

Minutes of the Regular meeting of the Syracuse City Council held on November 10, 2015, at 7:07 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Corinne N. Bolduc
Mike Gailey
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson

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

City Employees Present:

City Attorney Paul Roberts
Finance Director Steve Marshall
Community Development Director Brigham Mellor
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson

Visitors Present:	Gerald Jacobs	Adam Benard	Kevin Homer
	Sunni Finlinson	Ray Zaugg	Pat Zaugg
	Dale Rackham	Diane Palmer	Brittney Miller
	Andrea Anderson	Gary Pratt	Nate Lucas
	Ryan Rentmeister	Gerry Guffy	Kathryn Lukes
	Mike McBride	Tammy Brooke	Peter Brickey
	Bill Russell	Val Russell	Lurlen Knight
	Shane Crowton	Richard Thurgood	

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1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 7:07 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. City Manager Bovero provided the following thought regarding Veteran's Day:

"Tomorrow, the City offices will be closed in observance of Veteran's Day to honor those who have served our country and protected our freedom.

My father joined the United States Army in the late 1960s during a time when the Vietnam War was weighing heavily on the American psyche. By enlisting, he was able to have some choice in specialization, and he chose to be trained in electronics. Luckily, for him and for me, he wasn't assigned to the battlefield in Vietnam, but instead was assigned to what was then called West Berlin. He was stationed on a small outpost that was built on an old rubble hill made from the bombed out buildings of the city from WWII some twenty five years prior. He was in charge of maintaining and repairing the equipment that was used to intercept communications from East Berlin, whereby military intelligence would then try to decipher the messages. He was at the crossroads of three wars: Among the remains of WWII, in the midst of the Vietnam War, and taking part in protecting the country in the inevitable Cold War, which was brewing at the time. All of these wars, though very different in nature, had the protection of democracy and freedom on its banner.

I am a fan of democracy. One of the reasons I chose this profession was due to my love for our form of government. Democracy is not perfect. It is all too often slow, clunky, and full of frustration. As Winston Churchill so eloquently put it: "Democracy is the worst form of government, except for all the others." But there is something special about government of the people, by the people, for the people. And there is not anything in the world that is as bright as freedom. And nothing quite shines in this world like justice. So I am grateful, and I think I speak for everyone, for the service of our veterans.

But what about those of us who are not veterans? What is our role in freedom and democracy? I would argue that it is not enough to just have our democracy protected. I would argue that our role, the non-veterans if you will, is to take that democracy that has been preserved by those who have served our country, and perfect it. Polish it. Make it shine. And here are a couple of thoughts on how we might do that:

1. First: Vote. It would almost seem better if we had Veterans Day first, and Election Day second, in November, so as to remind us of the sacrifice necessary to have the right to vote. The simple act of voting is the envy of millions, if not billions, today and throughout history who do not, and did not have the privilege of deciding who will govern them. The vote is the embodiment of Power to the People. It is the crowning mark of our democracy. And the reason why so many have given their lives. So I encourage everyone to vote.

2. My next point touches on how we conduct ourselves in carrying out democracy on a day-to-day basis. To illustrate my point, I will draw from a recent talk by Dallin H. Oaks given last month at the Court/Clergy Conference in Sacramento, CA. His talk was on "The Boundary Between Church and State", but has great insight on conducting democracy on any given issue.

Now, as many of you know, Dallin H. Oaks is one of the highest leaders of the LDS Church. But whether you subscribe to the teachings to the LDS church or not, in this case, is irrelevant. Mr. Oaks is also a highly respected legal scholar, and a former justice of the Utah Supreme Court. I encourage everyone to read this talk.

In the talk he quotes Justice Oliver Wendell Holmes who said the Constitution is "made for people of fundamentally different views". Mr. Oaks goes on to say, "Differences on precious fundamentals are with us forever. We must not let them disable our democracy or cripple our society."

Then he gives some points of counsel that I think are fitting for us individually, and here as a city government:

1. Parties with different views.. should advocate and act with civility.

a. "We all want effective ways to resolve differences without anger and with mutual understanding and accommodation. We all lose when an atmosphere of anger or hostility or contention prevails. We all lose when we cannot debate public policies without resorting to boycotts, firings, and intimidation of our adversaries.

2. On the big issues that divide adversaries on an issue, both sides should seek a balance, not a total victory. "It will help if we are not led or unduly influenced by the extreme voices that are heard from contending positions. Extreme voices polarize and create resentment and fear by emphasizing what is nonnegotiable and by suggesting that the desired outcome is to disable the adversary and achieve absolute victory. Such outcomes are rarely attainable and never preferable to living together in mutual understanding and peace."

I want to thank the Council for the relative civility in which you have conducted this government in the past couple of years. I encourage you to continue doing so, improving where possible. And please let me know how I can help."

A local Boy Scout then led all present in the Pledge of Allegiance.

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COUNCILMEMBER LISONBEE MOVED TO ADOPT THE AGENDA. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Grace Russell and Riley Cearley for the month of November 2015.

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 Palmer noted both teens receiving the award for August 2015 were nominated by Legacy Junior High School.

Grace Russell:

Grace was nominated by Mr. C. Wilson at Legacy Jr. High. He admires her for many reasons. Some of these reasons are that she is diligent, reinforces her learning and is always helping others. To be more specific, she is diligent in

her learning and is well prepared. Sometimes things are difficult and extra work is required. Still Grace finds a way to succeed even when it is not easy. In Addition she seeks to reinforce her learning by retaking very difficult tests. As a result, she learns from this and improves her grade. Her drive to be a continuous learner will help her not only succeed at school but also in her career as she moves forward in life. Finally, Grace is well prepared and uses this preparation to help others understand. She is prepared in all areas such as projects, tests and assignments. As a result she is an excellent student in every way. She will be prepared to meet the demands of college and life and will do amazing things in the future!

