

Minutes of the Special meeting of the Syracuse City Council held on August 21, 2012, at 8:21: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

Visitors Present:	Susie Becker	Ben Gerlach	Natalie Levi
	Alan Whitman	Ray Zaugg	Pat Zaugg
	Dean Rasband	Holly Rasband	Zach Anderson
	Brad Baird	Jeff Edwards	Brandyn Bodily
	Ann Anderton	Terry Palmer	

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

8:21:43 PM

Mayor Nagle called the meeting to order at 8:21 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. Public Comments

8:22:50 PM

Joe Levi stated he wants to talk about a different topic than what the Council has been focused on tonight; it is something that has been frustrating and concerning him. He stated all of his comments can be substantiated after the meeting is over. He stated he is not frustrated with the City Council; his frustration sits somewhere else. He stated he wanted to take a minute and remind the entire Council, which is made up of six members, that the “pecking order” is that City employees report to the City Manager; the City Manager reports to the Mayor; the City Council “sits on top of that” and the Mayor is a part of the Council. He stated the bosses of all of those people are all of the citizens. He stated “we the people” are the bosses, so when “we” talk about how “we” talk to “our” subordinates and superiors, remember that the people who are sitting in the audience and talking to the Council on the record in public meetings or off the record, they are the employers and they expect the Council to behave in a manner that represents them. He stated that has not been happening and that stops today. He stated he has been lied to in public meetings by the Mayor; the City Manager has called residents simple and say that they do not understand. He stated that is on the record. He stated the residents are the boss. He addressed City Manager Rice and stated that Mr. Rice is former military and he knows that if there is a general on base he is in charge and those working on base drop everything and respect him or they will spend time doing things they do not want to do. He stated that when a member of the City Council berates or disparages a member of the public from the pulpit at a time when the citizen cannot respond, that is not appropriate or right and it will not happen anymore. He stated when a member of the City Council, which includes the Mayor, says that someone else makes thinly veiled threats in a prayer and then recants that statement and says that they lied on public record and tells the newspaper that they weren’t threats, but they were jabs – that is not appropriate. He stated that behavior will stop. He stated the Mayor has said that the City Council is not high functioning and he agrees; he thinks what the citizens have witnessed tonight has been high functioning and the problem and break down that the City

has sits with the Mayor. He stated he does not like that and he hopes his comments are taken constructively because he is not trying to be vindictive and mean; rather, he is saying there is enough information in the newspaper and the City does not need to be throwing them feed. He reiterated the citizens are the boss and the Council needs to act that way.

8:25:17 PM

Ben Gerlach stated he has three points to make; the first is his concerns about the notices for tonight's meetings. He stated the agenda may have been posted in the usual places, but he visited the City's website today and it does not say that there is a City Council meeting tonight. He added that the City calendar does not include notification of the meetings. He stated many people check the internet to see when meetings are being held. He added that none of the agendas indicated that the Council would be talking about the Ninigret project and that information should have been included as part of the agenda language. He added that he has driven around the City and he has noticed that Ninigret has put up two signs; there is one on the corner of 1000 West and 200 South that advertises industrial properties for sale. He stated there is another identical sign on 2000 West at the end of 200 South. He stated his third point is that Ordinance 12-21 that the Council will be voting on tonight – he would suggest that before that Ordinance is voted upon that the legal description be changed so that it includes only the 79.44 acres that will be included in the tax increment collection area.

