

Minutes of the Special Meeting of the Syracuse City Council held on May 22, 2012, at 6:00 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  
City Manager Robert Rice

City Employees Present:

Police Chief Brian Wallace  
Fire Chief Eric Froerer  
Finance Manager Steve Marshall  
City Attorney Will Carlson  
Recreation Director Kresta Robinson  
Community Development Director Mike Eggett  
IT Director TJ Peace  
City Planner Kent Andersen  
HR Specialist Monica Whitaker

### 1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 6:00 p.m. as a specially scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

### 2. Approval of Minutes

The minutes of the Special Meeting of April 24, 2012 were reviewed.

COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE THE MINUTES OF THE SPECIAL MEETING OF APRIL 24, 2012 AS PRESENTED.

Councilmember Lisonbee stated that she usually likes to compare the written minutes with the digital recording of the meeting. She stated that a couple of things included in the meeting minutes did not quite coalesce with what she remembered from the meeting. She stated that the problem is that the recording from the meeting was muted for the last half of the meeting so she was unable to compare the written minutes with the recording and so until she can rectify that situation she wants to table the minutes.

COUNCILMEMBER DUNCAN SECONDED COUNCILMEMBER LISONBEE'S MOTION. VOTING "AYE": COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, AND SHINGLETON. VOTING "NAY": COUNCILMEMBER PETERSON.

### 3. VanZeben Architecture request for Final Subdivision and Site Plan approval, Pheasant Crossing Business Park, located at approximately 736 S. 2000 W.

A memorandum from staff explained that during the initial subdivision review for this project staff requested that the proposed Pheasant Crossing Business Park, a one lot subdivision, be included in an overall subdivision with the lot to the south, owned by Benchmark Real Estate. VanZeben Architecture contested that request because the property had already been purchased and a metes and bound description was recorded with Davis County declaring that a subdivision had already occurred. However, it is staff's interpretation that because the Syracuse City Land Use Authority did not authorize the subdivision, the subdivision may not be considered legal by the City; therefore, VanZeben Architecture, at the request of staff and Planning Commission, agreed to contact Benchmark Real Estate to ask for their participation in an overall subdivision (request letter attached) and, according to VanZeben Architecture, Benchmark Real Estate did not respond to the letter. Not wanting to delay the development of the Pheasant Crossing Business Park Subdivision, staff and Planning Commission were satisfied with VanZeben Architecture's attempt to enlist Benchmark Real Estate to participate in a combined subdivision.

On April 17, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed Pheasant Crossing Business Park Subdivision, during which no comments were received. On May 1, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the Pheasant Crossing Business Park Subdivision. Regarding approval, staff recommends that any approval be contingent upon City receipt of a joint use agreement between Benchmark Real Estate and the Pheasant Crossing Business Park Subdivision allowing for the joint use of the driveway off 700 South and acceptance of the Pheasant Crossing Business Park detention basin crossing the property line.

The Community & Economic Development Department hereby recommends that the City Council review the Pheasant Crossing Business Park Subdivision final approval request for discussion purposes. The Community & Economic Development Department hereafter recommends, following recommendation from the Syracuse City Planning Commission,

that the Mayor and City Council approve the Pheasant Crossing Business Park Subdivision, located at approximately 736 South 2000 West, subject to all recommendations made by the Planning Commission, City Staff, and the City Engineer.

City Planner Andersen approached the Council and summarized the staff memo. He stated that Dan VanZeben is also present to answer any questions from the Council. He stated there are a few items that staff would like the approval to be contingent upon. He stated one of those items is that a joint use agreement be executed with Benchmark Real Estate. He stated that off of 700 South there is a dirt road that could be used as a secondary access for the Fire Department in case of any emergency and staff would like for there to be a joint access easement between Benchmark and the Pheasant Crossing Business Park to ensure that the City can continue to use that access for emergency purposes. He stated that he is aware that the two parties have had that conversation and an easement agreement will ultimately be executed. He then stated that the second contingency would be that VanZeben be required to satisfy any outstanding staff or engineering comments. He stated a letter from the City Engineer was included in the Council packets, as well as a list of staff recommendations.

Councilmember Lisonbee stated that there was a letter in the packet from the City's Fire Chief and she asked if his concerns have been addressed. Mr. Andersen stated that the issue has not been completely resolved, but he understands that Benchmark and VanZeben have met to discuss the issue and it is his understanding that they are currently working to draft a letter that would address the Fire Chief's concerns. He reiterated that he would like for any approval to be contingent upon the City receiving proof that the issue has been addressed.

Councilmember Duncan inquired as to why the City would be concerned about a one-lot subdivision. Community Development Director Eggett explained that the Utah League of Cities and Towns (ULCT) encourages the development of clean subdivisions and they frown upon a single-lot subdivision because it is not a true subdivision. He explained that a subdivision, by definition, is a division of lots, so legally speaking a single-lot would be divided into two parcels. He stated that it is much harder for the Davis County Recorder's Office to recognize a meets and bounds division for this type of subdivision because the question becomes what is going to happen with the other parcel of property. He stated that the County and the ULCT discourage the practice, but the City is not precluded from moving ahead and approving this type of subdivision. He noted that the City's legal counsel is comfortable with proceeding with approval of the application.

Councilmember Lisonbee asked if she would be correct in assuming that the Planning Commission held a public hearing regarding the application, to which Mr. Andersen answered yes. Councilmember Lisonbee asked Mr. Andersen to provide a brief summary of the public comments for or against the application. Mr. Andersen stated there were zero comments made.

**COUNCILMEMBER PETERSON MADE A MOTION TO GRANT FINAL SUBDIVISION AND SITE PLAN APPROVAL FOR THE PHEASANT CROSSING BUSINESS PARK SUBDIVISION, LOCATED AT APPROXIMATELY 736 S. 2000 W., CONTINGENT UPON THE CITY RECEIVING THE REQUESTED LETTER FROM BENCHMARK REAL ESTATE. COUNCILMEMBER SHINGLETON SECONDED THE MOTION, BUT STATED HE WOULD LIKE TO INCLUDE ADDITIONAL CONTINGENCIES THAT WERE NOTED IN THE STAFF MEMO PROVIDED IN THE COUNCIL PACKET.**

**COUNCILMEMBER PETERSON AMENDED HIS MOTION TO GRANT FINAL SUBDIVISION AND SITE PLAN APPROVAL FOR THE PHEASANT CROSSING BUSINESS PARK SUBDIVISION, LOCATED AT APPROXIMATELY 736 S. 2000 W., CONTINGENT UPON THE CITY RECEIVING THE REQUESTED LETTER FROM BENCHMARK REAL ESTATE AND ALL RECOMMENDATIONS MADE BY PLANNING COMMISSION, STAFF, AND THE CITY ENGINEER. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.**

Mayor Nagle asked Fire Chief Froerer if he had any concerns about the subdivision. Chief Froerer stated that he has discussed all of his concerns with the Community Development Department. He stated that he feels comfortable that access will be provided as has been discussed. He noted there is a small area of landscaping to be located in the parking lot of the business and he was concerned about being able to navigate and turn fire apparatus around that area, but that has been resolved as well.

