

Minutes of the Work Session meeting of the Syracuse City Council held on July 31, 2012, at 6:00 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
Finance Director/Acting City Manager Steve Marshall
City Recorder Cassie Z. Brown

City Employees Present:

City Attorney Will Carlson
Community Development Director Michael Eggett
Police Chief Brian Wallace
Fire Chief Eric Froerer
Public Works Director Robert Whiteley
Detective Corey Rowley
Planner Noah Steel

The purpose of the Work Session was for the Governing Body to receive public comment, discuss proposed Ordinance 12-18 amending the Syracuse City General Plan adopted in 1976 as amended, and discuss Council Business.

Public Comment

6:07:35 PM

Bruce Baird stated that he is the counsel for Ninigret Construction and they are involved with the discussion of the General Plan issue. He stated he wanted to continue what he said at the last City Council meeting and that is that he feels a public hearing regarding this issue should be set for a City Council meeting. He stated he understands the legal requirements are for the Planning Commission to hold a public hearing, but he believes, as a matter of fairness, the Council should hold all the necessary information and testimony directly from all the stakeholders. He stated that there is a representative from the legal firm that represents Property Reserve Inc. (PRI) and they should have the opportunity to be heard as well. He reiterated that he believes the City Council should hold the public hearing; these issues are too important over the long term. He stated that he has been doing development work for approximately 25 years – 10 years for Salt Lake City and 15 years for a private developer, and whenever someone wants to amend the zoning or general plan for an area the requester always hears, if applicable, that the general plan has just been amended and the city is not going to consider it again. He stated that “we” cannot really say that this is without prejudice to future applications because it works as a practical prejudice to any future application. He stated he would guarantee that a year from now someone will request a rezone or a change to the general plan and the City will say that they already considered that area and a year ago the general plan was closed and will not be opened again. He stated if that was not going to happen he might not be arguing the point tonight. He stated the fact of the matter is that Ninigret will not have a chance to meaningfully comment to the City Council, who are the real decision makers, unless a public hearing is held before the City Council and all stakeholders have the opportunity to be involved.

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Kirk Grimshaw stated he is the attorney for the landowners and they, too, are opposed this issue; they have not had a chance to fully understand the proposed business park zoning or whether it is an economically viable option for the future of the property. He stated that the landowner would like fairness in the process and they would like more time to understand what is going on. He stated they do not think it is time to make any decisions regarding this issue. He stated there are some rights that are vested for part of the property, but this change could greatly decrease the value of the other portion of the property. He stated that could harm future development or future transactions related to the property. He reiterated they do not feel it is time to make a decision until the property owner has had time to truly understand how any decision will impact them.

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Ryan Chandler stated that he just got off the phone with Mr. Romney from PRI and it is interesting because he is hearing some conflicting information. He stated that his understanding is that the LDS Church has decided to take a hands-off approach to this issue; they have decided to sit back and see who wins. He stated that he is wondering how many more times this issue needs to be discussed; he feels that the City Council and Planning Commission has done a fantastic job to entertain a lot of discussion. He stated there have been a lot of very intimate meetings, including a town meeting that was nice. He stated a panel of experts attended and told the audience their feelings about the development. He stated the reason he called Mr. Romney was to try to get some insight after reading a disturbing letter that misrepresented the citizens of Syracuse about why they were in opposition to the development. He stated that the letter was false and inaccurate and misrepresented the Syracuse by saying they do not want any development in the City; they have a secret plan to keep the corn field in place. He stated that is entirely false and inaccurate and it is not what the citizens want. He stated they are asking for some proper development, another development, not the Ninigret Development. He stated that he is a little confused; it seems to him that the City has done a lot of good things to listen to what Ninigret and PRI have had to say. He stated he is not sure the City is lacking in any legal obligation; they have spent the time to hear and listen to every angle. He thanked the Council for the time to speak tonight and noted that he would like to hear a response to his comments from Mr. Grimshaw. He stated it would have been nice to have PRI involved earlier in the process so that they could have heard more accurate information from the residents about their concerns.

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Terry Palmer stated that one of the things he would like to portray is that he does not want “us” to sell ourselves short. He stated that he pictures the development of State Road (SR) 193 bringing in a lot more sales tax to the City and he thinks there are so many businesses that could locate in the area that would generate more than property tax revenue for the City. He stated that sales tax is the biggest revenue item for cities and he feels the City could greatly benefit if businesses are located along SR 193 that would create sales tax. He stated he would recommend saying no to industrial in that area in favor of allowing different businesses.

