

## Minutes of the Syracuse Planning Commission Work Session, March 1, 2016

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Minutes of the Syracuse City Planning Commission Work Session held on March 1, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members: Ralph Vaughan, Chairman  
Dale Rackham, Vice Chair  
TJ Jensen  
Curt McCuiston  
Troy Moultrie  
Greg Day  
Grant Thorson

City Employees: Noah Steele, Planner  
Paul Roberts, City Attorney  
Stacy Adams, Commission Secretary

City Council: Councilman Mike Gailey

Excused:

**Visitors:** Doug Perry Myles Dearden Brytin Jones  
Braiden Hunter Braydon Pifer Hunter Vanderbeek  
Ethan Smith Nick Jones

[6:16:50 PM](#)

1. **Department Business:**

[6:17:11 PM](#)

**a. City Council Liaison Report**

Councilman Gailey wanted to bring the Commission up to date on a few things that they talked about in City Council meeting last time and will leave the Bylaws to The City Attorney Robert's because they have been in dialog and as a City Council have spent a good deal of the last week communicating with each other about the Commission Bylaws and one of the things mentioned that the Council would recommend is the adjournment be according to Robert's Rules and that it requires a second but will let the City Attorney go into those since he knows those in greater detail. Some of the things they talked about that might be interesting to the Commission is they reviewed the Parks Mater Plan that was presented to the Council and in relationship to that they also disbanded the Parks Committee and the reason for doing that was that they weren't all together sure the mission of that body and so for the time being that committee has been given a hiatus. They also looked at consolidating the fee schedules for Parks & Recreation, Smedley Acres they allowed the contract to repair the main entrance, the old entrance that is there to have the road and utilities updated in that area with curb and gutter a lot of that is being funded by a grant. They reviewed the Transportation Impact fees. They looked at street lighting ordinance and tried to get a feel for designing a plan that would allow them over time to correct some deficiencies in some areas of the City with lighting. One thing that might be of interest to the Commission as an ongoing project, they formed a subcommittee consisting of Councilwoman Lisonbee and Councilwoman Anderson working with the Mayor in relationship to appointments and the 3 of them are in the process of sitting down with City Attorney Roberts and looking at restructuring not just appointment to special services districts but to all appointments by the City.

[6:20:13 PM](#)

Commissioner Jensen stated for clarification of the Commission since they have a full Commission present, want to state it again, when they discussed the Bylaws and think that since Ralph's appointment would fall in-between the old and the new that they would just go ahead and appoint a new Chair upon adoption of the Bylaws was that was everyone agreed on. As it stands right now it would either be Commissioner Vaughan would go essentially until next January which would be an 18 month term and so the idea was that upon adoption of the Bylaws they would just go ahead and do nominations of Chair once the Bylaws were adopted, that was how he remembers it. Councilman Gailey stated from the Council was that somewhere along the line they are going to have to have a tire with a nobble on it of 6 months and as he understood it the Council pretty well left that in the Commission ballpark but if they wanted to have an election in July. Commissioner Jensen stated he would like to hear from the other Commissioners first but since it is the resolution that empowers the Bylaws think that could be included with the resolution without having to amend the Bylaws. City Attorney Roberts stated the Council did talk about this during the Council meeting and they wanted to just have Chair Vaughan finish out this term and then have a 6 month term for the next one until the next election in January that was the direction he got so have amended the Bylaws to reflect that from Council. Councilman Gailey stated that is what he understood too and if that was what the Commission chose as a group to appoint. Commissioner Jensen stated his main thing was Councilman Gailey stated they had not discussed that and the Commission had and wanted to hear from other Commissioners on that. City Attorney Roberts stated if there are any strong feelings, can convey those to the Council but they sort of, they looked at it back and forth and decided to let the one year term finish up and then have a 6 month term. Commissioner Jensen stated he is not opposed to doing it in July, his point on bringing this up is some other Commissioners had expressed some preference on this and wanted to have that on record so the Council Liaison is aware of where they are standing on that, know where he stands has spoken but the other Commissioners haven't

spoken. Councilman Gailey stated the other thing related to this was a recommendation was made that maybe the election ought to happen the first week in December rather than the first week in January to give that Chair the month of December to organize so that the Commission could hit with their feet running since they don't meet generally in the second meeting in December that maybe the election be moved to the first of December.

