

Minutes of the Special meeting of the Syracuse City Council held on June 26, 2012, at p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:

City Attorney Will Carlson
Finance Director Steve Marshall
Community Development Director Michael Eggett
Parks and Recreation Director Kresta Robinson
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Brian Wallace

1. Meeting Called to Order/Adopt Agenda

3:12:41 PM

Mayor Nagle called the meeting to order at 9:13 p.m. as a special meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

2. Consideration of Solid Waste Hauling Contract between Syracuse City and Robinson Waste Services, Inc.

3:12:49 PM

A staff memo from the City Attorney explained 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 made repayment and has provided his "best offer" for a new contract term. Robinson's proposed rates are neither uniformly higher nor lower for the city. The new contract eliminates the power of Robinson to unilaterally renew without the City's consent. It also provides options for recycling and collecting on one side of the street. The proposed terms offered by Robinson's best offer are not sufficiently beneficial or detrimental to the City for the City Attorney to make a recommendation. If the City Council approves the addendum, the City Attorney recommends that the City Council further determine whether or not to approve Recycling as mandatory, opt out, or opt in. Additionally, the City Attorney recommends a determination as to whether to approve collection from one side of the street where feasible.

3:13:04 PM

Mr. Carlson summarized his staff memo.

3:13:41 PM

Gordon Raymond from Allied Waste asked for the opportunity to speak. Mayor Nagle allowed it. Mr. Raymond stated that his company provided a proposal in response to the City's request for proposal (RFP). He stated that he wanted to mention that he has heard some discussion about different costs the City could be incurring for document management and the potential to spend \$14,000 was a big deal to the Council. He stated that spending significantly more money on a garbage hauling contract is not a big deal to the Council. He stated that his company spent a lot of time and effort to come up with a proposal that included some great ideas that would benefit the City. He stated that he feels the Council wants to use those

proposals in its benefit while negotiating with the current service provider. He stated that the Council also commented that they will conduct another RFP in a year and get the same competition. He asked his company put in a lot of effort and his suggestion would be that if the City extends its contract with Robinson Waste, he would be interested in seeking a right of first refusal at the end of Robinson Waste's contract if his company is willing to honor its proposal. He wondered if the City would be willing to entertain that kind of option.

[3:16:09 PM](#)

COUNCILMEMBER SHINGLETON MADE A MOTION TO TABLE CONSIDERATION OF THE SOLID WASTE HAULING CONTRACT BETWEEN SYRACUSE CITY AND ROBINSON WASTE SERVICES, INC.

[3:16:26 PM](#)

Mr. Carlson stated Mr. Robinson has reviewed the addendum to the contract and it has been provided to the Council.

[3:16:58 PM](#)

Council discussion regarding the item commenced.

[3:20:54 PM](#)

COUNCILMEMBER LISONBEE SECONDED COUNCILMEMBER SHINGLETON'S MOTION.

[3:21:14 PM](#)

Council discussion continued.

[3:25:52 PM](#)

Mayor Nagle stated there has been a motion and a second to table consideration of the agreement; ALL VOTED IN OPPOSITION TO THE MOTION.

[3:26:16 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE SOLID WASTE HAULING CONTRACT BETWEEN SYRACUSE CITY AND ROBINSON WASTE SERVICES, INC. ACCORDING TO ADDENDUM NUMBER ONE WITH THE STIPULATION THAT THE AGREEMENT EXPIRE AFTER ONE YEAR.

[3:26:26 PM](#)

Mayor Nagle asked for more information about the City's ability to add a right of first refusal for Allied Waste to the agreement.

[3:27:24 PM](#)

COUNCILMEMBER DUNCAN SECONDED COUNCILMEMBER PETERSON'S MOTION.

[3:27:27 PM](#)

Council discussion regarding the right of first refusal continued.

[3:29:41 PM](#)

Mayor Nagle stated there has been a motion and a second to approve the agreement; ALL VOTED IN FAVOR.

3. Proposed Ordinance 12-15 amending the existing zoning map of Title 10, "Syracuse City Zoning Ordinance", revised ordinances of Syracuse, 1971, by changing from R-3 Residential Zone to PO Professional Office Zone on the parcel(s) of real property herein described.

