

Minutes of the Regular Meeting of the Syracuse City Council held on May 8, 2012, at 7:00 p.m., in the Council Chambers, 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
Acting City Manager/Finance Director Stephen Marshall
City Recorder Cassie Z. Brown

City Employees Present:

Police Chief Brian Wallace
Fire Chief Eric Froerer
Community Development Director Michael Eggett
City Attorney Will Carlson
Information Technologies Director TJ Peace
City Planner Kent Andersen

Visitors Present:	Dave Barney	Kristi Whitman	Alan Whitman
	Terry Palmer	Ken Pierce	Brandyn Bodily
	Brian Allen	Gerald Jacobs	Steve Robinson
	Ann Anderton	Becky Shaw	David Griffin
	Lynsey Porter	Gary Pratt	Sherri Rhoades
	Kay Volk	Annette Penrod	Heidi Brophy
	Con Christensen	Jeff Nielson	Linda Christensen
	Lisa Chandler	Ryan Chandler	Brittany Taylor
	Jerry Smith	Mike Thayne	Carl Hellewell
	Kenneth Hellewell	Joe Cheney	Layne Sanders
	Julie Griffin	Ray Zaugg	Pat Zaugg
	Jamie Riccobono	Chip Hewlett	Ken Pierce
	Bob VanVelkinburgh	Jeanne VanVelkinburgh	Ben Gerlock
	Becky Merrill	Jerry Guffey	

1. Meeting Called to Order/Adopt Agenda

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 Johnson provided an invocation. Councilmember Lisonbee then led all present in the Pledge of Allegiance.

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

2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Cameron Bezzant and Valerie Harker

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 that this month the nominees are Valerie Harker and Cameron Bezzant. She stated that both individuals were selected from Syracuse Elementary School and she wanted to read the statements that were submitted to justify their selection for the award. She first read the statement regarding Ms. Harker as follows:

"Valerie is not afraid of a challenge and is willing to tackle any problem she faces. She is very responsible and helpful to her classmates and teachers. When she is around our Special Needs students, she is very helpful and kind. Valerie is successful in and out of the classroom excelling in soccer and academics."

Mayor Nagle stated that she thinks it is tremendous when kids can reach outside of their comfort zone and find other kids that may be having a hard time regardless of their ability; not only does Ms. Harker do a great job in sports and academics, but she goes out of the box to make everyone feel welcome. She stated she cannot think of anybody that deserves

an award more than Ms. Harker. She then presented Ms. Harker with her award and Ms. Harker received a round of applause from the audience.

Mayor Nagle then stated the second award recipient is Cameron Bezzant; she read what was written about Mr. Bezzant as follows:

“Cameron demonstrates high motivation, initiative, integrity, intellectual depth, leadership qualities and exceptional judgment. He is always cheerful and is willing to help his classmates and teachers. Whenever he is presented with a problem, he works through it and helps his classmates to work through it too. Cameron is very compassionate and understanding with his peers.”

Mayor Nagle stated she wants to thank Mr. Bezzant for everything he does; the adults have a lot of lessons to learn from the kids that are doing a great job in everything they do. She presented Mr. Bezzant with his award and he received a round of applause from the audience.

Mayor Nagle stated that she loves having the youth in the community and she commended them for setting a good example for their families and peers. She encouraged them to keep up the good work and commented that the qualities that earned them these awards will take them far in life. She commended them for their hard work and dedication.

3. Public comment.

Ben Gerlock, 881 S. 1875 W, stated it is somewhat daunting to be the first person to speak. He stated that the purpose of his comments this evening it to address the agenda items from the work session and business meeting agenda dealing with the creation of a Flex Development Zone. He strongly urged the Council to postpone, defer, or provide a no vote relative to the zone creation as it was included in the Council packet that was available on the City’s website. He stated he has three reasons for this recommendation; one was that he attended the April 26 meeting that included panel members from Ninigret and he learned four things from that meeting concerning Ninigret’s desire for the City to create the flex zone. He stated that, one, Ninigret does not know what they will build on the site until they have secured clients; they do not have specific plans right now. He added that, two, Ninigret does not own the property and, three, Randy Abood representing Ninigret commented that the General Plan, which was developed with citizen input, is wrong. He stated the fourth and final thing he learned at the April 26 meeting was that tax increment financing (TIF) will be used for the project. He stated that the Davis County Economic Development representatives mentioned some numbers relative to TIF financing, but the City does not know the amount of revenue the project will produce because of the different terms that will be offered to Ninigret. He then explained that he compared the flex zone draft created by the Planning Commission with Ordinance 12-9 that is being considered by the Council this evening. He stated that the Planning Commission draft provided several restrictions while the Ordinance is much more open with a small number of restrictions.

Gary Pratt, no address given, stated that he appreciates all that the Council is doing and the amount of time and effort they have put into this project. He stated that his issues stem from his work on the Planning Commission as the Co-Chair. He stated that since last fall, the Commission has noticed some changes in procedure they are not used to that are concerning to himself and Chair Greg Day and he would speak for himself and Mr. Day. He stated that the City’s General Plan was opened last April, so it has been open for one year, though the plan was to close it in the fall of 2011. He commented City staff asked the Commission to delay closing the plan until the end of 2011 and then until the first of 2012 until information about properties in Section One may be available. He stated the Commission agreed to keep the plan open because they are a recommending body and are willing to learn and listen to City staff and the people that live here. He explained that during the year when the General Plan was open a committee was assigned to look at the General Plan for the area in question; there was also a company that was paid \$40,000 to complete a study about the area. He noted the Commission held public hearings and invited the developer twice to open meetings and work sessions; there was a lot of effort on the part of the Commission. He stated that one of the things he has found is that there is a lot of misinformation that has been circulating and as a recommending body the Commission ferreted through the rumors and has been smart enough to figure out the misinformation. He stated, however, that the Commission has been confronted by coercion, manipulation, and intimidation throughout the process and that is what they are concerned about. He stated that one must get closer than 30,000 feet to actually look at the City and they will see a big white roof that belongs to Wal-Mart and three to five buildings that are the same size as Wal-Mart would fit on the property that Ninigret is desirous of developing.

Jeff Nielsen, 1778 W. 1975 S., stated he is here to talk about an issue that has nothing to do with zoning; rather he wanted to talk about an issue that is near and dear to his heart and that is his 10-year old that is trying to play softball in the city. He stated that he had a problem with his daughters coach and so he and his wife decided they wanted to change coaches. He explained they called the City and were told the City does not allow that so he contacted other City officials, including the City Council, about his issue. He stated all he is asking is for the ability to switch coaches and the recreation staff refused, but told him that they would refund his money if he wished. He stated that he hoped the City Council had read the email he sent about this issue because it goes into further detail about the situation. He stated he hoped that something

can be worked out within the next few days, but if that is not possible he is going to encourage his daughter to continue to play for the coach she has. He stated he wanted to apologize for raising this issue at this meeting, but he has tried to contact several different City officials and has received no response.

Kenneth Hellewell, 1430 S. 2600 W., stated that he is a member of the Planning Commission and he sent the entire City Council an email containing his concerns about the flex zone as well as some explanations for why the Planning Commission voted against approval. He stated that he has served as a Planning Commissioner for eight years and this is the first time he has ever seen a zone brought to the City Council that was not recommended by the Planning Commission. He stated the Commission considered the zone for several months and they have seen several different drafts as well as a companion zone that was considered at the same time as the business park zone. He stated the business park zone was approved by the Commission and recommended to the Council for passage, but it is not on the agenda this evening. He stated that the Commission considered the flex zone and determined that many of the facets of the flex zone are already available in other zone types in the City, but there were also uses in the flex zone that the Commission felt were not appropriate for Syracuse City. He added there is also a new zone the Commission is working on that includes many of the things that are part of the flex zone, but on a smaller scale. He stated that he would encourage the Council to review the zone and make sure it is something they want to allow in Syracuse. He stated that it is the Commission's job to draft zone language. He noted that he was told by staff that the business park zone was not included on this agenda because there is not a need for it yet in the City, but the Commission feels there is a need to include it in the General Plan. He concluded by stating there are other zones, such as research park zone, that the City Council has approved that are included in the City's Master Plan.

Linda Christensen, 2849 W. 700 S., stated "you can quiet it down and change its name and give it more power, but DTEC is still DTEC. Does no one at City Hall understand - no, no, no is her vote for the flex zone".

Con Christensen, 2849 W. 700 S., stated he wants to talk about the same issue and he is sure that all members of the Council are very familiar with the DTEC project. He stated that City officials have said that this is not DTEC, but his response is "a cesspool by any other name still stinks". He stated that it has been said that other cities in the area do things that work out, but Syracuse residents are not interested in a status quo city; rather, they want a peculiar city. He stated that anyone that has traveled to California has seen that the land from ocean to its border is solid city development; one comes across a lot of businesses, but they also come across areas that include no business. He stated that Syracuse does not want businesses here. He then stated that he wanted to compliment Councilmember Lisonbee; she and Councilmember Johnson are trying to find out the pulse of the public and then deal with it where this project is concerned. He stated he knows the Council is trying to increase tax revenue to the City, but he does not want them to go down the traditional path and, instead, come up with something better. He stated that voters do not vote for people that have agendas; they vote for people who they want to follow their opinions. He is encouraging the Council to follow the citizens' opinions. He stated that the Council should understand, after the DTEC project, what the attitude of the City is and as far as he is concerned an industrial complex is nonsense. He asked how anyone expected an industrial business to come to the City and succeed under the current economy. He stated he is comfortable with business buildings that are nice and quiet, like the Intermountain Health Care (IHC) clinic. He suggested "we" need to get together and decide what "we" want developed in the area.