Riley Cearley:

Riley was nominated by Coach Smith at Legacy Jr. High School. He admires Riley for his athletic ability, his dedication to academics and his desire to succeed. Riley is a gifted athlete. In basketball his height gives him an advantage but it is his hard work and commitment to improve his skill level that has made him a great basketball player. Riley has remarkable footwork and is a student of the game. His combination of great skills and basketball acumen helped him to be an impact player on his North End championship Team last year as well as a major contributor this year. His academics are impressive as he takes a rigorous schedule to succeed with his classes at the highest level. Finally, Riley has a great desire to succeed that drives him to be his best on and off the court. If there is something he doesn't understand in school he works to find the answer. Similarly, if there is a difficult opponent to face on the court, he will listen to his coaches and find a way to succeed. This drive and excellence I've seen in sports and academics will ensure a future where he will attain his goals and be successful.

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3. Canvass and consideration of certification of the results of Syracuse City General Election held November 3, 2015

A memo from the City Recorder explained the Syracuse City General Election was held November 3, 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. The memo included the unofficial results of the General Election with a note that the official results would be provided during the meeting.

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City Recorder Brown then provided the official results of the November 3, 2015 Municipal General Election:

- Andrea Y. Anderson – 2537 votes (20.80%)
- Karianne Lisonbee – 2034 votes (20.68%)
- Dave Maughan – 2031 votes (20.65%)
- Doug Peterson – 2008 votes (20.42%)
- Randy Miller – 1224 votes (12.45%)

Ms. Brown declared Andrea Y. Anderson, Karianne Lisonbee, and Dave Maughan as the duly elected City Councilmembers for Syracuse City from January 1, 2016 to December 30, 2019.

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Councilmember Lisonbee stated she appreciates any person willing to campaign for an elective office. She also thanked Councilmember Peterson for his service over the past eight years as he has been a great Councilmember and representative of Syracuse.

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COUNCILMEMBER GAILEY MADE A MOTION TO CERTIFY THE RESULTS OF THE SYRACUSE CITY GENERAL ELECTION HELD NOVEMBER 3, 2015. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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4. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session and Regular Meeting of October 13, 2015 and Work Session of October 27, 2015.

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COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION AND REGULAR MEETING OF OCTOBER 13, 2015 AND WORK SESSION OF OCTOBER 27, 2015. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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5. Public comments

TJ Jensen stated he has observed the work that the General Plan Steering Committee did; their work was outstanding. He referenced discussion that took place during the work session meeting regarding closure of the General Plan; this is how Syracuse has done things in the past and the Plan was historically closed for a five year period and changes could only be requested when it was opened. In recent history, the structure has been relaxed and the Plan was left open for longer periods of time. This has created uncertainty. He then noted that the language being suggested in the ordinance listed under item 11 on the agenda does give the Council the ability to open the plan at any time upon petition of a developer. He stated there has been much misinformation spread regarding the ordinance and what is offensive to him and other residents is that the assumption has been made that the General Plan is flawed, when in fact the document has served the City very well even during the largest economic boom the City experienced. He then stated the second issue he wants to discuss deals with the City's form of government. He has heard from citizens recently who are concerned about 'power creep'. He noted Syracuse City has a weak Mayor form of government and the actual powers assigned to the Mayor are very limited. He stated people are specifically questioning the idea of the Mayor holding town hall meetings and why the Council has not approved those meetings. He stated the Council has the power to approve Committees, but the Mayor does not have that same power. He acknowledged the scheduling of town hall meetings is not the same as creating a committee, but he feels there are others that have more power to call such a meeting. He stated the City Manager is responsible for day to day management of the City and he would be the more likely one to schedule town hall meetings, though he would likely need Council approval. He stated it is up to the Council to decide when any member of the Governing Body is overstepping their bounds and 'put things back in check'. He stated he feels Mayor Palmer is doing a great job, but these are simply concerns that have been brought to him by citizens.

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Tammy Brooke then read a letter addressed to the Mayor and City Council from the Syracuse Chamber of Commerce regarding agenda item 11:

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Ryan Rentmeister read the remainder of the letter started by Ms. Brooke:

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Dale Rackham disputed many of the claims included in the letter from the Chamber of Commerce; he noted the meetings of the General Plan Committee were noticed on the City's website and advertisements were placed to invite citizens to be on the Committee, though not many people applied. He added every change recommended by the Committee was included in the minutes of the Planning Commission meetings. He then noted the General Plan will not be closed for two years and then only open for two weeks; rather, after a two year period the General Plan will be open for a 90 day period. He stated there are not many changes to the content of General Plan or the General Plan Map and he feels the Chamber's comments are relative to how the General Plan is administered. He stated a lot of work has been put into the recommendations being presented to the City Council tonight and there was ample time for public input and involvement and he is unsure why the Chamber is waiting until tonight to make their feelings known.

