

Minutes of the Special meeting of the Syracuse City Council held on August 25, 2015, at 7:10 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Doug Peterson

Mayor Terry Palmer
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:
Finance Director Steve Marshall
City Attorney Paul Roberts
Public Works Director Robert Whiteley
Acting Community and Economic Development Director Noah Steele

Visitors Present:

Ralph Vaughan	Josh Yeates	Chris Keime
Mason Hamblin	Helene VanNatter	Bryan DeGrange
Jordan Savage	Ray Zaugg	Pat Zaugg
Andrea Anderson	Ed Gertge	Kevin Homer
Howard Davidson	Dena Kammeyer	Kathy Thomas
Stephen Thomas	Patrice Rupert	Jerry Guffey
Janet Davidson		

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1. Meeting Called to Order

Mayor Palmer called the meeting to order at [8:06:51 PM](#) p.m.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AMEND THE AGENDA BY ADDING PUBLIC COMMENTS AND TO ADOPT THE AGENDA WITH THAT CHANGES. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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2. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session and Special Meeting of July 28, 2015.

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COUNCILMEMBER GAILEY MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Public comments

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Stephen Thomas, 3793 Cherry Hills, addressed items five and six on the agenda and noted that he lives very close to the property that is subject to the proposed General Plan amendment and rezone. He summarized his concerns regarding the proposal noting that he feels that any business allowed to locate on the property will eventually expand and he will be forced to look at a two-story warehouse and semi-trucks parked on the property. He stated he enjoys his current surroundings and the environment as well as his view and he believes that view may be impeded by the wall that the applicant would be required to build around the property. He noted that there will also be noise associated with the development that will disturb his peace; the area has not been designed around business development; rather, it has been designed around family. He concluded he feels it is the wrong decision to change the zoning designation to business park; professional office is also not the best for the property, but it is a compromise.

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Ryan Pederson, 3885 Formby Drive, stated that he also has full view of the property mentioned by Mr. Thomas; he understood there would be some development in the area and that is why he did his own research before moving in regarding the type of development and future transportation projects that could occur. He stated that a nearby property was rezoned for Paul's Automotive and whoever is supposed to be monitoring the regulations that were imposed on that business are not doing so. He stated that once a change is approved and uses are allowed that cannot be undone. He stated that the applicant has proposed a 33 foot building height, but he is sure that a six-foot fence will not be able to block his view of a building of that height. He added that many residents have been informed in the past that the golf course was having financial difficulties and they were invited to meetings where they thought they would be asked to invest in the golf course or be told to sell their home because they would no longer be living near a golf course, but it ended up being that the golf course was trying to sell season passes at a reduced cost; it was a sales ploy in his opinion. He stated that his concern is not just for him, but for those travelling to Antelope Island as the gorgeous view on that drive may be obstructed by a business park development.

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TJ Jensen stated he is addressing the City Council as Planning Commissioner; he noted one option the Planning Commission can consider is to create an overlay zone that could be crafted for the property being discussed to restrict the uses on the property more than the underlying zone would.

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Mike McBride stated that the professional office and business park zones both permit the same building height and he is not proposing anything as high as 33 feet; rather, the maximum building height he would seek is 20 feet. He stated he will also plant a line of trees that will grow 20 feet tall so that nearby neighbors will see nice landscaping; the fragmites and weeds will be removed and he feels the view will be improved. He stated that there will be no parking in the back of the building. He then addressed Mr. Pedersen's comments regarding the meetings that were held to discuss the financial status of the golf course and noted that he was unaware that people living in the neighborhoods surrounding him would have been willing to invest in the golf course.

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Eric Peterson, 3861 Formby, stated he has lived at his home for about a month and he is feeling somewhat duped; he also is insulted to hear people say that the property is too far west because that is his neighborhood and the part of the town that he fell in love with. He stated there is a crosswalk on the two busy streets running adjacent to the subject property and his children use it to get to and from school. He is worried about the increased traffic created by this development and how it will impact the children trying to get to and from school. He added that all the homes sold on the golf course generated revenue to pay for the golf course, but now it seems like a scheme if the plan was to try to sell the homes at an elevated price with the thought in mind that the golf course may eventually be developed one day. He noted that he heard Mr. McBride say during the work session that he does not intend to get rid of the golf course, but that it is ultimately out of his control. He stated this application seems like the beginning of a slippery slope and if it has been so difficult to attract tenants for professional office space, maybe it should not be zoned for commercial use and maybe there is a better use for it.