Terry Palmer, 2486 W. 1500 S., thanked the Council for the opportunity to speak. He stated that over the last several weeks he has talked to a lot of Syracuse citizens and only one was in favor of the flex zone while hundreds were opposed to it. He stated that the Councilmembers are elected to represent the people and he asked why they would want to move forward with approving the flex zone. He stated that if the main concern is increasing revenues for the City, patience may be the best quality; as Highway 193 is constructed further to the west bordering Syracuse and West Point cities, "we" will find greater opportunities down the road that will bring in greater revenues through sales tax and property tax. He stated that as the traffic grows along the highway, interest will increase in purchasing the property, which will give the City a greater benefit. He noted "we" are in tough times and the tendency is to jump at the first opportunity, but history tells "us" to wait and see what happens. He stated that he has been rewarded in his life when he has patiently waited for correct opportunities; that opportunity will come to the City and he encouraged the Council to wait on the flex zone. He then stated that the flex zone appears to be the lazy person's way out; once the zone is in place the City will allow the developers to have more control over what is constructed in the area. He stated the citizens have elected the Councilmembers to be totally involved in the process and they have elected them with the impression that they have the guts to say no when that is what is best for the City. He stated that 10 years ago "we" said no to DTEC and he suggested "we" say no to flex.

Brittany Taylor, 897 S. 2500 W., stated that she also wants to address the flex zone; she and her family would like to express that they are tired of empty promises that the next development is the answer. She stated they were told that lie when the town center retail development took place. She stated she understands that tabling the flex options would mean that the City would have a few more potholes and lesser services, but they are willing to take that option if it means less traffic, cleaner air, and a quieter Syracuse. She stated that picking one of the three options is "chicken" when the Planning

Commission passed on all three options. She stated that she hopes the Lord's spirit will lead the Council to know the desires of their community. She stated she wants to protect her children and give to them a solid community based on values of hard work, honesty, integrity, and trustworthiness. She stated that going around the Planning Commission, which was assembled by the City Council, is not upholding the values she mentioned. She stated that voting to approve the Ninigret project is also not upholding why the citizens voted the Councilmembers into office. She stated prior to being elected Mayor Nagle and her family came to her door and she asked them point blank if they were against DTEC and the Mayor's husband told her that Mayor Nagle was against DTEC. She stated that she can't change the mistake she made of telling all her friends to vote for Mayor Nagle. She stated that flex is a worse option than DTEC. She stated she can't fix that mistake until the next election. She stated that if the Council chooses one of the flex options tonight, that will be a mistake they cannot mend. She stated she is very concerned that the Council is strict on the three-minute public comment rule rather than listening to the community members that are so concerned; yet, the Council went around the Planning Commission and that is why the citizens are here this evening. She stated the Council's actions are somewhat hypocritical. She then stated, regarding item five on the agenda, there seem to be some "shady" things happening. She stated that she votes that the Council disregard the misprint in the City's garbage hauling contract and honor the values she referenced earlier that the citizens expect the Council to uphold. She asked that they not worry about the settlement agreement and instead honor the contract as it was intended. She stated the City should not punish the hauling company for a typographical error of inserting a decimal place in the wrong spot.

Heidi Brophy, 917 S. 1760 W., stated that going around the Planning Commission instead of taking into account what they recommended is very disappointing to her as a citizen. She stated that she spent the time to get involved in the process and she is grateful for that, but she would like to relay a comment she made to the Planning Commission as well. She stated that another zone being considered by the Planning Commission was a business park zone and the opening paragraph of the zone language actually states that it is better suited for residential areas. She then stated the Council needs to be careful with their decision; if they create zoning for one business that action will set a precedent and she wondered how the Council would respond to future business owners requesting the same thing. She stated that she appreciates the time and effort the Council has put into this issue and she would continue to ask them to listen to the citizens and the Planning Commission.

Ryan Chandler, 1555 W. 700 S., stated he also wanted to take a minute to talk to the Council about the flex zone. He stated that in the past he has been in leadership positions and he has been humbled by those opportunities. He stated the Council has a great weight on their shoulders; they are leading the City and the citizens have faith in what they are doing for them. He stated that one thing he was taught early on was to listen to those who are there to advise and counsel him; those that are successful leaders are made successful by putting good people around them. He stated the City Council has surrounded itself with some very good people, including the Planning Commissioners who has spent tireless hours in their meetings where they have discussed many points and issues. He stated their decision regarding the flex zone was not made out of spite or made foolishly; rather, it was made after careful thought and consideration and he believes they have the right interests at heart for the City. He stated the Council has heard the citizens talk to them and plead that the flex zone not be approved. He stated there are many reasons that citizens are opposed to the zoning and everyone has heard those reasons and it is now time to make a decision. He stated the Planning Commission has advised the Council that the zoning is not suitable for the City and if the Council chooses to go around that recommendation they will be ignoring the advice of the residents and ignoring those that they put in place to advise them. He asked that they not make that mistake.

Kaye Volk, 2783 S. 1000 W., stated that she lives far away from where the Ninigret development would be built, but she is here in support of the people and the Planning Commission and she added that she does not know how the Council can ignore them. She stated that she was a City Councilmember for six years and during that time there were only two instances where the Council moved forward with a decision after heavy opposition from the citizens; one instance was related to permitting beer sale at the Smith's grocery store in the City and the other was to construct sidewalks in certain areas throughout the City. She stated that the project the Council is considering is so mammoth and they should not dare to do it without considering it so carefully. She stated that the citizens are the Council's backup – not just because they voted to elect the Council, but because their heart, souls, and minds are in the right place. She stated the Council can not completely disregard what the Planning Commission has spent hours and hours working on; the Planning Commission has said the project does not fit in the City. She stated this is not a time to launch into something. . .the economic atmosphere in the Country is too tentative. She stated the Council needs to take more time. She stated that she is speaking for nearly everyone she has spoken to about this issue and they have lost a little bit of faith in their elected officials because they feel their feelings and thoughts are falling on deaf ears. She asked that the Council consider the project very carefully and reject it at this time.

Pat Zaugg, 1593 W. 700 S., stated that she hoped the Council had read the email she sent; she very thoughtfully wrote it and it took her quite a bit of time. She stated she hopes the Council will consider the thoughts that she included. She then stated she wanted to thank the Planning Commission for all the time they have spent working through every zone in the

City; she has attended the meetings where that work has been done. She stated she and her husband attend Planning Commission and City Council meetings each week and they have listened and watched carefully as the Planning Commission has gone through every detail of every zone they have considered. She stated the Commission worked very hard on the business park zone and the Council needs to pay attention to what they are doing. She stated that the City Council packet included some letters regarding the proposed development that were sent from SBOSS to other businesses in the City. She stated SBOSS was asked by staff to write those letters and she feels that is flawed. She stated staff works for the citizens of Syracuse and they should not be asking someone to write a letter voicing opposition to something the citizens are asking for. She stated that SBOSS is supposed to represent all businesses in the City but she has been told that only a handful of businesses got together and wrote the letters and she feels that they should not be allowed to represent SBOSS as a whole and their opinions should not be considered by the Council. She stated staff has worked hard on this project as well, but she wanted to remind them that they work for the citizens and not a developer. She stated the flex zone is a blank check and if the Council approves they will open the City to anything and everything. She encouraged the Council to vote against the flex zone.

Joe Cheney, 1646 W. 900 S., stated that he thinks the citizens have spoken loud and clear. He stated he is not in favor of the flex zone, but he wanted to offer a different perspective for his opposition. He stated that he used to work for a development company and he drove trucks for them; they build 120,000 square foot cement structures similar to what is being proposed in the Ninigret development. He stated that the development company no longer exists, but the new owner is still struggling to fill the vacancies in those buildings. He stated the development was built amongst neighborhoods and faced some of the same struggles that this project is facing. He stated that being the guy that drives those trucks, he does not want those trucks in the City; that is why he lives here. He stated that it is sad to see the City considering these types of developments when there are already so many other vacancies in the surrounding community. He stated there are already buildings in Clearfield in the Freeport Center with better access and the Council needs to look very deep and put themselves in the position of living next to this type of development; many families moved to the area to specifically avoid these types of developments. He stated it is sad and it has changed his perspective regarding Syracuse and he has had conversations with his wife about moving out of the City if this project happens and it causes the changes and creates the challenges that he is predicting. He stated there are already vacant commercial areas in the City. He stated his desire to live in Syracuse is changing and he feels many other residents feel the same way; they are not in favor of the flex zone. He stated, however, that they understand the challenges the City is facing; they are concerned about generating tax revenue, but he feels there are other options and he asked the Council to think of other ideas. He stated he is willing to pay higher taxes if that is necessary. He stated tax increases may have been voted against in the past, but that was before all the options were on the table.