Councilmember Duncan stated his understanding is that a dental office will be built on the site in question. Mr. Andersen stated that is correct. Councilmember Duncan stated that when he hears the word subdivision he thinks about houses. Mr. Andersen stated that this is a commercial subdivision. Councilmember Duncan asked if staff and the Planning Commission are comfortable that the contingencies will be met, to which Mr. Andersen answered yes. Councilmember Duncan stated that other developments have taken place in that area; there are other dental offices in close proximity to this property so he thinks this use is a good fit for the area. He stated that if "we" did not want that use in that area, "we" are a little late.

Mayor Nagle stated there has been a motion and a second regarding the development application; she called for a vote. ALL VOTED IN FAVOR.

4. Proposed Ordinance 12-12 approving the Neighborhood Services Zone.

A memorandum from staff explained that in October, 2011, expanding on a desire to relocate a business to the corner of 1700 South and Banbury Drive, Russell Rentmeister of Rentmeister & Co., Inc. approached City Staff with a request to modify his existing building off 2000 West on 2250 South by converting it to storage units. Staff viewed this as an opportunity to incent gentrification at this location by creating a zone that allows more uses and encourages a landowner to modify and improve the existing location. During discussion with Planning Commission and in an effort to recognize requests received by the City, the proposed Neighborhood Services Zone could also meet future planning needs by creating a zone that would either be isolated or transitional in nature. This zone would permit a mix of small-scale uses (both in building and lot size), including commercial, professional office, and local services. The proposed purpose of the Neighborhood Services Zone is to provide for a range of opportunities specifically identified as providing local neighborhood services. Uses in this zone are not meant to have a large footprint, or be overly invasive to neighboring uses (further established by limiting acreage allowances in this zone).

On November 1, 2011, the Syracuse City Planning Commission received their first draft of the Neighborhood Services Zone, which was initially titled Light Industrial Zone. Since the first draft was written, eight additional revisions have occurred through Planning Commission discussions. During Planning Commission review of the Neighborhood Services Zone the Planning Commission was also reviewing the proposed Flex Development Zone. There was some confusion from the public regarding the Neighborhood Services Zone, as it was misunderstood that this zone would be used to meet The Ninigret Group's request to develop in Syracuse. Therefore, two of the emails received during the Light Industrial/Neighborhood Services Zone public comment phase reference SR-193 and Ninigret. However, with a maximum lot size of five acres and maximum building size of 20,000 square feet, the proposed Neighborhood Services Zone could not meet the Ninigret request; nor is it the desire of the Planning Commission or City Staff to have this zone used for any future large development.

On March 20, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed Neighborhood Services Zone (at that time titled Light Industrial Zone), during which a few comments were received. On May 15, 2012, the Syracuse City Planning Commission approved the Neighborhood Services Zone and recommended to the Syracuse City Council that an appropriate chapter referencing the zone be included in Title Ten of the City Code.

The Community and Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, to include the addition of the Neighborhood Services (NS) Zone within the Syracuse City Code to reflect Ordinance 12-12.

Mr. Andersen approached the Council and summarized the staff memo. He stated the proposed Ordinance would create a new zone in Title Ten; the zone would be called the Neighborhood Services Zone. He stated that the zone was developed in response to a request from Russell Rentmeister, owner of Rentmeister Total Home Services. He stated that Mr. Rentmeister submitted a request for a rezone of property located off of 1700 South, a location upon which they would like to build a new facility. He stated, however, that the Rentmeisters will not be able to relocate based on the fact that they will not be able to do anything with the building in which their business is currently located and that prevents them from being able to move forward due to finical restrictions. He stated they are currently located east of 2000 West near the Star Video location. He stated that area of the City has been zoned for commercial use for some time; it was the original commercial center of Syracuse City, but it has since been surrounded by residential uses. He stated that staff looked at this as an opportunity to try to perform some gentrification in this location to encourage landowners to be able to expand the types of services they currently provide. He stated Mr. Rentmeister was interested in converting his current location into storage units; there are already existing storage units in this location, but they were built before 1978, so they were grandfathered under old ordinances. He stated that Mr. Rentmeister has not been permitted to convert to storage units according to current land use ordinances. He then stated that in discussions with Planning Commission in response to the types of requests that City staff is receiving, this is a good zone that would make sense along 1700 South west of 1000 West; there are a few homes in that area, but the City is also receiving requests to build professional office or commercial types of building. He stated this would be a way for the City, on a small scale, to provide a transitional type of zone until the identity of an area becomes more solidified. He stated the size of the property that would be eligible for this type of zoning is key; the property cannot exceed five acres with the maximum of a 20,000 square foot building. He stated there was some confusion when this zone was originally recommended because it had a different name of light industrial zone. He stated that some residents thought that it was related to the Ninigret project. He stated this is not related whatsoever to any request made by Ninigret. He stated the name of the zone was changed in order to be a little more descriptive of the intent of staff and the Planning Commission.

**COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-12 APPROVING THE NEIGHBORHOOD SERVICES ZONE. COUNCILMEMBER PETERSON SECONDED THE MOTION.**

Councilmember Lisonbee stated she wanted to make a comment. She stated that she received communication from some citizens who expressed that they would have liked for the Council to have a public hearing on this issue. She stated that

there was a public hearing held by the Planning Commission, but it was held some time ago when the zone was called something else. She stated that for transparency purposes she feels it would be a good idea to table the ordinance and have a public hearing and then pass the ordinance at the last meeting. She stated that, by and large, it is a fairly good zone though there are a couple of "tweaks" she would like to see made. She reiterated that she feels that the ordinance should be tabled for transparency purposes.