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Lurlen Knight discussed the City's code enforcement ordinances. He stated he has lived in Syracuse for 20 years and it was and is still a nice place. Last week he received a notice of violation of a City ordinance that he was unaware of. He called Mayor Palmer, City Attorney Roberts, and Code Enforcement Officer Sessions who all graciously listened to him and offered suggestions. He stated he also has some suggestions; he lives on two acres as do most of his residents on the street. He has livestock, bees, a garden, and an orchard and his property is quasi-agricultural in nature. He stated the violation he was charged with is parking vehicles or trailers on the grass. He stated he feels the nature of the homes on 2000 West is different than in neighborhoods with smaller lots throughout the City and he feels the ordinance should be amended to provide different privileges or provisions for different residential zones and lot sizes throughout the City. He stated that the trailers on his property are 350 feet from the road and not easily viewed by the public. He then stated that the citizens that live in the area are very good citizens of this City; there is no storm drain infrastructure on the road, yet they all pay storm drain fees without receiving the service. The residents work together to drain water from their properties and they put up with a lot of things that residents in neighborhoods deal with. He stated he feels the ordinance should be amended to accommodate

some of the land uses that take place on the properties along 2000 West. He stated he appreciates Mayor Palmer and the fact that he has listened to him and his neighbors who have been negatively impacted by the enforcement of this ordinance.

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Pat Zaugg addressed the agenda item dealing with property acquisition to provide for trail construction that would locate a trailhead on 700 South. She stated she is not happy about the amount of money the City will be spending to build a parking lot and locate fitness equipment at the trailhead. She stated \$100,000 could be better used elsewhere in the City and the only people that will use the trail are those that live near it and for that reason they do not need a parking lot. She then addressed previous comments made regarding the General Plan; she was a member of the General Plan Steering Committee and she does not take the work that the Committee did lightly; the Committee did not have an agenda of destroying the businesses of Syracuse City. Instead, the Committee worked to improve, simplify, and clarify the document. She added it has been a long time goal to create a Plan that is not consistently opened to allow developers to change anything they do not like about the City. The process of updating the General Plan has been going on for nearly eight years throughout different projects like the former Davis Technological Economic Cooperative (DTEC) and Ninigret projects. She stated that the Committee went through the Plan with a fine tooth comb and she feels the proposed document is well written and overdue. Closing the General Plan does not prevent development, but, instead it manages it.

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Mike McBride also addressed the General Plan and stated that it is obvious that those who worked on updating the General Plan did not think of businesses in the City. He stated that if he had been forced to go through the development process outlined in the proposed updated version of the General Plan 20 years ago when he constructed the golf course, he would not have been able to be successful. He stated that the golf course was a catalyst for much residential development to the west, north, and south and many people sitting on the Council would not have a home to live in today if the golf course had not been built.

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Gary Pratt stated he takes issue with the things that have been said by the Chamber of Commerce. He noted the General Plan Steering Committee was made up of citizens, business owners, land owners, City staff, and City Councilmembers; there was good representation on the Committee and they worked diligently for nearly a year. All recommended changes to the General Plan were noticed and included in public information packets. The Committee met every other week and everyone was invited and had a chance to attend meetings to hear and contribute to discussions. He stated he is a business owner who has ran and created over 10 corporations and no one cares more about business than him; to say that businesses were not represented on the Committee 'is bunk'. He stated sections of the Plan that could potentially impact businesses were vetted thoroughly because the group is very sensitive to the fact that a business base is needed in Syracuse. He stated he spent four years on the Planning Commission and is very aware of the need for business and the Planning Commission has created three new business zones in the City to allow for more and different types of businesses. He stated one zone was created with a specific business in mind and the developer for that business attended several meetings and made recommendations to the Planning Commission and City Council that were ultimately approved. He stated that in comparing the core values of the old General Plan and the version that is being submitted for adoption, there are very few changes; the only changes relate to formatting and wording to make the document easier for the average citizen to read and understand. He stated he is standing before the Council as a citizen of Syracuse in total refute of what the Syracuse Chamber of Commerce has presented tonight; he was previously a member of the SBOSS organization, which ultimately became the Chamber, and he withdrew his membership because of the way the group approached and wanted to control the City in respect to the General Plan.

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John Lewis stated his advice to the Council is to close the General Plan; he is unsure of the Chamber's agenda in regards to the General Plan, but the process to update the Plan has gone on long enough and it is time to close it.

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Ray Zaugg echoed his wife's comments and then stated he would like to discuss a few agenda items. He first addressed the agenda item relating to the purchase of property for the purpose of constructing a trail and noted that one of the comparable properties used to determine the value of the property is Antelope Drive frontage and that property is certainly much more valuable than the subject property. He then stated that as he added the total cost of the trail construction and parking lot construction it appears that the City would be paying or reducing impact fees approximately \$325,000; this covers a parking lot and a trail from 700 South to State Road 193 and that seems like a lot of money that could be better spent. He then addressed the agenda item dealing with the City's Water Conservation Plan and noted that he is not sure how it is possible to determine how much secondary water residents are using based on gauging the irrigation water that flows into the

City as that gauging does not take into account the loss of water through ditch systems, overflow in ponds, or inflow of storm water and he questions the accuracy of that particular part of the Plan. He added there is a section of the Plan that compares the City's usage of secondary water to a statewide average, but not all residents of the State have access to secondary water and he is not sure how the calculation was done. He concluded that he received notification of a town hall meeting coming up and he wonders how many times the City is going to study land use for certain areas of the City as the results are always the same; hundreds of residents have indicated what they would like to see done with the undeveloped areas of the City and he questioned why the City needs to study those issues again.

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Dave Maughan stated he wants to be a part of City government that is for the people and will listen to the people as well as try to be part of the solution. He has seen over many years that it has been difficult to find people willing to volunteer their time to give back by participating on volunteer committees. It is disappointing that people who volunteered their time for nearly two years to study the General Plan are being told to start over, but in effect that is what is being asked of them. He stated he feels it is necessary to listen to those people and give them credit for the labor and hard work they dedicated to the City; he believes they had the best intentions. He wants to see more people volunteer their time and the City owes it to those volunteers to show them that their time, effort, and input is valued. It is not necessary to accept every recommendation made by a volunteer committee, but their recommended solutions should at least be considered. He stated that what he is hearing tonight is coming from one source that provided disinformation and he finds that very disappointing. He feels the City should come together for a better future and be more focused on what can be done to build a community rather than divide it.