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Joe Levi stated that he has been a resident of the City for over a decade and his family chose Syracuse after quite a bit of consideration surrounding the City’s Master Plan; they knew where the City was going to go and they decided to invest their personal lives in the City based on the Master Plan. He stated that it is a guiding document and as soon as “we” stray from that, “we” stray from the promise that “we” made to everyone that moved to the City; that is something that he does not feel is right or appropriate. He stated that if he had known that was going to happen, he would have considered that in his decision. He stated that now, after the fact, he does not think it is fair to the people that have been here for years. He stated the other topic he wanted to discuss is the commotion about possible de-annexation of land. He stated that someone is threatening to de-annex into another city and do whatever they want with the land if they cannot get what they want from Syracuse City. He stated if that is going to be considered that is fabulous and he suggested opening that option to the whole City. He stated anyone that does not want to be in the City for whatever reason can be allowed to de-annex. He stated it is a ridiculous thought that goes against unity and the cohesive nature of the City. He stated that “we” know what has been going on in the Planning Commission meetings and public hearings have been held and there has been ample opportunity to comment. He stated that as soon as “we” say that a public hearing should be held by the City Council, “we” are negating the Planning Commission and the work they have done in the process. He stated essentially “we” are saying “we” do not need a Planning Commission and that everything can happen in front of the City Council. He stated that if “we” want to have all public hearings in front of the City Council it is time to get rid of the Planning Commission. He stated that the Commissioners are great and they put in long and hard hours, but as soon as “we” say that the City Council is the body making all the decisions and “we” do not care about the Planning Commission input, “we” are also saying that we do not care about them or their role. He stated he personally likes their role and input and recommendation, even when he does not agree with them. He stated that the process in place for a reason and “we” have heard the feedback and the public comment has been heard. He stated that “we” do not need any more.

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Ben Gerlock stated that he wanted to put a proposition in front of the Council. He stated that he lives in an R-3 residential zone and he wants to change his zoning to a zoning that will allow him to build a four-plex on his property. He stated this is a hypothetical scenario. He stated he has a developer that wants to buy his property if he can get his zoning changed. He stated that does not fit into the Master Plan of the City and the argument coming from his mouth may seem a

little ridiculous. He stated that the other comment made by PRI counsel is that they have not been involved in the discussion and open forums that have been held. He stated that he remembered the discussion about the flex zone that has been held twice and rejected twice. He stated counsel, whether it was for PRI or Ninigret, was not present for those discussions even though they were advertised and noticed as open for public comment. He added that during one of the public comment periods at a panel discussion there were several questions asked to the Ninigret representatives. He stated he does not believe counsel was present at that meeting either, even though they may have been aware it was happening. He stated that no representatives of PRI were present and he is not sure if they knew the meeting was happening. He stated the comment was made that, even with citizen input for the Master Plan of the City, the Master Plan is wrong. He stated that comment was made by Randy Abood. He stated that if there is anyone present this evening that wants to dispute that comment he would like to refer to the video that was taken of that panel discussion to review the comments and questions that were asked. He stated he does not believe this development fits in the community; it is a residential community. He stated that he agrees with the other comment made earlier that there are rumors that are being spread. He stated that he does not know who is spreading those rumors. He stated there are comments being made privately that have not been made public; it is a shame that as some of the ideas that are put forth are not true. . . whoever is spreading those rumors should stop. He stated he believes in public discourse and being friendly about it and he does not believe in being hammered.

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Kenneth Hellewell stated he is the Planning Commission Chairman. He stated many of the Planning Commissioners are present tonight to hear the discussion of the General Plan. He stated it is a requirement of State Law that the Planning Commission develop a General Plan and provide recommendations to the Council, which they have done. He stated that they have done a lot of work on the General Plan and spent a lot of time; multiple committees have worked on it as well. He stated he feels it is a good product that has been vetted through multiple public hearings and other meetings with the public. He stated that he would encourage the Council to take a good, hard look at it. He stated that if the Council does have questions as they move through the meeting the Planning Commission would be happy to answer them.

Mayor Nagle stated that she does have a question for City Attorney Carlson regarding the Open and Public Meetings Act (OPMA). Mr. Carlson stated that there is a quorum present of the Planning Commission. He stated that if the Planning Commissioners are present for the purpose of discussing, receiving comments from the public about, or acting on the matter, that would qualify as a meeting, which would violate the OPMA. He stated if they are not here for those purposes, this meeting does not qualify as a violation.

