHALL BE COMPLETED PRIOR TO THE PLANNING COMMISSION'S CONSIDERATION OF FINAL PLAT.
COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

[9:51:20 PM](#)

Discussion regarding the motion ensued.

[9:53:40 PM](#)

Mayor Nagle stated there has been a motion and second to amend proposed ordinance 13-02 and she called for a vote. ALL VOTED IN FAVOR.

[9:53:54 PM](#)

Discussion regarding the remaining chapters of Title Eight continued.

[9:55:48 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND PROPOSED ORDINANCE 13-02 BY AMENDING SECTION 8.06.010(16)(d) BY REMOVING "AND" FROM THE SENTENCE THAT READS:
"THE CITY LAND USE AUTHORITY (EITHER THE PLANNING COMMISSION AND/OR CITY COUNCIL, AS DESIGNATED BY THE CITY MUNICIPAL CODE) "CERTIFICATE OF APPROVAL."
COUNCILMEMBER DUNCAN SECONDED THE MOTION. ALL VOTED IN FAVOR.

[9:56:56 PM](#)

Mayor Nagle stated there has been a motion and second to adopt proposed ordinance 13-02 and she called for a vote. VOTING "AY": COUNCILMEMBERS DUNCAN, JOHNSON, AND LISONBEE. VOTING "NO": COUNCILMEMBERS PETERSON AND SHINGLETON.

[9:57:44 PM](#)

9. Proposed Resolution R13-08, supporting the right to keep and bear arms by upholding the Second Amendment of the Constitution of the United States of America.

This item was added to the agenda at the request of Councilmembers Johnson and Lisonbee.

[9:57:51 PM](#)

Councilmember Johnson provided a brief explanation of his reasoning for requesting that this resolution be drafted. He stated he wants to show support for the second amendment, the right to keep and bear arms. He stated the resolution also provides some of the history of the subject and encourages citizens to be responsible gun owners.

[9:58:52 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-08 SUPPORTING THE RIGHT TO KEEP AND BEAR ARMS BY UPHOLDING THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, WITH THE FOLLOWING CHANGE:

STRIKE THE LAST WHEREAS CLAUSE THAT STATES "WHEREAS, ON JANUARY 16, 2013, PRESIDENT BARACK OBAMA INTRODUCED A PLAN TO REDUCE GUN VIOLENCE THAT PROPOSED FOUR STEPS TO BE TAKEN THROUGH CONGRESSIONAL AND EXECUTIVE ACTION: CLOSING BACKGROUND CHECK LOOPHOLES, BANNING MILITARY-STYLE ASSAULT WEAPONS AND HIGH-CAPACITY MAGAZINES, MAKING SCHOOLS SAFER, AND INCREASING ACCESS TO MENTAL HEALTH SERVICES"

COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[9:59:43 PM](#)

Councilmember Peterson stated he believed the statement that Councilmember Johnson is removing from the resolution is integral to the purpose of the resolution. Councilmember Johnson disagreed and stated that there was a resident that spoke against including that statement in the resolution. He stated it does not bear to the point that the Council is supporting the second amendment and upholding the Constitution.

Councilmember Duncan added that the problem he has with the particular statement is that he does not think President Obama introduced the bill to reduce gun violence; he introduced it to take guns out of the hands of citizens and that is an excuse. He stated he does not agree with the wording and it should either be reworded or taken out of the resolution. Mr. Carlson stated he wanted to clarify that the name of the plan is "the plan to reduce gun violence". He stated that the statement can be removed from the resolution, but it is a factually correct statement and the reason he included it when he

drafted the resolution is that in the chronology going from the 1600's down, that is what inspired the letter that was written by the Sheriff's Association. Councilmember Duncan stated he is not impugning why Mr. Carlson included the language, but it is a "burr in his saddle". He stated he will not vote for something that says President Obama introduced a plan to reduce gun violence because he fundamentally disagrees with the idea that is what the plan is going to do. Councilmember Peterson stated that is why the resolution has come about. He stated he will vote for the resolution because he absolutely agrees with it, but he thinks it is silly and he asked if the Council will put forth a resolution that they support all 27 amendments of the Constitution. He stated this is a knee-jerk reaction to something that is in the news now. He reiterated that while he absolutely agrees with everything else in the resolution, the statement that they have asked to be removed, as well as the reference to the Sandy Hook Elementary shooting are referencing why the resolution has come about. He stated that if they are going to adopt a resolution supporting gun rights, both of the statements should be left in. He stated they address the reasons for drafting the resolution.

Mayor Nagle stated that she agrees with Councilmember Peterson and she agrees to uphold the second amendment, but she pointed out that there was one person that spoke in favor of the resolution and another that spoke in opposition, so why is the one person that spoke in opposition less important. Councilmember Johnson stated it is not less. Mayor Nagle stated that Councilmember Johnson made the comment that someone brought forth the concern about the statement. She stated she just wanted to point that out. Councilmember Johnson stated he agrees with that point of view and he has that right. He stated he agrees with the recommendation to remove the language and that is why he suggested it. He stated that is part of his principles and his thought process.

Councilmember Lisonbee stated the main reason that she and Councilmember Johnson brought this resolution forward was to support the Sheriff's Association in their brave open letter to President Obama. She stated that the letter said that while they took an oath to defend the Constitution, they would lay their lives on the line for the citizens of Davis County to protect their rights to keep and bear arms in the County. She stated she and Councilmember Johnson decided it would be good to have a resolution in support of that because the Davis County Sheriff took a lot of flack in the media over the letter. She stated the letter was brave and beautiful and she heartily supported it and every Sheriff in Utah signed the letter except for the Salt Lake County Sheriff. She stated they sent the letter to President Obama saying they would lay down their lives for "our" rights. She stated that as a Councilmember in Syracuse, where the majority of the residents she has heard from on this issue support the second amendment and want their rights upheld, she says the Council should stand behind the Sheriff's.

Councilmember Duncan stated Councilmember Peterson's point is well taken, but if the Council were having this discussion about the 17th Amendment, which took the responsibility to appoint Senators away from State Legislators and put it in the hands of popular vote, he thinks it was one of the biggest disasters in the history of the country, but if "they" try to change that without following provisions to amend the Constitution, he would speak out and say that he does not like the 17th Amendment, but it is part of the Constitution and he has sworn to uphold it. He stated the Council has voted for an Arbor Day proclamation saying that the City loves trees; if that vote can take place the Council can certainly vote for a resolution saying the second amendment means something. He stated that whether someone wants to own a gun is their right to choose, but they do have the right and he does want to send the message to Washington, D.C. that the Constitution and the second amendment means something in the City of Syracuse. He stated that it is somewhat meaningless in terms of what it accomplishes, but rhetoric is sometimes important.

Councilmember Peterson stated he does not need to be talked into voting for the resolution; he simply wanted to make the statement he made.

[10:05:45 PM](#)

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

10. Councilmember Reports

Councilmember Shingleton's report began at [10:05:50 PM](#). He was followed by Councilmembers Johnson, Duncan, Lisonbee, and Peterson.

11. Mayor's report.

Mayor Nagle's report began at [10:08:36 PM](#).

12. City Manager's Report.

City Manager Rice stated he had nothing to report.

City Council Regular Meeting
March 12, 2013

At [10:11:42 PM](#) COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 26, 2013