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Commissioner Vaughan stated he will speak as a Commissioner now and then as a Chair. Comments as a Commissioner are if they have an election in July they are doing exactly what they just changed the Bylaws to get away from so the first opportunity they have to contravene and override what they just did they are doing it which thinks is kind of in the face of why they did it in the first place, that said thinks it is a wasted meeting to have someone for six months. Now speaking as Chairman the Mayor pulled him aside when this issue first came up in general discussion and said that he would prefer to have him to continue on as it was only 6 months and it would only be a one-time item, that was not a recorded conversation just passing along as an incidental thing that did happen, City Attorney, Staff or Council Liaison may want to get in contact with the Mayor to verify that such conversation took place but again not paid anymore to sit as Chair as for any other Commissioner, doesn't get his name in the paper any more times than does normally so there is absolutely nothing other than continuity is what was the main argument they had when they decided to change the meeting to a different time than July and don't think they would be losing anything if he were to have the opportunity to serve as Chair for an additional 6 months because it is a one-time deal it is not going to happen again.

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Commissioner Jensen stated he would still like to hear from the other Commissioners. Commissioner Thorson stated he doesn't remember addressing this knew the issue was there and they would either have a 6 month or an 18 month term but doesn't remember them discussing it in their group. Commissioner Vaughan stated they didn't. Commissioner Thorson stated doesn't matter, thinks it is a great idea to do it in December for just the reasons that Council brought up and if they don't get the Bylaws done by July the will for sure have elections in July, the Bylaws don't discuss a term they discuss when elections happen so they will have elections when the Bylaws say the elections are, regardless of how long the Chairman's term is, doesn't discuss a term it is just a date from his understanding. Councilman Gailey asked City Attorney Roberts to speak to that and they also had some concerns about the State statute and disclosure maybe could share those as well.

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City Attorney Roberts stated can go over the main changes, there were really 4 changes identified from what they had given to the Council before. The first was the election, the main idea at least from the Councilmembers who made their ideas known were they had been doing this way for years, were changing it in the future rather than cutting one short or lengthening it should just let the Commissioners know this is a 6 month position and if want can re-elect the same Chair. The second that they are addressing, heard from most of the Councilmembers on this deals with the ethics and the gifts section, they were a little, there was some discussion of is this not going far enough could be drawn into a conflict of interest situation. So what was put in is a new section that specifically says needs to comply with the State Municipal Officers Act as well as the State Officers Ethics Act. Then the discussion has been the subsections that talk about gifts and recusal are going above and beyond the State Ethics Code, those are specifically saying you can't participate as a Commission member if you are an applicant, under State code they could so that as well as the gifts just saying absolutely no gifts no matter what if it is an applicant or someone who is appearing before them, where under State code as long as it is not pecuniary and under \$50 it would be acceptable for that low ethics bar but in this case are sort of setting a higher standard for this body,. The feedback gotten so far is let's just keep that higher bar in place to make sure that everyone is above board here and will have a final decision on that probably next week. Councilman Gailey stated in their meeting last week, they kind of walked away from that meeting with the idea think granted that they proposed when they were discussing that was why not just adopt the State statute as it is and in the meeting kind of sort of all felt okay with that, but since then has been some other thought so what City Attorney Roberts is describing is the communication that has taken place since they met in the work session. City Attorney Roberts stated right and the email he sent following up stated if like the high bar should keep these sections if they don't like then just cut them out and is pretty easy to just cut out sections when they adopt it. City Attorney Roberts stated the third area of change is the striking the sentence that there would be no second required to adjourn so the Council would prefer that there be a majority vote called when adjournment. The fourth item was dealing with the number of votes necessary, in the joint session the Council was saying they really wanted four votes and the Commission sent it back up saying really want just a majority because there could be a time where have 5 Commission members and only 7 on the body and is not unheard of to have 2 absent or 1 absent and 1 recuse and might have a 3/2 vote and in that case it would neither receive approval or denial it would sort of just be in limbo so would have to push it off to another meeting or if wait long enough after 30 days something is deemed approved, under the City code. What the Council came up with essentially is the 4 votes are necessary but if a Commissioner recuses himself then there would be a majority vote. So if the Commission has 6 members present and 1 recuses himself could have the 3/2 situation and the 3 majority would prevail with the simple majority. So if they have a quorum with 5 people and 1 recuses himself would need to have 3 votes to carry a motion to recommend approval or denial and thinks that is what the Bylaws will show and thinks that is a little more flexible than what the Commission has now. Can pass along any feedback to the Council if don't think that is adequate and is happy to do that also and those were really the 4 sections so if there is any feedback to pass along to the Council next week and Commissioner Vaughan and Jensen are usually there so they can also convey that.

