

Minutes of the Regular Meeting of the Syracuse City Council held on December 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

Department Heads Present:

Finance Director Steve Marshall
Police Chief Brian Wallace
Fire Chief Eric Froerer
Parks and Recreation Director Kresta Robinson
Community Development Director Mike Eggett
Public Works Director Robert Whiteley

Visitors Present: Mary Anne Byrd Gerald Jacobs Mike McBride
Delani Stacks Jody Jones Ray Zaugg
Jerry Guffey Jodyn Wallace

1. Meeting Called to Order/Adopt Agenda

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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 Johnson provided an invocation. Boy Scout Jeremy Bosworth representing Troop 376 then led all present in the Pledge of Allegiance.

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

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Elias Stuart and Taylor Rawlings.

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.

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Mayor Nagle stated these students are nominated by people that are in the position to mentor and teach them and understand what remarkable kids they are. She stated the first nominee is Elias Stuart, who attends Buffalo Point Elementary School. She stated that he was recognized for outstanding achievement as a natural leader. She then read the statement from his teacher that nominated him as follows: "Elias is a natural leader. He has a unique ability for respecting others and being an advocate for those that need help. His teacher says that Elias is the kindest kid she has ever met. He defends others and sets a good example for all. Elias has also achieved great success at the Pinnacle Academy of Martial Arts where he studies Karate. Some skills that it would take others to master in years, Elias has mastered in a couple of months. Elias is a perfect example of our school motto: "Bringing Out the Best in Everyone!" He does this by giving his best effort, keeping a positive attitude and encouraging others. We nominate Elias Stuart for Syracuse City and Wendy's Award for Excellence Student of the Month". Mayor Nagle asked Mr. Stuart to come forward and receive his award as well as shake the hands of the Councilmembers. Mr. Stuart received a round of applause from the audience.

Mayor Nagle then stated the second nominee is Taylor Rawlings, who also attends Buffalo Point Elementary School. She read what Ms. Rawlings teacher said about her as follows: "Taylor Rawlings wants to be a writer when she grows up. She works on her writing daily and tries to improve her vocabulary to make her stories interesting and descriptive. Her teacher says she is already an author and is working on her 25th book. She even illustrates her own stories. This year

Taylor submitted a picture with a story for the PTA Reflections contest and won at our school. Her teacher describes Taylor as a marvelous student that is polite and possesses strong leadership skills. Taylor is a remarkable 3rd grade student at Buffalo Point Elementary and we proudly nominate her for the Syracuse City and Wendy's Award for Excellence Student of the Month." Ms. Rawlings also received a round of applause and shook the hand of each Councilmember.

Mayor Nagle stated that the City is fortunate to have such great kids living in the community as well as great families that support them; it really does take a village to raise a child and this is evidence that this community is doing a great job of that.

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3. Approval of minutes.

The minutes of the Work Session and Business Meetings of November 13 and the Special Meeting of November 20, 2012 were reviewed.

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COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION AND BUSINESS MEETING OF NOVEMBER 13, 2012 AND THE SPECIAL MEETING OF NOVEMBER 20, 2012 AS AMENDED. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

Councilmember Lisonbee stated that she suggested some minor changes to the minutes prior to the meeting, but she was not able to discuss one change with the City Recorder Brown and that is as follows: amend the work session minutes of November 13, page 8, line 23, change the word "requests" to "represents".

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4. Public comment.

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TJ Jensen stated that he wanted to make a quick comment about the item on the agenda to appoint Curt McCuiston to a full Planning Commission member from his position as an alternate member. He stated that he made a comment about Mr. McCuiston's service several months ago when he was appointed as an alternate member and nothing has changed since then; he is an awesome Commissioner who is very attentive and very knowledgeable and he brings a lot to the Commission. He stated he is glad to see that he is being recognized; the only thing he would suggest is to extend the length of his term an additional year so that it expires in 2016, just as his term as an alternate would have expired. He stated that Mr. McCuiston is a huge asset and having him on the Commission for an additional year would be nice.