4. Public Hearing – Proposed Ordinance 12-06 declaring the annexation of 20.66 acres of property located at approximately 3700 S. 1500 W. into the City of Syracuse, Davis County, Utah, and establishing zoning for the property.

A staff memo provided by City Recorder Cassie Brown explained that on March 12, 2012 Michael J. Thayne (Irben Development) filed a petition to annex into Syracuse City 20.66 acres of property located at approximately 3700 South 1500 West. The City Engineer reviewed the annexation petition and his comments have been addressed by the petitioner. On March 27, 2012 the Council voted to accept the annexation petition and the City Recorder immediately began the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code Annotated. On March 28, 2012 the Council was sent the Council a memo declaring the certification of petition 2012-01; the memo 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 April 30, 2012 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 was prepared for Council consideration and all relevant materials have been provided.

Mayor Nagle convened the public hearing. Seeing no residents appearing to make public comments, Mayor Nagle closed the public hearing.

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-06 DECLARING THE ANNEXATION OF 20.66 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3700 SOUTH 1500 WEST INTO THE CITY OF SYRACUSE, DAVIS COUNTY, UTAH, AND ESTABLISHING ZONING FOR THE PROPERTY. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Authorize Administration to execute settlement agreement with Robinson Waste pertaining to fuel surcharges.

A staff memo from City Attorney Will Carlson explained that Robinson Waste Management has been collecting garbage for Syracuse City for over a decade. Most recently, the City and Robinson entered into a Garbage Collection Contract ("Contract") dated April 1, 2009. In the contract, the City agreed to pay Robinson a fuel allowance per household per month of .33% of the price of the price of diesel over \$3.00 per gallon ("Fuel Surcharge"). Since April 1, 2009, Robinson has charged the City 33% of the price of diesel over \$3.00 per gallon rather than .33% of the price of diesel over \$3.00 per gallon. This has resulted in a \$33,072.36 overcharge to the City. In early March the City discovered the discrepancy between the contract and the bill. On March 7, 2012 the City notified Robinson Waste of a breach of contract and made a demand on Robinson for repayment of the overpaid Fuel Surcharges. Robinson denies that it over charged the City and disputes any liability for the alleged overpayment. Robinson alleges the City agreed to pay Robinson a fuel allowance of 33% and that the Contract contains a typographical error. Nevertheless, Robinson has agreed to the attached settlement agreement in an effort to resolve the dispute. The settlement agreement is that in exchange for payment of \$33,072.36, all claims regarding the Fuel Surcharge will be waived by both parties up through the date of the agreement. Should Robinson continue to charge 33% in the future before new terms are agreed upon, each bill could raise another claim of breach for the City.

Mr. Carlson summarized his memo and stated that he recommends approval of the Settlement Agreement, but noted that the agreement currently does not include a date for which the payment should be made.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE A SETTLEMENT AGREEMENT WITH ROBINSON WASTE PERTAINING TO FUEL SURCHARGES. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Mayor Nagle asked Mr. Carlson if he is suggesting the Council add a payment due date to the agreement. Mr. Carlson stated that adding a date would add clarity and he would recommend doing that. Mayor Nagle asked what date staff is recommending. Mr. Carlson recommended the due date be June 7, 2012.

COUNCILMEMBER PETERSON MADE A MOTION TO AMEND THE SETTLEMENT AGREEMENT BY ADDING A PAYMENT DUE DATE OF JUNE 7, 2012.

Councilmember Shingleton stated that he had a question before seconding the motion. He stated he does not want to put undue stress on Robinson Waste by adding a due date. He stated one option would be to make payments in installments over a period of time rather than a one time, lump sum payment. He stated he wants to be fair to Robinson Waste. Steve Robinson, representing Robinson Waste, stated that allowing installment payments would be helpful, but he wants to move forward with the settlement agreement. He stated the fuel surcharge that he has been charging the City was the correct charge, but according to the contract he was only allowed to charge .33 percent rather than 33 percent of the price of fuel over a defined amount. He stated those two percentages are drastically different and that is why he and the City have worked out this settlement agreement. He stated that he and staff are also working on an addendum that would clarify the fuel surcharge issue in the future.

Councilmember Peterson stated the City is reviewing the contract with Robinson Waste and he asked when that review will be completed. Mr. Carlson stated that in the original draft of the updated agreement, the settlement agreement was included in the addendum, but Robinson Waste's counsel recommended removing the settlement agreement from the hauling agreement and instead execute two separate agreements. He stated the City responded by agreeing to separate the two issues, but required that the settlement agreement be completed first. He stated that the City and Robinson Waste has been discussing the new price terms. Councilmember Peterson stated he feels it would be prudent to have the settlement resolved before signing a new agreement for hauling services. Mr. Carlson stated the reason the City is recommending June 7 as the payment due date is because on March 7 the City notified Mr. Robinson of the breach and according to the contract the party that commits the breach has 90 days to remedy it. He stated June 7 would be the end of that 90 day term.

Councilmember Duncan stated that he is frustrated that the City Council is, in front of a bunch of people, discussing the settlement of a lawsuit and he does not know why these decisions were made, but if there was time to advertise this item on a business meeting agenda he does not know why an executive session was not called to discuss the issue. He stated that would allow the Council to have a more candid discussion about why the settlement is before the Council. He stated that he is being asked to vote on a settlement and he does not understand all the ramifications or why the settlement was arrived upon. Mayor Nagle stated the Council did meet to discuss the settlement in a meeting. Mr. Carlson stated that when it appeared that there was a reasonable likelihood that this issue could potentially end in litigation, the issue was discussed in a closed session, but at this point the parties have negotiated a settlement agreement and such an agreement is contrary to reasonably imminent litigation, which is why it is being discussed in an open meeting. Councilmember Shingleton stated the Council did discuss this issue in a closed session. Councilmember Duncan stated that the specific settlement was not discussed in a closed session. Mayor Nagle stated the Council is not permitted to discuss the settlement agreement in a closed session. Councilmember Duncan then asked how this agreement was arrived at and he asked how the modification of

the agreement was decided upon. Mayor Nagle stated this issue was discussed quite extensively among the Council. She explained that staff recently started reviewing all contracts the City is a party to in order to ensure the City is getting the best value for the tax dollars being spent, they found that this contract has been in place since the late 1990's and there was no way for the City to renegotiate the terms. She stated the only option the City had was to renew the contract with terms that were favorable to the hauler. She stated the City essentially did not even have the ability to publish a request for proposals (RFP) to seek other interested vendors. She stated staff approached Robinson Waste, who has done a very good job for the City, to let him know that they wanted to conduct an RFP process to make sure the City was getting a fair price and that conversation did not end favorably. She stated staff ended up publishing an RFP and received several bids that were lower than the price the City was paying to Robinson Waste. She stated, however, the City was unable to terminate the contract unless Robinson Waste agreed upon the termination. She stated the City had no authority to ask for better terms or to renegotiate the contract. She stated the citizens expect the City to get the best value for their money. She stated there have been many conversations between staff and Mr. Robinson to try to work through the issues with the contract and ultimately Mr. Carlson reviewed the contract and found the breach in the contract and the City asked Mr. Robinson to rectify the breach and he has until June 7, 2012 to do so. She stated if the breach is not corrected the City can conduct another RFP process and Mr. Robinson would be free to respond in that competitive process. She stated this is not an attack on Robinson Waste because they have done a good job for the City, but the City has an obligation to the residents to make sure to get the best value for tax dollars spent on services. She stated that unfortunately the Council is only allowed to discuss certain things during a closed session; there are other issues that can be uncomfortable to discuss in an open meeting, but do not qualify to be discussed in a closed session. She stated this issue is one of those issues and it requires open and public discussion. She agreed it would be better for all parties if the Council could go behind closed doors and iron the issue out, but in fairness to the citizens the Council is unable to do that. Councilmember Duncan stated he is looking at this issue from a legal perspective and with his background practicing contract law. He stated this is a contract that is very unfavorable to the City and it contains a lot of unilateral clauses that force the City's hand and he thinks it is a very bad contract for the City. He stated his question is why the Council is being asked to make a concession that will make the contract even worse. Mr. Carlson stated that the settlement agreement is not related to the new terms of the contract so it cannot make the contract even worse. He stated the settlement agreement only deals with the breach and whether the City will accept the agreement as a remedy to the breach. Councilmember Duncan asked if this contract will cause the fuel charge to be changed in the hauling services agreement, to which Mr. Carlson answered no and reiterated that staff will present a new contract to the Council when new terms can be negotiated between both parties. He stated at that point the Council will have the opportunity to accept or reject the new agreement. Councilmember Duncan stated he may have misunderstood because he thought there was some sort of reformation included in staff's proposal. He stated that he would like to have further discussions about amending the hauling services agreement.

Councilmember Johnson asked if the fuel surcharge will be charged according to an amended contract. Mr. Carlson stated the City will renegotiate the fuel surcharge, but until that renegotiation occurs, Robinson Waste is only allowed to charge a fuel surcharge according to the terms included in the current agreement. Councilmember Duncan asked if a fuel surcharge applies to any RFP. Mr. Carlson stated that most of the respondents included a fuel surcharge in their proposal. Mr. Rice added that those types of things can be negotiated between a vendor and the City.