Mr. Andersen asked if Councilmember Lisonbee could explain what changes she would like to see made so that staff can work on those changes prior to the date when the ordinance will be considered. Councilmember Lisonbee stated she is willing to have that discussion. Councilmember Duncan added that he also feels it would be good to give the citizens an opportunity to express their feelings on this issue. He stated that he also has some concerns about the zone, especially when considering how close the businesses allowed in this type of zoning could be to neighborhoods. Mr. Andersen stated that the Council will have the opportunity to review that issue when the General Plan updates occur; the Council will be able to select where the zone could be located throughout the City. Councilmember Duncan stated that may be the case, but in reading through the document he sees the types of permitted uses that are allowed in the zone and the use of automotive and engine repair services should be an exception because he would not like to be living next door to an auto-mechanic shop. He stated that the City needs to be careful. He stated that someone desiring that type of use would not even be required to apply for a permit from the City. He stated he feels that automotive shops are more intrusive than some of the other uses that are not exceptions. He stated he would like for the City to be able to review applications and tell an applicant whether the use that they desire is allowed in different areas of the City. Mr. Andersen stated that the Planning Commission had a lot of discussion about automotive and engine repair services. He added that the original version of the ordinance allowed body repair shops with conditional use approval, but that was removed completely from the ordinance because the Planning Commission felt that a body repair shop should not be allowed in this type of zone. He stated that the Council could make the change to the ordinance to dictate that automotive and engine repair shops only be allowed upon conditional use approval. He stated that would allow the Planning Commission to have additional discussion about those types of applications to make sure that it is appropriate for any given area of the City. He stated that would protect the neighboring uses. Councilmember Duncan stated that is the type of thing he is considering. He stated that overall he feels the zone is good, but he is worried about some of the categorizations in the ordinance. Mr. Andersen asked if there is concern about automotive shops only, or if there is also concern about the retail and routine maintenance shops, which would be a business like Jiffy Lube for example. Councilmember Johnson stated he felt both types of businesses should only be allowed upon conditional use approval, if at all in this type of zone. Mr. Andersen reminded the Council that the most important thing to consider is where this type of zoning will be allowed. He reiterated that he feels one good area of the City for this type of zoning would be along 1700 South between 1000 and 2000 West where there are some homes, but there are some good areas for commercial uses as well. Councilmember Johnson stated that the name of the zone indicates that businesses will be located next to homes in residential areas and he would be in favor of uses that create the least amount of impact while still allowing commercial uses. Mr. Andersen stated requiring some uses to obtain conditional use permits would help the City restrict commercial uses in residential areas. Councilmember Duncan stated that he is concerned about allowing equipment rental, sales, and service businesses in this type of zone as well. He asked if that would be a business that would be repairing heavy equipment, like tractors and other farm equipment. He stated he knows those types of businesses are needed.

Councilmember Shingleton stated that he had a concern about allowing a convenience store. He stated that those businesses do not require conditional use approval while a restaurant does. He stated that there is not a whole lot of difference between a restaurant and a convenience store. He added that most convenience stores sell gasoline and that could create some sort of danger in a neighborhood setting. Mayor Nagle asked if the state regulates businesses that sell gasoline. Mr. Andersen stated that he is unaware of that. Councilmember Duncan stated that he believed that those types of businesses must adhere to federal and state regulations.

Mayor Nagle asked how long this zone has been in the review process. She stated she believed that Mr. Rentmeister initially asked the City to consider something this approximately six months ago. Mr. Andersen stated that is correct. Mayor Nagle stated that the Council has the responsibility to be responsible to the citizens, but they also have the responsible to get the hurdles out of the way of business and a local business owner has asked the City to help him to be able to increase his visibility and profitability in the City. She stated that business owner has been very patient for six months and now the Council is putting more road blocks in front of him. She stated that Mr. Rentmeister is very much desiring movement on this issue. Councilmember Lisonbee stated that she agreed that the Council should move quickly on this, but she does not think that a two week delay is an insurmountable obstacle. Mayor Nagle reiterated that there was a public hearing held by the Planning Commission. Councilmember Lisonbee stated that this is the first time that the Council has seen the ordinance. Mayor Nagle stated that many Councilmembers attend the Planning Commission meetings, so Councilmember Lisonbee should not say this is the first time the zone is "on their radar". Councilmember Lisonbee stated this is the first time she has seen the document. She stated that she has not had six months to review it; she is seeing it for the first time tonight. She

stated that she would like to hold a public hearing and allow the Council two more weeks to review the zone. She stated that is just her opinion and if everyone else disagrees she is happy to move forward. She stated that for transparency reasons, and also for the reason that this is the first time the Council is seeing the document, she does not think two weeks is going to be an insurmountable hurdle.

Councilmember Johnson stated that he thinks the Council can make some amendments to the document tonight. He stated that there are a few uses that are allowed with conditional use approval that he would like to completely remove from the ordinance. Councilmember Peterson stated that he does not have a problem with automotive shops. He stated that what he pictures is a business like Paul's Automotive. He stated that it used to be located on 1700 South at approximately 1500 West for several years and now they are located in an area that has more homes located near it. Councilmember Duncan stated that is his mechanic and they are great folks, but he does not want to live next to that type of business. Councilmember Lisonbee stated that she lives near the new location of Paul's Automotive and she does not mind it, but she has heard from a lot of citizens that have "heartburn" over living close to the business. She stated that the golf course serves as a buffer between the shop and the closest residential subdivision, but there are still a lot of people that object to it. Councilmember Peterson asked why they are not happy about it. Councilmember Lisonbee stated that some residents can look out their back window and they can see trucks and all types of vehicles parked at the business and their view is not as nice as the view they had before the business was located there. Councilmember Duncan stated that he is not saying that type of business should not be allowed, but he thinks that a conditional use permit should be obtained by the applicant before they are allowed to locate that type of business in this type of zone. Mayor Nagle stated that at the end of the day, this is a property rights issue and there is a fine line that the City must pay close attention to. She stated there are a lot of people in attendance at this meeting that are committed to defending property rights; she asked how committed are "we" to property rights and how committed are "we" to businesses that have invested in the community. Councilmember Duncan stated that there are property rights on both sides that the City must consider. Councilmember Lisonbee agreed. Councilmember Duncan stated that to say that the City must grant zoning to anyone that wants it is recognizing. . . Mayor Nagle stated that she did not say that zoning should be granted to anyone that wants it; she is saying that this is a delicate issue. She stated that it is also a delicate issue to get government out of the way of businesses as well.

Councilmember Peterson stated that the next level of control that Mr. Andersen referenced and that he feels very good about is the oversight of the General Plan and the Council will be allowed to say what areas of the City are suitable for this type of zone. He stated the Council is being asked tonight to approve this ordinance so that the zone can be added to Title Ten of the City Code. He stated the Council is not being asked to dictate where the zone will be allowed in the City. Councilmember Duncan stated that if the Council puts an area of this type of zone "in there", if there is a permitted use in the zoning language, the City has not control over what a business owner may do in the zone. He stated that if the Council is willing to look at those uses that may be more intrusive and requiring that those uses be granted conditional use approval, that would give the City more control. He stated he is not saying that applicants should be told that they cannot have that type of use, but the City would at least have the opportunity to see where the business will be located. Mr. Eggett stated that the City will have some say regarding where businesses can be located in this type of zone because the City has a site plan approval process for all businesses.

Councilmember Johnson asked Mr. Eggett to explain the difference between minor and major conditional uses. Mr. Eggett stated there is criteria established in Title Ten that the staff and Planning Commission follow like a checklist. He stated that applicants must meet that criteria and if they do not the Planning Commission can comment, question, and compel they applicant to provide additional information to satisfy the requirements in that list of criteria. Mr. Andersen stated that one big difference between minor and major conditional uses is that minor conditional uses only require administrative review, meaning that Mr. Eggett would be the land use authority for minor conditional uses. He stated that major conditional uses require Planning Commission approval.