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Adam Benard stated the Planning Commission never had a full body of all seven members when voting on the proposed ordinance listed under item 11 on the agenda. He stated there was never a full body for discussions during work sessions as well and it hard for him to believe that the document has made it this far without input from the entire Commission. He stated he understands the efforts the General Plan Committee made and he commends them on that effort; he agrees with Commissioner Rackham about the disagreement over how the Plan is administered and he was the only person that spoke during the public hearings for this document and he expressed his opposition. He stated he disagrees that there is a recommendation to close the plan for long periods of time and he agrees with the Chamber of Commerce that more public involvement is needed. He stated he is not faulting the General Plan Committee or the Planning Commission, but this General Plan is one of the most important documents the City has and he wonders why some would not rather have more public input. He indicated there are seven or eight people that were part of the General Plan Committee, but there are thousands of citizens in the City and he wondered why they should not be given a voice.

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Ralph Vaughan offered his congratulations to those who were successful in being elected to the City Council and he offered his thanks to Councilmember Peterson for his service. He then stated he is a member of the Planning Commission and he was one of the only four members who were present when the vote was taken regarding the ordinance listed under item 11 on the agenda. He stated he has been a Planning Commission for 15 years, four of which he has been a Chairman; the vote on this item is the only vote he has regretted. He spoke with the City Attorney to find out if there is a mechanism for him to retract his vote and he would have done that at the last Planning Commission but there was not a quorum present to give him the opportunity to make a motion to reconsider the item. He stated that if the City Council were to read the minutes of the meeting during which the issue was discussed they will see much discussion in regards to the General Plan Committee, specifically the minutes that were kept of their meetings. He stated there are only four sets of minutes published as part of Planning Commission minutes: September 14 – where six people attended; October 15 – where eight people attended; October 29 – where four people attended; and January 7 – where only two people attended. He stated it is interesting the way the Committee was organized; the Chairman of the Planning Commission announced at the July 15 meeting the formation of the Committee and during that same meeting he announced that Dale Rackham was appointed as the Chairman of the Committee; one minute later Commissioner Rackham indicates that four people have already been selected for the Committee. He wondered how the work to select those members was done in that short period of time. He stated that during the same meeting the Planning Commission was supposed to discuss the planning update for zone two and that has not been discussed since. He stated he would like to go on record as wishing to formally retract his vote regarding this ordinance; he is aware there would need to be two people to vote in favor of reconsideration of the ordinance and he does not believe that would ever happen. He strongly urged the City Council to delay a decision on this ordinance and let the Mayor proceed with his town hall meetings to allow citizens the opportunity to provide input regarding the future planning of the City. He stated that Section 20.060 of the ordinance was never brought to the Planning Commission until the last meeting; it was submitted by the City Attorney who handed it to the Planning Commissioners because it was not included in the public packet for the

meeting. He stated that he has been accustomed to a policy where a public body would never consider an item unless they have had a chance to study it prior to a meeting; he knows the document is legal, but it is his interpretation that it is also dangerous. Unless the City Council wants to decide what position they want to take in regards to the General Plan of the City, they should not be telling the Planning Commission what to do. He added there will be two new Councilmembers very soon and he would recommend that the Council wait until those people are seated as the dynamic of the body could completely change.

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Councilmember Lisonbee asked Planning Commissioners Jensen and Rackham to respond to the accusations made in Commissioner Vaughan's comments. Mr. Rackham stated that the opportunity to serve on the General Plan Committee was published on the City's website in advance of the July meeting and four people had expressed their interest in serving; two of those people backed out and others later joined, but everyone who expressed interest in serving were allowed to do so. He then stated he is not sure why the minutes of the General Plan Committee were never posted as they were provided to the City and it was his understanding they would be made part of the Planning Commission minutes so that they would be part of the public record of the City. He added he does not recall a meeting where only two members were present, but if that is the case, no decisions would have been made. He stated there was a period of nearly a month where not enough members were present to schedule a meeting and that is why there is a gap in the minutes, but all other minutes are available.

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Mr. Jensen also responded and said that under the Planning Commission bylaws the Planning Commission – and the Chair in particular – have the authority to appoint a Committee upon majority vote of the Planning Commission. He stated he took the appropriate steps to form the committee and he identified who would be in charge of the committee. He stated the Planning Commission also approved the purpose and scope for the Committee. He reiterated that every person who asked to join the Committee was allowed to do so, but less than a dozen people expressed interest. At no point was public input discouraged and many members spoke to residents outside of meetings to get their input. He stated he feels the work of the committee still stands and he reiterated that all minutes of the meetings have been provided to City Planner Schow for publication. He stated there was one meeting where a quorum was not present; discussion took place and the Planning Commission advised the Committee that no future meetings should be held when a quorum is not present. He then stated that Commissioner Vaughan raised his concerns during the most recent Planning Commission meeting as well; he would not oppose Commissioner Vaughan changing his vote on this item, but that can only be done when the minutes for the meeting are reviewed. He stated the issue has been raised that the Planning Commission never had a full body when considering this item; that is true and it seems to be very difficult lately to get all members to attend; the City Council has chosen not to appoint alternate members and that is a discussion for another time.

