

Minutes of the Regular Meeting of the Syracuse City Council held on July 10, 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  
Larry D. Shingleton

Councilmember Peterson was excused from the meeting.

Mayor Jamie Nagle  
City Manager Robert D. Rice  
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: Carie Valentine	Julie Bachman	Sandra Williams
Travis Ashdown	Bryan Beckstrom	John Lewis
Val Cook	Jason Steed	Kathy Allred
Jim Kinkade	Tim Ridell	Dan Pessetto
Nathan Miller	Kyle Hemsley	Michael Knudsen
Keaton Segich	David Rampton	Jerrad Pullum
Judy Nixon	Gary Pratt	Jim Frost
Terry Palmer	Dean Rasband	Holly Rasband
Bob VanVelkinburgh	Jeanne VanVelkinburgh	Ray Zaugg
Pat Zaugg	Ann Anderton	Barbara Casey
Dalaina Collen	Jeremiah Zohner	Ben Gerlach
Brandyn Bodily	John Linder	Lois Linder
Bruce Baird	Heidi Brophy	Ethan Kennedy
David Holland	Dan Merkling	Marlene Merkling
Stan Hamblin	Jerry Guffey	Tom Freeman
Con Wilcox	Kenneth Hellewell	Holly Zohner
Braxton Schenk	J. Francis	Charles Black
Doug Daniels	Alan Whitman	Kristy Whitman
Darin Porter	Sean Brophy	Ed Gertge

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

7:16:04 PM

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 Duncan provided an invocation. Boy Scout Chandler Daniels then led all present in the Pledge of Allegiance.

#### 2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Wyatt Christensen and Savannah Holland.

7:18:30 PM

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 Wyatt Christensen and Savannah Holland. She asked all those present to give Mr. Christensen a round of applause and she explained Wyatt was nominated because of his athleticism; he

has had an amazing season and while participating in the 2012 Minor League Baseball Program he continually displayed outstanding leadership and sportsmanship. She noted he was also selected to the 2012 East Minor League All-Star Team and he led them to a 7-1 victory over the West All-Star Team. She stated she wanted to thank Mr. Christensen because she knows it takes a lot of time and effort to attend practices and she loved that people have said of him that he is a true person on and off the field, which speaks to his character. She thanked him for his commitment to sports and his commitment to the community. She asked the Council to present Mr. Christensen with his certificate.

Mayor Nagle then asked all those present to give Ms. Holland a round of applause and she explained Ms. Holland is a great athlete and her nomination communicates that she is a well-rounded athlete and she has participated in several Syracuse recreation programs, but most recently she was involved in the softball and tennis programs. She noted Ms. Holland is an incredibly quick learner and is always competing at an extremely high level; she continually carries a positive attitude and constantly has a big smile on her face. Mayor Nagle stated she thinks it is great that Ms. Holland has so much dedication to not just one, but two sports; that kind of perseverance will take Ms. Holland far in life. She applauded Ms. Holland for her character and stated the community is lucky to have her. She then asked the Council to present Ms. Holland with her certificate.

### 3. Approval of minutes.

7:22:23 PM

The minutes of the Regular Meeting of February 14 and the Special Meeting of March 14, 2012 were reviewed.

COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 14 AND SPECIAL MEETING OF MARCH 14, 2012 AS AMENDED. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

Councilmember Lisonbee stated page 17 of the March 14 minutes included a motion by Councilmember Peterson to appoint someone to the Taxing Entity Committee (TEC), but it does not say who he moved to appoint. *\*\*UPON FURTHER REVIEW BY THE CITY RECORDER, THE MINUTES STATED COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-09, APPOINTING A REPRESENTATIVE TO THE TAXING ENTITY COMMITTEE. IT WAS NOT NECESSARY FOR COUNCILMEMBER PETERSON TO COMMUNICATE WHO HE WAS MOVING TO APPOINT BECAUSE THE POTENTIAL APPOINTEE'S NAME WAS INCLUDED AS PART OF THE RESOLUTION.\*\**

Mayor Nagle stated there has been a motion and a second to adopt the motion and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

### 4. Public comment.

7:24:03 PM

Jim Kinkade, stated he wanted to express a strong support for the approach advocated by the Mayor, City Council, and Randy Jeffries of the Utah Department of Transportation (UDOT) to work together to minimize impacts on the City and its residents. He noted the Mayor has said a number of times that there will be no winners in this process; however, he would say each corridor option produces a different number of losers. He referred to the impacts to livelihoods, homes, health, etc. that could be produced by the various options and noted option A produces the smallest number of impacts. He stated one thing "we" do know as a result of a careful study of maps provided by UDOT is the number of families that would have the road in their front or backyard depending on which option is selected. He stated option A will impact 15 families in that manner while option B impacts 119. He noted if the impacts zone is expanded to 660 feet total, the option to the west would affect 88 families and the one closer to option B would affect 335 families. He stated that is a four-fold impact. He explained he noted earlier this evening during the discussion of the potential Ninigret development, there were a number of folks that were interested in the idea of mitigation or buffering and he agrees with that and that is something residents should always be thinking about. He stated his thought is that same approach could be used relative to the West Davis Corridor (WDC) if the City is willing to open the dialogue again. He stated one option requires the City to consider how to mitigate impacts on more than 300 homes and families while the other requires that analysis for 80 homes or families.