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3. Proposed Resolution R15-27 appointing Susan Pehrson to Syracuse City Disaster Preparedness Committee with her term expiring June 30, 2018.

The Council recently created a Disaster Preparedness Committee for Syracuse City. The City Code calls for the appointment of seven members, appointed by the Mayor with the advice and consent of the City Council, who will serve a term of three years. To date only six members have been appointed and Mayor Palmer has recommended that Susan Pehrson be appointed to fill the final position on the committee.

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Mayor Palmer reviewed the staff memo.

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COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-27 APPOINTING SUSAN PEHRSON TO SYRACUSE CITY DISASTER PREPAREDNESS COMMITTEE WITH HER TERM EXPIRING JUNE 30, 2018. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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4. Canvass and consideration of certification of the results of Syracuse City Primary Election held August 11, 2015.

A staff memo from the City Recorder explained the Syracuse City Primary Election was held August 11, 2015; the election was conducted using a vote-by-mail hybrid approach whereby all registered voters were mailed a ballot 27 days prior to the Primary Election with the option of returning that ballot mail, via a ballot box at City Hall, or surrendering it on Election Day to vote in a traditional manner at the Syracuse Community Center.

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City Recorder Brown reviewed her staff memo and summarized the results of the Primary Election held August 11, 2015. She noted that since election night, an additional 175 ballots were received and tabulated, for the total number of ballots cast being 2,145 or a 20.21 percent turnout. She noted the additional votes counted did not alter the outcome of the election and the top six candidates that have been duly nominated to advance to the November 3, 2015 General Election are:

- Andrea Y. Anderson (1,311 votes or 22.61%)
- Karianne Lisonbee (1,098 votes or 18.94%)
- Dave Maughan (903 votes or 15.57%)
- Doug Peterson (794 votes or 13.69%)
- Randy Miller (402 votes or 6.93%)
- Gary Pratt (375 votes or 6.47%)

She noted those eliminated at the Primary Election are:

- Daniel Schuler (356 votes or 6.14%)
- Ryan R. Hatch (302 votes or 5.21%)
- Kurt Jones (257 votes or 4.43%)

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COUNCILMEMBER GAILEY MADE A MOTION TO CERTIFY THE RESULTS OF THE SYRACUSE CITY PRIMARY ELECTION HELD AUGUST 11, 2015. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

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Councilmember Gailey relayed a personal story of his experience in casting his ballot by mail; initially he was somewhat concerned about a vote by-mail election and the integrity of the vote, however he was ultimately thrilled with the results. He noted he forgot to sign the voter affidavit on his ballot return envelope and his wife signed on his behalf. Upon the Davis County Clerk's Office receiving and examining his ballot, they determined the signature did not match the signature they had on file for him so they called to notify him of the problem and provided him with a chance to correct it in order for his vote to be counted. He stated he got caught and he is glad he got caught because it made him feel very good about the process.

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Councilmember Lisonbee noted there are pros and cons to running a vote by-mail election. She noted she was attending a church meeting recently and another member told her that she filled the ballots of all of her children because they do not know who to vote for and then she asked them to sign their affidavits. She stated that is concerning to her in addition to a post that she saw on Facebook where someone was offering their ballot for sale. There are still some concerns about vote by-mail elections and people that want to vote by-mail have the option to do so by requesting an absentee ballot, but sending 8,000 unused ballots is problematic and expensive and while she knows the City has committed to the by-mail system this year, she would propose that the election method is reconsidered in the future while still giving voters the option to vote by-mail. Ms. Brown offered statistics on the City's actual election costs. She noted prior to deciding upon a vote by-mail election she was asked by Davis County to provide the City's projected voter turnout. She based her projection on the turnout in the last Primary Election where only Council seats were up for election and she communicated a projected 10 percent turnout to the County. The cost for a traditional election based upon that projection would have been \$7,305.47 and if the 10 percent turnout would have been achieved, the cost per vote would have been \$6.88. She stated that the cost for the vote by-mail election was just over \$12,000 – though the original estimate was over \$15,000 – and the cost per vote based on the 20.21 percent turnout was \$5.66. She stated that even though 80 percent of the ballots mailed were not returned and were possibly thrown in the trash, the City's cost per vote was still lower than for a traditional election. She added that the biggest reason she supports and opted for a vote by-mail election is that there is not a better method to contact and notify all voters in the City of an upcoming election; she has always followed legal noticing requirements for elections and even provided additional notification of an election via the City's newsletter and other means, but Syracuse City's voter turnout is typically low and has always been lower than other cities in Davis County. She stated it is her job as the City's election official to

