

Minutes of the Work Session meeting of the Syracuse City Council held on January 25, 2011, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark
D. Matthew Kimmel
Matthew Ocaña
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
Acting City Administrator Mike Waite
City Recorder Cassie Z. Brown

City Employees Present:

Police Chief Brian Wallace
IT Director TJ Peace
Finance Manager Amber Fowles
Community Development Director Mike Eggett
Community Development Secretary Judy Merrill
Building Inspector Tex Couch
GIS Technician Troy Moyes

The purpose of the Work Session was for the Governing Body to receive a presentation from the Davis Area Convention and Visitor's Bureau, receive an update regarding the Unlimited Play Park fundraising efforts, review the proposed amendments to Titles Eight and Ten, discuss the potential creation of a policy governing the rental/use of City Hall facilities, and discuss Council Business.

Presentation from Davis Area Convention and Visitor's Bureau

Barbara Riddle, Davis Area Convention and Visitor's Bureau (CVB), stated that she and her team have been trying to visit with each of the area City Councils to provide them with a brief synopsis of what the CVB can do for them and their City. She stated she has prepared a PowerPoint presentation to review with the Governing Body. She stated that she always likes to start by talking about State-wide tourism and she explained that in 2009 19.4 million tourists visited the State; 18.7 million of them were domestic and .69 million were international. She stated this tourism generated \$6.23 billion in spending, \$625 million in local and State taxes, \$703 in tax relief per Utah household, and created 110,508 jobs in the travel and recreation arena. She explained that it is evident that tourism is a strong economic engine. She then reviewed the effect that tourism has on Davis County. She stated that tourism is alive and well in Davis County; there are several facilities that have been built solely to handle the impact of tourism in the area, including the Davis Conference Center, Legacy Event Center, South Davis Recreation Center, Clearfield Aquatic Center, and several facilities geared towards soccer, softball, baseball, volleyball, and other sporting activities. She added that the CVB also promotes and markets other local meeting venues that would accommodate a group of any size. She stated that in the area of lodging there are over 1,500 sleeping rooms available in Davis County and in March with the opening of a new hotel in March of 2011 there will be over 1,600 sleeping rooms. Councilmember Clark inquired as to the location of the new hotel. Ms. Riddle stated that it is next to the Davis Conference Center and the Hilton Garden Inn and it will be considered an extended stay property. She then stated that there are also a lot of restaurants in Davis County, as well as performing arts, theater, and cultural events. She then reviewed a list of amenities unique to Davis County beginning with annual events that included the Great Salt Lake Bird Festival, the Layton Marathon, the Moonlight Bike Ride on Antelope Island, the Cowboy Legends Cowboy Poetry and Music Festival, the Bountiful/Davis Summerfest International, the Antelope Island Stampede Festival, and the Bison Round-up and Range Ride. She then stated there are several activities available to local residents and tourists alike including nine public golf courses, sea kayaking, world-class skiing, mountain biking and hiking trails, open range horseback riding, wildlife viewing and bird watching, theater and cultural activities, and shopping. She stated that world-class skiing is included on the list because Layton has the closest downtown lodging to Snow Basin Resort, which many people are not aware of. Councilmember Peterson asked if that fact is marketed in the ski world, to which Ms. Riddle answered yes and she explained that they have only been marketing that fact for about the past four years. She added that Davis County is considered the amusement park capitol of the state and she reviewed a list of attractions as follows: Lagoon Amusement Park and Pioneer Village, Antelope Island State Park, the Great Salt Lake (America's Dead Sea), Cherry Hill Resort and Water Park, Boondocks, Speed Street Indoor Raceway, Spare Time Family Fun center, and the Farmington Bay Waterfowl Management Area. She stated that the

great thing about Davis County and these attractions is that they are centrally located for accessibility from both Salt Lake and Weber Counties.