COUNCILMEMBER SHINGLETON SECONDED COUNCILMEMBER PETERSON'S MOTION TO PROVIDE A DUE DATE FOR THE PAYMENT DUE ACCORDING TO THE SETTLEMENT AGREEMENT. ALL VOTED IN FAVOR.

Mayor Nagle then called for a vote on the original motion to authorize the administration to execute the settlement agreement. ALL VOTED IN FAVOR.

6. Adopt Tentative Fiscal Year 2012-2013 Budget and set public hearing for June 12, 2012 to consider adoption of Final Budget.

A staff memo from Finance Director Steve Marshall explained that according to Utah Code Annotated Title 10, Chapter Six, the City Budget Officer is required to prepare and file with the Governing Body a tentative budget for consideration. Each tentative budget shall be reviewed and tentatively adopted during any regular City Council meeting on or before the last meeting in May. Each tentative budget adopted by the Governing Body and all supporting schedules and data shall be a public record in the office of the City Auditor or the City Recorder, available for public inspection for a period of at least 10 days prior to the adoption of a final budget. The governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published at least seven days prior to the public hearing. The City Council could set a public hearing for June 12, 2012 to consider adoption of the final budget.

Mr. Rice stated that the tentative budget is a balanced budget and there is \$3.9 million budgeted for capital projects over the next couple of years. He stated that staff sensed from the Council that there was not an appetite for metering

secondary water, so the money that had been set aside for that project has been redirected to secondary water projects to finish and improve the system.

COUNCILMEMBER PETERSON MOVED TO ADOPT THE TENTATIVE FISCAL YEAR 2012-2013 BUDGET AND SET A PUBLIC HEARING FOR JUNE 12, 2012 TO CONSIDER ADOPTION OF THE FINAL BUDGET. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Johnson stated that he has a question about the street lighting fund. He stated that during the budget retreat there was a discussion about making a double payment at the beginning of the year, but he sees that has been reduced to just one payment. Mr. Marshall stated that is correct and it is because originally staff believed that the street lighting project would not commence until the beginning of the new fiscal year, but at the last Council meeting the Council authorized an agreement that would cause the project to start in the current fiscal year. He stated that the extra payment will be made in the current fiscal year. Councilmember Duncan stated that it appears that the street lighting fee is being increased; he noticed the revenue generated by that fee is scheduled to increase by a couple thousand dollars. Mr. Marshall stated the fees are not being increased; rather, there are more residents living in the City and the increase is simply the capture of the fees paid by those new residents. He stated that is the case across the board for a lot of accounts that are funded by fee revenue. Mayor Nagle added that in order to increase fees charged in the City, the Council would need to approve an amendment to the fee schedule. She stated that fees cannot be increased through the adoption of a budget.

Councilmember Johnson stated that he wanted to point out that there will be a \$1.00 per resident per month increase in the sewer bill. He stated that increase was passed on by the North Davis Sewer District (NDSD) and the City collects the fee for the NDSD. Mr. Marshall stated that is correct.

Councilmember Duncan stated that he sees different areas in the budget where employment benefits are "all over the place" and they do not match up with increases or decreases in wages. Mr. Marshall asked him to point out a specific example. Mayor Nagle stated that the benefits for Fire and Police Department employees are funded at a different percentage than non-public safety employees. Mr. Marshall stated that depends on the benefit that is being referred to. Mayor Nagle added that there is a different percentage contributed to the Utah Retirement System based on whether an employee is a tier one or tier two employee. Mr. Rice added that some single employees have gotten married over the past year and so their benefit costs have increased since the adoption of the current budget. Councilmember Duncan stated that he is asking if the changes reflect actual changes in departments. He stated he wanted to be sure that the City is not incurring additional benefits. Mr. Marshall stated that the City is not incurring additional benefits; the budget does not include any new full time employment positions for the upcoming fiscal year. He stated that he calculates benefits by each employee. Councilmember Duncan stated he wanted to ensure that the benefits package offered to employees is not being changed. Mr. Marshall stated there are no changes over what has already been approved by the Council. He stated the Council approved a 6.8 percent increase for medical benefits, a URS mandated increase, a reduction of one percent for dental benefits, and unemployment benefits increased somewhat. Mayor Nagle noted that the City has transitioned to an 18-month flex spending account structure as well.

Councilmember Duncan then noted that quite a few sundry accounts have increased over the amount that was budgeted last year. Mr. Marshall asked Councilmember Duncan to be more specific. Councilmember Duncan stated the City Council's sundry account has increased from \$1,000 budgeted last year to \$3,000 budgeted for the upcoming year. Mayor Nagle stated this issue was discussed at the retreat and she reminded the Council that the Chloe's Sunshine Playground has been selected as the recipient for all funds raised at the Davis County Gala. She stated that the City will purchase a table for the event and the cost for that is \$2,500.

Councilmember Johnson stated the budget includes an increase to hire an intern. Mr. Marshall stated that Public Works Director Whiteley has requested an intern to assist with the overwhelming amount of work related to road projects and inventorying infrastructure in his department. He stated that the City Engineer is overwhelmed as well and needs some assistance. He stated the intern would be a part-time employee. Mr. Rice stated that Mr. Whiteley envisions hiring a student to work through the summer mapping the infrastructure of the City. Councilmember Johnson stated he noticed the budget for the position was \$8,000 per year. Mr. Marshall stated that adding \$3.9 million in infrastructure projects will occupy Mr. Whiteley and the City Engineer. Councilmember Johnson stated that he is concerned about adding the position to this budget because it might remain in future year budgets. He stated his thought is for that to be a one-time expenditure for the employee and he would like to remove it from the budget next year. Mr. Marshall stated that is a valid concern and each year the City goes through the same budget preparation process to allow the Council to review the budget and any changes being made. He stated staff and the Council can reassess the position next year. He added that he would not propose adding something to the budget that he does not feel is necessary; he feels that the position would help the Public Works Department tremendously. He noted that including salary and benefits, the budget for the position is just over \$10,000 per year. He stated the employee will not receive health benefits, but the City is required to pay certain benefits for all employees.

Councilmember Lisonbee stated that page eight of the budget includes a chart for the utility enterprise funds and under culinary water it identifies a federal grant in the amount of \$312,168 and she asked what that grant is for. Mr. Marshall stated the grant is from the Environmental Protection Agency (EPA) from 2008 and it was to upgrade and expand different water lines in the City to provide better service to the residents. He stated the grant was set to expire at the end of last year, but the City decided to continue the grant because only \$162,000 of the grant had been utilized. He stated that the total grant amount was \$477,000 including a 50 percent match from the City. He stated there is a long list of culinary water project left to be completed in the City and staff prioritized those projects and found that they meet the criteria to continue the federal grant. He stated the grant will now expire at the end of 2012 and \$312,000 is only 50 percent of the total cost for all water projects being proposed. He referred to page six of the budget and noted there are six different projects included and he highlighted the projects that meet the criteria for the grant causing 50 percent of the project cost to be covered by the grant. Councilmember Duncan asked if the grant proceeds must be spent this year. Mr. Marshall answered yes. He stated that the City could ask for another extension of the grant, but he does not think it is likely that will be granted. He stated the City almost lost the grant for not spending it within the original time line, but the EPA was kind enough to grant the initial extension. Councilmember Johnson stated he appreciates the number of capital improvement projects that have been included in the budget; they will help to improve a lot of infrastructure in the City and that is what he wanted to see in the budget.

Councilmember Lisonbee referred to the section of the budget for the City Council and stated there are benefits listed there totaling \$3,247. She asked if those are the basic benefits that the City is required to pay for all employees, to which Mr. Marshall answered yes.

Councilmember Duncan stated that since the budget retreat there are a few things that have changed. He stated that the budget includes a wage increase for the Planning Commissioners and he has actually heard from some Commissioners who have told him they think that is a bad idea and they do not want a wage increase. Councilmember Johnson stated he planned to make a motion to amend the budget by eliminating that wage increase. Councilmember Peterson asked why they do not want a wage increase. Mr. Marshall asked if the Council is asking to eliminate the wage increase and he reminded the Council that was a recommendation made by them during the budget retreat. Councilmember Duncan stated he remembered that discussion, but he has heard reports from some Commissioners who say they do not want the increase. He then stated the other question he has is relative to the \$10,000 in merit increases for Police Officers. He stated that he wondered why the budget did not increase merit increases for all other employees and he then asked what kind of raises the Police Officers will get if the \$10,000 increase is approved. Mr. Marshall stated that this issue was also discussed at the retreat and he explained that Police Chief Wallace is planning to retire at the end of December and one proposal that has been made is to take part of his salary and use it to give pay increases to some employees in the Police Department. He stated that the amount of the increases can be determined at a later date when the budget for the Police Chief position is clearer. Councilmember Johnson stated that if the wage increase would occur now or after Chief Wallace retires. Mr. Marshall stated that is one thing that staff is still trying to decide. He stated that including the \$10,000 in the budget simply gives Mr. Rice more leeway in granting wage increases up to the five percent annual cap.

