

Minutes of the Regular Meeting of the Syracuse City Council held on September 11, 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
Douglas Peterson
Larry D. Shingleton

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

City Employees Present:
Finance Director Steve Marshall
Police Chief Brian Wallace
Fire Chief Eric Froerer
Community Development Director Mike Eggett
Detective Corey Rowley

Visitors Present:	Bruce Schofield	Hayden Lynch	Lyle Elmore
	Linda Elmore	Claudia Mitton	Chris Mondragon
	Randy Fackrell	Amanda Fackrell	Liz Jensen
	Tyler Morton	Jacob Morton	Colton Smith
	Teagan Patterson	Noah Bybee	Shaylee Kezior
	Heidi Taylor	Rose Thain	Dean Rasband
	Holly Rasband	Julie Griffin	Carol Thurgood
	Ray Zaugg	Brian Phillips	Chance Fackrell
	James Fackrell	Bridger Fackrell	Merrill Fackrell
	Matt Munhoz	Josh Allred	Cameron Skinner
	Brayden Eames	Levi Hammon	Jaycie Smith
	Art Shimafa	Shanelle Pehrson	Brandon Hammond
	Brady Blackley	Tracie Steele	Ashlie Albrecht
	Baylee Bolton	Samuel Johnson	Madison Holley
	Gary Pratt		

1. Meeting Called to Order/Adopt Agenda

7:06:55 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 Lisonbee provided an invocation. Boy Scout Colton Smith representing Scout Troop 512 then led all present in the Pledge of Allegiance.

7:16:32 PM

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Jaden Fackrell and Ava Elmore.

7:09:10 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 Jaden Fackrell and Ava Elmore and she asked all those present to give the nominees a round of applause. She quoted the staff memo, which explained Mr. Fackrell works hard to always improve upon his previous best; he has a positive attitude and is not afraid to challenge himself. She then stated Mr. Fackrell's positive attitude will take him far in life and the City is so lucky to have him as a resident. She presented him with the Award for Excellence and commented that she loves the photograph of Jaden that was submitted.

Mayor Nagle then quoted the staff memo, which explained Ms. Elmore is a great all around student who always gives her personal best. Ava is also a talented photographer. She then stated she wanted to thank Ms. Elmore for living in the community and setting such a great example for other children. She stated she hoped Ms. Elmore would continue to do that moving forward in her life. She then presented Ms. Elmore with the Award for Excellence.

3. Recognition of Sgt. Phillips who won the prestigious "Marine of the Year" award for the 4th Marine Division of the United States Marine Corps.

7:12:41 PM

Mayor Nagle stated that Sergeant Phillips won a very prestigious award; the "Marine of the Year" award for the 4th Marine Division of the United States Marine Corps. She asked City Manager Rice to introduce Mr. Phillips and provide a background on the award he had received.

Mr. Rice reviewed the summary of the award as follows:

"Syracuse resident Sergeant Brian A. Phillips was awarded the 4th Marine Division's Marine of the Year at the 9th Annual Marine Corps Association & Foundation Ground Awards Dinner on Thursday, 28 June at the Crystal Gateway Marriott, in Arlington, Virginia.

The dinner served as the opportunity to recognize the four Marine Divisions' Marines of the Year, the recipients of the 2011 Leftwich Trophy, Hulbert Trophy, Zembiec Trophy, the Chambers Award, and the MARSOC NCO/Critical Skills Operator of the Year.

"MCA&F is proud to recognize these Marines for their exceptional achievement and duty to the Corps," said MajGen Edward G. Usher III, USMC (Ret) and President/CEO of the MCA&F. "That's why the MCA&F exists. We encourage continued education, first-rate leadership and career advancement. We honor the professional excellence of Marines who serve our county every day."

Sgt Phillips is from Salt Lake City, Utah and is currently serving on the Inspector-Instructor staff with Fox Company, 2d Battalion, 23rd Marines. He deployed to Iraq twice and performed duties such as MRAP driver, gunner, vehicle commander, navigator, patrol leader, and section leader in support of Operation Iraqi Freedom. Sgt Phillips chose military service because his father was in the Army and he wanted to follow in his footsteps. Sgt Phillips was accompanied by his wife, Stacia Phillips, and his father, Jack Phillips. His sister, Tiffany and brother-in-law, David were also present.

General Dynamics and the Marine Corps Association and Foundation sponsored this award."

Mr. Rice then stated this is a "big deal" and he congratulated Sgt. Phillips on receiving the award.

