

Minutes of the Work Session meeting of the Syracuse City Council held on September 11, 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 review the agenda for the business meeting scheduled for 7:00 p.m.; hear a request to be on the agenda from Jeff Gibson of Wendy's regarding a business sign; discuss the proposed General Plan updates for Districts Two and Eight; discuss the City Council electronic meetings policy; accept the draft rewrite of Title Seven of the City Code for a first reading; and discuss Council Business.

Request to be on the agenda: Jeff Gibson of Wendy's regarding business sign.

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Jeff Gibson approached the Council and said he wanted to personally thank them for giving him the tools to be able to stay in business by helping him with the purchase of his new business sign. He noted the Council takes a lot of actions, but people do not typically return to a Council meeting and report on how things turned out; he stated he wanted to provide that kind of report to the Council

Councilmember Peterson asked if the new sign is helping the business. Mr. Gibson stated that since the day the sign was erected the sales totals have increased every day except for one day.

The Council thanked Mr. Gibson for his report.

Discussion regarding proposed General Plan Updates for Districts Two and Eight

6:02:24 PM

A staff report 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 Subcommittee's and Planning Commission's 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 Two and Eight, 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 2 & 8 to reflect attached Ordinance No. 12-24.

Community Development Director Eggett reviewed the staff report.

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Councilmember Peterson stated there is a proposed change in the General Plan for property owned by the Rentmeister family and he stated he thought that change had already taken place. Mr. Eggett explained the Council approved the zoning of the property, but did not make the change in the General Plan.

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Mayor Nagle stated she drove along State Road 193 the other day because there have been discussions about mirroring the SR 193 zoning and what was troubling to her is that many – up to 75 percent – of the commercial areas along SR 193 are vacant. She stated that includes strip-mall types of commercial development. She stated she is worried that the City will create more commercial areas even though it is not currently possible to fill the existing vacant commercial spaces. Mr. Eggett stated the General Plan is a 25 year plan and it is updated every five years and the action tonight is a “dart on a dart board”. Mayor Nagle argued that is not always the case; because there have been times that people have tried to change the zoning for their property that is called out in the General Plan and they have been told no. She stated she simply wanted to raise the issue because she has driven along the corridor to see how the commercial use in Syracuse would blend with the uses that are already located there. Mr. Eggett added staff is not aware of the target completion date for the SR 193 extension and this is the time to come up with ideas for what the Council would like to see in the area.

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Councilmember Lisonbee stated that the staff memo references subcommittees that reviewed proposed land use of their assigned district of General Plan and she asked which Councilmember participated on the subcommittee. Mayor Nagle stated she believed it was past-Councilmember Alan Clark.

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Councilmember Peterson stated there is a reference in the Planning Commission minutes to notification of residents, specifically the Cook family, and he asked if there had been any feedback from the few residents that would be impacted by the proposed changes. Mr. Eggett stated he has not heard from the Cook family. He noted the largest property owner that would be impacted is Property Reserve, Inc. (PRI) and they typically stay neutral on these types of issues.

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Councilmember Johnson stated he talked to the Cook family and they reiterated they would rather see no changes to their property. Mayor Nagle stated that has been their stance all along. Councilmember Johnson stated he also talked to Lurlen Knight, who lives on 2000 West, and he wants his property to be designated for commercial use as do his neighbors. He then reiterated that the remaining property is owned by PRI. Mr. Eggett noted there are some properties in the western area of the City near 3500 West and there are a few families that have strips of property that will be included in this action. He stated their property is adjacent to Schneider’s Bluff Golf Course in West Point and the power corridor runs through that area. He stated he does not know that those property owners would be opposed to the changes, but staff has not heard from them to date.

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Mayor Nagle asked how much property owned by the Cook family will have its zoning designation changed. Mr. Eggett stated the red portions on the map will be changed according to Planning Commission recommendation. Mayor Nagle stated this is being recommended even though the Cook family has asked that the City leave their property as it is. Councilmember Johnson stated he is not inclined to follow that recommendation.

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Councilmember Duncan stated there are citizens opposed to the recommendation and if the Council does what the citizens want it is possible to approve the commercial designations on 2000 West and leave the other properties untouched. He stated the Council did not approve requests to change the General Plan by Ninigret and PRI and it seems to him that the City should hold off on these changes. Councilmember Johnson stated his feeling is that the Council should honor the wishes of the Cook family. Councilmember Duncan stated that when people want to change the use of their land they can come to the City and apply to proceed through that process.

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Councilmember Peterson stated he would not mind hearing from the Planning Commission because the vote on this item was very close.

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Planning Commissioner TJ Peterson stated that the main reason that a couple of Commissioners wanted to table the item for a couple of weeks was because there is a Planned Residential Development (PRD) that is currently shown on the plan and it was something that was added earlier in the decade last time the Commission considered the Master Plan. He stated a couple of Commissioners were not comfortable with that and they wanted to reach out to the residents to see if they

wanted to leave the property as PRD or change it to commercial. He stated the majority of the Commission felt it was better to move their proposal forward and into the Council's purview.