8:27:22 PM

Pat Zaugg stated she wanted to comment about an article in the Standard-Examiner on Friday, August 17. She stated her comments are addressed to Mayor Nagle. She read a quote from the article as follows: "Nagle insists that three people who spoke against this project, Terry Palmer and Pat and Ray Zaugg, have spoken against every project proposed for this region". Ms. Zaugg stated there has only been one project proposed for the region, so she guesses that the three residents mentioned are speaking against it, which is an industrial park. She continued reading from the article quoting: "the three have had the ear of some Councilmembers who choose not to act on the EDA". Ms. Zaugg stated she thinks this is totally ridiculous and she thinks the Councilmembers are intelligent people and can make their own decisions; they may listen to the citizens and she is thankful that someone is. She stated that as the citizens have spoken to the Mayor she does not think she is listening to them. She stated it was totally uncalled for to say that the residents have voted against all projects considering there is only one project. She stated she has attended the meetings and when she asks a question during public comment she wanted to know why those questions are never discussed. Mayor Nagle stated public comment is a time for comment and not a time for discussion. Ms. Zaugg stated that during the public comment portion of the last meeting Bruce Baird addressed the Council and after his comments the Mayor specifically answered his questions. Mayor Nagle stated Mr. Baird asked for direction to the developer and she provided that to him. Ms. Zaugg stated that the citizens ask questions about specific things also and her problem is that the residents live in the City and the Council works for them and she feels that when a citizen comes before the Council and asks a question it should be answered within the same meeting. She stated that if further discussion is needed she can see why the issue could be delayed, but when a citizen asks a specific question it is respectful for the Council to respond to it.

8:29:55 PM

Mayor Nagle stated that she has met with the Zauggs for at least three hours to address and listen to their concerns and questions and she is mindful of their questions and concerns and she spent three hours trying to listen to them. She stated she thinks that every Councilmember is committed to listening to the residents and answering the questions they have. She stated the best format for any Councilmember to answer questions is not in a public forum but it is one-on-one in person. Ms. Zaugg stated that the Mayor talked about the residents bending the Councilmembers ears and that is not proper and Mayor Nagle put that in the paper; that information was not provided by a resident.

8:30:41 PM

3. Consideration of Proposed Ordinance 12-21 adopting the Syracuse State Road 193 Economic Development Project Area Plan, and related matters.

The RDA board has adopted a resolution on August 21<sup>st</sup> approving and creating the SR-193 Project Area. It is also required, by ordinance, that the City Council of Syracuse City adopts the plan as approved by the RDA.

8:30:58 PM

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-21 ADOPTING THE SYRACUSE STATE ROAD 193 ECONOMIC DEVELOPMENT PROJECT AREA PLAN, AND RELATED MATTERS, WITH THE FOLLOWING CHANGES:

- AMEND THE LEGAL DESCRIPTION FOR THE PROPERTY INCLUDED IN THE ECONOMIC DEVELOPMENT PROJECT AREA TO INCLUDE ONLY THE PROPERTY LOCATED EAST OF THE POWER LINES ON THE PROPERTY.
- INCLUDE ALL CHANGES TO THE PLAN AS REFERENCED DURING THE RDA MEETING AS FOLLOWS:
  - AMEND PARAGRAPH FOUR BY INCLUDING THE CORRECT DATE OF AUGUST 14;
  - AMEND PARAGRAPH SIX BY CHANGING “WITHOUT REVISION” TO “WITH REVISION”.

COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[8:31:54 PM](#)

City Attorney Carlson noted the recommendation to amend the ordinance by changing the legal description for property to be included in the project area is not consistent with what was adopted by the Redevelopment Agency (RDA). Councilmember Peterson stated that he is concerned about that fact; it seems there is a contradiction that the RDA passed a resolution that will differ from this Council ordinance. Councilmember Lisonbee stated she thought about that as well and she is thinking the RDA meeting should maybe be reconvened so the Board can reconsider the vote taken regarding the RDA resolution. Mr. Carlson stated the RDA action must be taken before the Council meeting; if the City Council passes this ordinance, the ordinance will only be relevant for the property east of the power lines. He noted the RDA approved a resolution that applies to all property in the proposed plan area.

[8:33:19 PM](#)

Councilmember Lisonbee reiterated her motion upon request by Councilmember Johnson to do so. Councilmember Duncan stated his second stands.