Planning Commissioner Braxton Schenk asked if “we” are really concerned about the Planning Commission being present tonight. Mayor Nagle stated she is concerned about violating the OPMA. She stated she is not concerned about the Commission being here. She stated that if a quorum is present and the City has not properly noticed the meeting, that could be a violation of the law, which is one of the few things that can send an elected official or Commissioner to jail. She stated it is an issue she wants to clarify for everyone. Mr. Carlson stated the Planning Commission will not be taking action tonight; they will not be receiving comments and rather the Council will be receiving comments; the only remaining possibility is whether they are present for the purpose of discussing the matter. He stated that if they are not present to discuss the matter, it would not qualify as a meeting according to the OPMA. He stated that as long as a quorum of the Planning Commission does not start participating in the discussion he is not concerned. Mr. Baird added that this issue was not raised by Ninigret. Mayor Nagle stated that she raised the issue on her own and she wants to be sure that no liability is created for the City. Mr. Carlson stated he would discourage the Planning Commission from engaging in discussion about the matter today, because that would essentially constitute two meetings happening in the same room.

Councilmember Duncan asked what if the Council wants to hear from the Planning Commission. Mr. Carlson stated that if the Council is discussing something with a Planning Commissioner, that is permitted. He stated, however, that if the Commission is discussing the issue amongst themselves, that is not permitted.

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TJ Jensen asked Mr. Carlson if the Council can still ask a Planning Commissioner questions. Mr. Carlson answered yes.

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Ed Gertge stated that he represents the Neil and LaVon Gailey Family Trust and they own the property located on the corner of 2000 West and 700 South where the Intermountain Health Care (IHC) Clinic is located. He stated that he does not know how or why, but he did not receive any information about this potential zoning change. He stated they are opposed

to the change because it will change their zoning without their approval or knowledge and it is not what they want. He stated that when they allowed the City to buy property from the trust to widen the intersection at the corner, they were given the assurances that they would be able to retain the C-2 commercial zoning, which would allow for some mixed residential use and they want to keep that option open. He stated they do not want to be forced to rezone the property in the future.

Councilmember Johnson stated that he wanted to clarify that the Council is not considering zoning changes tonight; rather they are considering General Plan changes.

Mr. Gertge then stated that he does not know much about the potential Ninigret development, he wished he had more information about it, but he is so wrapped up in his own plans for trying to survive in Syracuse that he has not been too involved. He stated, however, that he would caution everyone to be careful; he has been a contractor for over 40 years and he was involved in a lot of construction in the Clearfield area and their City Council continued to turn down developments and all of the development ultimately moved to Layton. He then stated that when he married into the Gailey family he saw the same thing happening in Syracuse and all of the development that could have been located here has moved to Clinton. He stated that Clinton has made some hard decisions to allow certain development and they now have a beautiful City. He stated that he is not privy to what the development is and he does not want to speak like he does know much about it, but he wanted to caution everyone not to push the development away because he sees how bad Clearfield and Syracuse are struggling and he sees how well Clinton and Layton are doing and he would like to see Syracuse benefit from some of that development.

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Heidi Brophy stated that she would like to refer to what Mr. Gertge mentioned about pushing away development. She stated that she agrees with that statement, but she does agree with what Mr. Gertge said about Clinton and the type of businesses that were built there that are great and wonderful; it is built in a great way, but they stuck to their Master Plan. She then referred to Layton and stated that the businesses there are what the citizens in Syracuse want. She stated that it is interesting that Mr. Gertge mentioned that he does not want Syracuse to end up like Clearfield, yet the type of development that Ninigret will build is what is in Clearfield and that is what the citizens are against.

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Pat Zaugg stated that she emailed the Council a couple of weeks ago and she hoped that they all received the email. She stated that she attended the ad-hoc committee meetings that were held on Thursdays. She noted that the things that were voted on by the committee members, she reviewed them on her own and compared them with one another and every one of them were included in the flex plan, which is a plan that the City Council voted against. She stated there were three things that were on the list that were not in the flex plan, including restaurants and recreation, and they were all voted against in the ad-hoc committee meetings by Ninigret. She stated that she wants to caution the Council and stated that she hopes Ninigret will look at the business park zone that has already been developed and try to work within that. She stated there are a lot of wonderful things in that zone; she was on the committee that helped set the zone guidelines. She stated she thinks it is workable, not for an industrial park, but for something. She stated she simply found it interesting that all the things that were on the list considered by the ad-hoc committee were also included in the flex zone. She reiterated the flex zone was denied by the Council; it has already been taken care of, discussed, and denied. She stated she hoped the Council would take that into consideration during their discussion this evening.