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Planning Commissioner Gary Pratt stated he made the motion to forward a positive recommendation to the City Council for this item. He stated this issue has been ongoing for the past year and there have been a least a dozen times that public comment was accepted by the Planning Commission. He stated that the Cook family never approached the Commission via a letter or attendance at a meeting. He stated the fact that they talked to somebody is hearsay for the Planning Commission. He stated if they had a gripe or wanting something different done they should have sent the Commission a letter. Councilmember Johnson stated he verified what the Cook family has said. Mayor Nagle stated the Cook family has sent a letter and it is on record with the City. Commissioner Pratt stated the letter was not in the Planning Commission packet, but that is not a relevant issue. He then stated that making a recommendation on the General Plan does not add to or take away anyone's property rights; it is just an idea that the City is planning for land use around a major corridor. He stated it is only logical that properties will eventually be used for commercial use when they are located near a major corridor. He stated the residents have all the rights and choices as to what they want to do with their property. He stated that as far as the discussion regarding talking to a couple of property owners, the City Attorney cautioned the Planning Commission against doing that because if the City approaches a few residents they should be approaching everyone; it is not right to just pick out a few residents to speak to about the issue. He stated staff made the point that it would be very expensive to notify every property owner whenever a zoning change is being considered in that district rather than using the notification process that is currently employed, which has been adequate for years. He stated property owners have the right to attend and hear any information. He stated each district in the General Plan is considered every five years and these districts have been open for a year and his idea was to push it to the City Council with a recommendation from the Planning Commission. He stated that if the Cook family has sent something to the City that is fine, but the General Plan changes to not technically make any changes to their property.

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Mayor Nagle stated the Cook family has been very vocal on several occasions to make sure the City is well aware that they do not want their property rezoned and they have asked that the City not make any changes until they want to make changes. She stated she does think it is relevant and the City has dealt with something similar in regards to the Ninigret property. She stated if the General Plan includes one designation and the property attempts to change that designation, it is not easy and if the City knows the property owners wishes beforehand and those wishes are very well documented that can be helpful. She noted David Cook was on the subcommittee and he made it very clear that he did not want the designation for his property changed. Mr. Eggett stated that during subcommittee discussions David Cook was amenable to the potential General Plan changes for his property, but when MGB&A was brought in to the process, the Cooks changed their opinion.

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Councilmember Duncan stated that there may be problems down the road if all the surrounding property owners are in favor of a commercial use and one property owner is not. Mayor Nagle stated that if they own the property they should be able to say that. Councilmember Duncan stated it is a problem that may or may not happen at some point in the distant future.

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Councilmember Lisonbee stated that there is only one small strip that the Council is considering tonight; the rest of the property is already zoned General Commercial and the proposal is to change it to Commercial 2.

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Councilmember Peterson stated Commissioner Pratt is right when he says that this is only a General Plan change and not a rezone of the property, but he does agree that it is safer to honor the wishes of the Cook family. He stated he is even open to leave the westernmost properties unchanged as well and only address the properties on 2000 West. Councilmember Johnson agreed. Councilmember Peterson stated that he thinks that the Planning Commission and Community Development Department has done great work, but he believes that the construction of the SR 193 extension will not happen for several years in the future. Councilmember Johnson stated that is his concern; the timeframe is unknown and the configuration of the road could easily change.

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Councilmember Shingleton asked if someone has a commercial property, but they want to sell their property for a use other than commercial, must they disclose that to the buyer. City Attorney Carlson stated this action is not changing any zoning; it is just changing the General Plan designation. Councilmember Duncan stated there is still some implication behind General Plan designations. Mr. Eggett stated that when a property is listed the listing typically includes information about

the current zoning and the General Plan designation to signal how the property could be zoned in the future if an applicant so wishes.

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Councilmember Duncan stated that if the property is General Planned for commercial use and that use does not end up being viable for several years in the future, but people ask for commercial zoning in spite of it because they anticipate their property values going up, the Council would have to hear those requests because of the General Plan designations.

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Councilmember Shingleton stated he would be comfortable adopting the revisions to the General Plan with certain changes, namely not extending commercial zoning past 2000 West. Councilmembers Johnson and Duncan agreed.

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Mayor Nagle asked if anyone had concerns about the changes being recommended for District Eight. Councilmember Peterson stated he is comfortable with them. Councilmember Johnson agreed. Councilmember Duncan asked if the City has heard from any of the residents in that district, besides the Rentmeister family. Mr. Eggett stated that the change would create the ability to offer more uses and provide permits for things that the City has not been able to provide for in the past. Councilmember Shingleton stated that the changes will help clean up the area. Mr. Eggett pointed out that there are some uses in the area that are considered non-conforming and these General Plan changes will help to correct that.

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Councilmember Lisonbee stated that there is an extension on the east side of the District of the Neighborhood Services Zone into residential R-2 zoning. Councilmember Johnson stated that is for the dance studio in the area; it is a commercial use, but it is located in an R-2 zone. Mr. Eggett stated that is one of the non-conforming uses that will be considered legal upon this change. Councilmember Lisonbee asked about the south portion. Mr. Eggett stated that is in the south portion and he then stated to the north of that area there is an old car junk yard area that is currently unusable and this change will hopefully incent some positive changes in that area.