Ms. Riddle then stated that many people ask what the CVB really is. She stated her presentation includes a brief explanation of the CVB's purpose as follows: "A non-profit marketing organization contracted with Davis County to brand and market the entire Davis County area for meetings/conferences and general tourism including hotels, facilities, attractions, activities, restaurants, and shopping". She stated that if the CVB is doing its job effectively it is enhancing the local Davis County economy, generating new tax revenue, and improving the quality of life for visitors and residents. She stated that the CVB has seven staff members and they will be adding a new part-time position in 2011. She stated there is oversight by a 15-member Board of Trustees. She stated that Chris Dallin is present this evening and he is a past-Chair of the Board and he is a resident of Syracuse City and he provides incredible support to the organization. She explained that the key areas of focus for the CVB are conferences, meetings, and conventions at the Davis Conference Center and area hotels. She stated that they market to national specialty dog shows, equestrian shows, and other events that may be hosted at the Legacy Events Center. She stated they are focused on lodging occupancy growth in the area and they are increasing the destination awareness through social media outlets. She added that they focus on ski/tour and other sporting events and there is now a Davis area film commission office to assist in tourism growth and increasing brand awareness. She stated that if an entity fails to market or brand itself it becomes invisible to the outside world. She then reviewed a graphic illustrating where the CVB fits in the tourism world and she explained that they are in the 'middle of the universe' and they work to reach out to facilities, hotels, attractions and restaurants; meeting planners; leisure travelers; community resources; Davis County leadership; Utah Office of Tourism; and media travel writers. She stated that the CVB can be the single point of contact for an entity or organization that is looking to hold some sort of meeting or convention in Davis County. She stated that entity can contact the CVB and the CVB will work with meeting planners and other resources to ensure that the convention is tailored to the entity's needs. She stated that the social media outlets that they are using are their own website, which includes several links to short videos highlighting something great to do in Davis County. She pointed out that the videos are hosted by YouTube and she played a short clip for the Governing Body and the audience to view.

Ms. Riddle then reiterated that her staff is constantly working to get entities to book meetings, conventions, conferences, and other types of group business. She explained that they conduct research, make cold calls, attend tradeshow, make outside sales calls, make site visits, advertise, market via social media, follow up on referrals, and take buyer education trips. She stated that in 2010 those efforts produced the following results: 71 groups booked, 14,460 hotel room nights booked, 33,095 visitors/attendees, and \$5,045,134 in economic impact. She reviewed the highlights of the groups booked by the CVB team in 2010 and 2009 and she noted that some of those groups have committed to return this year and in the years to come. She stated that from 2004 (when the CVB was created) until now they have booked 107,460 hotel room nights, 187,936 attendees at conferences, and generated \$30,983,905 in economic impact for the County. She then pointed out that tourism impacts are not always 'black and white' and that there are many benefits outside of the statistics that she pointed out that are sometimes more difficult to measure. She stated that the CVB monitors tourism related activities and attendance at different tourism events. She then provided each member of the Governing Body with copies of some of the other marketing materials they use, such as a packet of information that they send home with each elementary aged school student.

She then stated that there is so much interest in Antelope Island; it is known as "America's Dead Sea". She stated that it is one of the top tourism attractions in the State and there were 280,351 visitors to the Island in 2010 alone. She explained that is a 4.25 percent increase over 2009. She stated that a survey was conducted in 2007 that found that 71.6 percent of visitors to the Island are from outside of Utah and 12.3 percent of those tourists are from outside of the United States. She explained that 33 percent of the visitors spend a half a day or longer on the island. She stated that this generates an economic impact for Davis County of approximately \$11.7 million. She explained that the CVB hosted media familiarization trips on Antelope Island, one of which was considered a super media familiarization trip consisting of journalists and tour operators. She stated that trip resulted in Antelope Island being featured on the front cover of a publication called Outdoor Focus. She stated that is the kind of free marketing that the CVB could never afford; it is very valuable and benefits the entire State. She stated that the CVB hosted seven other media familiarization trips and the overall estimated earned media totaled \$300,830. She then stated that the CVB does a lot of work with the Utah Office of Tourism. She stated that they took all the money they have for marketing and doubled that money via a dollar-for-dollar matching grant from the Utah Office of Tourism. She stated that mean that in 2010 they had a budget of \$142,350 to use in their tourism promotion program. She stated that their print collateral is distributed throughout the western U.S.; they print 215,000 Antelope Island brochures in Chinese, Japanese, French, German, and Spanish. She explained the brochure is located at all State Parks and distributed widely along the Wasatch Front. She added that the CVB also printed 225,000 'Home of the Great Salt Lake' brochures. She then reviewed the list of some of the other marketing brochures that are

created through the Utah Office of Tourism's cooperative marketing program. She then stated that she wanted to show the Council a clip from an upcoming movie that was filmed primarily in Davis County, with some scenes filmed on Antelope Island. She stated that the film is named "For Robbing the Dead" and it created an estimated economic impact of \$125,000 for Davis County. Ms. Riddle then reviewed the final slide including the roster of the 2011 Board of Trustees for the CVB. She stated that the CVB is there to service the entire County and her job is to get the word out about what the CVB does. She then introduced Kathi Dysert and stated that she is the Director of Marketing for the CVB.

Councilmember Peterson asked how much work the CVB does with developers. Ms. Riddle stated that she was recently asked to provide a presentation to the Davis Unified Economic Development (DUED) Group about the CVB. She explained that she is closely affiliated with economic development partners on the County level, but she has not done much work with local developers or economic development contacts. She stated, however, that the City can use the CVB as a resource for marketing materials and photos in order to provide information to developers or businesses that they are trying to entice to Syracuse. She stated that the CVB is willing to help in any way possible.