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Alan Whitman stated it is no shocker what most of the citizens feel like; he would say that “we” have gone through this and gone through all the hearings and “we” will not continue to beat the dead horse, but hopefully the Council will recognize what the citizens are trying to say. He stated they are not saying to keep development out; rather they are saying to bring development in, but bring development that fits in Syracuse as they are supportive of that. He cautioned them to not let their pride get in the way. He stated he has worked for a company that was very proud because they were touted as being one of the most financially strong companies in Utah. He stated they decided to make a \$150 million deal and they had three years of consecutive straight losses because they were too proud and they did not do their homework or listen to the people who actually knew what was going to happen. He suggested the Council listen to the citizens who have spoken very loud and very clear and everyone knows where they stand. He stated that “we” will still find something that works, but “let’s” make sure “we” do it in the proper time and way and not just rush into something because “we” have been told it will solve all our problems.

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Mayor Nagle stated that Kirk Grimshaw will be allowed to provide additional information in response to citizen comments. Mr. Grimshaw stated he is not present to say what PRI will or will not do, but he is saying that PRI has not had a chance yet to look at what the business park zone is. He stated they are somewhat skittish about it because they do not know what it is. He stated that they do not know what they could or could not do in the business zone and they do not know how it will affect their property rights as an owner. He stated they are simply seeking additional time to understand what the zone means. He stated that he talked to Mr. Romney this morning and he asked him to come to this meeting and say that PRI wants to work with everyone, but they do not know what this action would mean for PRI yet. He stated that he received the Council packet today and it is fairly thick; no one at PRI has had a chance to review it yet. He stated no one knew that this meeting was happening tonight and that a vote would possibly be taken. Mayor Nagle stated this is a regularly scheduled meeting that was noticed according to State Code and the packet was published on the City's website last Friday. Mr. Grimshaw stated all of that may or may not be true; he is simply explaining that PRI asked him to show up and ask for additional time to review it and understand it.

Councilmember Lisonbee stated that she received a letter at the end of June from PRI stating that they saw that the City was contemplating putting a business park zone in the area and they were against it because they did not feel it was the proper zoning. She stated that she is a little confused; obviously they have been aware of this option for over a month. Mr. Grimshaw stated that he saw that letter in the packet today from Mr. Romney; they did not know how serious this option was and they have never really looked into it. He stated that, other than sending a letter, he is not sure that they have gotten a lot of input and they stopped looking into it at that point. He stated that they have not taken the time to dig deep and understand what was happening. He stated that at the time that the letter was sent, they did not understand that the City would move forward with this action regardless. Councilmember Lisonbee asked if Mr. Grimshaw and Mr. Baird are talking with one another. Mr. Grimshaw stated that he met Mr. Baird for the first time about 45 minutes ago. Councilmember Lisonbee stated that this is the second meeting where this proposed change has been included in the packet. She stated that she would think that PRI, as the property owner, would have interest in finding out what is happening. Mr. Grimshaw stated that is what he is here to ask for; time to find out what is happening. Mayor Nagle stated that Councilmember Lisonbee raises a valid point; this information has been public for some time and it was tabled at the last meeting for further discussion. She stated this meeting was scheduled solely to discuss this issue. Mr. Baird stated he thought that the meeting would include a public hearing. Mayor Nagle stated that the meeting was scheduled to allow for discussion of this item solely. She then stated that she would like to hear from PRI what their desire for the property is. Mr. Grimshaw stated that he does not know yet. He stated that he does not know what PRI's current plans are for the property other than phase one that Bruce Baird and Ninigret have been working on.

Councilmember Duncan stated that one of the things that he has heard from Mr. Baird is that there has not been due process. He stated that he has been a member of the City Council since the beginning of 2012 and this is all the Council has talked about nearly every City Council meeting. He stated that he has discussed this with Mr. Romney as well and he is confused by how they can be here this evening saying that they need more time. He stated the business park zone has been publicly available for a long time. He stated that he has two questions; one is whether the City really needs to go through this again; and, two, is that the Planning Commission is saying that PRI wants the business park zone. He asked what should keep the Council from saying that they will give additional time for review and future zoning requests. He asked what would prevent PRI from coming back to the City and asking for the rezoning request to be considered again. He stated that PRI could make a special application to ask for a district of the general plan to be opened and for a zoning change to be made for special consideration. He stated he is not sure why that could not be done. Mayor Nagle stated that is a question for the Council to consider and not for PRI or for Mr. Baird. Councilmember Duncan stated that he is asking what the benefit is to keeping the Plan opened versus reopening it in the future.

Mayor Nagle thanked everyone for their comments this evening. She then stated that there have been Councilmembers that have consulted with both Ninigret and PRI and their counsel and the Council has heard from citizens. She stated that as a Council it is time to figure out what they feel is the best and highest use for the property based on the needs of the City. She stated that she would like to start the conversation about the actual agenda item.