Mayor Nagle stated she is so appreciative of everything Sgt. Phillips has done for her family, community, and nation. She stated she is humbled by his service and dedication and she thanked him for all of his sacrifices.

Sgt. Phillips then received a round of applause from those in attendance.

4. Approval of minutes.

7:16:24 PM

The minutes of the Work Session Meeting of March 27 and the Special Meeting of August 21, 2012 were reviewed.

COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF MARCH 27 AND SPECIAL MEETING OF AUGUST 21, 2012 AS AMENDED.
COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Lisonbee stated there are a few minor amendments; on page 13, line 26 of the March 27 minutes, insert the word "by" between the words given and Council. She then stated that she listened to the recording of the meeting and it seems there was more conversation that happened at the end of the meeting and she would like to see her comments reflected in the minutes.

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

5. Public comment.

7:18:19 PM

Terry Palmer, stated he would like to thank Sgt. Phillips; it is awesome to have people like him in the community. He then stated he would like to mention he feels that the citizens have elected a Council and Mayor and those elected officials should not put too much power in the hands of the Fire Chief. He stated that the current Fire Chief is awesome, but the next one may not be as awesome as him and he feels the Council is the decision making body. He then stated he feels the City needs to move forward and consider turning the area between the Syracuse High School and 1000 West turned into a business park. He stated he wrote an article for The Islander and he believes that if the City has some vision it would be possible to put a multi-plex athletic park in the location, which could include four baseball diamonds. He stated that once more athletes are brought into the City, that will cause the area to build a lot. He stated the City has the money and he certainly believes the park could be built and it could be a draw for people line West Point, Clinton, Clearfield, and Layton. He stated they would come here and it would make that property appropriate along with the High School.

7:20:30 PM

TJ Jensen stated he is approaching the Council as the Vice Chair of the Planning Commission. He stated item seven on tonight's agenda deals with electronic meetings of public bodies in the City. He stated that he took the time today to look through the Planning Commission bylaws and he found that there is no policy in the bylaws that will conflict with what the Council intends to do tonight. He stated that he remembers the Planning Commission having the discussion about their bylaws and they felt that they would consider the issue of electronic meetings when the need arose, but it was not an important issue at the time. He stated they have used the City's policy and had not planned to do anything different. He added the Planning Commission has always been able to maintain a quorum over the past year, though there was one situation about a month ago when he recused himself from voting leaving only four members available to vote, but even in that situation there was a quorum.

7:21:44 PM

Bruce Schofield explained he had quite an adventure recently; he and his wife travelled to Kaysville to see a home their grandson had purchased. He stated they decided to tour the valley and they travelled through Layton into Syracuse and they took the road to West Gentile and they were wondering there was such a nice road over in that area even though it is not used much. He then stated he turned back and over to 2700 South and Bluff Road and they went west on Bluff Road. He stated he was moseying along and he noticed a vehicle following behind him; he was chatting with his wife and paying attention to the scenery and the animals and when he crossed onto 3500 West he found the vehicle behind him was a cop and he pulled him over. He stated that he wondered what he had done wrong and the officer told him that he had drifted into the middle lane too far. He stated he gave the officer credit for doing his job. He then told the officer that as he drove from Bluff Road to 3000 West he was bouncing around the potholes and paying attention to the cattle and that could be why he was drifting. He stated that is only the second time he has been pulled over in his lifetime. He stated it turned out to be quite a laughing affair.

Mayor Nagle stated that Mr. Schofield has exceeded his three minutes and she asked if he would be willing to talk to her after the meeting. Mr. Schofield answered yes. Mayor Nagle asked Mr. Schofield if he received a citation, to which Mr. Schofield answered no and reiterated he thought the officer had done a good job.

7:25:37 PM

Julie Griffin stated her comments are related to the General Plan updates the Council plans to consider tonight. She stated she would love to see no changes to the Plan; her family owns property in the area that is being reviewed, but she not only desires to see no changes to her families property – but no changes to the General Plan overall. She stated she knows there will be changes to the City as a result of the construction of a big road, but the Council can decide how that road will affect the City and she thinks the best option at this point in time is to make no changes at all. She stated once the City makes a change others may claim that the City just changed the General Plan and it should be changed for something they would like to do in the City. She stated she feels the best option for the City is to leave the General Plan as is.

Councilmember Duncan asked Ms. Duncan where her property is located. Ms. Griffin stated that her house is located at 2480 W. 700 S. and her family owns property up to where 200 South is located between 2000 West and 3000 West.