Mayor Nagle stated the Council is asking some really good questions, but she reminded them that they are not passing the final budget tonight; rather, they are simply being asked to set a public hearing to consider final adoption in June and she would encourage individual Councilmembers to meet with Mr. Marshall or Mr. Rice to get in depth answers to their questions.

COUNCILMEMBER JOHNSON MADE A MOTION TO AMEND THE TENTATIVE BUDGET BY REMOVING THE WAGE INCREASE FOR THE PLANNING COMMISSION.

Councilmember Duncan stated that one reason he is asking questions is because he feels that if he has the questions, citizens also have the questions. Mayor Nagle stated the Council is free to answer any question they get from a citizen and she stated she simply wanted to remind the Council that they are not being asked to adopt a budget this evening.

Councilmember Peterson stated that he does not want to argue about the Planning Commission wage increase, but he thinks it is strange to remove it. Mayor Nagle stated that she has heard from Planning Commissioners that feel they deserve a wage increase and that is why she suggested adding it to the budget during the retreat. Councilmember Johnson stated he was told by some members that they would be comfortable with no compensation because they feel they are serving in a volunteer position. He stated he cannot speak for all of them, but the couple that he did talk to told him that they do not want to look like they are getting paid as an incentive to serve on the Commission. He stated they are citizens that volunteer and really want to participate. He stated they do not care about the money; rather they want to do what is right for the citizens in the planning of the community. Councilmember Peterson stated he can appreciate that, but a small stipend goes a long way in saying thanks for their time. Councilmember Shingleton stated the Commissioners that do not want the increase could always donate it to a good cause, such as Chloe's Park. Mayor Nagle stated they also have the option of refusing the

increase. Councilmember Duncan stated he does not care what decision is made; he is simply trying to respect the wishes of those he heard from.

Mayor Nagle stated that the Council will have further opportunities to amend the budget before the public hearing. Councilmember Johnson reiterated his motion to amend the budget. Mayor Nagle called for a second. COUNCILMEMBER DUNCAN SECONDED COUNCILMEMBER JOHNSON'S MOTION TO AMEND THE BUDGET. VOTING "AYE" – COUNCILMEMBERS DUNCAN AND JOHNSON. VOTING "NO" – COUNCILMEMBERS LISONBEE, PETERSON, AND SHINGLETON.

Mayor Nagle called for a vote on the original motion to adopt the tentative budget and set a public hearing for consideration of adopting a final budget. ALL VOTED IN FAVOR.

Mayor Nagle stated staff has done a great job on the budget this year and dedicating \$3.9 million to infrastructure projects is quite remarkable.

Councilmember Johnson stated that he wanted to make a request; he asked that staff review utility accounts and fees and see if there is any way to reduce any fees charged, particularly the secondary water fees. Councilmember Shingleton asked if there are a couple of bonds that will be paid off at the end of the calendar year. Mr. Rice stated there is at least one bond that will be paid off this year. Mayor Nagle stated that the utility fees associated with that bond can be reviewed at that time. Councilmember Lisonbee stated that it seems to her that the City collects quite a bit more than is being paid out for secondary water and she stated perhaps the Council can consider that issue this year to determine if fees should be decreased. Mayor Nagle stated that secondary water revenues can only be used on secondary water projects. Councilmember Lisonbee stated she understands that, but even with depreciation the payout for secondary water is quite a bit less than what is being collected. Mayor Nagle stated that is a conversation the Council can have. Mr. Marshall stated one of the main reasons staff is pushing to inventory the City's infrastructure is to provide an understanding of the condition of all the infrastructure in the City. He stated one of the great things about the budget is that the City is able to dedicate \$3.9 million of cash reserves to infrastructure projects. He stated that depreciation basically means decreasing the value of the infrastructure, which is why the City collects money in excess of the cost to operate the system so that when it is time to repair or replace the infrastructure the City has money on hand to pay those costs rather than bonding to complete projects. He stated that one of his goals for the upcoming fiscal year is to get a complete evaluation of infrastructure in order to estimate what projects are needed over the next 10 to 15 years so that rates can be based on that information. He stated the last thing he would want to do is reduce rates only to come back next year regretting doing that because of the lack of money available to complete projects. He stated it is not unhealthy to bond for projects, but the Council will have the opportunity to determine how much of the cash reserve should be spend on projects and how much should be paid for with bonds. He reiterated the assessment will help them know how to plan for the future and what the fees should be set at in order to fund that planning. Mr. Rice stated the City has the right people on staff to map the infrastructure and project a 10 to 15 year plan of the needs of the City.

7. Public Hearing – Proposed Ordinance 12-07 adopting Title Four rewrite of the Syracuse City Municipal code pertaining to Public Property and Utilities.

A staff memo from City Recorder Cassie Brown explained that a draft rewrite of Title Four of the City Code was presented to the Council early in 2012. Since that time the item has been on two work session agendas for review and discussion. At the conclusion of the last discussion staff was directed to add an item to the next business meeting to allow the Council to consider final adoption of the document for inclusion in the City Code. Any changes made to the document since the last discussion are highlighted in different colored font for easy reference.

Mayor Nagle convened the public hearing. Seeing no residents appearing to make public comments, Mayor Nagle closed the public hearing.

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 12-07 ADOPTING THE TITLE FOUR REWRITE OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO PUBLIC PROPERTY AND UTILITIES. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Proposed Ordinance 12-08 affirming Title Two of the Syracuse City Code as currently drafted; or Proposed Ordinance 12-11 affirming Title Two with amendment.

A staff memo from City Attorney Will Carlson explained that on April 24, 2012 the City Attorney reported to the City Council that the Council's January 2011 majority vote to recodify Title II was in error because four adjustments to mayoral power in the recodification required either a unanimous vote of the Council without the Mayor or a majority vote with the Mayor. In response, the Mayor and City Council directed the City Attorney to draft revisions to Title II that would eliminate these adjustments. The City Attorney recommends that the Mayor and Council vote in favor of Proposed Ordinance

No. 12-08, affirming Title II as currently drafted. While this would adjust mayoral powers from the powers granted by the old title, the adjustments are minor and the lost powers are unlikely to be exercised by present and future mayors. This Ordinance requires either a unanimous vote of the City Council, or a majority vote of the City Council with an affirmative vote from the Mayor. Should the Mayor and Council decline to adopt Title II as currently drafted, the City Attorney recommends adopting First Substitute to Ordinance No. 12-11, affirming Title II with the attached revisions. This would keep the statutorily identified mayoral powers the same between the old and new versions of Title II. This vote would originally have required just a majority vote of the City Council, but because the argument could be made that these mayoral powers were removed by the first vote on Title II, the City Attorney recommends that the Mayor vote on this as well as a reinstatement of statutory mayoral powers. *See* Utah Code Ann. §10-3b-303(2). Should the Mayor and Council decide to make further or different revisions to Title II passing that new version of Title II would require either a unanimous vote of the City Council, or a majority vote of the City Council with an affirmative vote from the Mayor. This would be to resolve the discrepancies in mayoral power between the old title and the version of Title II which was voted on in January of 2011.

Councilmember Peterson stated that judging from the discussion of the Council during the work session held prior to this meeting he does not think this item is going to be resolved tonight, but he wants to try to move forward. He stated his opinion is that the Council should affirm the version of Title Two that was voted on by the Council in January of 2011, but he wants the Council to address the issues they feel are relevant so that they can move on to other things. He stated he is not going to make a motion regarding this item and he gets the feeling no one else will either.

Mayor Nagle stated she hopes this issue does not turn into a bitter fight; the City went down this road four years ago when the City Council made changes to the Administrative Title of the City that restricted the Mayor's duties. She stated the issue was referred to the voters and they voted to restore the Mayor's duties in a six-member Council form of government. She stated she hoped the Council does not choose to follow that same path and cripple the City by creating division again. She asked City Attorney Carlson to provide his opinion of the status of the Administrative Title of the City and what could potentially happen to the City while there is nothing in place. Mr. Carlson stated the City is subject to be challenged if any part of the Title Two that was voted upon on 2011 that is different from the previous Title One is seen as detrimental to the City. He stated there is a possibility that the person making that challenge would prevail because the 2011 vote did not comply with State Code. He added, in contrast, that someone could also challenge the old version of Title One as well. He stated the bottom line is that the City is vulnerable to challenge considering the current state of the Administrative Title. Mayor Nagle added that she wanted to note for the record that the old Title One of the City Code was codified in 1970 and the City had not been successful in recodifying the powers and duties of the Mayor and Council since that time. She stated everything is now in limbo because of the Council's inability to address the issue. She stated she hoped the Council can move forward quickly. Councilmember Duncan stated his recommendation to remove the City from limbo is to revert to the old Title One and then move forward by readopting a new Title Two that complies with State Law. Mayor Nagle stated that is an option, but to make changes to duties of the Mayor it is necessary to have a unanimous vote of the Council or a majority vote of the Council with the Mayor voting favorably as well. She stated this is a power play and it is personal and the residents will get caught in a legal battle as a result. Councilmember Johnson stated that the question that was raised in the work session dealt with the process to adopt the new Title Two in 2011 was not carried out properly and a suggestion is to nullify Title Two, which will cause the City to revert back to the old Title One without any vote being taken. He stated he thinks that is a good first step to moving forward. He stated that the Council can look at the good parts of both Titles and not look at changing any powers and duties. He stated it would be another recodification of the Title, but it is not necessary to consider the powers of the Mayors unless everyone agrees there should be changes. Mayor Nagle stated the Council must consider the powers because that is what the citizens voted on in 2007. Councilmember Shingleton stated that the Council was already acting as a six-member Council form of government and that was included in Title One. Councilmember Lisonbee agreed. Mayor Nagle stated that the City Code did not reflect that. Councilmembers Lisonbee and Shingleton argued that it did. Councilmember Lisonbee added that her concern is that there have been citizens that have expressed that they feel the recodification that was done improperly went against the lawsuit that was filed in 2007 and they are prepared to file another lawsuit as a result. She stated she does not feel that reaffirming Title Two this evening would clear the City of that liability, nor would affirming the other option that has been provided to the Council. She stated she feels it is very important that the Council do things the right way and in looking through the old Title One there are many changes in the balance of power that the Council needs to address. She stated she does not think this is about any one person; she thinks it is about the process and it is important that the Council address that. Councilmember Duncan stated what he is being told is that he is "gumming up the process" and putting the City in a position of liability. He stated that he has before him an ordinance that is contrary to the State Code. He stated he wants to make it abundantly clear that the City Council is in favor of rectifying something that was done incorrectly in 2011 and the Mayor is telling the Council that is not the way to do it. Mayor Nagle stated that she is simply telling the Council that they should follow the advice of the City Attorney, who was hired to keep the City out of court. She stated that the best way forward is to consider one of the two options presented by