7:27:07 PM

Dan Pessetto stated he wanted to follow-up to Mr. Kinkade's comments. He stated he wanted to make sure that everyone understands that the citizens group he belongs to understands there are no clear winners in this process; their group has agreed to hope the WDC will never be built and the City will remain as it is now. He stated the State has determined, due to traffic needs, that the road is needed. He stated his citizens group does believe that wetlands and farmlands should be protected. He reported that in 1956 State Highway Six was built through the center of his grandfather's farm and it had a

direct impact on his entire family, so he is very sensitive to protecting farmland, but he asked at what cost. He stated the costs to the residents, regardless of whether the corridor has been protected, is too high and there are too many residents that will be losing out. He asked the City to be sure to consider this issue very carefully, especially now that there are new members of the City Council and there is much more data available. He noted the impact to the school and surrounding residents is too high and the citizens group would ask that the City do something different than has been done in the past.

7:29:32 PM

Ed Gertge stated he wanted to speak regarding the proposed rezoning of the property behind the Intermountain Health Care (IHC) Clinic. He explained he is the trustee for the Neil Gailey Trust and he was just made aware of this prospect in the past few days. He was told the proposal is to rezone the property from Commercial (C2). He stated that when the City acquired the property to widen the intersection they assured him that the property would continue to be zoned C2. He stated he is present this evening to express his concern about this issue and to ensure that the zoning of the property does not change; they like the C2 zoning because it gives them the option of developing the property with residential and some mixed commercial uses. He stated he is not in support of the change in zoning until he has more information and input. Councilmember Johnson inquired as to the address of the property. Mr. Gertge stated it is located at 700 S. 2000 W. He added he wants the option to rezone the property for full residential use if necessary.

7:32:25 PM

Kristy Whitman stated she wants to thank the Council for their service and time and for hearing her thoughts. She stated she heard Mayor Nagle mention that the City Council needs to take a vote fairly soon on the Ninigret project, but her understanding was that a vote has already been taken and the project was voted down. She stated she may have had the wrong impression, though she attended the meeting where the vote happened and she heard it. She then stated she is a mom that lives near the proposed Ninigret site and her children will go to Syracuse High School. She stated they live close enough that they will walk to school and she has some serious concerns about their safety. She noted the City has heard a lot of opposition, but she would like the Council to consider the buffering options; serious buffering between the High School and development is needed and her opinion there is not room for the buffering that is needed in order for the area to be safe.

7:34:22 PM

Jarad Pullam stated he is representing the Board of Directors of the Syracuse Arts Academy and he noted that on March 16 the Board of Directors sent a letter to the City stating they were strongly in favor of a West Davis Corridor (WDC) route that is located as far as possible from the Academy. He noted the justification for that statement is that many parents of students attending the school have expressed they will withdraw their students from the school, which is currently at full capacity, if the WDC is located next to it. He stated the Board of Directors has major concerns about the environment in and around the school during construction of the project; they are worried about noise, physical vibrations, the air quality, safety, and ease of access to the school by vehicle and by foot. He noted that they are worried about the air quality during the construction and after the completion of the project and they have serious concerns about the major traffic changes that will take place. He noted the Academy is responsible for safe and efficient traffic flow and that is extremely important to them. He added the Academy provided substantial funding to develop the City park located south of the school and they entered into a joint use agreement to develop the property with the intent that the City would continue to develop the land around the park and expand it. He stated that has not happened. He then noted the main priority of the Arts Academy during this process is to ensure that the integrity of the learning environment is preserved for all 1,025 of their students so they can provide a high quality education in a safe environment. He stated there are no winners in this decision, but there are many factors that need to be considered and he wanted to make sure the Board of Directors go on record to present their opinion.