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Mary Ann Bird stated that she has lived in Syracuse for 30 years and her husband was born here; there have been a lot of changes. She stated that it was a fantastic place to live 30 years ago and it is o.k. now, though it has gotten big. She stated that she would like to talk about Mayor Nagle; she reads the paper and she is on the internet and all she hears is how bad the Mayor is. She stated that she has lived here to see many Mayors and if she had to pick one that has made a good difference in the City it is Mayor Nagle. She stated that she does not like President Obama and one of the things that really gripes her is that he inherited everything. She stated that Mayor Nagle inherited a lot, too; like two traffic circles the City did not need, though the one on Bluff Road has provided improvements. She stated the tunnel under 1700 South is another example; it has never been usable, it cost the City millions in grant matching funds. She then referred to Jensen Park, which is a beautiful park that a lot of people use, but it was built in a place where it should not have been built. She noted Bluff Road has been designated for over 80 years as the preferred route for the West Davis Corridor, but now there are houses that should not have been built as well as Jensen Park. She stated she wondered why that is Mayor Nagle's fault since she was not here when any of that happened and she is sure the City is still paying for Jensen Park. She then referred to the City budget; the Mayor also inherited the budget, though since taking over she has discovered some budget issues that she has addressed. She stated that she researched Mayor Nagle before voting for her; she is a Republican and she was not planning on voting for a Democrat until she read Mayor Nagle's history and found several great things she did in this State long before she came to Syracuse. She stated she wants the people to know that Mayor Nagle has done a good job and she is tired of hearing all the bickering. Mayor Nagle informed Ms. Bird that her time has expired. Ms. Bird stated that Mayor Nagle has done a good job and she appreciates it.

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Ryan Chandler stated that with Syracuse becoming a regular topic discussion as of late, he has become tired of the growing reputation the City has earned; it seems to be wasting more time arguing than making forward progress. He stated that every time he or a family member opens the newspaper they read more about the dirty laundry in the town than about anything being accomplished. He stated that, with that in mind, it has never been more important that the City officials avoid even the very appearance of partiality that would lend itself to a conflict of interest. He stated that he hopes the Council will understand that he is bothered when hears that developers like Ninigret invite City leadership to company Christmas parties and other personal events. He stated he does not know whether that is true, but he hates that he heard it and he hopes it is just a rumor; what is worse is that there is a rumor that some actually attended the party. He stated that although the gesture is nice the appearance of City government at this type of event represents the wrong kind of image for the City, especially at a time when the City is under such scrutiny; people might get the wrong idea is what concerns him. He stated that whether or not the City leadership is on the Ninigret payroll, like their employees that a party may be appropriate for, he would certainly hope for better representation from the City leadership. He stated it is his hope that if any further questioning is done about the appropriateness of anyone serving on the City Council or Planning Commission, that those doing the questioning first take a look at leadership from the top; attitude reflects leadership.

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5. Public Hearing – Authorize Administration to dispose of a parcel of real property adjacent to 2400 West.

A staff memo from City Engineer Bloeman explained Syracuse Town acquired a “flag” lot in 1919 which the City shop and rodeo arena currently occupy today. A 16.5’ wide strip extends from 2700 South Street south to the rodeo arena. In 1948 Syracuse Town acquired a second wider parcel to the west of their previous parcel from 2700 South Street south to the rodeo arena. The current shop road lies within the parcel acquired in 1948. In doing so a gap of ±13 feet was left between the two parcels, which to this day still remains unclaimed by the County. Adjacent property owners have a right to claim the unclaimed property. In addition, a portion of the “flag” lot (0.13 acres) was quitclaimed by the City in 2006. Furthermore, the distance between the parcel previously quitclaimed in 2006 and Lot 1 of Syracuse Meadows Subdivision Plat A is 60 feet. Staff is recommending to project the westerly line of the parcel previously quitclaimed in 2006 south to the southerly line of the Fox Haven development. The City will retain everything to the west of this line and Clinton Sherman would be granted everything to the east. This will result in the following land being exchanged:

1. The City will grant ±0.26 acres of property it owns in fee to Clinton Sherman
2. The City will not contest Clinton Sherman claiming ±0.08 acres of unclaimed property
3. The City will claim ±0.14 acres of unclaimed property

In exchange for granting the land, Clinton Sherman has agreed to help the City improve 2400 West Street. The following is what has been agreed to:

1. Syracuse City will relinquish all rights to the property east of the projected easterly right-of-way line of 2400 West street through the Fox Haven Subdivision.
2. Clinton Sherman will not contest Syracuse City claiming the property west of the projected easterly right-of-way line of 2400 West street.
3. Clinton Sherman will agree to pay up to \$1.20 per square foot to replace the asphalt on the west side of 2400 West in front of the development (As a result of utility installation and City Standards the east half of the road will be required to be replaced with the development).
4. Syracuse City will pay for the road base under the asphalt (Clinton Sherman will pay for road base under the portions of the road impacted by the Fox Haven Development).
5. Syracuse City will agree to install curb, gutter and repave from the north line of the Fox Haven to 2700 South street.