Mayor Nagle stated that she wanted to share a quick story. She stated that Clearfield Mayor Don Wood owns three tire shops called Lynn Wood Service Center. He stated one is located in Layton, one in Clearfield, and one in Clinton. She stated that he wanted to locate in the City center near Wal-Mart, but his type of business was not a permitted use. She stated that his most profitable tire centers are in Clinton and Layton where he is surrounded by a Wal-Mart and other shops that entice people to drop off their vehicle and then do some shopping. She stated that by prohibiting his business from being in the town center, the City also prohibited the halo affect that businesses recognize. She stated that Mr. Wood tried very hard to locate in the town center, but because of how restrictive the City was to businesses he could not make it happen. She stated the City lost a good business and other businesses lost out on a daytime crowd that could have shopped or patronized a restaurant while they were waiting to get their tires fixed or their oil changed. Councilmember Johnson asked if the town center is zoned commercial. Mayor Nagle answered yes. Councilmember Johnson asked if automotive shops are not permitted in commercial zones. Councilmember Duncan stated that he is not saying that he does not want automotive shops in the City. Councilmember Lisonbee agreed and added that Mr. Wood could have applied for a zoning change just like

Ninigret is doing. Mayor Nagle stated that has not worked out so great for Ninigret. Councilmember Lisonbee stated that she does not think that the choice regarding Mr. Wood's shop was made by any of the people currently serving as a member of the Governing Body. She added that she did not think anyone currently serving on the Council would deny that type of use in the town center. She stated she thinks that would have been a good use for the area. Mayor Nagle stated she is trying to share an experience that happened in the City in the past. Councilmember Lisonbee stated that she appreciates that, but she does not know how it applies to this situation. Mayor Nagle stated that it applies because it is an actual circumstance. Councilmember Lisonbee stated that the circumstances do not apply to what the Council is currently discussing because if it were her that would have had the opportunity to make that decision she would have wanted to open up the zone and allow Mr. Wood to build his shop in that area. She stated that if someone is suggesting putting that type of use next to a residential area where there are kids walking to school through neighborhoods, she would have a problem with that because she feels it is the City's responsibility to balance those property rights. Councilmember Johnson stated that his only concern is that this zone will be near neighborhoods and the City needs to be careful when dealing with residential areas. Mayor Nagle stated there is a Jiffy Lube right next to a neighborhood. Mr. Andersen stated that there are buffering requirements built into the zone so that when the zone would be located next to a residential zone there will be fencing and landscaping requirements to provide a barrier between the residential and commercial uses.

Councilmember Peterson stated that when he first looked at the zone he thought that the list of restrictions seemed somewhat short, but he has to remind himself that there are more controls available to the City throughout the approval process. He stated that adopting this ordinance is not the final say on this issue and upon approval of the ordinance anyone in the City can build anything anywhere they want. He stated that there are many other control mechanisms along the way and that makes him feel more comfortable. Councilmember Duncan stated that if automotive shops were removed from the permitted use list and added to the conditional use list, that does not mean that automotive shops are not allowed, but he asked what type of control the City would have to make sure that more careful review would be given to that application. Councilmember Shingleton stated that "we" can say whether the use fits where the applicant wants to locate it. He stated that he agrees with 95 percent of the discussion and a couple of uses needed to be moved to the conditional use section of the ordinance and he will be comfortable. He stated that he has had discussions with Mr. Rentmeister and they are literally "dying on the vine" in their current location. He stated that he has owned stores in the past and he understands that they need some visibility or they will die. He stated that is part of the problem with the town center; some of the businesses have no visibility. Councilmember Duncan stated that conditional use approval will not hinder visibility. Councilmember Shingleton agreed and added that if a couple of changes are made to the ordinance to give the Council the opportunity to review conditional use applications, he will be comfortable moving forward. Councilmember Johnson stated that five items have been identified. Mr. Andersen stated that he has highlighted automotive and engine repair, automotive retail, convenience store, and equipment rental and service and repair to be moved from permitted uses to conditional uses. Councilmember Johnson asked about item X, retail trade, including equipment sales, service and repair. Mr. Andersen stated that would encompass businesses like plumbing or HVAC companies. He asked if that is something the Council would like to be allowed only upon conditional use approval. Councilmember Johnson answered no, as did Councilmember Shingleton. Councilmember Johnson stated that he wanted to know what item W would encompass. Mr. Eggett stated that he wanted to interject; he stated that under special provisions there are industrial performance standards and those are also applied for both permitted and conditional uses in this zone. He stated that those are items that will be screened by staff to determine that glare, noise, and odors are also maintained properly. Councilmember Johnson reiterated he wanted to know what item W would be interpreted as. Mr. Andersen stated that W, retail building materials, hardware, and farm equipment, could be a small hardware store, like an ACE Store. Councilmember Peterson stated that he wanted to review some of the items that are already included on the conditional use list. He stated that he agreed with Councilmember Shingleton that restaurants could be moved from the conditional use to the permitted use list. He added that storage units are included on the conditional use list, which surprised him because that is the type of use that was being considered when this zone was developed. He stated that he was surprised to see it on the conditional use list. Mr. Andersen stated that it was originally included on the permitted use list, but the concern during the Planning Commission discussion was that they wanted the additional opportunity to comment on the potential impact that storage units might have on a neighborhood. Councilmember Duncan stated that storage facilities, no matter how nice they are, can draw burglaries and different crimes that take place at night. Mayor Nagle stated the same could be said for anyone's next door neighbor. She stated that homes draw burglars and different types of crime as well. Councilmember Duncan stated that he has used storage units before and he has been robbed twice, but he has never been robbed in his home. He stated that his point is that he thinks that storage units should be a conditional use and he does not think it would be a good idea for it to be a permitted use.

Councilmember Shingleton stated that if the items that have been discussed are changed, he is comfortable moving forward tonight. Councilmember Johnson stated that he has a couple of other items he wants to discuss. He stated there are a couple of uses that he does not think should be allowed, whether permitted or conditional, such as items B, C, and H. He