7:37:24 PM

Charles Black stated it is pretty obvious that no one wants the WDC travelling through their neighborhood, by their schools, through their farms, or through wetlands, but he noted that farms are the only thing that cannot be replaced if they are eliminated by the road. He stated that once farmland is developed it is forever gone. He noted there is a natural resource in this area along the Great Salt Lake stretching from west Syracuse to Plain City; it is an area of prime agricultural soils that are developed in farms and they have an adequate supply of water with level ground. He added the farmers that farm that ground have added outbuildings and they are in business and operating. He added the nature conservancy has 4,500 acres in their shore land preserve and a 40 acre portion of his farm is included in a permanent conservation easement next to the nature conservancy. He stated that when agricultural open space and preserved wetlands are put together they are more productive; since the nature conservancy has preserved the ground there is much more wildlife in the area and the two uses

work well together as a natural resource for the City. He stated the shore land preserve area is becoming a world class wetland that is well known. He stated he would request that the road not be constructed through the farms and he noted that in his situation he has tried to diversify into different things; they have a corn maze, they host field trips, and they had a bird hunting club last year. He stated they are using all of their assets to make their business work. He stated the road coming through their property would make it impossible for them to continue and they would be forced to sell their ground. He added that when agricultural ground is sold for development, the water rights associated with the ground are lost. He noted their irrigation system is about 70 percent efficient and 30 percent nourishes the wetlands in the late spring, summer, and fall when there is not much other water feeding them.

7:40:43 PM

Stan Hamblin stated his views regarding the WDC are well documented. He noted the WDC has been planned for the Bluff Road corridor for over 50 years and anyone that has lived in Syracuse for any length of time and tells the City that they did not know about that fact is lying to themselves and the City. He reiterated the corridor has been in place for over 50 years and it is important the Council consider that fact when making their decision regarding which route to support. He stated the bottom line is that if the WDC is pushed to the west through farmlands, a lot of farms and farmers will be out of business and the farmlands will be lost forever.

7:42:01 PM

Bruce Baird stated he is legal counsel for Ninigret. He asked if public comments will be allowed during consideration of item 10 on the agenda. Mayor Nagle answered no. Mr. Baird stated he wants to talk about two issues; first is the ad-hoc committee that was assembled to study the Ninigret project. He noted he had not been retained by Ninigret until after the meetings of the ad-hoc committee had concluded, but he did appreciate the frank and candid statements that he heard from the committee members. He noted Ninigret was and is willing to discuss reasonable physical mitigation of any legitimate concerns within the scope of an industrial park use; that does not include transitional zoning, but it does include discussions about how to deal with light, noise, and visual impacts. He stated he was saddened those discussions did not happen since much of the discussion was centered on whether the committee members liked the use. He stated his client is still willing to discuss those issues in the context of industrial park zoning. He then stated he wants to dispel one rumor; there seems to be a rumor that there may have been a possibility of using park land on the property as one of the buffers and that is not correct. He stated there is no offer for a dedicated park as an exaction for the subdivision. He then noted on item 10 dealing with the General Plan amendment, Ninigret and Property Reserve Inc. (PRI) did not notice the item was on the agenda this evening and since the issue directly impacts PRI and Ninigret he asked that the matter be tabled and that a public hearing be held in conjunction with the matter so that the City Council can hear directly from the impacted parties about how they feel the General Plan should be amended. He stated he heard some discussions among the Councilmembers about how public input regarding the General Plan is needed and he thinks it would be a travesty if the Council were to adopt a General Plan amendment tonight without hearing directly from the parties that are primarily interested in the area. He stated both PRI and Ninigret are adamantly opposed to the General Plan amendment and they would like and welcome the opportunity to talk with the Council and explain their concerns directly. He stated they should be entitled to that courtesy out of common decency and fairness.

7:45:05 PM

TJ Jensen stated he is the Vice Chair of the Planning Commission and he wanted to discuss the comments made earlier about the property next to the IHC Clinic. He stated he would suggest the gentleman with those concerns talk to the Planning Commission because they did discuss the possibility of amending the zoning of that property at a later day to include residential uses because they were not clear as to how the lot would be built-out and what the property owner would like. He noted that does tie into item 10 on tonight's agenda. He then stated he wanted to make a correction to the presentation the Council received earlier from the Syracuse Arts Academy and the Citizens for a Better Syracuse group; he noted they mentioned that farmland would be impacted by WDC route A. He stated that is true for the Flint property near the trail; they would lose some property. He noted, however, if route A or B is chosen his family's 40 acres of farmland will be lost to the road. He noted the property owners to the west of him will be impacted by the road as it will continue through the middle of their property. He stated once the road crosses 3000 West it will impact the nature conservancy and other farmland that has positive impacts on the wildlife in the area. He stated a lot of the land that will be destroyed by route A supports wildlife in the area. He stated his final point about route A is that the residents that live in that area had no notice of the potential of the road until UDOT started its process to determine the route for the route, whereas, the Syracuse City Master Plan that has been in existence for decades has stated there will eventually be a highway constructed along the Bluff Road

corridor so it is not like that is new information for the residents living near the potential route B. He pointed out UDOT purchased 82 acres along Bluff Road with preservation intents and the City has set aside land for the route as well.