Councilmember Shingleton asked Councilmember Lisonbee why she was recommending the change to the legal description. He stated the RDA approved a resolution including changes requested by Councilmember Johnson to ensure that the Council has control over what happens in the entire project plan area. Councilmember Peterson agreed and stated that he sees no risk in including the entire parcel of ground in the project area plan. He noted that he finds it strange that the RDA just passed a resolution and the Council is now trying to pass something that differs from that. Councilmember Lisonbee stated her concerns were put forward during the work session discussion about this issue. She stated she agrees that there may not be many risks in including the entire parcel in the plan area, but she heard a citizens comments about the issue and she feels it will not be difficult to add the entire parcel into an EDA in the future if the Council so desires. She stated that right now the area east of the power lines is the only parcel that will be developed. Councilmember Peterson asked Councilmember Lisonbee why she did not make a similar motion during the RDA meeting. Councilmember Lisonbee stated she did not think of it.

[8:35:38 PM](#)

Councilmember Duncan stated that the City Council should send a message to the Taxing Entity Committee (TEC) that they are more than willing to approve an EDA east and west of the power corridor if they can also get a CDA approved. He stated that this is a package deal; there should be a CDA overlay in the area and he does not want to rely on the idea that it will be easily approved in the future. Councilmember Peterson stated that the Council could give instruction to the Council tonight saying that they want to approve the EDA and overlay a CDA in the near future. Councilmember Duncan stated that according to what the advisors are saying, the CDA must be approved by the TEC before the Council can approve it. Councilmember Peterson stated the Council can give that direction. Councilmember Duncan stated he feels the Council is doing that tonight. He stated he does not want to adopt the EDA and CDA at different times; he wants to do them at the same time. Councilmember Shingleton stated that means that this entire process will start over. Councilmember Duncan stated he is willing to approve the EDA east of the power lines, but he is uncomfortable approving the EDA west of the power corridor and he would like to continue considering an EDA and CDA west of the power corridor. He stated that would provide an invitation to businesses that are attracted by a CDA as well as an EDA. Councilmember Peterson stated that the Council can direct the staff to start working on the development of the CDA.

[8:38:50 PM](#)

Councilmember Lisonbee stated that to clean up the process it may be appropriate to reopen the RDA meeting and vote on changing the resolution by amending the legal description for that document as well. Councilmember Peterson stated that makes the Council look stupid; the same group of people acting as the RDA Board just passed the resolution. Councilmember Lisonbee stated she is less concerned about looking stupid than she is about representing the citizens properly. She stated that she has no problem with the EDA east of the power lines. Councilmember Shingleton stated it does

not make sense to him that the RDA just passed a resolution and the Council is considering adopting an ordinance that contradicts it. Councilmember Lisonbee stated that is why there is a provision in Robert's Rules of Order to reconsider motions. Mr. Carlson stated the RDA meeting has adjourned. He stated the Council can approve a smaller area to be included in the EDA and it would not be necessary to reconvene the RDA meeting.

8:40:26 PM

Councilmember Peterson stated only one citizen brought up this issue and he asked if that is what changed Councilmember Lisonbee's mind. Councilmember Lisonbee stated there were more citizens that talked to her about it during the break between the work session and this meeting.

8:40:47 PM

Mayor Nagle stated there is a motion and a second regarding the proposed Ordinance and she called for a vote. VOTING "AYE": COUNCILMEMBERS DUNCAN AND LISONBEE. VOTING "NO": COUNCILMEMBERS JOHNSON, PETERSON, AND SHINGLETON. The motion failed.

8:41:06 PM

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-21 ADOPTING THE SYRACUSE STATE ROAD 193 ECONOMIC DEVELOPMENT PROJECT AREA PLAN, AND RELATED MATTERS, WITH THE FOLLOWING CHANGES:

- INCLUDE ALL CHANGES TO THE PLAN AS REFERENCED DURING THE RDA MEETING AS FOLLOWS:
  - AMEND PARAGRAPH FOUR BY INCLUDING THE CORRECT DATE OF AUGUST 14;
  - AMEND PARAGRAPH SIX BY CHANGING "WITHOUT REVISION" TO "WITH REVISION".

COUNCILMEMBER SHINGLETON SECONDED THE MOTION. VOTING "AYE": COUNCILMEMBERS LISONBEE, PETERSON, AND SHINGLETON. VOTING "NO": COUNCILMEMBERS DUNCAN AND JOHNSON.

8:42:23 PM

At 8:42 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: September 11, 2012