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Gary Pratt also responded to Commissioner Vaughan's comments; he stated that he previously served on the Planning Commission and during that time he chaired a committee and participated on other committees, including the General Plan Committee. He is sorry that citizens are proclaiming that they were excluded from having a voice in the process to update the General Plan; however, the Mayor is holding town hall meetings this week and next and those residents can blviate all they want about the General Plan. This will add to the multiple opportunities residents have had to provide input over the past year. He stated he did miss a couple of General Plan Committee meetings, but he always received the minutes of the meetings; those minutes were also provided to staff and if those minutes were not being included in Planning Commission packets, that is not the fault of the Committee. He stated that the issues that Commissioner Vaughan raised seem to be 'nitpicky'; Committees are made up of volunteers and staff who are doing the best they can and picking apart their work is petty.

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Commissioner Rackham briefly clarified that the Planning Commission has not yet voted on the General Plan and they will not do so until next week. He stated that all that the Council is being asked to consider tonight are changes to Title 10.

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Commissioner Vaughan stated there were only four people at the last Planning Commission meeting and if he were allowed to rescind his vote only three people would have voted and the ordinance would not be before the City Council tonight for consideration.

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6. Public Hearing – Proposed Ordinance 2015-23 amending Chapter

4.30 of the Syracuse City Code – Cemetery Regulations.

A staff memo from the Public Works Director explained the cemetery has had requests for granite base monuments rather than concrete. The proposed ordinance allows granite as an alternative to a concrete base. Clarification is added to the ordinance to reduce confusion of terms such as burial position vs. lot. Responsibilities are also clarified. This item was discussed during the October 27, 2015 work session meeting and the Council supported proceeding with the proposed amendments.

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Cemetery Sexton Lukes reviewed the staff memo.

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The Council briefly discussed the proposed ordinance with a focus on the City's responsibility for any damage to monument bases or mow strips; Councilmember Peterson stated he feels it would be more appropriate to include language that would protect the City from any loss or damages to any monument bases or mow strips, not just granite features. Councilmember Lisonbee agreed the City should not accept responsibility for any monument base or mow strips. City Manager Bovero indicated the proposed ordinance indicates that the City will not be held responsible for any damage to granite monument bases or mow strips regardless of whether the City is responsible for those damages. Councilmember Peterson stated that is correct and noted that he feels the same language should apply to all monument bases or mow strips regardless of the material that is used to construct those features. The Council had a brief philosophical discussion regarding the issue, ultimately concluding to remove the word 'granite' from subsection F.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2015-23 AMENDING CHAPTER 4.30 OF THE SYRACUSE CITY CODE – CEMETERY REGULATIONS, WITH THE FOLLOWING AMENDMENT:

AMEND SECTION 4.30.120(F) BY REMOVING THE WORD "GRANITE".

COUNCILMEMBER BOLDUC SECONDED THE MOTION.

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Councilmember Peterson stated he is unsure he is comfortable with the change; if he had a family member buried at the cemetery and granite was used for the base of their monument or for a mow strip and that granite were damaged by a careless seasonal employee, it may be appropriate for the City to assume responsibility for that damage. He stated it may be necessary to add wording to indicate the City will not be responsible for damages that occur in the course of regular maintenance, but if the damage is a result of negligence the City should be responsible. Councilmember Lisonbee stated she would accept that as a friendly amendment to her motion. Discussion then ensued regarding the likelihood of granite being damaged through the course of regular maintenance, with Ms. Lukes indicating that granite is a more durable material than concrete and should not be damaged through the course of general maintenance.

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COUNCILMEMBER LISONBEE WITHDREW HER MOTION.

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COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2015-23 AMENDING CHAPTER 4.30 OF THE SYRACUSE CITY CODE – CEMETERY REGULATIONS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Mayor Palmer indicated he failed to open the public hearing prior to the Council considering a motion for this item. He asked if any persons present wished to address the Council regarding the proposed ordinance. None stood to be recognized.

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7. Public Hearing – Proposed Ordinance 2015-22 approving the vacation and abandonment of a certain snow storage easement.

A staff memo from the Community and Economic Development (CED) Department explained the applicant is requesting to vacate a snow storage easement located on lot 3A of the industrial Ninigret North Subdivision, which they own. The easement is located in the middle of their proposed access drive which would impede business operations in the winter should snow be piled within the easement. The applicant received site plan approval from the Planning Commission on November 3, 2015 and they plan to build a 100,000 square foot facility to process steel coils into steel sheets.

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CED Director Mellor reviewed the staff memo.

[8:28:47 PM](#)

Mayor Palmer opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

[8:29:07 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2015-22 APPROVING THE VACATION AND ABANDONMENT OF A CERTAIN SNOW STORAGE EASEMENT. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:29:28 PM](#)

8. Proposed Resolution R15-36 adopting the Water Conservation Plan prepared in November 2015.

A staff memo from the Public Works Director explained the Utah Division of Water Resources has been charged with the administration of the Utah Water Conservation Plan Act (UCA 73-10-32), which requires each water district and public water system to submit a water conservation plan with updates every five years. The current plan was completed in 2010. The updated plan must be complete and submitted by December 31, 2015 in order to remain in compliance. This was mentioned in the April 28, 2015 city council work session. The draft was first presented to the council in a work session on October 27, 2015. The main purpose of the water conservation plan is to reduce the per capita water use in order to support the statewide goal of reducing 25% by the year 2025. The water conservation plan is a written document that contains existing and proposed water conservation measures describing what will be done by retail water providers, water conservancy districts, and the end user of water to help conserve water and limit or reduce its use in the state in terms of per capita consumption so that adequate supplies of water are available for future needs. This plan must address water conservation for both culinary and secondary water. A draft has been prepared for discussion. Resources used for the draft include the 2010 plan, current water data, current population data and updated projections, as well as plan recommendations checklist generated from the state.