Staff does not see this strip of land being utilized at any point by the City and is recommending it be disposed of as excess property. This will bring the existing right-of-way along 2400 West to 45 feet. The additional right-of-way will be acquired when the property to the west develops.

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Public Works Director Whiteley summarized the staff memo and provided an overview of the agenda item.

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Mayor Nagle convened the public hearing.

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TJ Jensen stated he thinks the proposal of trading land for the developer installing asphalt on the road is a fair trade and will create a win-win for the City. He stated that this is an area of the City where a few property lines are incorrect and

there are some other issues in addition to this that will need to be dealt with as a result. He stated he thinks correcting that error is a good idea.

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There being no further persons appearing to be heard, Mayor Nagle closed the public hearing.

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COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF A PARCEL OF REAL PROPERTY LOCATED ADJACENT TO 2400 WEST. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Councilmember Duncan stated he agrees with Mr. Jensen's comments that this is a win-win situation for the City. He stated that the City will get a road built in exchange for the trade of property the City cannot use at this point in time.

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Mayor Nagle stated there has been a motion and a second to authorize the disposal of the property; she called for a vote. ALL VOTED IN FAVOR.

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6. Final Approval, Hammon Acres Subdivision, located at approximately 1290 South 3700 West.

A staff memo from the Community Development Department explained the Planning Commission held a public meeting on November 20, 2012 for Final Plan approval of Hammon Acres Subdivision. All items noted in staff report have been addressed by the Planning Commission. Lots 101-103 are zoned R-2, while lot 104 is zoned A-1, which accounts for the varied lot sizes in the subdivision. On December 20, 2012, the Syracuse City Planning Commission recommended that the Syracuse City Council approve the Hammon Acres Subdivision, subject to the City staff reviews dated November 14, 2012. The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council approve the final plans for the Hammon Acres Subdivision, located at approximately 1290 South 3700 West, subject to meeting all requirements of the City's Municipal Codes and City staff reviews dated November 14, 2012.

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Community Development Director Eggett summarized the staff memo.

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Councilmember Peterson asked if any of the requirements being placed on the developer need to be included in the motion to grant final approval. Mr. Eggett suggested that the motion language state that the final approval is being granted subject to requirements of the Syracuse City Municipal Code and the staff report.

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COUNCILMEMBER PETERSON MADE A MOTION TO GRANT FINAL APPROVAL FOR THE HAMMON ACRES SUBDIVISION, LOCATED AT APPROXIMATELY 1290 SOUTH 3700 WEST, SUBJECT TO MEETING REQUIREMENTS OF SYRACUSE CITY MUNICIPAL CODE AND STAFF RECOMMENDATIONS. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. Final Approval, Fox Haven Subdivision, located at approximately 2900 South 2400 West.

A staff memo from the Community Development Department explained the Planning Commission held a public meeting on November 20, 2012 for Final Plan approval of Fox Haven Subdivision. All items noted in staff report have been addressed by the Planning Commission. The only outstanding item is the land exchange necessary to properly dedicate the full width of the road right-of-way (previous agenda item disposing of City owned property adjacent to 2400 West). Pursuant to City Council approval of said exchange in correcting the surveying error gap, all requirements of sketch, preliminary and final have been met. On December 20, 2012, the Syracuse City Planning Commission recommended that the Syracuse City Council approve the Fox Haven Subdivision, subject to the City staff reviews dated November 11 & 16, 2012. The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council approve the final plans for the Fox Haven Subdivision, located at approximately 2900 South 2400 West, subject to meeting all requirements of the City's Municipal Codes and City staff reviews dated November 11 & 16, 2012.

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Mr. Eggett reviewed the staff memo.

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COUNCILMEMBER LISONBEE MADE A MOTION TO GRANT FINAL APPROVAL FOR THE FOX HAVEN SUBDIVISION, LOCATED AT APPROXIMATELY 2900 SOUTH 2400 WEST. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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8. Proposed Resolution R12-27 appointing Curt McCuiston to the Syracuse City Planning Commission with his term expiring on June 30, 2015.