[3:30:53 PM](#)

A staff memo from the Community Development Department explained Curt Warnick, acting on behalf of the property owner(s) Tyler Dean and Leah Ann Leavitt, has submitted a request to rezone 0.264 acres of land located at 1384 West 1700 South from the current R-3 Residential zone to PO Professional Office zone. This request is consistent with the General Plan designation for this property. On June 19, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed rezone request, in which comments were received. On June 19, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the proposed rezone of property, located at 1384 West 1700 South, from R-3 Residential to PO Professional Office.

The Community & Economic Development Department recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council approve the proposed rezone of property, located at 1384 West 1700 South, from R-3 Residential to PO Professional Office on the Syracuse City Zoning Map to reflect attached Ordinance No. 12-15.

[3:31:05 PM](#)

Community Development Director Eggett reviewed the staff memo.

[3:32:00 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-15 AMENDING THE EXISTING ZONING MAP OF TITLE 10, "SYRACUSE CITY ZONING ORDINANCE", REVISED ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM R-3 RESIDENTIAL ZONE TO PO PROFESSIONAL OFFICE ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[3:32:21 PM](#)

Council discussion commenced.

[3:32:53 PM](#)

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

4. Proposed Ordinance 12-16 amending the Syracuse City General Plan adopted in 1976, as amended.

[3:32:59 PM](#)

A staff memo from the Community Development Department explained that Irben Development, LLC has submitted a request to update the Syracuse City General Plan for approximately 83 acres of land located at approximately 1500 West 3700 South from the current Open Space/Recreational and A-1 Agriculture zone to R-1 Residential zone. Part of this general plan update is a portion of Davis County owned property, who submitted documentation supporting changing the land use designation to R-1 Residential.

On June 19, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed general plan update, in which comments were received. On June 19, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the proposed update to the Syracuse General Plan of property, located at approximately 1500 West 3700 South, from Open Space/Recreational and A-1 Agriculture to R-1 Residential.

The Community & Economic Development Department recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council approve the update to the Syracuse City General Plan of property, located approximately at 1500 West 3700 South, from Open Space/Recreational and A-1 Agriculture to R-1 Residential to reflect attached Ordinance No. 12-16.

[3:33:06 PM](#)

Mr. Eggett reviewed the staff memo.

[3:34:31 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-16 AMENDING SYRACUSE CITY GENERAL PLAN ADOPTED IN 1976, AS AMENDED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

[3:34:41 PM](#)

Council discussion commenced.

[3:35:34 PM](#)

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

5. Proposed Ordinance 12-17 amending the existing zoning map of Title 10, "Syracuse City Zoning Ordinance", revised ordinances of Syracuse, 1971, by changing from A-1 Agriculture Zone to R-1 Residential Zone on the parcel(s) of property herein described.

[3:35:40 PM](#)

A staff memo from the Community Development Department explained that contingent upon approval of the Syracuse City General Plan update request reflected in Ordinance No. 12-16, Irben Development, LLC has submitted a request to rezone approximately 83 acres of land located at approximately 1500 West 3700 South from the current A-1 Agriculture zone to R-1 Residential zone (see attached map). Part of this rezone request is a portion of Davis County owned property, who submitted documentation supporting changing the land use designation to R-1 Residential

On June 19, 2012, the Syracuse City Planning Commission held a public hearing regarding the proposed rezone request, in which comments were received. On June 19, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the proposed rezone of property, located at approximately 1500 West 3700 South, from A-1 Agriculture to R-1 Residential.

Contingent upon approval of the Syracuse City General Plan update request reflected in Ordinance No. 12-16, the Community & Economic Development Department recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council approve the proposed rezone of property, located at approximately 1500 West 3700 South, from A-1 Agriculture to R-1 Residential on the Syracuse City Zoning Map to reflect attached Ordinance No. 12-17.

[3:35:44 PM](#)

Mr. Eggett reviewed the staff memo.

[3:36:02 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-17 AMENDING THE EXISTING ZONING MAP OF TITLE 10, "SYRACUSE CITY ZONING ORDINANCE", REVISED ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM A-1 AGRICULTURE ZONE TO R-1 RESIDENTIAL ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. 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.

[3:36:30 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN 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 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 Session at 9:40 p.m.

The meeting reconvened at 9:55 p.m.

Council Business (continued from the work session meeting)

[4:33:06 PM](#)

Council briefly discussed the schedule for upcoming meetings as well as the Heritage Days events

[4:38:24 PM](#)

Mr. Rice provided a brief report regarding the Fire Department's work on recent wildland fires.

At 10:05 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 12, 2013