[7:48:32 PM](#)

Marlene Merklings stated she is happy to be here and to live in a country where people have the right to express their feelings. She stated she is a little concerned about sounding selfish with her comments, but she has not had an opportunity to attend many of the City Council meetings and the thing she has not heard discussed is what impact the change in zoning to the property by the high school will have on the property values of the people that live in that area. She stated she is very concerned about that; in the time since this potential project has been announced there have been five families in the area that have sold their houses and moved. She stated that has not been solely because of the Ninigret development, but factored into their decisions was what would happen to their home values. She stated she wondered if any studies have been done to determine those impacts.

[7:49:51 PM](#)

Ryan Chandler stated his comments are concerning a recent publication in the Standard-Examiner and he is concerned about the City's reputation and it is fast approaching embarrassing. He stated he has family that reads the newspaper so they can get their fix of drama that is going on in Davis County and that is embarrassing to him. He stated he is concerned for the Rentmeister family and their concerns about wanting to expand their business and he loves seeing local businesses be healthy and grow; he would love to see them become very busy and stay that way. He stated what he does find preposterous is someone trying to point out any correlation between the opposition to the Ninigret proposal and any limitations to the Rentmeister business being profitable in Syracuse. He stated finding other developers more suitable for the land owned by PRI will bring many opportunities for the businesses in the City; the livelihood of the Rentmeister business is not tied to the Ninigret proposal. He noted that PRI has expressed a want for industrial zoning and that is because they have been given some misinformation; recent correspondence has also told him that PRI understand the residents opposing the proposal want nothing but farmland on the property and that their oppositions are a veiled scheme to keep the property that way. He stated he has stood before the Council on many occasions and communicated otherwise so whoever is telling PRI that information he would ask them to stop and please represent fairly and accurately. He stated every time he has stood before the Council he has not asked that the property stay agricultural in use; that is not realistic and he understands that. He stated he lives directly across the street from the property and it is beautiful, but it is necessary to grow and he understands that; he is only asking for responsible development and at no time has he asked for no development. He stated many have said that it would nice to maintain the agriculture use, but they understand something more is needed. He stated it is his intention to make sure correspondence to PRI is done in an accurate manner and they understand how the residents opposing the project feel; they are not opposed to development. He then noted he is concerned about certain opinions that have been expressed to the media. He stated that because the Planning Commission and City Council may say no to Ninigret does not mean the City is anti-business; at some point Syracuse will say yes to the right developer, but it should not be Ninigret and he asks that the opinions of those standing against Ninigret not be considered as rhetoric, but rather be respected as they are sound and well substantiated concerns.

[7:52:56 PM](#)

Darrin Porter, stated that he also wanted to address the Ninigret development; he is able Mr. Chandler was able to speak before him as he represents a lot of the opinions that he has. He stated he stands here tonight as a father and a citizen that is concerned about the values that will be coming into his neighborhood. He stated he stands for family values and he wants to keep that going. He stated he recognizes that the City needs business and that growth is needed, but the type of business that Ninigret will bring to the City are not the type of things "we" want near "our" school or homes. He stated he grew up near an industrial park and there were problems associated with it. He stated that he has also worked for an industrial park and he does not see that as a suitable place for school aged children and it should not be located next to a residential area. He stated that he feels it is a bad idea for the City and he hopes the Council will keep in mind who they represent because he feels like the opinions of the majority of the City have been well spoken.

[7:55:10 PM](#)

Brandon Bodily stated that he spoke during the work session, but he also wanted to speak specifically about the letter he has seen from PRI that was addressed to the City. He stated he thinks the message was shared and he completely disagrees with the letter and the statement that was made about the residents in that they have a veiled scheme to protect the agricultural use. He stated that he has talked with a large number of citizens and very few, if any, have stated that they do not

want to see any development at all because they want the land to remain agriculture land. He stated he thinks that is a completely false statement and he agrees with the recommendation the Planning Commission made to the City Council regarding what they feel is proper zoning for the area. He stated he also agrees with much of the language that is already in the General Plan; this is not anti-development. He stated he is very pro development and there are some wonderful commercial uses in professional offices and other uses that could be located on the property while allowing PRI to accomplish their financial objectives. He stated he thinks it is the City's responsibility to protect the property rights of the person selling the property, but also of the people that currently own properties neighboring the property. He stated that is not what he often hears. He stated that the citizens cannot get past the inherent risks that will come from allowing two zones to abut that should never abut. He reiterated the PRI letter misrepresents the views of the citizens; he added he reviewed the survey done by MB&A and he thinks their option A includes some very good transitional zoning that could be an appropriate use for the property and would still give PRI a financial benefit.

[7:57:39 PM](#)

5. Public Hearing – Proposed Resolution R12-19 updating and amending the Syracuse City Consolidated Fee Schedule.

Staff has found and recommended several changes to the fee schedule that are considered necessary. Most changes are minor while some are more significant

[7:57:50 PM](#)

Finance Director Marshall provided a summary of the changes being recommended.