6. Proposed Ordinance 12-24 amending the Syracuse City General Plan adopted in 1976, as amended.

7:27:45 PM

A memo from the Community Development Department explained that in an ongoing effort to update the Syracuse City General Plan, the Syracuse City Planning Commission created Subcommittees for District Two and Eight to examine

and update the corresponding sections of the General Plan. As a key item of the Subcommittees review, a selection of Planning Commissioners, a Councilmember, City staff, and members of the public, chose to examine the proposed land uses of their assigned District of the General Plan. The proposed amendments to the District Maps and corresponding language amendments reflect the Subcommittees and Planning Commissions goals to provide opportunities for economic growth and appropriate adjacent residential development.

On September 4, 2012, the Syracuse City Planning Commission held public hearings regarding the proposed amendments to the General Plan, specific to the Districts 2 & 8, in which one comment was received regarding buffering between commercial and residential zones. On September 4, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached amendments to the Syracuse City General Plan, Districts Two and Eight. The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend the Syracuse City General Plan – Districts Two and Eight to reflect Ordinance No. 12-24.

[7:27:54 PM](#)

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-24 AMENDING THE SYRACUSE CITY GENERAL PLAN ADOPTED IN 1976, AS AMENDED, WITH THE FOLLOWING AMENDMENTS:

- ADOPT CHANGES TO DISTRICT EIGHT AS PROPOSED;
- ONLY MAKE ONE CHANGE IN DISTRICT TWO – WHICH IS THE CHANGE ON 2000 WEST CHANGING CURRENT C2 DESIGNATION TO GENERAL COMMERCIAL.

COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:28:50 PM](#)

Councilmember Duncan stated in the past the City Attorney has said it would be a good idea for the Council to make a statement for the record explaining why this given action was taken. City Attorney Carlson stated that as a general rule, if any decision were challenged, the courts will look to the minutes of the meeting where the decision was made to find out the reasoning behind the challenge. He stated that if no discussion occurs, it will be much harder for the City to defend any decision made by the Council. Councilmember Peterson asked if the work session minutes would be sufficient as that is where most of the discussion about this item took place. Mr. Carlson stated that the work session minutes could be considered; in this specific instance there are minutes to refer to, but as a general rule he would always recommend some discussion explaining why a decision is made.

[7:29:51 PM](#)

Mayor Nagle asked how that rule applies to consent agendas and she noted there are several cities that include all action items on a consent agenda and there is no discussion about any of the items. Mr. Carlson stated those items could be subject to challenge and the courts would reference the city's minutes to see what the reasoning behind those decisions were. He stated it is hard to justify the reasons for a decision when there is no discussion on the record as to why a Council made the decisions they did. Mayor Nagle stated there are robust conversations on such topics in work session meetings. Mr. Carlson stated that is the case for this item, but that is not the reason he gave his advice in the past. He stated his advice is that whenever a decision is made for or against an issue there should be some reference as to the rationale behind the decision.

[7:30:38 PM](#)

Councilmember Duncan stated he thinks it is a good idea to state reasoning behind an action taken. Mr. Carlson stated in the context of this issue there has been discussion of this issue. He stated his advice was given following a meeting where there was official discussion about an item in on direction and the action was taken in another direction and that could be problematic.

[7:31:20 PM](#)

Mayor Nagle stated she would summarize the reasoning for this decision and also refer the minutes of the work session meeting where the item was discussed more in depth. She stated the Council is considering the wishes of some of the landowners in the area as well as one of the residents who came forward that has property in the area and they have notified the City that they would not like to see any changes to their property. She stated the Council tried to take into consideration accommodating the landowners' wishes wherever possible, while looking at the future planning of the City.

7. Proposed Resolution R12-23 setting for the rules for conducting public meetings of the City Council and Planning Commission using electronic means.

[7:31:56 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-23 SETTING FORTH THE RULES FOR CONDUCTING PUBLIC MEETINGS OF THE CITY COUNCIL AND PLANNING COMMISSION USING ELECTRONIC MEANS, WITH THE FOLLOWING AMENDMENTS:

- CHANGE SECTION SIX BY AMENDING THE SECOND SENTENCE SO IT READS AS FOLLOWS: “TO DISCOURAGE AN ABUSE OF THE ELECTRONIC MEETINGS POLICY, NO MEMBER SHALL BE ALLOWED TO USE ELECTRONIC COMMUNICATION TO ATTEND MORE THAN TWO MEETINGS PER CALENDAR YEAR OF THE SAME PUBLIC BODY WHERE ISSUES ARE VOTED UPON”;
- CHANGE DEFINITION OF PUBLIC BODY TO INCLUDE ALL PUBLIC BODIES IN THE CITY BESIDES THE CITY COUNCIL AND PLANNING COMMISSION.