Discussion regarding 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 the City Council met on July 10, 2012 to discuss the General Plan recommendations that were submitted to the City Council by the Planning Commission (please reference previous General Plan District One memorandum and information dated July 3, 2012). This matter was discussed for a period of time and during the discussion comments were raised regarding whether or not to hold a public hearing on this matter and whether or not to continue the matter for additional discussion and review. A motion was made to modify the

Planning Commission proposal and adopt the recommendation of changes to the General Plan for District One. This motion was not passed. Another motion was made to table this matter for further discussion to allow time for the City Council to consider the changes and to become more educated regarding the suggested changes for District One of the General Plan. As part of this motion it was suggested to discuss this matter again during a work session on the 31st of July, 2012. The motion was approved and continued for discussion and review purposes during a July 31, 2012 Work Session. It is for this purpose that it is on the current agenda. For use and review by City Council, the CED Department has been asked to create map renderings of how the area between the high school and the power corridor might look if developed using the Industrial Development (ID) zone buffered by the Planned Residential Development (PRD) zone along 700 South. These renderings have been included for City Council use as requested and also include what landscape screening/buffering requirements might look like if applied between the ID and PRD zones.

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Community Development Director Mike Eggett then summarized the staff memo and, in conjunction with Planner Noah Steel, provided a brief presentation regarding the potential development of the subject property included in District One of the General Plan.

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The Council then began their discussion of the agenda item with the discussion concluding at [7:23:46 PM](#)

Council Business

[7:23:44 PM](#)

Councilmember Peterson stated that he recently attended a Davis Unified Economic Development (DUEd) meeting, which Syracuse City hosted. He stated that a lot of the discussion was for economic minds, but what he did get out of it is that there is a group of people that are doing everything they can to foster economic development. He stated there are a lot of business owners and landowners that want productive and valuable development. He stated the City did a great job hosting the meeting.

[7:25:04 PM](#)

Councilmember Johnson stated that he has also attended DUEd meetings in the past and they are good meetings. He then stated that this weekend the Syracuse Arts Council production of "Into the Woods" will open. He added that there are a lot of upcoming events that will be held at Antelope Island.

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Councilmember Duncan stated that he knows some of the people that will be part of the cast for "Into the Woods". He stated that the Arts Council production last year was fantastic and he would encourage citizens to go to the performance this year. He stated these types of things are part of what make a community a community. He stated "lets" get out and support them; they are very talented. He stated that they were impressive last year and they will be impressive this year.

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Councilmember Shingleton stated he would like to echo what has been said about the Arts Council production; he has attended it several years and he has told them that he does not think they charge enough money. He stated he has paid \$50 to \$60 in the past for plays that were not any better than what the Arts Council has done. He then stated he would like to address one comment that was made earlier tonight; if a Councilmember talks to a developer they need to let them know that the City has changed its impact fees. He stated that was something that he and the Mayor were passionate about when they were first elected. He stated one of the problems in the City was fees that were out of line and it is difficult to fill space because those fees were so outrageous.

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Councilmember Lisonbee stated that she also wanted to comment on the Arts Council production. She stated that it is going to be great. She stated there is a preview on You Tube that anyone can watch. She then stated that she talked with Councilmember Duncan today and they want to call an executive session as soon as possible. She stated it is her understanding that the Council must call a meeting to adjourn out of to hold a closed session.

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Mayor Nagle stated that several months ago a citizen approached the City about the idea of a co-op swimming pool to be constructed in the area by Syracuse High School. She stated that she and City Manager Rice have talked to several other cities and none of them are interested in that idea and they feel it is a drain. She stated, however, that the local family fun center does have some desire to build a swimming pool to expand their business; that pool would not be run by the government but it would be a community asset. She stated there is some information about that project that has been provided to the Council and she would encourage them to take some time to go through it prior to the next meeting and direct any questions they might have to Finance Director Marshall. She stated it will take a lot of conversation for everyone to understand the details. She then stated she is curious about the business synergy for the Antelope Island Buffalo Stampede. Mr. Eggett stated that staff has been trying to aggressively get the word out about the event. He stated they are heavily promoting the race event since the City is a key participant in that event. He stated there has been a lot of good dialogue with the Davis Area Convention and Visitors Bureau (DACVB) about spreading the word and the City will continue to work on that. He stated he is hopeful there will be much more attendance from City residents than there has been in the past. He stated one of the things that will be offered this year is a kids' tent on Saturday morning with several events geared towards kids. He stated there will also be an area geared towards teenagers and the event should be attractive to families as whole. He stated he would encourage everyone in this room to attend.

The meeting adjourned at [7:31:29 PM](#)

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: August 14, 2012