stated that B is an animal hospital and he thinks that would be too large to be allowed in a residential area and it belongs in more of a commercial area. Councilmember Peterson stated there is a facility on 2000 West in Clinton that is an animal hospital and it is not too big. Mr. Andersen stated that is why it was included as a conditional use and he asked the Council to keep in mind that the building can be no larger than 20,000 square feet. Mr. Eggett stated that item H is hotel/motel and even those types of buildings could not be larger than 20,000 square feet in size. Councilmember Johnson asked about item C, automobile and truck sales and rental. He asked if that is essentially a car dealership, to which Mr. Eggett answered yes. Councilmember Johnson stated he is not sure that type of use should be allowed in a residential area. Councilmember Peterson stated the same acreage and building restrictions would apply to that use as well. City Manager Rice added that type of use could be located on a main road, such as Antelope Drive or 2000 West if the area were zoned correctly. Mr. Andersen added that the market would not dictate that a car dealership be located in the middle of a neighborhood so it is not very likely that the City would ever receive an application for that. Councilmember Johnson stated that is true. Mr. Rice stated that this was driven by Mr. Rentmeister, but there are many other places in the City where this type of zoning would be feasible. He cautioned the Council to not think that every business would be located in the middle of a neighborhood; they may be located on a main road that has houses or residential subdivisions close by. Mr. Andersen stated that the types of uses will serve the local residents. Councilmember Johnson asked what item N, public utility substations, generating plants, pumping stations, and buildings, would entail. Mr. Eggett stated an example would be the power substations owned by Utah Power and Light that is located on 1000 West near the City cemetery. He stated that if entities like that are in need of a site for such a facility they can choose to use eminent domain to get what they need, but including the use in this zone would at least allow the City to have some dialogue about the placement of such a facility. Mr. Andersen stated it gives the City the opportunity to say that there is no reason to use eminent domain because there are areas in the City that allow that type of use. Councilmember Shingleton stated that is a good protection. He then stated that he felt it would be appropriate to move restaurants to the permitted list. Councilmember Johnson stated he was comfortable with that as well.

Councilmember Duncan asked for clarification about item I, light industrial uses (fabrication, assembly, treatment, or packaging operations conducted in a totally enclosed building using previously prepared materials). Mr. Andersen stated that use was inserted to allow companies like HVAC or plumbing companies. Mr. Eggett noted that a 20,000 square foot light industrial use is not going to be a big operation. Councilmember Duncan stated the concern he has about restaurants is that there will be additional traffic. Mr. Eggett stated that is why the Planning Commission included it as a conditional use. Councilmember Duncan stated that he would hate to include it as a permitted use for traffic reasons. Councilmember Shingleton stated that he would be comfortable leaving a restaurant as a conditional use. Councilmember Peterson stated that all of the uses create a traffic impact, though the types of traffic they draw are different. He stated that storage facilities may draw a lot of trucks. He stated that the traffic created by a restaurant does not worry him any more than the traffic created by storage units.

Mayor Nagle stated there has been a motion and a second regarding the proposed ordinance, but there has been a lot of discussion and she asked if there is a desire to amend the original motion.

Mr. Rice asked Mr. Andersen to briefly review the proposed changes to the ordinance. Mr. Andersen stated that items D, E, J, and K from the permitted use list would be moved to the conditional use list. He stated that there was discussion regarding whether to move restaurants to a permitted use, but there has been no clear resolution.

Councilmember Duncan asked about item X under the permitted use list. Mr. Andersen stated that it would encompass businesses like plumbing or HVAC retail stores.

Councilmember Johnson asked if there are any concerns about the 35-foot building height. Councilmember Duncan stated it is awfully tall. Mr. Andersen stated it is pretty standard for most of the zones in the City, including residential zones. Councilmember Shingleton stated that restaurants and fast food places that have facades above them are typically higher than 35-feet.

Councilmember Duncan stated that he thinks item X could be good or bad. He stated that depending on what type of retail services or repairs are included, it could look bad. He stated he would like to move that to the conditional use list. Mayor Nagle stated that Syracuse City is a farming community. She stated that "we" need to decide what "we" want to be. She stated that "we" are saying that we do not want Ninigret because "we" want farms, but if "we" want farms "we" need to have a place for their equipment to be serviced. Councilmember Duncan stated that he is simply saying that it should be a conditional use because maybe "we" do not want a yard full of equipment located next to a park or a school. He stated that it should be conditional. He stated that some farming equipment is extremely dangerous. Councilmembers Johnson and Shingleton stated they were comfortable moving item X to the conditional use list.

**COUNCILMEMBER SHINGLETON MADE AN AMENDED MOTION TO ADOPT PROPOSED ORDINANCE 12-12 APPROVING THE NEIGHBORHOOD SERVICES ZONE, WITH THE FOLLOWING AMENDMENTS:**

**MOVE ITEMS D, E, J, K, AND X FROM THE PERMITTED USE LIST TO THE CONDITIONAL USE LIST.**

COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER LISONBEE, WHO ABSTAINED.

Mayor Nagle then called for a vote on the original motion with the amendments.

Councilmember Duncan asked Councilmember Lisonbee if she still has concerns about holding a public hearing. Councilmember Lisonbee answered yes and stated that is why she abstained from voting. Mayor Nagle stated that is Councilmember Lisonbee's right, but she reiterated that she called for a vote. Councilmember Lisonbee stated that the Council can have a discussion about the original motion. Councilmember Duncan agreed and stated that he thinks the document with the recommended changes is a "good thing", but he wants to hear more about the concern regarding the lack of public input. He stated that he does not want to force Mr. Rentmeister to wait for three months for a resolution, but two weeks "will not kill anybody, either". He stated that he wants to know the concerns the citizens are having and Councilmember Lisonbee started to express that and he is not sure if she finished her comments. Mayor Nagle stated that no one attended the public hearing held by the Planning Commission. Mr. Andersen stated there were actually a few residents in attendance and a few comments were made, but those comments were regarding the Ninigret project, which does not apply to this subject. Planning Commissioner TJ Jensen stated that it was those comments that prompted the Planning Commission to change the name of the proposed zone.

Councilmember Lisonbee stated there are four Planning Commissioners present this evening and she stated that she wanted to ask them a question. She asked if they felt there is any further need for additional public hearings. She asked if they felt that the public needs to a proponent in this issue. Commissioner Jensen stated that the Commission actually held two public hearings for this issue over the course of its development. Planning Commissioner Pratt stated that he felt that the discussion the Planning Commission had as well as the public hearings that were held was a result of a name change for the zone and with the modifications from the Council he is very comfortable and he does not see any malicious intent from the Council in moving forward. Planning Commissioner Schenk stated that he is somewhat indifferent. He stated that he agrees that the changes that the Council has made are appropriate. He stated that if the changes had been more significant he would have been more concerned and felt that a public hearing needed to be held. He reiterated that the changes that have been made are more than appropriate. Commissioner Pratt agreed and stated that the Planning Commission talked about many of the same changes that the Council has made this evening. Commissioner Jensen stated that he agreed that the changes that have been proposed by the Council are good ones. Mayor Nagle asked Commission Chair Greg Day if he had anything to add. Chair Day stated that the Planning Commission had a public hearing and voted on the proposal and referred it to the City Council, which speaks for itself. He stated that if the Council feels that additional input is necessary he is comfortable with that as well. He stated that if the feels that input is necessary about the changes they are making he is comfortable with that. Councilmember Duncan stated that some of the changes are to dictate that some of the uses require Major Conditional Use Permits and he asked if that meant that those applications would be considered by the City Council. Mr. Andersen stated that Major Conditional Uses are approved by the Planning Commission. Councilmember Duncan stated that in theory the zoning can be assigned on a five-acre lot basis. Mr. Andersen stated that the general plan amendments and rezone applications will both be considered and require approval from the Council. Councilmember Duncan stated that will give the citizens some protection. Councilmember Lisonbee stated that she has another question; if this ordinance is adopted tonight it is not applied to any particular zone and she asked if the Council is responsible to apply it to a zone and at what point that would be done. Mr. Andersen stated that during the general plan update the Planning Commission will review and make recommendations for certain locations where neighborhood service zone could be applicable. He stated that those recommendations would then be provided to the City Council for comment and approval. He stated a public hearing would be held through that process as well. Councilmember Duncan stated that this is the first step of three. He stated that the zone creation is the first step, general plan changes is the second step, and zoning specific properties is the third step. Councilmember Lisonbee stated that she is comfortable with that information.