Mr. Carlson. Mr. Carlson stated the Council can certainly consider a third option, which is to revert to the old Title One. He reiterated that any one that would benefit from the old version and be hurt by the new version could challenge the City Code. He stated that if the Council chooses to proceed with annulling Title Two and decides not to vote in accordance with State Code, anyone that benefits from the new version or is disadvantaged by the old version could likewise challenge the City. He stated that is why he is recommending that regardless of the decision that there be a majority vote with the Mayor's affirmative vote or a unanimous vote of the Council. Mayor Nagle stated that the Council will not be making a decision tonight and she suggested that the item be added to the next work session agenda for further discussion. Councilmember Duncan stated that one of the things that Mr. Carlson has stated is that the Mayor has the ability to rely on precedent and he wants some legal research conducted into that issue prior to the next meeting. He stated that his interpretation of Mr. Carlson's comments are that because the Mayor has relied on Title Two for the last 18 months it has become an acceptable Title. Mr. Carlson stated he has referred to anyone benefitting from either Title; his comments were not specific to the Mayor. Councilmember Duncan stated that regardless he wants research conducted into the idea that even though a law is not property passed someone can rely on it being valid and has the ability to pursue legal action because of that.

9. Proposed Ordinance 12-09 amending various provisions of Title 10, the Land Use Ordinance, relating to a new Flex Development Zone.

A staff memo from the Community Development Department explained that in response to requests from The Ninigret Group and City leadership, City staff has developed a proposed Flex Development Zone document that could meet the needs and intent of Ninigret to develop a portion of northeast Syracuse City, as well as allow the potential use of this zone in other locations within the City where it may be appropriate. City staff believes that this zone may have application elsewhere in the City, and therefore zoning language is included to make it transferable to other parts of Syracuse. The purpose of the Flex Development Zone is to provide for a range of development opportunities to allow a property owner/developer flexibility to tailor a project that meets the changing needs of the market—this could include uses such as: manufacturing, professional office, retail, distribution, warehousing, processing, packaging, storage, shipping and other transportation activities, and a general blend of similar uses contributing to the economic base of the city. The goal of such a zone would be to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, and to improve the design quality of similar uses.

On February 21, 2012, the Syracuse City Planning Commission received their first draft of the Flex Development Zone. Since that first review, three separate drafts have been developed through Planning Commission discussions (see attached Flex Development Zone Draft A, B, & C). Draft A is language staff initially prepared for this zone that has since been refined. Draft B is a more highly restrictive version, developed through working with the Planning Commission. Draft C reflects the final comments staff received during the Planning Commission Work Session on April 17, 2012, and is the most restrictive of the three drafts. In addition to this and prior to presenting the documentation to City Council, the Syracuse City Attorney has reviewed the language and provided suggested minor amendments to the document. On March 20, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed Flex Development Zone, in which multiple comments were received (submitted letters and emails pertaining to Flex Development are attached; Planning Commission minutes are also available upon request). On April 17, 2012, the Syracuse City Planning Commission voted to deny the proposed Flex Development Zone (which included all variants of the proposed zoning document) for inclusion into the Land Use Ordinance. The motion to deny was prefaced with the reasoning that industrial uses listed in the proposed Flex Development zoning document do not belong in Syracuse.

The Community & Economic Development Department hereby recommends that the Mayor and City Council discuss the inclusion of a new Flex Development Zone in Title Ten within the Syracuse City Code to reflect attached Ordinance No. 12-09 and/or that the Mayor and City Council amend Title Ten, to include a new Flex Development Zone within the Syracuse City Code to reflect attached Ordinance No. 12-09.

COUNCILMEMBER JOHNSON MADE A MOTION TO DENY PROPOSED ORDINANCE 12-09 AMENDING VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE, RELATING TO A NEW FLEX DEVELOPMENT ZONE. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

Councilmember Peterson asked if someone is proposing an alternative to the Proposed Ordinance. Councilmember Johnson stated that the reason he made the motion is because of the comments the Council heard tonight from the public, namely the comments about the business park zone that the Planning Commission prepared. He stated he would like to see an item regarding that zone on the next City Council work session agenda. He stated he feels there is a myriad of ways the Council can look at development in the City and he does not think this is the correct way. He stated the flex zone as written has way too many permitted uses and it is a blank check in his mind. He stated he believes it can be honed down and other zones could be created with more specificity. He stated he is not saying no to development, but this zone is not right for the City; there is other zoning that is right for the City that can invite and entice development. He stated that this could be the

starting point of negotiations; the Council can review the business park zone or possibly modify the industrial park zone that is currently in place. He stated the work the Planning Commission has done has been excellent and he trusts that they denied the flex zone for a reason and he looks forward to reviewing the business park zone they developed. He stated that all parties can be involved in future discussions and negotiations. He suggested citizen involvement, the involvement of Ninigret, or any other developer. He stated this zone as written is not conducive to the City. He stated the Council needs to hear everyone's thoughts about zoning. He stated that in his mind, zoning is developed to help control the City and dictate what uses will be allowed in different areas of the City. He stated that the flex zone language varies from that way of thinking and allows too much openness in one area of the City. He stated that he wants to deny the flex zone and bring forth the business park zone and possibly look at all zones in the City to determine how to accommodate different businesses.

Councilmember Peterson stated he disagrees the flex zone is a blank check. He stated he feels it allows for a wide range of uses, but many of the uses require conditional use approval and they must meet minimum laws and standards to be allowed. He stated that the businesses are given some latitude, but the City still has control over what can be developed. HE stated he thinks some work can be done on this issue. He stated he did not attend the Planning Commission meeting where they made a decision on this issue and he has not reviewed the minutes of that meeting, but he got the feeling that they possibly got frustrated with the issue and they decided to vote against it. He stated that he feels this issue is becoming more about Ninigret rather than the actual zoning. Councilmember Johnson stated that it should be about zoning at this point and he does not think this is a zone he would like to see in any part of the City. He stated he is not considering Ninigret at this point; rather he is trying to look at what zones would fit in different areas of the City. He reiterated he does not believe this is a good zone for any part of the City. Councilmember Peterson asked Councilmember Johnson to be specific about what he does not like about the zone. He stated that there is already an industrial zone right next to the subject property. Councilmember Johnson stated that is correct and the industrial zone is good. He noted there is also a good zone for commercial uses, research parks, professional office space, etc. He stated that the point of zoning is to dictate what types of uses will be allowed in certain areas of the City. He stated a flex zone is too broad and encompasses so many uses that someone can get in other different zones in the City. He stated he feels it is basically the combination of three zones in one. Councilmember Peterson stated he feels it is more healthy for that area to not draw firm lines. Councilmember Johnson stated he is not talking about that area; instead he is talking about the whole City. Councilmember Peterson stated that this issue was raised because of that area. Councilmember Duncan stated the City needs to be very specific about creating specific zoning for specific developers. Councilmember Peterson stated that, in his opinion, the flex zone is more healthy that drawing lines that dictate what uses can be allowed in different portions of the parcel. He stated the flex zone gives the opportunity for a company to provide buffering or transitional uses.