[8:29:41 PM](#)

City Engineer Bloemen and Water Superintendent Mills reviewed the staff memo.

[8:30:24 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-36 ADOPTING THE WATER CONSERVATION PLAN PREPARED IN NOVEMBER 2016. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:30:57 PM](#)

9. Authorize Administration to execute agreement for the construction of improvements and the purchase and sale of specified property.

A staff memo from the Community and Economic Development (CED) Department explained The Developer is constructing homes within the Monterrey Estates Subdivision (the "Subdivision"), located in Syracuse, Utah at approximately 1500 West 700 South. Another developer (Ninigret Construction Company North, LC) has made improvements to surrounding property. The City desires to provide recreational amenities to the public, including those residents who will purchase homes within the Subdivision, in the form of trails and trailheads. The Developer owns a one acre parcel of land (Davis Co. Serial # 12-766-0004) at approximately 1370 West 700 South, Clearfield Utah (the "Parcel"). The Developer is constructing the Subdivision in phases, with Phase III to be constructed in the Eastern portion of the Subdivision. The City currently imposes Parks, Trails, and Recreation Impact Fees on new homes constructed within the City, including those constructed within the Subdivision. The Developer is willing to install a ten (10) foot asphalt trail within parcels owned by Rocky Mountain Power and the City, which trail shall be connected to a trail within the Subdivision. The Developer is further willing to give the Parcel to the City pursuant to the terms of this Agreement. The City is willing to reimburse the Developer with impact fees collected from the Subdivision for the Developer's work on the trail and its dedication of the Parcel. The City and community will be enhanced by the construction of a trail adjacent to the Subdivision, as will the Subdivision's value. Through a separate agreement, the City and Ninigret are constructing trails and trailhead to the North and South of the Improvements to be constructed by the Developer.

[8:31:11 PM](#)

Community and Economic Development (CED) Director Mellor reviewed the staff memo. He addressed comments made earlier in the meeting about the costs to construct the trail and parking lot and noted those costs were based on the City completing the work; however, Ivory Homes will be completing the project and they have indicated they believe they can complete the project for approximately \$50,000. He added many of the components of the transaction were decided upon before he began his employment with the City, but he feels that the agreement is good for the City and will provide a good benefit for residents.

[8:34:07 PM](#)

There was a brief general discussion regarding the implications of the agreement, with Mr. Mellor identifying the location of the property subject to the agreement as well as where the trail will be constructed upon execution of the agreement. Councilmember Lisonbee asked if the purchase of fitness equipment is included in the agreement. Mr. Mellor answered no and stated fitness equipment may only be added to the trailhead in the future if funding is available and if the addition of the equipment is deemed necessary. Councilmember Lisonbee asked if the method of constructing the trailhead and trail differs depending on whether fitness equipment will eventually be added to the area, to which Mr. Mellor answered no. Councilmember Lisonbee then asked if the trailhead will be landscaped in a manner that access to secondary water will be needed or if it will be xeriscaped. Mr. Mellor stated that is all dependent upon the amount of money available to the City upon completion of the trailhead. He stated the Parks Department would prefer xeriscaping, but the up-front cost for xeriscaping is much higher than traditional landscaping. Councilmember Lisonbee stated that she is trying to determine the project scope that is most appropriate for the City; she wants to be conservative with funding and not provide amenities that are not truly needed or desired by the citizens. Mr. Mellor noted at this point the City is committed to installing curb and gutter, asphalt in the parking lot, and a small portion of the trail; staff is working on a site plan that would reduce the area of the trailhead and money saved by that effort can be used for other purposes. Councilmember Lisonbee stated she feels the trail is an important part of the City's trail plan; she is simply trying to determine whether additional amenities, such as fitness equipment, are necessary. Mr. Mellor stated the City Council can continue to discuss that and eventually make decisions regarding the amount of money available through cost savings on the trail project and through impact fees paid by future residents. Councilmember Lisonbee stated she wants to go on record saying that she would prefer xeriscaping at the trailhead and that she would not like to locate fitness equipment at the trailhead initially. Mr. Mellor noted he is supportive of xeriscaping, but secondary water is needed for some xeriscaping. City Planner Schow added that secondary water is needed to establish all plants or trees installed in a xeriscaping plan.

[8:44:55 PM](#)

Councilmember Peterson asked if fitness equipment consists of things like pull-up bars located along other trails in the County. Mr. Mellor answered yes and noted that the City Attorney has advised that it will be necessary to pad the ground around fitness equipment because kids will play on and fall from the equipment even though signage will be erected to indicate it is for adult use only. Councilmember Peterson stated he feels fitness equipment may be better used along longer stretches of the trail. Mr. Mellor concluded that this section of the trail may be better used in the future as there is an option of potentially constructing soccer fields under the power lines in the area. Councilmembers Lisonbee and Bolduc both indicated they would like the City to pursue that option.

[8:46:49 PM](#)

Mayor Palmer stated he feels this project is a good opportunity for the City to experiment with xeriscaping around trailheads. Mr. Mellor agreed.

[8:47:18 PM](#)

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENT FOR THE CONSTRUCTION OF IMPROVEMENTS AND THE PURCHASE AND SALE OF SPECIFIED PROPERTY. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[8:47:49 PM](#)

10. Proposed Resolution R15-35 amending the City Council Rules of Order and Procedure pertaining to public comments.

A staff memo from City Administration explained that during the October 13 and October 27 work session meetings the Council discussed potential changes to the public comments section of the Rules of Order and Procedure document. The recommended changes understood by staff have been reflected in the section below:

Content. Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentation by the public are to be limited to relevant issues. In order to ensure that

the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council.