[7:58:45 PM](#)

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

[7:59:03 PM](#)

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-19 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE. COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[7:59:25 PM](#)

The City Council then briefly discussed the Resolution.

[8:02:18 PM](#)

Mayor Nagle stated there has been a motion and a second regarding the Proposed Resolution and she called for a motion; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[8:02:23 PM](#)

COUNCILMEMBER SHINGLETON MADE A MOTION TO AMEND THE TYPOGRAPHICAL ERROR IN THE FEE SCHEDULE REFERENCED BY MR. MARSHALL. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[8:02:55 PM](#)

6. Authorize Mayor Nagle to execute the Interlocal Agreement for Metro S.W.A.T.

A staff memo from the Police Chief explained that approximately one year ago the City Police Departments in the northern end of Davis County started talking about forming a Metro S.W.A.T. Team; at the time Bountiful, Davis County, and Layton each had their own Team. The Syracuse Police Department had one or two members on the Davis County Team. Bountiful and Layton trained together and followed one discipline and Davis County Sheriff's Office trained with Salt Lake City and followed another discipline. There are so few call-outs for S.W.A.T., we felt two teams were adequate. Bountiful took south end cities and Layton took north end cities. Bountiful and Metro S.W.A.T. will serve as back-up to each other in case of a protracted incident. The City's cost will not change as the City has now been involved in S.W.A.T. for over 10 years; the citizens will be protected by a team on the north end of Davis County; and in the future it may be necessary to increase the number of Syracuse Police Officers participation in S.W.A.T. to two, which is the number provided by Clinton and Clearfield.

[8:03:01 PM](#)

Police Chief Brian Wallace summarized his staff memo.

[8:05:26 PM](#)

COUNCILMEMBER DUNCAN MADE A MOTION TO AUTHORIZE MAYOR NAGLE TO EXECUTE INTERLOCAL AGREEMENT FOR METRO S.W.A.T. COUNCILMEMBER SHINGLETON SECONDED THE MOTION;

[8:05:36 PM](#)

Councilmember Lisonbee asked a few questions about the costs associated with participating in S.W.A.T. The questions were answered by Chief Wallace.

[8:10:10 PM](#)

Mayor Nagle stated there has been a motion and a second regarding the agreement and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[8:10:17 PM](#)

7. Proposed Ordinance 12-19 granting the local Fire Official the authority to prohibit the use of any ignition source, including fireworks, lighters, matches, and smoking materials within the City – and penalty.

A staff memo from the Fire Chief explained that in the event that the City continues to experience hot and dry weather that results in extreme hazardous fire conditions, this proposed ordinance will give our jurisdiction the authority to take appropriate measures to restrict or ban fireworks in Syracuse City. This is a proactive step if restrictions become necessary for the July 21-27 fireworks holiday.

[8:10:27 PM](#)

Fire Chief Froerer then summarized his staff memo, with assistance from City Attorney Will Carlson.

[8:14:44 PM](#)

COUNCILMEMBER LISONBEE MOVED TO ADOPT PROPOSED ORDINANCE 12-19 GRANTING THE LOCAL FIRE OFFICIAL THE AUTHORITY TO PROHIBIT THE USE OF ANY IGNITION SOURCE, INCLUDING FIREWORKS, LIGHTERS, MATCHES, AND SMOKING MATERIALS WITHIN THE CITY – AND PENALTY. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[8:15:08 PM](#)

Mayor Nagle then led the Council discussion about the proposed ordinance. Questions were answered by Chief Froerer and Mr. Carlson.

[8:41:26 PM](#)

COUNCILMEMBER LISONBEE MADE AN AMENDED MOTION TO ADOPT PROPOSED ORDINANCE 12-19 GRANTING THE LOCAL FIRE OFFICIAL THE AUTHORITY TO PROHIBIT THE USE OF ANY IGNITION SOURCE, INCLUDING FIREWORKS, LIGHTERS, MATCHES, AND SMOKING MATERIALS WITHIN THE CITY – AND PENALTY, WITH THE FOLLOWING AMENDMENTS:

THE ORDINANCE WILL BE ENACTED FROM JULY 11, 2012 TO AUGUST 3, 2012.

COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this motion was taken.

[8:42:03 PM](#)

8. Proposed Resolution R12-20 dictating the format of the Syracuse City Council meeting minutes.

A staff memo from the City Recorder explained that at the June 26, 2012 work session meeting she discussed with the Council the growing trend in Utah in which municipalities are getting away from overly detailed Council meeting minutes in favor of a summary document that includes time links to the digital meeting recording when any given item was discussed. The City Recorder proposed that the Council consider following that trend and allow her to provide an action/summary document immediately following a Council meeting. That document could also serve as the minutes of record if time links are included. Utah Law previously dictated that audio recordings of meetings were only to be kept for one year after approval of the written minutes. The same law was recently changed to dictate that audio recordings must be kept for three years after minutes are approved. Several cities have adopted a policy that is stricter than State Law whereby they will retain the digital recordings permanently so that they can be included in the minutes of record. At the conclusion of the June 26 discussion several comments were made by the Council in favor of the proposal. The City Recorder was directed to prepare a resolution for the Council to consider that would communicate the direction that the City will be taking relative to transcription of minutes of Council meetings. That resolution has been prepared and included in the Council packet for review and consideration.