Councilmember Lisonbee stated that she emailed Mr. Rice and asked for the minutes of the last Planning Commission meeting and they were very enlightening. She stated that at the beginning of the meeting Chairman Day stated that he believed the proposed zone had a lot of value, but he struggled with its compatibility with the General Plan and did not consider it useful in certain areas of the City and would probably vote it down. She stated that later in the meeting after discussion, Commissioner Bodrero commented that he liked the zone and he referred to it is a tool to be included in the City's tool box. She stated that Commissioner Pratt engaged in a back-and-forth discussion about whether it was an appropriate tool for the City. She stated that she thinks there were a lot of really good comments made on both sides of the issue. She stated that she has read through the zoning language and she agrees that it is a combination of three other zones that are currently included in Title Ten. She stated that while she can see that it opens up certain areas of the City to be more flexibly developed, she hesitates to adopt the zone. She stated that she agrees that it does not comply with the General Plan and she is concerned that the Council is not following the proper procedure. She stated if the Council wants to consider adopting the zone, they should probably open and amend the General Plan first. She stated she had questions about why it would be appropriate to create a zone that would basically negate three other zones in the City or opens the door for certain development. She stated that she has concerns similar to Councilmember Johnsons. She added that she has also talked with the Ninigret developer and there is not a lot in the flex zone that would allow him to do what he wants with the property. She stated that she does not feel that the zone is appropriate for the City at this current point in time. She stated that tonight she would hesitate to vote for or against the zoning because she does not know the Council has considered all options; she would have preferred to see what the Planning Commission actually passed on the same agenda. She stated she feels it is odd that the Council is considering a zone the Commission denied and not considering a zone they actually approved.

Mayor Nagle stated that she talked to Councilmember Shingleton prior to this meeting and he indicated that he thought it would be a good idea to table this item and have further discussion about it in an extended work session meeting. She stated that would allow the Council to gather everyone's opinion, hear from all City staff involved, and better disseminate information. She stated that maybe a flex zone is not needed in the City and in the end the zoning is supposed to protect the City and not a developer. She stated perhaps it would be appropriate for someone to make a substitute motion to table the item so that it can be discussed in a work session at the end of the month. Councilmember Johnson stated that he

thinks the Council can meet in a work session with all parties involved, but he does not think this is the appropriate starting point for that discussion. Councilmember Duncan stated that he does not feel denial of this zone would end the discussion about Ninigret developing in the City. He stated there are some things about Ninigret that are very inviting, but the real question before the Council tonight is whether flex zoning is appropriate for the City, but it is not on the table to night to discuss whether “we” want Ninigret in the community. He stated one reason he is in favor of denying the zone this evening is because he has talked to Ninigret and he feels there are other ways to reach a conclusion. He stated that he wants to make it abundantly clear that he is very disappointed that the business park recommendation was not forwarded to the City Council at the same time that the flex zone was forwarded. He stated he feels that is a slap in the face to the Planning Commission and he does not appreciate that both items were not included on the agenda. He stated that he has reviewed the General Plan and it is very extensive and thorough and it has been developed over decades. He stated that one thing he noticed in his review is that the City has been very careful and methodical in the decisions that have been made. He stated that Ninigret may fit into the community, but it is going to take some radical revisions to the General Plan and the idea behind it. He stated that as a member of the City Council he does not feel he has the right, nor does he have the desire, to overlook several years of serious consideration and participation by the citizens and Planning Commission. He stated the process is designed to provide careful consideration of the City as a whole. He stated that if the Council is going to table this issue, he is not interested in revisiting it again in two weeks. He stated the Planning Commission is currently reviewing the General Plan and he would like to allow them to talk to Ninigret and citizens about the issue. He stated that denying flex zoning is not the same as telling Ninigret to “take a flying leap” because there are other ways of incorporating them in the City. He stated the real discussion needs to be about the General Plan. He stated that if Ninigret wants the property bad enough they can wait for that to be worked through. He stated the bottom line is that he does not feel the issue can be resolved in two weeks. He stated he is very familiar with what Ninigret wants and he is very sympathetic to many of the things they want. He added he is also very excited about some of the things they can offer, but he is very concerned with how starkly their ideas contrast with the City’s General Plan. He stated that adopting the flex zone now would go against the General Plan. He stated that there were comments made about what precedent adopting the flex zone would set. He stated that for decades the City has been very careful and methodical and that would be destroyed or demeaned if it is not followed in this instance. He stated he feels the Council needs to slow down and have discussions with Ninigret while considering the General Plan. He stated he does not think a decision needs to be made in the next two weeks and he is not excited about spending meeting after meeting discussing the issue. He stated he feels the time needs to be taken to actually review the General Plan.

Councilmember Johnson stated that he feels the Council is talking about two different issues. He stated consideration of a zone is in front of the Council tonight and he does not feel that should be tabled; rather, the discussion should be had with other parties about development and that is not connected to the flex zone. He stated the Council can still look at zoning options for Ninigret. He stated Ninigret needs to be separated from this issue. He stated denying this Proposed Ordinance simply communicates that the Council does not want this particular zone in the City. He stated he is still open to have discussions with Ninigret and he stands by his motion to deny the creation of a flex zone.

Mr. Rice stated that he wanted to address the business park zone issue raised by Councilmember Duncan. He stated that staff did not forward the business park zone to the Council because there are currently no users requesting business park zoning. He stated that there are users that are requesting the flex zone, which is why it was forwarded to the Council. He stated there is an additional zone – the neighborhood services zone – that staff intends to forward to the Council before forwarding the business park zoning because there is a user requesting it as well. He stated there is no urgency to consider or adopt a business park zone. Councilmember Lisonbee stated that she just heard from Mr. Rice, and she read in the Council packet, that Ninigret requested the flex zoning, but she has been told by Ninigret that they did not request the flex zoning; rather, they requested certain zoning changes and they were handed the flex zone by staff as an option. Mr. Rice stated staff has been working on the flex zone since December after researching what zoning options exist in other cities. Councilmember Lisonbee asked if Ninigret really requested the flex zone or did they simply request certain aspects that are included in the flex zone. Mr. Rice stated he is not sure of the answer to that question but he knows there is a user interested in the zone. He stated that the landowner would like the zoning language. Councilmember Lisonbee asked if they wanted everything included in the flex zone. Mr. Rice stated that they did not ask for everything that is included in the zone language and he reiterated that staff began working on the flex zone quite a while ago. He stated that there are one or two other locations in the City where the flex zone would be appropriate. Mike Ostermiller, speaking on behalf of Ninigret, stated that their position on this issue has been very consistent throughout the process. He stated that they look at the flex zone as a solution to the problem they are trying to solve, but they do not look at it as the only solution. He stated he appreciates the discussion this evening and he noted it is very similar to many discussions that have already taken place. He stated their position has always been that they are more than willing to slowly talk and work this issue and figure out what makes sense for them, the City, and the citizens. He stated he feels that tabling this issue for further discussion in future work sessions would be very appropriate and they would be more than happy to participate at the Council’s discretion.

Councilmember Duncan addressed Mr. Ostermiller and asked if there are still options available to Ninigret if the Council decides against the flex zoning. Mr. Ostermiller stated there are still options, though there will be fewer options. He stated his position has always been that the Council should table it for now and then go in a different direction if that is what they choose to do. He stated he would like for it to be kept open as a possibility. Councilmember Duncan stated that he has tried to work with both parties on both sides of this issue, but what he has heard from the Planning Commission and residents and he shares some of their concerns about this zone. He stated that his point is that Ninigret could still develop a profitable project even if the flex zoning is denied. Mr. Ostermiller agreed denial of the flex zone will not “kill” the project. He noted there are certainly other options for Ninigret. He stated the flex zone could be changed and “tweaked” in the future until the Council feels comfortable with it in order to adopt it. He stated other options would be to create another zone and figure out how to craft it so that it protects the City or to “tweak” an existing zone in a way that would allow development while allowing the City the ability to protect its citizens, which he knows the Council is very concerned about. Councilmember Johnson stated that is his position; he feels that other zones can be changed if necessary or a new zone could be created. Mr. Ostermiller stated his only response to that position is that if the Council denies the zone tonight rather than table it, one of the options of reworking the flex zone to a point that the Council is comfortable with, would be killed. Councilmember Johnson stated he wants to deny the flex zoning tonight and start working on a whole new zone. Councilmember Peterson stated there are three documents in the packet tonight that the Council could use a starting point if they decide to table rather than deny the Proposed Ordinance. Councilmember Johnson stated there are an additional five or six documents floating around that the Council could use as a starting point. He stated the flex zone has some good things that they could use in another zone, but as it is written it is not viable for his vision for the City, but the Council can start having a conversation about creating a light industrial or other type of industrial zone. He stated he does not want to stop the discussion about the project, but he does not feel that the flex zone is the appropriate starting point for the discussion. Councilmember Duncan stated that changing the name of the zone does not change what it is and he wants to express that he is concerned about having so much flexibility in a zone and he will not be happy if the zone is renamed, unless the General Plan can be changed in an appropriate manner with citizen input, etc. He stated he is not an expert and he is only one citizen and he would prefer to look at the history of the City and determine whether ideas will fit with the General Plan.