remove all the barriers for legal voters to cast their ballot and she feels the vote by-mail system accomplishes that. She stated that she has heard many rumors and claims that the City's election costs will be double with the vote by-mail system and she stated that is not the case and the total costs for the Primary and General Election together may actually be less than spent in the 2013 election because the City will split costs with two other entities for the General Election. Councilmember Lisonbee clarified the cost for a vote by-mail election is higher than for a traditional election. Ms. Brown stated that is correct, but clarified that costs will be lower than initially quoted because the Davis School District and Davis County will have ballot questions on the General Election ballot and that will cut the City's cost by two-thirds. She stated that was ultimately the reason she chose to use the vote by-mail system, coupled with the fact that Syracuse citizens have voted by-mail as the County has conducted their last two elections in that manner.

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Mayor Palmer stated there has been a motion and second to certify the Primary Election results and he called for a vote; ALL VOTED IN FAVOR.

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5. Proposed Resolution R15-24 amending the Syracuse City General Plan Land Use Map adopted in 1976, as amended, by changing the land use designation for property located at approximately 3600 W. 1700 S. from Professional Office to Business Park.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property.

The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

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City Planner Steele stated he is available to answer any questions about this application and referenced his report made during the work session held prior to this meeting.

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Councilmember Lisonbee expressed her feelings about the application, noting that she has many concerns after hearing from the residents living near the subject property. She proposed that the item be tabled until it is possible to draft an agreeable development agreement for the project to mitigate the concerns that have been expressed. Councilmember Peterson stated he can support a development agreement, but he does not feel that this application needs to be tabled in order to accomplish that. He appreciates the concerns that have been expressed, but he feels most, if not all of those concerns, are addressed by the zoning regulations, a development agreement, and the comments Mr. McBride has made regarding his intentions for the property. He stated he is comfortable moving forward. Councilmember Johnson stated he is opposed to the application as he feels the proposed use is not conducive to the area. Councilmember Gailey disagreed especially if the proposed development will save the golf course. He stated he understands the position Mr. McBride is in in terms of needing to find a revenue stream to subsidize the golf course. He stated the worst case scenario for the neighborhood would be increased heavy residential traffic in the area. He agreed with Councilmember Peterson and stated that he is comfortable proceeding with what has been proposed.

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Councilmember Peterson addressed City Attorney Roberts and asked if it is appropriate to consider a development agreement before amending the General Plan and approving the zoning request. Mr. Roberts stated the type of development agreement called for in the ordinance simply requires adherence to standards and the use would be vested upon approval of the zone change this evening. He stated the type of development agreement recommended by Councilmember Lisonbee that could be executed in advance of approving the zoning could address appropriate uses for the property and what concessions could be made by the developer and City to mitigate concerns. Mayor Palmer stated it may be appropriate to amend the

business park zone ordinance to change or remove the uses that are not desirable; he believes in property rights and wants to proceed as long as concerns can be addressed.

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Discussion regarding the Council's options for proceeding this evening ensued, with Councilmember Peterson stated that he does not want to table if there is no plan for bringing the application back before the Council. Mr. Roberts stated that he can craft a development agreement, the terms of which could be negotiated by the City and the applicant, and adoption of the ordinance to approve the zone change would be conditioned upon that development agreement. CED Director Mellor and Mr. Steele provided input regarding the items they would propose be included in the development agreement, such as building height requirements, architectural design requirements, and landscaping requirements. Discussion ensued regarding the Council's feelings about the aspects of the application are not palatable and should be addressed in the development agreement, with Councilmember Peterson asking Mr. McBride if he is willing to enter into a development agreement to address the concerns that have been expressed this evening. Mr. McBride stated he is willing to enter into a development agreement so long as it is not so restrictive that it keeps him from accomplishing his goals for the property. He stated the irony is that he could build the type of building he wants to build with the exception of including storage space if the professional office zoning designation for the property were maintained; he stated the project that he would like to construct is less invasive than what he could currently build.

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Councilmember Lisonbee reiterated her recommendation to table the general plan and zoning change actions tonight. Mayor Palmer stated he can support that to address the concerns that have been expressed this evening; he reiterated he is ultimately supportive of property rights for everyone.

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COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE UNTIL SEPTEMBER 8, 2015 CONSIDERATION OF PROPOSED RESOLUTION R15-24 AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED, BY CHANGING THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 3600 W. 1700 S. FROM PROFESSIONAL OFFICE TO BUSINESS PARK. THE MOTION DIED FOR LACK OF A SECOND.