A member of the audience, Ray Zaugg, asked for an opportunity to make a public comment. Mayor Nagle stated that this is not a public hearing. Mr. Zaugg stated that there was no item for public comments on the agenda for this meeting. Mayor Nagle stated that is correct. Councilmembers Duncan and Lisonbee stated they were comfortable with allowing Mr. Zaugg to comment. Mr. Zaugg stated that he mentioned to the Planning Commission that it seemed to him that this zone was created with a certain developer in mind. Mayor Nagle stated it was created with Mr. Rentmeister in mind. Mr. Zaugg stated that is correct and Mr. Rentmeister is not a developer. He stated that Mr. Rentmeister's name was continually mentioned during the Planning Commission meetings where this item was discussed and it has mentioned several times tonight as well. He stated that concerns him and it sends the wrong message if it appears that the City is creating a zone specifically to accommodate someone that has requested it.

Councilmember Lisonbee stated that she thinks that this zone has some application in Syracuse and she thinks it will be a good zone. She stated that she is comfortable with moving forward based on the information that was just brought forward.

Councilmember Duncan stated that if this item were solely about creating a zone for Mr. Rentmeister, he would not be interested in considering it. He stated that he thinks that there is a difference between zoning for a developer that expresses a need and asking the Planning Commission to review that request and agree that there is a need. He stated that he sees the creation of this zone as a mutual benefit; he is not approving this zone for Mr. Rentmeister; rather, he feels that he thinks that this is a good zone for the City.

Mayor Nagle reiterated that there has been an amended motion and a second to adopt Proposed Ordinance 12-12 as amended; she called for a vote. ALL VOTED IN FAVOR.

5. Proposed Resolution R12-15 adopting an updated version of City Council Rules of Order and Procedure to govern the public meetings of the legislative body of Syracuse City.

City Attorney Carlson provided a memorandum to the Council explaining that an amended two page draft of rules of order and procedure had been compiled to include changes that had been recommended during previous meetings. The memo summarized the changes to the document as follows:

- The introductory paragraph includes language from Title 2 referencing Roberts Rules of Order as a guide.
- Rule 1.A.2 adds language also allowing a majority of the City Council to change the order that the Mayor presents items on the meeting agenda.
- Rule 1.C.1 removed an address requirement during public comment and now only requires “city of residence.”
- Rule 1.C.2 now sets the public comment time limit at three minutes unless extended.
- Rule 1.C.6 was added to allow the Mayor or a majority of the Council to reopen a public hearing.
- Rule 1.D was altered to require a motion before a discussion rather than discussion before a motion
- Rule 2.A was changed to allow those with a self-perceived conflict to excuse themselves from the dias. It also changes the prohibition of speaking to elected officials to a prohibition of speaking to other council members except the Mayor.
- Rule 3 adds language also allowing a majority of the City Council to allow or disallow members of the staff and public to participate in a discussion. Language was also added regarding attentiveness and avoiding distractions, whether by phone or other sources.

Mr. Carlson summarized his staff memo and highlighted the changes that were recommended by the Council. He stated that there is one exception. He stated a request was made to include language in the rules regarding substitute motions, but he was somewhat confused about the intention of that request and how to appropriately respond to that request. He stated that if the goal is to change language of a motion that has been made by the Council that can be accomplished through a motion to amend. He stated that if the goal is to make a different motion – for example: a Councilmember may make a motion to approve something, while another Councilmember wants to make a motion to postpone an item indefinitely – the hierarchy included in the chart on the second page of the rules document is listed in descending order, which means that a motion higher on the list can be made while a lower motion is still pending, but a motion listed lower on the list cannot be made while a motion listed higher on the list is pending. He stated, for example, that is someone listed a motion for previous question, a motion to table would be out of order while a motion to adjourn could be considered. Councilmember Lisonbee stated that Mr. Carlson asked her for clarification on her request and the reason that she did not respond to him was because she was still reviewing the document. She stated that the reason that she is concerned about that issue is that as she has conducted her research she has come to realize that in Roberts Rules of Order motions are classified in several different ways; there are incendiary, privileged, and classified motions. She stated that this document takes one or two motion types out of each classification, which also have instances where they can or cannot be debatable. She stated that all of the motions are included in one chart and establishing a hierarchy that she thinks really limits the Council and also could cause some confusion among citizens. Councilmember Peterson stated that the whole document already causes confusion. Councilmember Lisonbee stated that her suggestion is that in section F regarding motions there could be some amendments made. She asked if the Chair asks for a reason for a motion, or should that reason simply be offered. She stated that generally the motion would include the motion language. Mr. Carlson stated that the language regarding the reason for the motion could be removed. Councilmember Johnson stated that he made a note about that language and stated that the Council has never included the reason for a motion in the actual motion. Councilmember Peterson stated that some of the wording for motions as suggested by staff often includes reasoning. Councilmember Johnson stated that he would like to remove that language from the document. Councilmember Lisonbee stated that the Chair of the Body has the right to ask for a reason for a motion. Councilmember Johnson agreed, but stated that is part of the discussion of the motion rather than part of the actual motion. Councilmember Lisonbee stated that she would also like to add language to say that “the chart included in the document includes motions that the Council commonly uses; a motion not on the chart made be may from time to time?”. She stated that she would then like the motions listed, but remove the language that talks about descending order