Councilmember Peterson stated he has a suggestion for the CVB. He asked if it would be possible to include the local Family Fun Center in their advertising materials. Ms. Riddle explained that the CVB is updating some of their marketing material and they will add information about the Family Fun Center before it is reprinted. Mayor Nagle suggested that information about Jensen Nature Park be included in the marketing material as well. City Engineer Robert Whiteley suggested that the material include information about the Glen Eagle golf course as well. Ms. Dysert pointed out that the CVB's website, has an electronic brochure application and it would be possible to add brochures about attractions in the City to the website.

Mayor Nagle stated that she is excited about all the opportunities that a partnership with CVB would bring to the City. She thanked Ms. Riddle and her staff for their presentation.

Update regarding the Unlimited Play Park fundraising efforts

Councilmember Peterson explained that the grant that the City had originally secured to assist with the construction of the Unlimited Play Park has not come to fruition. He stated that he talked to Cindy Gooch about that fact and she stated that she did not believe it would impact the City's ability to secure the water conservation grant. He explained that the water conservation grant is a matching grant, but the City will have two years to come up with the matching funds. He stated it will be necessary to hold several more fundraisers over the next two years to raise enough money to match the grant. He stated there are two specific fundraisers that the Unlimited Play Park work group is working on; one is a buddy walk where participants will ask for financial support from sponsors that will be asked to pay a specified amount for each mile the participant walks. He stated the other fundraiser is a benefit concert to be held this summer. He stated that the group is looking to secure a well known band for the concert and that if anyone has any suggestions regarding who that band should be they can forward them to him. He then reported that he was able to get some information regarding why the marketing video has not yet been completed. He stated that Chloe Bennett was sick for some time and she required hospitalization; therefore, the film contractor was not able to film much during that time. He stated that the project has been re-started and there should be more progress to report next month. He then stated that two companies will be bidding on the project based on the plans that they are presented with later this week. He stated once the bids are available the work group will meet to decide which contractor they want to use.

Mayor Nagle stated that at a past meeting Councilmember Peterson reported that Tara Bennett had partnered with Community Foundation of Utah, a non-profit group, in order to utilize their 501C3 status when requesting donations from local businesses. She asked if any request have been submitted via the non-profit group and if any of those requests have been successful. Councilmember Peterson stated that he believed that Ms. Bennett has submitted 13 donation requests through the non-profit, but he is not aware that she has received a response to those requests.

Mr. Whiteley stated that the City has the ability to apply for Community Development Block Grant (CDBG) money for the Unlimited Play Park project because one of the requirements of the grant application is that any funding be used for 'limited clientele'. He stated that since the Park will be accessible by those with disabilities it meets that requirement. He stated that he was talking with Ms. Gooch, who has been very active in searching for grant opportunities for the project, and they were reviewing some ideas for alternative funding. He stated that Ms. Gooch contacted Davis County and they also believed that the City may be successful in securing some CDBG funding and they will send some application information to Ms. Gooch next week. He stated that the CDBG funding may not be a large amount of money, but every little bit helps.

Councilmember Clark stated he would be interested to know what 13 individuals or entities Ms. Bennett had requested a donation from. He stated that he has some contacts that he would like to reach out to for donations, but he does not want to duplicate any work that Ms. Bennett has already done. Councilmember Peterson stated that he will talk to Ms. Bennett and see if she can provide him with a list of the entities that she has already reached out to.

Mayor Nagle stated even though there are no marketing materials currently available she would encourage the Council to begin asking questions and making contacts with those that they feel may be able to make a donation for the project. Councilmember Clark stated that some businesses or entities may ask for documentation proving that their donation is being made to a 501C3 organization. Councilmember Peterson stated he would try to get that information from Ms. Bennett.

Mayor Nagle then asked if there is a timeline for the completion of the marketing video. Councilmember Peterson stated that no timeline has been imposed to date, but if the video is not completed by the end of this week a timeline will be imposed. Acting City Administrator Waite pointed out that if the City chose to use another contractor to complete the video the cost would be tripled. Mayor Nagle pointed out that the City has already paid the contractor half of the contract amount; the City either needs to receive the finished product or a refund for the money already paid. She stated she would like to have a commitment regarding the scheduled completion of the video. All Councilmembers agreed.

Review proposed amendments to Titles Eight and Ten.

Community Development Director Eggett explained that he had invited Robert Whiteley, Kenneth Hellewell, and Judy Merrill to attend tonight's meeting to assist in answering any questions the Council may have regarding the proposed amendments. He stated that after the last Council meeting in which this document was considered he realized that it has been somewhat difficult to express all changes that have been made in the document; therefore, he made some technical changes and all stricken language highlighted in blue are deletions and any new language is highlighted in red type. He added that there are also some new notes in columns of various pages that explain why the changes are being made.