Public Comment. Individuals addressing the Council during the public comment period of the meeting or during a public hearing shall be given a time limit of not less than three minutes. Public comment periods will be included at the beginning and end of business meeting agendas and at the beginning of extended work session agendas; the Council may also accept public input for each item listed on an extended work session agenda as discussion of each item warrants. ~~Groups desiring to address the Council will be asked to select a spokesperson for this purpose and the Mayor may also impose a time limit on said spokesperson. A group shall be defined as an assembly of five or more people in attendance with similar viewpoints on a give issue. The names of each member of the group shall be provided to the City Recorder as well as the name of the spokesperson of the group. This information must be provided prior to the spokesperson being allowed to address the Governing Body for a minimum of five minutes.~~ Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise, may be removed at the direction of the Mayor.

The memo concluded if the Council is comfortable with the proposed amendment, Resolution R15-35 may be adopted to formalize the changes.

[8:48:06 PM](#)

City Recorder Brown reviewed the staff memo.

[8:49:06 PM](#)

Councilmember Lisonbee stated she likes the changes to the document and feels this is a good move in the right direction; however, she feels there may be an opportunity to further improve the rules regarding public comments.

[8:49:23 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO ADOPT PROPOSED RESOLUTION R15-35 AMENDING THE CITY COUNCIL RULES OF ORDER AND PROCEDURE PERTAINING TO PUBLIC COMMENTS. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

[8:49:51 PM](#)

Councilmember Peterson stated he has attended several meetings and he is comfortable with the fact that if there is every a problem at a meeting relating to someone becoming unruly or disrespectful, the Mayor has the ability to control the meeting and deal with that issue.

[8:50:14 PM](#)

Mayor Palmer indicated there has been a motion and second regarding the resolution and he called for a vote; ALL VOTED IN FAVOR.

[8:50:22 PM](#)

11. Proposed Ordinance 2015-24 amending various sections of Title X of the Syracuse City Municipal Code pertaining to noticing, General Plan amendments, administrative and development procedures, and residential zoning.

A staff memo from the Community and Economic Development (CED) Department explained the Planning Commission has conducted a review of various sections of Title 10 of the City Code. The following is a list of the sections of the City Code that are subject changes if the proposed ordinance is approved:

- 10.20.050 Noticing
- 10.20.060 General Plan Amendments
- 10.20.070 Administrative and Development Review Procedures
- 10.50 Establishment of Zones
- 10.55 A-1 Agriculture Zone
- 10.60 R-1 Residential Zone
- 10.65 R-2 Residential Zone
- 10.70 R-3 Residential Zone
- 10.XX R-4 Residential Zone
- 10.80 Cluster Subdivision

The Planning Commission moved to recommend approval, to the City Council, of the proposed Code Amendment to Title 10 on October 20, 2015.

[8:50:48 PM](#)

CED Director Mellor and City Planner Schow reviewed the staff memo and continued their review of the proposed ordinance from the work session; Ms. Schow resumed review of the document at the section entitled "Open and Common Space". Brief general Council discussion of various sections of the document continued throughout Ms. Schow's review. The Council provided their feedback regarding suggested changes to certain sections of the document, with a focus on criteria that must be met in order for the City Council to consider opening the General Plan outside of the specified timeframe. Councilmember Gailey stated he feels the Chamber of Commerce's concern stems from the fact that Section 10.20.060(D)(4)(b)(iii)(A) prohibits the Council from authorizing consideration of General Plan amendments outside of the open amendment period unless a property consists of at least ten (10) acres in size; the feeling is that small property owners or small business owners are not being treated the same as large property or business owners. Councilmember Johnson indicated he is comfortable removing Subsection (A) from the ordinance to address that concern. City Manager Bovero stated that he and City Attorney Roberts provided the Council and Planning Commission with an email suggesting reformatting and restructuring this entire Section. The Council indicated they will accept those recommended changes with minor grammatical amendments and one change to the public noticing section. Councilmember Gailey added that additional language in Section 10-20.060 specifies that open General Plan amendment periods for General Plan Map amendments shall commence on January 1 in odd-numbered years; he indicated the Utah Department of Transportation (UDOT) has said they will announce the preferred alignment of the West Davis Corridor next year and he wondered if the City will be able to open the General Plan Map in an even numbered year to make necessary changes to accommodate the alignment. Councilmember Lisonbee noted the West Davis Corridor project has already been contemplated in the development of the General Plan. She added that UDOT has indicated they will likely not make an announcement until late 2016, which will be in advance of the next consideration of amendments to the General Plan Map on January 1, 2017. TJ Jensen agreed and noted that the Planning Commission discussed this issue and feels that there are mechanisms within the proposed ordinance that would allow an opening of the General Plan and the General Plan Map if the timing does not line up with a planned open period.

[9:38:26 PM](#)

Ms. Schow continued and concluded her review of the proposed ordinance. Councilmember Lisonbee thanked the General Plan Committee, Planning Commission, and staff for their work on this ordinance; it was a huge undertaking and she feels it will be a good change for Syracuse.