A staff memo from the Community Development Department explained on November 21, 2012, Planning Commissioner Gregory Day submitted his notice of resignation from the Planning Commission to City leadership and stated it was due to personal reasons and responsibilities in his life. The term of this vacancy is scheduled to expire on June 30, 2015, which is in line with an effort to maintain established term rotations for commissioner appointments. In June of 2012, Commissioner Curt McCuiston was reappointed to serve Syracuse City as an alternate member of the Planning Commission. Curt McCuiston has continued serving on the Commission in a very insightful and beneficial way. The Mayor is recommending that the City Council support the appointment of Curt McCuiston to serve as a member of the Planning Commission by filling Mr. Day's vacancy on the Commission. Members of the Planning Commission have also expressed interest in having Commissioner McCuiston serve as a member of the body and not as an alternate member. Commissioner McCuiston has affirmed his interest and intent to fill this vacancy if appointed to serve in this capacity. Additionally, the Community and Economic Development Department fully endorses and is in support of the Mayor's proposed appointment of Curt McCuiston to fill Mr. Day's vacancy on the Planning Commission. Commissioner McCuiston has brought a great balance of knowledge, opinions, and expertise to the Planning Commission and the CED Department looks forward to continuing its relationship with him. For your use and review, City Staff has provided resolution 12-27 that supports the aforementioned appointment of Curt McCuiston to fill the Planning Commission vacancy. The Community and Economic Development Department hereby recommends that the Mayor and City Council show their continued support for Commissioner McCuiston by approving his appointment to fill a currently vacant position on the Planning Commission.

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COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-27 APPOINTING CURT MCCUISTION TO THE PLANNING COMMISSION WITH HIS TERM EXPIRING JUNE 30, 2015. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Councilmember Shingleton stated he has worked with Mr. McCuiston on a project committee and he did a wonderful job and knew what he was talking about; he brings a wealth of knowledge to the City.

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Councilmember Lisonbee asked if Mr. McCuiston is replacing past-Commissioner Greg Day. Mr. Carlson answered yes and noted that is cited in the Resolution document.

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Councilmember Peterson referenced Mr. Jensen's earlier comments and asked if there is another vacant position with a term lasting one year longer than the position Mr. McCuiston is being appointed to. Councilmember Johnson stated he thought that the term of the other vacant position is actually shorter. Mr. Eggett stated that there are seven Planning Commission positions that have terms that expire on a rotating basis. He stated that terms are four years in length and two terms expire each year; Mr. Day's term was set to expire in 2015 and Commissioner McCuiston was appointed to an alternate position, which was set to expire in 2016. He stated that in order to maintain the continued cycling staff recommended that Mr. McCuiston be appointed to fill the position that is set to expire in 2015. Councilmember Peterson thanked Mr. Eggett for that explanation. Mayor Nagle stated that she is following the recommendation of staff.

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

9. Consideration of removal of a Planning Commissioner.

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Mayor Nagle stated that she has been contacted by many people in the City relative to this item. She stated this is a recommendation of her own doing. She explained she was at a meeting last month and someone sitting next to her showed her some posts that had been made by a member of the City's Planning Commission; there were three separate posts and all of them were in reference to the City Attorney, though they were not in reference to the way he did his job and instead they

referenced who he is as a person. She stated that when that Planning Commissioner was questioned by the media he then said he was coming after the City Attorney because he did not do a good job; therefore, the City Manager asked for specific instances because he believes in accountability and if there were issues of performance he wanted to address those. He stated that the Planning Commissioner was asked on several occasions for specific information and no information was ever provided as to why he would be upset with the City Attorney for not doing his job. She stated the next area of concern arrived from the fact that the same Planning Commissioner was making accusations against the City Recorder and she wanted to ask Ms. Brown to provide her recollection of the events. She stated that one of the three posts made about the City Attorney has been included in the packet and the post made about Ms. Brown has been included as well. She asked Ms. Brown again to provide background information.