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Councilmember Duncan referenced 2700 South by RC Willey and he asked for details about the area. Councilmember Lisonbee stated there is a house with a for sale sign in front of it that says "for sale, five acre parcel, commercial". Councilmember Duncan asked if it is currently zoned for commercial use. Mr. Eggett answered no and stated it is zoned R-2. He stated this is a General Plan change and he pointed out the sign in front of the residence promotes that the property can be used as a home or for other potential developable uses. He stated there is an interest in bringing a cheerleading studio to that site. Councilmember Duncan stated that is right in the middle of a residential area that has not already been encroached upon by business uses. Mr. Eggett stated it is a very open area and he feels that it is a natural location for that type of use. He stated the intent of the neighborhood services is to have a business located on a site like this one. Councilmember Peterson agreed he feels it is an ideal location for that type of use. Councilmember Johnson concurred and noted there is fencing around the property that secludes it somewhat.

#### Discussion regarding City Council Electronic Meetings Policy

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City Attorney Carlson explained he has provided a draft resolution 12-23 in a clean and redlined format. He stated he attempted to address the Council's concerns about limiting the number of meetings during which a vote will be taken that a Councilmember can attend via electronic means. Councilmember Peterson stated he likes the way it is worded.

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Councilmember Peterson stated the Council had some discussion about which electronic means should be used for participation in a meeting and he liked the way Mr. Carlson worded that section of the document to provide some flexibility in determine what option should be used while putting some responsibility on the Council as well. Mr. Carlson stated there will always be new and innovative tools that will allow people to communicate with each other electronically and he has worded the document in a way that is accepting of any of those tools.

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Mayor Nagle stated she likes the document and thinks Mr. Carlson did a good job. All Councilmembers agreed.

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Councilmembers Lisonbee and Johnson recommended a few changes to the document, which led to a discussion regarding the definition of the term public body.

Accept for a first reading: draft rewrite of Title Seven of the Syracuse City Code

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A staff memo from the City Recorder explained that the recent Council discussion regarding fireworks restrictions brought to the attention of staff some issues with the current version of Title Seven of the City Code, which deals with Health and Fire. As a result, Fire Chief Froerer and City Attorney Carlson began working on a draft rewrite of this Title to address those issues. A redlined version of the document is included in your packet as well as a clean version. Staff is requesting that the Council accept this document for a first reading and be prepared to have a more in-depth discussion (if necessary) during the September 25 extended work session. After that meeting a public hearing can be set for October 9 to give the Council the opportunity to adopt a final version of the Title.

City Attorney Carlson summarized the staff memo and highlighted the reasons for his revisions to Title Seven.

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Mayor Nagle stated she would like to encourage the Council to read through the document and then consult with Mr. Carlson or Chief Froerer regarding any questions or concerns they have.

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The Council then began a discussion about the document, mainly centering on the penalties called out for violation of the Title.

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Mayor Nagle reiterated this document is just being accepted for a first reading and she would encourage all members of the Council to sit down with Chief Froerer and residents. She stated she heard from many residents over the past few summer months about their condemnation of the City for not being more proactive in trying to control fire dangers. She stated she would encourage them to take the time to listen to arguments on both sides of the issue and consult with the Chief. She also encouraged them to visit the Fire and Police Departments and go on a ride-along and get a feel for what they do every day and how they interact with the public. She stated it was eye opening to go on a ride-along with the Fire and Police Departments and see how they use their discretion. She stated they must maintain a healthy balance and it would be good for the Council to see it.

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City Manager Rice added he would encourage the Council to attend a Justice Court session to see how the Judge handles issues like this. He stated it is also a very eye opening experience.

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Chief Froerer stated that at some point in time people need to be held accountable for what they do. He stated the City is trying to be proactive by providing guidelines for everyone to have access to. He stated that if someone willfully sets a fire, they will be held accountable whether there is an ordinance in place or not.

Council Business

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Mayor Nagle stated she wanted to thank City staff for an amazing job in helping with the Davis County Gala. She stated that she does not yet know how much money the City will receive, but it was a fantastic night and there was so much community support. She then stated the Antelope Island Stampede was quite an event as well. She stated she attended the entire weekend and it was a fun event. She thanked the City staff that participated in that event as well.

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Councilmember Peterson stated that he wanted to echo the Mayor's comments about the Gala; staff did a wonderful job, let by Parks and Recreation Director Kresta Robinson who participated on the committee to plan the event. He stated there were more tables sold for the Gala this year than have ever been sold in the past. He stated the silent auction was great, too and people spent a lot of money. He stated it was a very emotional event and he thinks it will be a financial success.

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Councilmember Johnson also echoed the Mayor and Councilmember Peterson's comments about the Gala. He stated he heard that there were 76 tables sold; it was very well attended. He then stated he was not able to attend the Stampede, but he heard a lot of good things about it.

The meeting adjourned at [6:54:56 PM](#).

City Council Work Session  
September 11, 2012

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: October 9, 2012