because it would confuse citizens. She stated that way the citizens can understand that sometimes the Council may make motions that are allowed by Roberts Rules of Order; those motions are allowed, but may not be listed on the chart. She stated that in her opinion the City is covered by referencing that the Council also uses Roberts Rules of Order as a guide. She stated that is her opinion and she feels that those changes would address her concerns. Mr. Carlson stated that the language regarding Roberts Rules of Order is in the introduction of the document and it states that for issues not addressed in the document the City Council refers to Roberts Rules of Order as a guide for the conduct of its business. He stated that because that language is included the hierarchy that is included in Roberts Rules of Order could be used as a guide for the Council, but it would not be a mandate upon the Council as to what can and cannot be done. He stated that the opposite is true regarding the Council's Rules of Order and Procedure because they are considered a mandate. Councilmember Lisonbee stated that is why she had a problem with the language; it is not appropriate to mandate a hierarchy for the motions that can or cannot be made because there are other motions or exceptions to the motions that could, according to Roberts Rules of Order, be made. She reiterated that she feels the document really limits the Council. Councilmember Johnson asked if the language should be included to say that the list of motions are suggested motions. Councilmember Lisonbee stated that they are commonly used motions. Mr. Carlson stated that language would be more appropriate. Councilmember Lisonbee re-read the language that she would like inserted into the document preceding the motion chart. Councilmember Peterson stated that he is comfortable with that change, but asked why the motions are listed in descending order. Mr. Carlson stated that this document is intended to provide for a smooth meeting, but sometimes multiple people want to make different motions and this chart would provide an order for contradictory motions. He stated that is why Roberts Rules has different hierarchies. Councilmember Peterson asked what would happen if multiple motions are still made in a meeting; would the Mayor work her way down the list of motions that have been made calling for a vote on each one. Councilmember Lisonbee stated that is how it is done in Roberts Rules, but the point she is trying to make is that Roberts Rules has four or five different charts including motions in descending order. She stated that the chart included in the Council's rules includes two or three different motions from each chart in Roberts Rules. She stated that in Roberts Rules there are exceptions that apply in certain instances, but not in all instances. She stated that in reality the chart in the Council's rules is misleading to a point and it is binding in a way that would not necessarily be true according to Roberts Rules. She stated that the chart would limit the Council's ability at times and rather than binding the Council by the descending order, she would rather refer to Roberts Rules and say that the Council is covered and able to use the ascending or descending motions while calling out the commonly used motions as has been done in Mr. Carlson's draft. Councilmember Shingleton stated that Councilmember Lisonbee's recommendation actually gives the Council more flexibility. Councilmember Lisonbee agreed. Councilmember Peterson stated that he has always confused as to why the City would use Roberts Rules of Order rather than creating its own rules, but if there is a list of common motions in the rules document he is not concerned about what order they are in. He stated that he thinks the Council, in addition to the residents, also needs to be able to refer to the motions on a regular basis.

Mayor Nagle directed her comments at Mr. Carlson and stated that when the Council initially began this process and was talking about Roberts Rules of Order, they were advised to be cautious with how closely the Council planned to adhere to that document because Roberts Rules of Order were meant for a very large body for control. She stated that if the Council were to follow Roberts Rules and be so formal, there are specific formalities about who can speak and when they can speak; people must ask permission to speak, etc. She stated that the advice was that for a small City, Roberts Rules of Order can hinder productive debate rather than encourage it. Mr. Carlson stated that was prior to his appointment, but the previous City Attorney did say that Roberts Rules of Order can be a tool or a roadblock. He stated that referencing the document as a guide, rather than a mandate, gives the Council the discretion to use it as a tool. Councilmember Lisonbee stated that her suggested changes addressed those concerns. She stated that if there came a time when someone wanted to use a motion that is not included on the chart in the City's document and that motion happened to be in order, but it was very confusing because of the descending list, it would be clearer for the public to say that the motions included in the document are only commonly used motions. Mr. Carlson stated that a Councilmember could make a motion that is not included on the chart and the Council could choose to allow that motion or to ignore it.

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-15 ADOPTING THE UPDATED CITY COUNCIL RULES OF ORDER AND PROCEDURE TO GOVERN THE PUBLIC MEETINGS OF THE LEGISLATIVE BODY, WITH THE FOLLOWING AMENDMENTS:

REMOVE THE SECOND SENTENCE IN SECTION F, MOTIONS TO APPROVE.

ADD A STATEMENT THAT MOTIONS NOT INCLUDED IN THE CHART MAY BE MADE BY THE COUNCIL.

DELETE THE SENTENCE UNDER MOTION CHART.

IN SECTION 2B, DELETE THE STATEMENT "AS OUTLINED BY LAW" AND REPLACE IT WITH "TO THE POLITICAL SUBDIVISIONS ETHICS REVIEW COMMISSION".

Mr. Carlson stated that the Political Subdivisions Ethic Review Commission only has the authority to hear complaints of violations the State Ethics Code. He stated that if the Council is not going to pass a local ethics code, that would be satisfactory, but if the Council passes a local ethics code, the Review Commission cannot hear complaints regarding the City. He stated that right now there is vague general language regarding any section of City Code that address ethics. He stated there are not any right now, but there is the ability to provide that. He stated that Councilmember Lisonbee's suggestion can be added, but if the Council does create a local ethics code at a later date, it will be necessary to again amend this rules document. Councilmember Lisonbee stated that she realizes that, but she thought that based on the current status of the City it would be good to have the language because she thinks that ethics are important and she thinks that the citizens should be pointed to exactly how they can make a complaint rather than including general language. She stated that the language could be changed in the future is a local ethics commission is created. Councilmember Duncan asked if the document could include a reference source, such as a City employee, rather than including the language that Councilmember Lisonbee suggested. Mr. Carlson stated the document could refer people to the City Attorney. Councilmember Duncan added the document could also refer people to the City Manager. Mayor Nagle asked Mr. Rice about the discussion that was had about this issue at a meeting held by the Utah League of Cities and Towns last Monday. Mr. Rice stated he cannot remember the specifics of the discussion. Mayor Nagle stated that it will all be remanded back to the State. Mr. Carlson stated that if the City does not provide a specific process for a complaint regarding a violation of the State Ethics Act, the complaint automatically is referred to the State. He stated that the City can create its own process, but the State will never, until the law changes, address complaints of violation of local ethics laws. Mayor Nagle stated that adding the language regarding a political subdivision may not be relevant at this point in time. Mr. Carlson stated that Councilmember Lisonbee was referencing the title of the commission. Councilmember Lisonbee stated that State Bill SB 180 created the Political Subdivisions Ethic Review Commission and it states that if a municipality does not have its own commission there is a process defined for the entire State. She stated that a complaint would be filed with the Lieutenant Governor and it would be referred to the Political Subdivisions Ethics Review Commission. She stated it provides a process for citizens that have an ethics complaint based on the Utah Ethics Act. Councilmember Peterson stated that he would be more comfortable leaving the language in a more general tone. Councilmember Johnson agreed. Councilmember Lisonbee stated she is comfortable with that. Councilmember Duncan stated that a reference would be appropriate. Mr. Carlson stated it is wise to include two individuals in the City that could help a citizen. Councilmember Duncan stated that a Councilmember could be included as well. Councilmember Lisonbee suggested that the language refer the citizens to any elected official or a member of City Administration. Mr. Rice suggested that the citizens be referred to elected officials or the City Manager or City Attorney. Mr. Carlson asked is Councilmember Lisonbee is comfortable with that language, to which Councilmember Lisonbee answered yes.

Mayor Nagle asked for a second to Councilmember Lisonbee's motion.