COUNCILMEMBER DUNCAN SECONDED THE MOTION.

[7:33:52 PM](#)

Councilmember Peterson stated that earlier in the meeting there were comments made by Mr. Jensen about a quorum and it made him think about whether the policy said anything about requiring there to be a quorum at the anchor location for the meeting. He stated he could not find that in the document and he would prefer that there be a quorum at the anchor location. Mr. Carlson stated that is already required by Title Two of the City Code, so staff did not add language repeating what Title Two says.

[7:34:36 PM](#)

Councilmember Lisonbee had a citizen approach her after reading through the Council packet and they asked about the possibility of allowing citizens to use electronic means to make public comments in Council meetings. Mr. Carlson stated the City is not set up to accommodate that type of thing at this time; however, in situations where staff has received letters about a specific issue, those letters have been attached to the Council packet for the Council’s consideration.

[7:35:48 PM](#)

Councilmember Duncan stated he is in favor of this item because there are five voices on the City Council and it is important for all of those voices to be heard, even if one of those voices is heard through electronic means. He stated it was important to find a balance between accommodating participation and abuse.

[7:36:32 PM](#)

Mayor Nagle stated there has been a motion and a second regarding the resolution and she called for a vote. ALL VOTED IN FAVOR.

8. Grant the petition of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Saints and Ninigret to adjust the boundaries of an Agricultural Protection Area.

[7:36:38 PM](#)

A memo from the City Attorney explained the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter Day Saints (“CPB”) submitted a petition to remove property it owned from the current agricultural protection area encumbering the property. After submitting the petition, CPB sold the property to Ninigret Construction Company North, LC (“Ninigret”). Ninigret has since joined in the request. The petition complies with the requirements of state code and the City Attorney recommends that the boundaries of the Agricultural Protection Area be adjusted in accordance with the petition.

On August 22, 2012 Kirton McConkie, the law firm representing CPB, submitted a written petition to remove specific property from an Agricultural Protection Area. After submitting the petition, CPB sold the property to Ninigret. On September 4, 2012 Ninigret submitted a letter verifying that it had purchased the Property. Ninigret joined in the request that the property be removed from the agricultural protection area and asked to be added to the petition filed by CPB. The Public Works Director has verified that the legal descriptions of the property (“Exhibit A”) and the new boundary for the agricultural protection area (“Exhibit B”) are accurate.

“Any owner of land within an agriculture protection area... may remove any or all of the land from the agriculture protection area... by filing a petition for removal with the applicable legislative body.” Utah Code §17-41-306(2)(a). The existing agricultural protection area is within Syracuse’ city limits. Accordingly, the City Council is the “applicable legislative body.”

The City Council “shall:”

1. Grant the petition for removal;
2. File a legal description of the revised boundaries with the County Recorder and city Planning Commission; and
3. May not charge a fee. *Id* at (2)(b)

The property owners have submitted a petition that complies with state law. Since the agricultural protection area is within city limits, the city council is statutorily required to grant the petition and record the revised boundaries (Exhibit B) with the County Recorder and the city Planning Commission. The City Attorney recommends that the Council do so.

City Attorney Carlson summarized his staff memo.

[7:37:41 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO GRANT THE PETITION OF THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AND NINIGRET TO ADJUST THE BOUNDARIES OF AN AGRICULTURAL PROTECTION AREA. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Councilmember Lisonbee stated there is a legal description in the Council packet, but she asked Mr. Carlson to provide an explanation in layman's terms as to which property will be removed from the Agricultural Protection Area. Mr. Carlson stated it is the area that has been sold by the CPB to Ninigret; it is located between 1000 West and the Syracuse High School. Mayor Nagle asked if it also includes the one corner of property that the CPB did not divest itself of. Mr. Carlson stated he is not aware of whether the CPB requested to remove that area, but if it is included their petition is in order.

[7:39:31 PM](#)

Mayor Nagle stated there has been a motion and a second regarding the petition; she called for a vote. ALL VOTED IN FAVOR.

9. Councilmember Reports.

Councilmember reports began at [7:39:37 PM](#). Councilmember Johnson provided his report, followed by Councilmembers Peterson, Duncan, Shingleton, and Lisonbee.

10. Mayor Report.

Mayor Nagle's report began at [7:43:06 PM](#).

11. City Manager Report.

Mr. Rice's report began at [7:44:48 PM](#).

At [7:45:56 PM](#) p.m. COUNCILMEMBER JOHNSON MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: October 9, 2012