[8:42:14 PM](#)

City Recorder Brown summarized her staff memo.

[8:42:59 PM](#)

Mayor Nagle inquired about the necessary change to dictate that digital recordings of meetings shall be retained permanently. Ms. Brown explained the Council can make that change to Title Two this evening if they choose to adopt the ordinance regarding that document.

[8:44:22 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-20 DICTATING THE FORMAT OF SYRACUSE CITY COUNCIL MEETING MINUTES. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

[8:44:37 PM](#)

Councilmember Lisonbee asked a question about the reliability of the digital recording of the meetings. Ms. Brown responded.

[8:46:06 PM](#)

Mayor Nagle stated there has been a motion and a second regarding the proposed resolution and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[8:46:12 PM](#)

9. Proposed Resolution R12-21 rescinding Resolution R08-23, which set forth rules for conducting public meetings of the City Council and Planning Commission using electronic means.

A brief staff memo from the City Recorder explained this item was added to the agenda as a result of a discussion during a recent review of the administrative title of the City Code.

[8:46:33 PM](#)

City Attorney Carlson provided an introduction to the resolution, explaining that after the resolution was reviewed staff determined that it applies to meetings of both the City Council and the Planning Commission and therefore, it is not the recommendation of staff that the resolution be rescinded at this time.

[8:47:02 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO DENY PROPOSED RESOLUTION R12-21 RESCINDING RESOLUTION R08-23, WHICH SET FORTH RULES FOR CONDUCTING PUBLIC MEETINGS OF THE CITY COUNCIL AND PLANNING COMMISSION USING ELECTRONIC MEANS. COUNCILMEMBER LISONBEE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[8:47:32 PM](#)

10. Proposed Ordinance 12-18 amending the Syracuse City General Plan adopted in 1976, as amended.

A staff memo from the Community Development Department explained that district one of the General Plan has been open for quite some time at the Planning Commission level for the purposes of debate and discussion. Many meetings have been held by the Planning Commission to discuss this matter. Further, there have been three public hearings regarding General Plan District One wherein the public has been invited to participate and share their comments regarding the General Plan opening.

The Syracuse City Planning Commission has held three public hearings on this matter on the following dates: June 7, 2011; December 6, 2011; and December 20, 2011. Comments from the public were received by the Planning Commission at that time as it relates to this General Plan district. On June 19, 2012, the Planning Commission held a work session to discuss in specificity district one of the General Plan. The majority of items discussed in the work session are reflected on the attached proposed General Plan update map. However, during the regular session of the Planning Commission a motion was forwarded and additional discussion was made regarding updates discussed during the work session, as well as a new discussion regarding the PRI properties located between 1000 West and 2000 West and 200 South and 700 South. After a period of debate amongst the Planning Commissioners, a motion was approved to recommend a proposed General Plan District One update to the City Council for approval. This proposed General Plan District One map update and supplementary language are included for your use and discussion.

The Syracuse City Planning Commission hereby recommends that the Mayor and City Council review the information provided with this memorandum and discuss the contents of the documentation. Further, the Syracuse City Planning Commission recommends that the City Council approve proposed Ordinance 12-18 General Plan Changes for district one.

[8:47:41 PM](#)

Community Development Director Eggett summarized the staff memo.

[8:50:58 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-18 AMENDING THE SYRACUSE CITY GENERAL PLAN ADOPTED IN 1976, AS AMENDED, WITH THE FOLLOWING CHANGES:

- ADOPT THE AMENDMENT TO CHANGE ONLY THE GENERAL PLAN FOR THE AREAS LOCATED ON 2000 WEST (CALLED OUT AS NEIGHBORHOOD SERVICES) AND THE AREA ON 1700 SOUTH (CALLED OUT AS NEIGHBORHOOD SERVICES.)
- LEAVE UNCHANGED IN THE GENERAL PLAN THE AREA LOCATED BETWEEN 1000 WEST TO 2000 WEST AND 700 SOUTH TO 200 SOUTH.
- LEAVE UNCHANGED THE PROPERTY REFERENCED BY ED GERTGE.

COUNCILMEMBER LISONBEE SECONDED THE MOTION.

[8:53:33 PM](#)

The City Council discussed the proposal and the motion to amend the ordinance.