[9:45:27 PM](#)

COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT ORDINANCE 2015-24 AMENDING VARIOUS SECTIONS OF TITLE 10 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO NOTICING, GENERAL PLAN AMENDMENTS, ADMINISTRATIVE AND DEVELOPMENT PROCEDURES, AND RESIDENTIAL ZONING; WITH THE FOLLOWING AMENDMENTS:

- 10.20.50 – ADD A REQUIREMENT FOR A PUBLIC HEARING FOR SITE PLANS UNDER SUBSECTION F.
- 10.20.060 – REQUIRING GENERAL PLAN AMENDMENTS OUTSIDE OF THE REGULAR OPENING PERIOD TO HAVE A 15 DAY PUBLIC HEARING NOTICE PERIOD.
- ALL CHANGES RECOMMENED IN AN EMAIL SENT BY CITY MANAGER BOVERO (INCLUDED AS EXHIBIT A TO THE MINUTES), WITH ONE CHANGE TO REQUIRE A SUPER MAJORITY VOTE OF THE COUNCIL TO CONSIDER A GENERAL PLAN AMENDMENT THAT FALLS OUTSIDE OF THE REGULAR OPENING PERIOD.
- CHANGES TO THE DEFINITION OF PARK AMENITIES FOR OPEN SPACES IN CLUSTER ZONES.
- EXTEND GENERAL PLAN OPEN PERIODS FOR THE ENTIRE MONTH OF JANUARY IN THEIR RESPECTIVE YEARS.

[9:50:14 PM](#)

Councilmember Peterson stated he would prefer to see the changes to the ordinance in writing before being asked to adopt them.

Councilmember Gailey asked if Commissioner Vaughan could technically change his vote on this ordinance, which would essentially pull it from Council consideration. Mr. Roberts stated that is not an option at this point. Councilmember Bolduc stated that the citizens are present to hear this discussion and it would be best to vote so they can see the item resolved. Councilmember Johnson agreed. Councilmember Peterson stated that enough changes have been made that he feels

it would be appropriate to see them in writing and allow citizens an additional opportunity to provide input. He emphasized he has no objections to the ordinance and the changes that have been made.

[9:51:54 PM](#)

COUNCILMEMBER JOHNSON SECONDED THE MOTION.

[9:52:01 PM](#)

Mr. Roberts suggested that the Council vote to make the ordinance effective after the time that the General Plan will be amended; he suggested an effective date of December 15.

[9:52:33 PM](#)

COUNCILMEMBER LISONBEE ACCEPTED MR. ROBERTS' SUGGESTION AND AMENDED HER MOTION ACCORDINGLY. COUNCILMEMBER PETERSON SECONDED THE AMENDMENT.

[9:53:25 PM](#)

Councilmembers Gailey and Peterson both indicated they would like to see the changes in writing before voting on the motion. Councilmember Peterson noted that voting on an ordinance with so many changes made during the meeting is inconsistent with what the Council has done in the past. He stated there seems to be some mistrust on the part of some Councilmembers and that they feel that he and Councilmember Gailey are only trying to delay the adoption of the ordinance. Councilmember Lisonbee noted that mistrust is a reason that this entire issue was blown out of proportion; the reason she asked for this item to be on the agenda is that it was procedurally correct and because the subject has been vetted thoroughly by the Committee and the Planning Commission and it would be too difficult to try to consider it along with the General Plan Text and Map amendments at the next meeting. She stated she wanted to have the discussion about what has been forwarded by the Planning Commission and she fully intended to make changes; she is happy with the changes that have been made and she is ready to vote.

[9:56:24 PM](#)

Mayor Palmer referenced discussions that have taken place regarding this issue that have taken place on social media and it appears that Councilmember Lisonbee has communicated to a resident that the Council will be open to considering General Plan amendments outside of the open period. Councilmember Lisonbee stated she feels there are two different processes for reviewing the General Plan; one is a full review with input from the citizens, but this is not that process. She stated she may not have been clear in her comments.

[9:58:10 PM](#)

Councilmember Gailey reiterated the Chamber's concerns stemmed from the fact that property and business owners with less than 10 acres had no option for applying for a General Plan amendment outside of the open period. Councilmember Lisonbee noted no one raised that concern prior to tonight and the only concern she heard was about the closure of the General Plan. She stated that if people knew about that concern they could have called her prior to tonight's meeting to talk to her about it. She feels that people do not trust her intentions and, instead, felt that she was trying to push this ordinance through and that is not the case.

[9:59:41 PM](#)

Councilmember Peterson stated he will be voting in opposition to the ordinance tonight because he would prefer to see the changes in writing before voting; if the item were delayed he would be willing to vote in favor at the next meeting.

[10:00:07 PM](#)

Mayor Palmer noted there has been a motion and second to adopt the ordinance and he called for a vote; VOTING "AYE": COUNCILMEMBERS BOLDDUC, JOHNSON, AND LISONBEE. VOTING "NO": COUNCILMEMBERS GAILEY AND PETERSON.

A COPY OF THE ORDINANCE INCLUDING THE AMENDMENTS MADE DURING THE MEETING IS ATTACHED HERETO AS EXHIBIT "B".

[10:00:42 PM](#)

12. Councilmember reports.

At each meeting the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Lisonbee's report began at [10:00:56 PM](#). She was followed by Councilmember Gailey. Councilmembers Johnson, Peterson, and Bolduc indicated they had nothing to report.

[10:05:00 PM](#)

13. Mayor's Report.

Mayor Palmer's report began at [10:05:25 PM](#).

[10:06:02 PM](#)

14. City Manager report

City Manager Bovero's report began at [10:06:05 PM](#).

[10:08:50 PM](#)

15. 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

[10:09:16 PM](#)

COUNCILMEMBER LISONBEE 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 THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMEDIATE LITIGATION. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 10:09 p.m.

The meeting reconvened at 11:10 p.m.

At 11:11 COUNCILMEMBER LISONBEE MADE A MOTION TO ADJOURN. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

Terry Palmer
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: December 8, 2015