Councilmember Peterson stated that he had a few more comments to make. He stated that he sympathizes with the citizens that live near the proposed development. He then addressed the Planning Commissioners present and stated that he is uncomfortable with the fact that they had so many problems with the flex zone because he has respected everything the Planning Commission has done since he has been a Councilmember. He stated he also respects the work that previous Planning Commissions and City Councils have done. He then stated that he has also read the entire General Plan and there are two sections that say “the implementation of the General Plan involves changes and additions to ordinances, zoning, and City policy”. He stated that people have recognized along the way that the General Plan is not set in stone and it will be necessary to change it as the needs of the City change. He then stated that he feels that there would still be ways to protect the citizens that live near the project area if the flex zone were adopted. He stated that he thinks there are some things within the flex zone language that would protect them and there would also be the opportunity to protect them through architectural review and engineering. He stated that the Council does not want to allow for the construction of an eye-sore or a nuisance, and he thinks that the flex zone accomplishes that. He reiterated that he respects the feelings of those that live there. Councilmember Duncan stated that he lives by the project area and he knows most of the people that live in that area and there are many people present this evening that do not live in the area. He stated this is not just about the people that live in the area, but it is about people that live throughout the City. Councilmember Peterson stated that is correct, but the people that the Council has heard from many times live in that area. Councilmember Johnson stated that he has talked to many residents and there are a lot of people that live throughout the City that are opposed to the project. Councilmember Peterson stated that he has spoken to many people that are in favor of the project.

Mayor Nagle stated there has been a motion and a second to table the Proposed Ordinance. She called for a vote. VOTING “AYE” – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, AND SHINGLETON. VOTING “NO” – COUNCILMEMBER PETERSON.

10. Proposed Ordinance 12-10 amending various provisions of Title 8, the Subdivision Ordinance, relating to cul-de-sacs.

A staff memo from Cul-de-sac length deficiencies were first brought forward to Planning staff from the City Engineer, who noticed multiple examples throughout the City where cul-de-sacs were well in excess of the current Title Eight standard of 400 feet. Examples include cul-de-sacs in excess of 800 feet (see attached City cul-de-sac examples). To assist in curing some of the existing deficiencies, expand development flexibility, and provide a mechanism that encourages creative design while also meeting City needs, amendments to the cul-

de-sac ordinance are proposed as attached. Police, Fire, Public Works, and the City Attorney have all reviewed, commented, and accepted the proposed changes.

On May 1, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed amendments to the cul-de-sac language, in which one comment was received. On May 1, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendment to Title Eight, Chapter Three, Public Improvements – Cul-desacs within the Syracuse City Code. Proposed changes include the increase of the standard cul-de-sac length from 400 feet to 500 feet with the ability to apply for an exception up to the length if specific provisions (as listed in the attached ordinance language) are met.

The Community & Economic Development Department recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend Title Eight, Chapter Three, Public Improvements – Cul-de-sacs within the Syracuse City Code to reflect Ordinance No. 12-10.

COUNCILMEMBER SHINGLETON MADE A MOTION TO REFER PROPOSED ORDINANCE 12-10 AMENDING VARIOUS PROVISIONS OF TITLE 8 TO THE PLANNING COMMISSION. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

11. Authorize Administration to execute agreement for the 1350 South and 1475 South road improvement project.

A staff memo from Public Works Director Robert Whiteley explained this street project is one that was identified in the list presented to City Council as a high priority neighborhood street that receives high traffic volumes. 1350 South is located in front of Cook Elementary. 1475 South is a nearby street that brings traffic into the neighborhood from 1000 West. The project will conform to a geotechnical report that was performed recommending a full reconstruction with three inch asphalt on eight inch base on fabric. In preparation of this construction, a section of sewer main will be replaced in June and sections of curb and gutter that have failed will be replaced this month. Sidewalk ramps on the east end of 1350 South were replaced last month. Additional sidewalk ramps on the west end of 1350 South will be replaced this month. The street reconstruction will begin in July and will be complete before school begins in August. The cost for this project came in approximately \$20,000 less than the estimate. The four lowest bids came in fairly close to one another. The bid amount on this project is \$150,150. Funding for this project will come from our Class C road funds.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENTS FOR THE 1350 SOUTH AND 1475 SOUTH ROAD IMPROVEMENT PROJECT. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

12. Councilmember reports.

Councilmember Lisonbee stated that she wanted to comment on the concept of healthy dialogue and she noted that the foundation of the City is its citizens and she appreciates all the citizens that took the time to come and address the Council about an issue that they feel very passionate about. She stated that she respects the sacrifice that often takes after having done the same thing for one and a half years before she was elected as a Councilmember. She stated that she appreciates citizens attending the meeting and she appreciates the healthy dialogue that took place this evening. She stated that discussions result in win-win situations more often than not because the Council is willing to dialogue and be open and honest. She stated she has nothing to report relative to the assignments she holds as a Councilmember and she asked Mr. Rice when the Taxing Entity Committee (TEC) will begin meeting. Mr. Rice stated that the schedule for the TEC meetings has not yet been set.

Councilmember Shingleton stated that he wanted to recommend that the Council review the Planning Commission recommendation about the business park zone; he was disappointed that the Council did not have that recommendation available to them so that it could be included in the discussion this evening. He stated that he would like to commend staff for the things that they have done recently, especially their work on the budget. He stated that this is the best budget the City has seen in a long time and he wanted to congratulate those that have worked so hard to prepare it. He stated he would also like to thank the citizens; this is their government and they are all listened to and he wanted them to know that. He stated he would like to see a work session where the Council could spend an extended amount of time discussing the zoning issue; he feels that the Council was short changed by only having 10 minutes to discuss the issue this evening.

Councilmember Duncan stated that he wanted to echo some of Councilmember Shingleton's feelings. He stated that this has been an overwhelming process, but he has been very pleased with some of the things that have happened. He stated that he has been pleased with those citizens that have showed their concern and he wished that more people would attend City Council meetings to express their opinions. He stated that he does appreciate that everyone handled their emotions very well tonight; this is a tough, divisive issue and he appreciates Councilmember Peterson's comments. He stated that moving forward the City Council can only be as good as the people that are backing them and he would really like to see some good work from the citizens and Planning Commission relative to any General Plan amendments. He stated that the changes should acknowledge what "we" want for "our" City so that when this issue is brought up again the Council can be

comfortable that good decisions were made by people involved. He then stated he would also like to see an agenda item on the next Council meeting agenda dealing with the Business Park zone language that the Planning Commission recommended for passage by the Council.

Councilmember Peterson stated he wanted to provide a report about his participation with on the North Davis Sewer District (NDS) Board. He stated that they will be increasing their user fees by \$1.00 per household per month and he would like to hear from the NDS very soon about that issue because they have a detailed presentation regarding the increase. He stated that the NDS is a wonderful sewer district that has recently received a couple of prestigious awards; they were featured in an international publication about sanitary sewers and the need for them. He stated the article also highlighted some of the problems other countries have related to their sewer systems. He stated there was also a recent annual awards banquet held by the Water Environment Association of Utah and the NDS swept the majority of the awards, with the most notable being the lab of the year and the safety awards. He stated that so many people take a sanitary sewer system for granted. He then stated the last thing that he wanted to report is related to the non-obvious things that people should not put down their drains that end up at the sewer plant. He stated that hair, egg shells, fruit rinds, stickers from fruit, and wet wipes cause big problems for the NDS. He closed by stating that there are some great things happening at the sewer plant and he supports the \$1.00 increase.

Councilmember Johnson stated he would also like to compliment the staff on the great job they did in preparing the budget; he feels the City is in a good position, especially relative to capital projects. He stated that in the future the City should be able to continue to add projects to the list to be completed or decrease debt and maintain the City in the best way possible. He agreed with Councilmember Shingleton and Duncan about adding an agenda item to the next meeting agenda regarding the business park zone. He stated that he also appreciates the Planning Commission and the work they have done and not wanting to increase their salary has no bearing on the great job they are doing. He stated that he only has fiscal responsibility in mind. He then stated that he attending the Antelope Island Tourism Board meeting and it was a very good meeting; there are a lot of things going on with that group that the Community Development Department is involved in. He stated that the local Chamber of Commerce is very involved as well. He stated the City has a great niche with Antelope Island and he hoped that everyone can get and participate in events taking place there. He stated the Great Salt Lake Bird Festival will be held there in May and he provided the web address, greatsaltlakebirdfest.com, for anyone interested in getting more information about the event. He stated there will also be a moonlight bike ride in July and the Antelope Island Stampede at the end of the summer. He stated that he believed a lot of the activities will be advertised in the City's newsletter and there will be opportunities for community members to volunteer or get involved in other ways.

13. Mayor report.

Mayor Nagle stated she would like to encourage everyone to come to Centennial Park on May 12 at 11:00 a.m. for the Military Appreciation barbeque. She stated that there was a bad accident on Hill Air Force Base over the past weekend and they have rebounded from it very well and they are now looking to cities for assistance in bussing for the air show because of that. She stated that Syracuse will do everything possible to step up and help them.

14. City Manager report.

Mr. Rice stated that he believed the Council had received a copy of the press release regarding the City's new anti-idling policy that has been created. He stated that it was modeled after Salt Lake City's policy and it applies to all employees driving a City vehicle.

15. Consideration of adjourning into Closed Executive Session pursuant to the provisions of 52-4-205(1)(a) of the Open and Public Meetings Act 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 SHINGLETON MOVED THE COUNCIL ADJOURN INTO 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 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 PETERSON SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS JOHNSON, LISONBEE, PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

The meeting adjourned into Closed Executive Session at 9:30 p.m.

City Council Meeting
May 8, 2012

The meeting reconvened at 10:45 p.m.

At 10:46 p.m. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: August 14, 2012