[9:10:51 PM](#)

COUNCILMEMBER SHINGLETON MADE AN AMENDED MOTION TO TABLE CONSIDERATION OF PROPOSED ORDINANCE 12-18 UNTIL JULY 31 TO GIVE THE COUNCIL THE OPPORTUNITY TO TALK ABOUT THE PROPOSAL IN AN EXTENDED WORK SESSION.

[9:11:20 PM](#)

The Council discussed Councilmember Shingleton's amended motion.

[9:16:19 PM](#)

Mayor Nagle reiterated Councilmember Shingleton made a motion to table consideration of the proposed ordinance. She called for a second to the motion. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[9:16:36 PM](#)

Council discussion of the item continued.

[9:25:27 PM](#)

Mayor Nagle stated there has been a motion and a second to table consideration of the proposed ordinance and she called for a vote. VOTING "AYE" COUNCILMEMBER DUNCAN, LISONBEE, AND SHINGLETON. VOTING "NO" COUNCILMEMBER JOHNSON. Councilmember Peterson was not present when this vote was taken.

[9:25:41 PM](#)

**11. Public Hearing – Proposed Ordinance 12-20 adopting Title Two rewrites of the Syracuse City Municipal Code pertaining to administration.**

A memo from the City Attorney explained that on April 24, 2012 he reported to the City Council that the Council's majority vote to recodify Title II was in error because some minor 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 the months since, there has been discussion as to whether to attempt to pass a new version of the title or to simply revert to the prior version. On June 26, 2012 the City Council made recommendations to change various sections of Title II. Those revisions are identified and outlined in the attached Title II (Version A). Because the revised title includes many of the earlier changes to mayoral power, it requires the mayor's vote with a majority of the Council, or a unanimous vote of the Council except for the mayor. At the end of the discussion on June 26, the City Council asked whether the Mayor would be willing to vote for Version A. Due to a desire for further clarification of the mayor's duty of conducting Council Meetings, the Mayor stated she did not support Version A. At that point, the Council directed the City Attorney to draft a version of the administrative title which would not require a vote from the Mayor. That draft is attached as Title II (Version B). Version B starts with the adoption of all drafted changes in Version A. From there, every mayoral power enumerated by Utah Code §10-3b-104 is added or removed based on whether it existed under the city's prior version of the Administrative Title. The table below summarizes the enumerated powers, whether they existed in the original title, and whether it exists in Version A and/or B. The City Attorney recommends passing Version A of Title II with any additional changes the Mayor and City Council feel are necessary. This would require a vote of a Council majority plus the Mayor, or a unanimous Council without the Mayor. If the Mayor and Council are unable to come to sufficient agreement to pass Version A, a Council majority without the Mayor could pass Version B as drafted. Any changes to Version B which affect the statutorily enumerated powers of the mayor would also affect who must vote for Version B to pass.

[9:25:51 PM](#)

Mr. Carlson then provided a basic overview of his staff memo and of Versions A and B of the Title Two rewrite.

[9:27:25 PM](#)

Mayor Nagle convened the public hearing.

[9:27:30 PM](#)

TJ Jensen stated he attended the last meeting and there was a long discussion about how items are being added to the agenda and currently the Mayor or two Councilmembers are allowed to add an item to the agenda; there are different opinions about how to do that. He stated his suggestion for moving forward on that issue the same language could be included in Title Two, but in the rules of order and procedure language could be added that dictates that during the Council business section of the meeting two Councilmembers or the Mayor can ask for an item to be added to a future agenda and it will be so; any requests that arrive between meetings will be handled in the order of arrival meaning that any items that cannot be added to an agenda due to time constraints will be added to the next agenda.

[9:30:09 PM](#)

There were no additional persons appearing to be heard and Mayor Nagle then closed the public hearing.

[9:30:17 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-20 ADOPTING THE VERSION B REWRITE OF TITLE TWO OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO ADMINISTRATION. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[9:31:04 PM](#)