[6:30:44 PM](#)

Commissioner Rackham stated his impression regarding the elections was since they didn't get it approved before January that Commissioner Vaughan would just ride until January and is good with moving it to December thinks that is a good idea. Commissioner McCuiston stated that was his assumption as well thought they had discussed it but maybe was just his understanding that was the case, thought would get the additional 6 months and they would vote again then. Commissioner Vaughan stated for clarification that would extend to the Vice Chairman continuing. Commissioner Rackham agreed. Commissioner Jensen stated his main goal was to get it on the record so that the Council Liaison would pass that along to the Council knowing that the Commission had discussed it. City Attorney Roberts stated it would be great to hear from each of the Commissioners on both the question of moving it to December and also whether the term would be extended to an 18 month term would really appreciate and might be helpful for him to pass along their comments.

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Commissioner Moultrie stated he is fine with December and had the same assumption that Commissioner Vaughan would continue until January. Commissioner Day stated regarding elections not to diminish the role of the Chairman but really the Chairman is here to move the agenda along so whether they get a new Chairman or extend it to December really don't have an opinion, it is just a formality, they are all Planning Commissioners so will go with whatever the body would want. Commissioner Jensen stated he hasn't commented on moving it to December and is not opposed to that. Commissioner Thorson stated he has already said his peace but would reiterate the Bylaws do not include a term, they include a date that they have elections and from what he understands the Bylaws are not changed yet if July comes around and they haven't had them approved through the City Council, they have to have elections. Commissioner Jensen stated for the record that this is not something he has discussed with other Commissioners they don't generally don't have conversations outside this meeting but his thoughts were that with the current temperament of the Commission that essentially commissioner Vaughan would be re-elected in any case so him serving to December won't change anything just wanted to have the Commission affirm that one way or another and it sounds like it has been affirmed today so think that is where they are at and essentially Commissioner Vaughan would serve until December. Commissioner Vaughan stated he is fine and happy to go with that and think they have consensus on that.

[6:33:59 PM](#)

**b. City Attorney Updates**

City Attorney Roberts stated was going to update them on the Bylaws and have already taken care of that and that is all he had.

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**c. Upcoming Agenda Items**

Planner Steele stated on March 15<sup>th</sup> they will have 2 items the Utah Onions Site Plan which last night they had Architecture Review Committee meeting to review their plans and also Criddle Farms, north of Criddle Farms project that is not annexed into the City yet they would like to change the General Plan from R-1 to R-2. Some of the other updates and things that are coming down the pipeline further.

[6:34:56 PM](#)

Commissioner Rackham asked regarding the change to the General Plan, did the City Council approve the extension. Planner Steele stated they did so applicants have until March 15<sup>th</sup> to get applications in and have already received the application for the General Plan change. Commissioner Thorson asked if there were any more anticipated they extended it for this one is that right. Planner Steele there are not any other applications at this time.