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Ms. Brown explained that she had someone contact her and tell her that there was a post made on the Syracuse Facebook page saying that the Mayor had made a comment in a City Council meeting about not trusting the City Council and if that comment was not included in the record of that meeting “you could blame Cassie Brown”. She stated that she logged onto the Facebook page and read the comment for herself. She explained that approximately two weeks later the Planning Commission and City Council were both holding meetings on the same night and she ran into Commissioner Pratt in the hallway and she told him that she had seen the comment that he made about her and she wanted to let him know that the City Council minutes are not verbatim and are instead abbreviated as a result of a resolution the City Council passed in the summer. She stated that Mr. Pratt said he did not remember making the post and that he did not think he would have made that kind of comment because he attended the City Council meeting during which the Council adopted the resolution declaring minutes to be in an abbreviated format. She stated that she was surprised to read comments made by Mr. Pratt the next day where he said that Ms. Brown had contacted him and said that the minutes were abbreviated which is legal speak for “I will not include information in the minutes that I do not deem necessary”. She stated that she did not ask the Mayor to defend her on this issue, but she would like the opportunity to defend herself. She stated that she takes those kinds of allegations very seriously; she has been working as a City Recorder for nearly 10 years and she has never had a resident of Governing Body accuse her of providing improper records for the City or removing vital information from a record. She stated she was very insulted by the comments and she was insulted that Mr. Pratt would not address the issue face to face and instead went home and updated his post to try to slam her further.

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City Manager Rice stated that he is Ms. Brown’s supervisor and he wanted to read Mr. Pratt’s post about her from the Council packet for the record. “It should be noted that Cassie Brown contacted me and said the minutes are abbreviated, which is legal speak for I will delete most objectionable verbiage I deem unnecessary from the minutes. You draw your own conclusion.” He stated that if that were true he would have no choice to recommend the dismissal of Ms. Brown to the City Council and she would no longer be certified by the professional organizations that oversee City Recorders and Clerks. He stated that she would likely no longer be able to get work as a City Recorder in another city if it were true that she actually deleted the most objectionable language that she deemed so. He stated that is clearly an objectionable statement; for an appointed member of the City to accuse the staff of that without any evidence is very serious in his book. He reiterated that if that were something that were true, which he knows it not correct, he would recommend her dismissal and the revoking of her certifications.

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Mayor Nagle stated that ultimately this is the second time there has been an issue with this same Planning Commissioner. She stated that she brought this same recommendation forward to the Council in the past when the same Planning Commissioner went on record and apologized publicly to the Commission for a comment that he made to a developer that he would vote against a project to “bitch slap” the Mayor; not because he did not want the project but because he just did not like the Mayor. She stated that she put her name on a ballot and she will take the kind of treatment that has been given even though it is uncalled for, but she believes when one puts their name on a ballot they must be willing to take a little more flack. She stated that free speech is the corner stone of this great country and she believes in it, but she also believes that it has consequences and when a representative of the City represents the City in this manner, that is when the line is crossed. She stated that the first time it happened, even though there was not a will of the Council to remove him, it should have been a wake-up call to him that he is a representative of the City and though he has free speech he also has the responsibility to act in a professional manner. She stated that is any member of the Council were to behave in a similar manner at their place of employment they would recognize that their free speech would result in punishment up to termination. She stated that it is with that background that she would request a motion to remove Planning Commissioner Gary Pratt.

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Councilmember Peterson stated he was willing to make a motion so that the Council can have discussion about this issue.

COUNCILMEMBER PETERSON MADE A MOTION TO REMOVE GARY PRATT FROM THE PLANNING COMMISSION.

Councilmember Peterson's motion died for lack of a second.

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Councilmember Peterson asked if there is still an opportunity for the Council to have discussion about the issue. City Attorney Carlson stated that according to the Council's rules of order and procedure there must be a second to a motion before discussion can occur.

10. Councilmember Reports.

Councilmember reports began at [7:36:50 PM](#). Councilmember Lisonbee provided her report followed by Councilmembers Shingleton, Duncan, Peterson, and Johnson.

11. Mayor Report.

Mayor Nagle's report began at [7:45:39 PM](#).

12. City Manager Report.

Mr. Rice's report began at [7:47:15 PM](#). He turned his time over to City Attorney Carlson.

13. 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, lease of real property.

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COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN 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, LEASE OF REAL PROPERTY. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

The meeting adjourned into closed session at 7:48 p.m.

The meeting reconvened at 8:09 p.m.

At 8:10 p.m. COUNCILMEMBER SHINGLETON 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: January 22, 2013