Councilmember Lisonbee then stated she has some amendments she wanted to propose. There was a discussion about language regarding special and emergency meetings of the Council. Councilmember Lisonbee asked that language be added to ordinance allowing two Councilmembers to call a special meeting. She then asked where the language in Section 2.02.030(2)(a) came from. Mr. Carlson stated the language came from State Code. There was then a brief discussion about the section. Councilmember Lisonbee stated she wanted to add language to the section stating that "in addition the City Recorder shall provide public notice as required by law". She then referred to 2.02.030(3) and stated that the Mayor is not authorized to vote for the closure of a meeting so the reference in that section should be changed from Governing Body to City Council. Mr. Carlson provided an explanation for why the section referenced Governing Body and he explained that the reference does not give the Mayor the authority to vote to close a meeting. Councilmember Lisonbee then referred to 2.02.050 regarding notice of meetings and she asked to add language stating "the City Recorder shall give notice of meetings duly called in accordance with this Title and Utah Code". She then referred to 2.02.120 regarding rules of procedure and asked that language be added to state that the "in accordance with State Law the City Council may determine and shall publish rules of procedure or the proper conduct of meetings". She then referred to Section 2.02.150 dealing with disorderly conduct and she wanted to clarify that section deals with members of the Governing Body. She then stated she had a question regarding 2.05.020 about whether the language restricts the City in any way with regards to the State Law provisions regarding appointments by the Legislative Body as opposed to appointments by the Mayor. She stated there is nothing that says the City Council may appoint to committees or appointive bodies and she is wondering if that type of language should be included. There was then a discussion between Mr. Carlson and Councilmember Lisonbee about the issue and Mr. Carlson explained that if that section is changed it will require a vote of the Mayor for adoption. Councilmember Duncan suggested that the document simply refer to State Law. Councilmember Lisonbee stated that the Council has the authority to make appointments to certain committees and she wondered if language to that affect should be included in the Chapter regarding City Council duties. After continued discussion Councilmember Lisonbee asked to add language about the Council making appointments to special districts. Councilmember Duncan suggested leaving the language out of the Code because he feels it would create more ambiguity. Councilmember Lisonbee agreed. She then referenced section 2.05.070(10) and she asked to add the words "or directive" at the end of the paragraph. She also referred to section 2.06.040 and she asked if language should be added saying the City Attorney shall act as legal advisor to the City Council as well as the City. Mr. Carlson stated that he interprets the current language to allow him to give counsel to the City Council, Planning Commission, or any employee of the City. The Council reached the consensus to leave the language as it currently reads. Councilmember Lisonbee stated the last amendment she would like to make is to section 2.01.040(2) regarding interference by the Council. She stated that she feels the language should be added to the norms document or it should be left out of the Code entirely. She stated she would like to remove subsection two and add it to the norms document.

COUNCILMEMBER LISONBEE MOVED TO AMEND VERSION B OF TITLE TWO INCLUDING THE AMENDMENTS REFERENCED IN THE PARAGRAPH ABOVE. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[9:59:10 PM](#)

City Attorney Carlson provided a few clarifications recommended by staff. He noted Title Two includes a reference to Recreation Director, but that title needs to be changed to Parks and Recreation Director. He stated the second clarification is in Chapter Three dealing with functions and duties of the Mayor; change subsections E and F to include the appropriate code reference.

[10:00:15 PM](#)

COUNCILMEMBER DUNCAN MOVED TO AMEND VERSION B OF TITLE TWO AS FOLLOWS:

- CHANGE THE TITLE OF RECREATION DIRECTOR TO PARKS AND RECREATION DIRECTION;
- CORRECT SECTION 2.03.010(1)(e)&(f) BY INCLUDING THE CORRECT CODE CITATIONS.

COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[10:01:23 PM](#)

COUNCILMEMBER DUNCAN MOVED TO AMEND VERSION B OF TITLE TWO AS FOLLOWS:

- REMOVE THE WORDS REASONABLE AND REASONABLY IN 2.01.040.
- AMEND SECTION 2.02.170 RECORDS OPEN TO INSPECTION BY REMOVING THE WORD REASONABLE, WHICH APPEARS TWICE.

COUNCILMEMBER JOHNSON SECONDED THE MOTION. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[10:03:05 PM](#)

Councilmember Johnson asked a question about the electronic meetings policy. Mr. Carlson responded.

[10:06:50 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO AMEND VERSION B OF TITLE TWO AS FOLLOWS:

- AMEND CHAPTER EIGHT, GOVERNMENT RECORDS, BY ADDING LANGUAGE TO 2.08.020 TO CALL OUT THAT DIGITAL RECORDINGS OF COUNCIL MEETINGS WILL BE RETAINED PERMANENTLY.

COUNCILMEMBER SHINGLETON SECONDED THE MOTION. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[10:07:56 PM](#)

Mayor Nagle stated there has been a motion and a second regarding adopting Version B of Title Two and she called for a vote. ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

[10:08:28 PM](#)

12. Councilmember reports.

Each Councilmember provided a brief report.

[10:16:55 PM](#)

13. Mayor report.

Mayor Nagle provided her report.

[10:20:35 PM](#)

14. City Manager report.

City Manager Rice provided his report.

[10:21:57 PM](#)

15. 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

City Council Meeting  
July 10, 2012

MENTAL HEALTH OF AN INDIVIDUAL; PENDING OR REASONABLY IMMINENT LITIGATION; OR THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. COUNCILMEMBER DUNCAN SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS DUNCAN, JOHNSON, LISONBEE, AND SHINGLETON. VOTING "NO" – NONE. Councilmember Peterson was not present when this vote was taken.

The meeting adjourned into Closed Executive Session at 10:22 p.m.

The meeting reconvened at 11:25 p.m.

At 11:26 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: August 28, 2012