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Commissioner Jensen stated does have one that should be an upcoming agenda item but the City Council has the Parks Master Plan in their hands right now and would absolutely love to see the Planning Commission get their hands on that and submit some recommendations along with that before that document gets too much farther since essentially think they may be and don't know if they have any desire to send that back to JUP for modifications or just do that on our end but there is enough information in there that it involves the Commission and thinks they really need to get a look at it. Planner Steele stated they could have or ask Parks Director Robinson if JUB would like to give a presentation or think staff has a copy of it and could just go through it as a Planning Commission in work session. Commissioner Vaughan asked according to the way it is proposed is there a requirement that it be presented to the Planning Commission or would this merely be a presentation for their information, is inclined if it is just a situation where it is information is happy to receive the information but if they are trying to reach out and take things that may not normally be under their purview don't think they want to go there. Planner Steele stated think it would be for information purposes only as far as he understands and the City Council is going to adopt that plan, it does have planning related information but it is not exactly the General Plan or anything like that.

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Commissioner Jensen stated he would respectfully disagree the General Plan addresses sub-documents that go to that and this would be a sub-document to the general Plan, Trails Plan does come in front of the Commission, it has come in front of the Commission and thinks the Parks Plan should come in front of them because it does involves Land Use, it is discussing the locations of parks and the percentages of per 1,000 residents how many acres per 1,000 they expects for parks and such and the Parks Plan very much dovetails into all of that and does think under Title 3 where it discusses their scope and the fact that it ties into the General Plan does think it puts it under the Commission purview. Planner Steele stated would be happy to review with City Attorney Roberts whether or not it falls under the Commission and either way can put it on the agenda in one of the upcoming meetings and whether that is a review item or a voting item can

make sure to get it right. Commissioner Vaughan stated for the benefit of the other Commissioners there were 2 members at the City Council meeting where this was discussed, Commissioner Jensen and myself and at this particular point just have to rely on staff perhaps Commissioner Jensen might want to meet privately with City Attorney Roberts and staff to discuss whether or not they believe it is necessary to come forward and if it does come forward then bring it back to the Commission in a formal setting but right now don't think they can discuss it because they have 5 Commissioners who have no idea what they are talking about unless they read the newspaper. Planner Steele stated just so the Commission knows it is not a matter of staff wanting to keep it from them and in fact it wasn't a plan that was commissioned by the Community Development Department it was outside of the Department that is why haven't had as much involvement and normally would have.

[6:39:06 PM](#)

Planner Steele stated also April 5<sup>th</sup> agenda will have CVS Site Plan and Criddle Farms Preliminary Plat. Also, wanted to talk about the Community & Economic Development Department and address an awkward moment from last meeting about the Development Services Manager, he has been promoted to that position and this is more about the Department and Director Mellor and what he brings to the Department with his Economic Development experience and it about creating hierarchy to help give him more time to work on those big Economic Development projects and attracting new business and often gets bogged down in the Planning minutia. Also the new Planner replacement, Royce Davies will be starting on March 7<sup>th</sup> and we are excited since it has been busy. So staff available to the Commission will be the Development Services Manager, Planner and Planning Technician. Commissioner Vaughan congratulated Planer Steele on his promotion. Commissioner Jensen stated he wanted to state for the record that they do have full attendance of the Planning Commission.

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Planner Steele stated there are a few other projects staff is working on, under construction right now is Beehive Assisted Living, Jer's Auto and some other projects seen recently Strong Storage are working on their building permit and want to move to that soon, Pacific Steel and IPW the 2 Industrial projects they are getting very close as well.

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2. **Discussion Items:**

Nothing to report

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3. **Commissioner Reports:**

Commissioner Thorson stated nothing to report. Commissioner Jensen stated nothing that he hadn't already discussed in this meeting. Commissioner Rackham stated nothing to report. Commissioner McCuiston stated nothing to report. Commissioner Day stated nothing to report. Commissioner Moultrie stated nothing to report. Commissioner Vaughan stated nothing and wanted to thank staff for what they do.

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4. **Adjourn**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.