Councilmember Johnson stated that he had an additional amendment to make. He stated that under 2C there is a three minute time limit referenced for comments during Council meetings. He stated he would like to remove the three minute reference; he knows that a time limit is necessary, but he is not sure if the section should be so specific. He stated he would like to say that there may be a specified time limit that could be communicated at the Council meeting. Mr. Carlson stated that language was included in the original version of the Rules of Order and Procedure. Councilmember Johnson stated that he has stated before that he does not want to include a three minute reference. Councilmember Duncan stated that it would be easy for the Mayor to communicate that the time limit has traditionally been three minutes and there may not be a reason to vary from that three minutes. Mayor Nagle asked what would happen if the Council is challenged because there have been inconsistencies. Councilmember Johnson stated that if the time limit is specified ahead of time that would be appropriate. He stated that if the language needs to be reconsidered at a future date, that would be fine. Mr. Rice stated that at the last meeting the Council talked about standardization and maintaining the language including the reference to three minutes. He stated that the language provides consistency and citizens cannot make the claim that the Council or Mayor is being unfair. He added that the citizens also have the opportunity to talk to any Councilmember at any time for any amount of time and the Councilmember can then bring any concern to the entire Council and talk about an issue for as long as they want. Mayor Nagle stated there is a myth that the only opportunity citizens have to talk to the Council is during the public comment portion of a Council meeting. She stated that she thinks that is the least effective time to talk to the Council. She stated that the most effective time is during a one-on-one conversation that allows for open dialogue and discourse. She stated that is never prohibited and that is the most that the citizens can do for their constituents; listen to them one-on-one and then incorporate that into future discussions. She stated that there will be times that the Council or the Mayor agrees with the topic that a resident wants to discuss so they want to give the citizen 10 or 15 minutes to address the Council, but there will be times when the Council or Mayor does not agree with a topic so they want to limit a citizen to three minutes. She stated that as soon as the Council starts being suggestive they are open to the argument that they are being unfair and punitive. Councilmember Duncan stated that he is not suggesting that different times be allotted for different people. Mayor

Nagle asked when the decision will be made. Councilmember Duncan stated that you can look at the crowd and see how many people are present and how many want to make comments; there may only be three people that want to make comments and they can have an extended period of time to make comments. Mayor Nagle stated that the Council never knows ahead of time how many people wish to make comments. She stated that it is impossible to look at the crowd and determine that only three people want to make comments. Councilmember Duncan agreed and stated that he would be comfortable with whatever decision is made regarding this topic. Councilmember Peterson noted that removing the time limit also gives additional power to the Mayor because it would be up to her to determine how long any citizen would have to address the Council. Councilmember Lisonbee stated that the Mayor already has that power because the section reads that the time limit can be extended by the Mayor. Councilmember Shingleton suggested leaving the language as it currently reads. Councilmember Johnson asked how everyone else felt. Councilmember Peterson stated that he liked the three minute time limit. Councilmember Lisonbee stated that she can see Councilmember Johnson's point of view because there are times that she would like to hear what else a citizen has to say after they have been cut off. She stated that she can also see the need for standardization. Councilmember Shingleton stated that the problem he has is that someone may be given a longer period of time to speak because the Mayor may like one citizen more than another. Councilmember Duncan stated that it is a hard position. Councilmember Johnson asked who should have the authority to extend the amount of time given to citizens. He asked if it should be given to the Mayor or the Council. Mayor Nagle stated that according to State Code the Mayor has the obligation to control the meeting. Mr. Carlson stated that this falls within that obligation. Mr. Johnson stated that he would withdraw his suggested amendment.

Mayor Nagle again called for a second to Councilmember Lisonbee's motion to amend and adopt the Rules of Order and Procedure.

COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 6. Proposed Resolution R12-16 supporting the selection of Hill Air Force Base for basing of F-35A aircraft.

The public comment period for the F-35 Environmental Impact Statement (EIS) will come to an end on June 1. Because this is an extremely important issue for Northern Utah, staff recommends the Council approve Proposed Resolution R12-16 supporting the selection of Hill Air Force Base for basing of F-35A Aircraft.

Mr. Rice stated that this item was added at the request of the Mayor to show the City's support for the basing of the F035 Joint Strike Fighter Aircraft at Hill Air Force Base. He then summarized the staff memo that was provided to the Council. He stated that public comments have been received on three different occasions and most of the public comments were in support of basing the aircraft at Hill Air Force Base. He stated that there were some concerns about noise from residents in certain areas that are close to the Base, but there has been a noise study conducted and the findings were that the noise levels would not greatly change. He stated that this resolution is to express that the City supports the number one employer in the State of Utah. He stated that many citizens from Syracuse work on Base or for defense contractors that are located close to the Base.

Councilmember Peterson asked where this resolution will go after it is adopted by the Council. Mr. Rice stated that it will be included on the City's website. Mayor Nagle added that it will be submitted to the Council of Governments. Mr. Rice added that the public comment period of the EIS has been closed, but the resolution will be sent to the Utah Defense Alliance as well as the public affairs department at the Base. He stated that it will be widely distributed.

Councilmember Lisonbee stated that she was confused when she saw this resolution because there was not a lot of information supporting it. She asked what would happen if the Council chose not to pass the resolution. Mayor Nagle stated that the message would be sent that the Council is not supportive of the largest employer in the region. Councilmember Lisonbee asked what that would mean. Mr. Carlson stated that this is a non-binding resolution so it would be the equivalent of the State Legislature not approving a bill to pull out of the United Nations; it is not something that the State Legislature would pass. Councilmember Duncan stated that Councilmember Lisonbee is saying the same thing as he is thinking. He stated he has seen members of congress stand on the floor of congress and pass a resolution to honor Johnny Appleseed's 500<sup>th</sup> birthday; he understands this issue is not that far detached. Mayor Nagle stated this is a much larger issue. She stated that there are five air logistics center that will be reduced to three and whoever gets this joint strike force will not be included on the list for potential closure. She stated that as the F-16 aircraft is phased out, if there are no jets bedded down there, there is less reason to keep the air logistics center there. Councilmember Duncan stated that he understands, but thinks it is funny that the City is considering this. Councilmember Lisonbee asked if there are a lot of communities and City Council's passing resolutions in the areas where the other bases are located. Mayor Nagle stated that she lived near Warner Robbins, Georgia during the last BRAC process and Warner Robins is a space similar to Hill Air Force Base and they were being considered for closure. She stated the community support of the base was overwhelming and it is critical. She stated that if the community does not want the base, there are other communities that do. She stated that support actually adds weight to the

decision that is made regarding BRAC. Mr. Rice agreed and stated that the more support the base has, the better off they will be.

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-16 SUPPORTING THE SELECTION OF HILL AIR FORCE BASE FOR BASING OF F-35A AIRCRAFT. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property.

COUNCILMEMBER 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. COUNCILMEMBER PETERSON SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

The meeting adjourned into Closed Executive Session at 7:08 p.m.

The meeting reconvened at 8:00 p.m.

At 8:00 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: June 12, 2012