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COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-24 AMENDING THE SYRACUSE CITY GENERAL PLAN LAND USE MAP ADOPTED IN 1976, AS AMENDED, BY CHANGING THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT APPROXIMATELY 3600 W. 1700 S. FROM PROFESSIONAL OFFICE TO BUSINESS PARK. COUNCILMEMBER PETERSON SECONDED THE MOTION.

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Councilmember Lisonbee stated she will be voting in opposition to the motion, but she wanted to clarify that it is not because she is anti-business or property rights, but she believes a General Plan change is a serious thing. The General Plan is the City's constitution and it should be safeguarded. She stated there are residents living near the subject property who moved to the area with expectations for the future of the property and she wants to make sure their concerns are addressed. Councilmember Johnson stated he will also be voting in opposition.

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City Manager Bovero reiterated Mr. Jensen's previous recommendation that it is an option to create an overlay zone that could provide increased restrictions for the development of the property according to the business park zoning. Discussion ensued regarding the concept of overlay zoning, with Councilmember Peterson stating that Mr. McBride has indicated that time is of the essence for the project and he wondered if there may be time to discuss a development agreement or an overlay zone. Mr. McBride stated he would be happy to discuss further after the Council adopts the resolution.

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Mayor Palmer stated there has been a motion and second to adopt the proposed resolution and he called for a vote. VOTING "AYE": COUNCILMEMBERS GAILEY AND PETERSON. VOTING "NO": COUNCILMEMBERS JOHNSON AND LISONBEE AND MAYOR PALMER.

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The Council had a continued brief discussion regarding the process of establishing an overlay zone, with Mr. Bovero noting such an action would follow the same Planning Commission process as a zone amendment. Councilmember Lisonbee stated she likes the idea of an overlay zone and if it will work for Mr. McBride she would support it.

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6. Proposed Ordinance 2015-16 amending the existing zoning map of Title Ten by changing from Professional Office Zone (PO) to Business Park Zone (BP) the parcel of property located at approximately 3600 W. 1700 S.

A staff memo from the Community and Economic Development Department provided the following information regarding the application:

Subdivision Name:	To be determined
Location:	3600 W 1700 S
General Plan:	Professional Office
Requested General Plan:	Business Park
Total Area:	8.57 Acres

The applicant has indicated that the Business Park zone is more conducive to the use of the land and the existing business of nearby property.

The Planning Commission moved to recommend unanimous approval to the City Council of the General Plan and Rezone request to Business Park, Sunquest Development, property located at approximately 3600 W 1700 S, subject to all applicable requirements of the City's municipal codes and City staff reviews on July 21, 2015.

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COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE PROPOSED ORDINANCE 2015-16 AMENDING THE EXISTING ZONING MAP OF TITLE TEN BY CHANGING FROM PROFESSIONAL OFFICE ZONE (PO) TO BUSINESS PARK ZONE (BP) THE PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 3600 W. 1700 S.

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She stated she feels if the City denies the proposed ordinance Mr. McBride would need to follow another lengthy and costly process to bring the issue before the Council again.

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COUNCILMEMBER JOHNSON OFFERED A SUBSTITUTE MOTION TO DENY PROPOSED ORDINANCE 2015-16 AMENDING THE EXISTING ZONING MAP OF TITLE TEN BY CHANGING FROM PROFESSIONAL OFFICE ZONE (PO) TO BUSINESS PARK ZONE (BP) THE PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 3600 W. 1700 S. THE MOTION DIED FOR LACK OF A SECOND.

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COUNCILMEMBER PETERSON SECONDED COUNCILMEMBER LISONBEE'S MOTION TO TABLE; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER JOHNSON WHO VOTED IN OPPOSITION.

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

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COUNCILMEMBER GAILEY MADE A MOTION TO CONVENE IN 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 PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 8:59 p.m.

The meeting reconvened at 9:24 p.m.

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Council business

City Council Special Meeting
July 28, 2015

[9:25:02 PM](#)

The Council and Mayor provided brief reports regarding the activities they have participated in since the last City Council meeting. They also reported to the staff comments or suggestions they have received regarding various City issues. The Council engaged in a brief discussion about upcoming agenda and calendar items, with a focus on the special election that will be held in conjunction with the City's Municipal General Election regarding the transportation sales tax; the Council concluded to be silent on their support or opposition to the ballot measure, but staff will prepare a written statement indicating the road projects that would be completed if the tax were enacted and additional funding were available.

At 9:42 P.M. COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: September 8, 2015