Mayor Nagle explained that when she was on the Planning Commission they undertook a fairly significant rewrite of Title Ten and she wondered why this new rewrite is necessary. Mr. Whiteley explained that there were some changes to the Land Use Development Management Act (LUDMA) and it is necessary for the City to update its land use code in order to comply with those changes. Mr. Eggett added that the City's Code previously did not include a clarification of the difference between a minor and major home occupations or conditional uses. He explained that the Utah League of Cities and Towns (ULCT) has encouraged cities to fix the inconsistencies in their codes to better protect the City and the residents that own property in the City.

Mr. Whiteley noted that another change is the addition of a table that displays the process an applicant must follow when seeking any type of approval for a development in the City. Mr. Eggett stated this new process is an improvement over the old process and will help to streamline applications that are received by the City. He stated that the Community Development Department will be the approval authority for several applications and the City Council will become the appeal authority for some of those applications. He stated it is his hope that the process will be much less cumbersome. Mayor Nagle stated that she noticed that site plans are still considered by the Planning Commission and she asked if that is a legal requirement or if site plans could be considered and approved administratively. Mr. Eggett stated that it would be possible for the Community Development Department to be the approval authority for site plans. Mayor Nagle stated that the council has placed emphasis on streamlining approval processes as much as possible, which would make it easier for citizens to get their business done. She stated that if site plans can be approved administratively without compromising the integrity of the system she would be in favor of that. Mr. Eggett stated that it may be beneficial to have the Planning Commission review site plans, especially those for larger developments, if for not other reason than to ensure that a group with expertise is granting approval for the application. Mr. Hellewell added that one benefit of assigning the City Council as the appellate body for certain land use decisions is that appeals will not automatically be forwarded to the District Court and will instead be considered initially by a City body, which will ultimately save the City money.

Councilmember Peterson stated that the entire section dealing with building permitting is being eliminated and he asked why that is. Mr. Eggett explained that it was redundant. Mr. Hellewell explained that building permitting regulations are included in the building code, which is Title Eight.

City Recorder Brown stated that the City is currently going through the process of recodification. She stated that each time a new title of the Code is adopted it will be submitted to the City's code publisher for codification. She stated that if subsequent ordinances are adopted that amend those recodified titles the City will incur an expense to update and republish the title. She stated it would be much more cost effective if all changes to a title of the code can be considered at one time rather than adopting multiple ordinances that impact the same title. She stated that she understands that this will not always be possible due to unforeseen circumstances, but she encouraged the Community Development Department and the Planning Commission to keep that in mind when considering future changes to the land use code.

Mr. Eggett then continued to review other changes included in the document.

Councilmember Clark stated that page 41 of the document includes changes to animal hospital regulations and it dictates that an animal hospital can not be located on a parcel of land less than one acre; and dog kennels must be located on parcels of ground five acres or larger; and stabelries must be located on parcels of ground four acres or larger. He asked how those lot sizes were determined. He asked if the Planning Commission is truly comfortable allowing the construction of an animal hospital on a parcel of ground that is only one acre in size. Mr. Hellewell stated that that language is not new language; rather, it has been included in the code for the past several years and the City has not received any complaints about it.

Mayor Nagle stated that she read through the entire document and it was a lot of information to absorb. She stated that she wanted to reiterate the importance the Council has placed on simplifying processes managed by the City. She stated that initially she had a concern that some of the changes that were being made in this document would actually make processes more cumbersome, but after receiving feedback from Mr. Eggett and the members of the Planning Commission she feels that the changes are very sensible. She stated that she also appreciated the fact that some of the changes being made would minimize the legal expenses that the City could potentially incur as a result of an appeal of a land use decision.

Councilmember Clark asked if there is a section of the land use code that deals with 'smoke shops'. Mr. Hellewell stated that there is currently no reference to smoke shops in the code; other non-desirable businesses are only allowed in industrial zones and the Planning Commission could consider placing that same requirement on smoke shops. Ms. Merrill stated that Layton City recently made revisions to their land use code relative to smoke shops and payday lending companies. Councilmember Clark stated that Syracuse City's code already addresses payday lending companies. Ms. Merrill explained that the City could allow smoke shops in commercial areas, but there could be a stipulation that one smoke shop would be allowed per a specified number of residents, such as 1,000.

There was then a discussion regarding the definitions for the terms 'Office, Professional' and 'Professional, Non-Retail Service'. Mr. Eggett stated that he would prefer to err on the side of having more definitions rather than less.

Councilmember Kimmel stated that he has some questions about some of the definitions, such as the definitions for 'Noncomplying Structures' and 'Nonconforming Uses'. He stated there is a lot of information in the document and he thanked the Planning Commission and the Community Development Department for all their hard work on it. He stated it is his hope that the final, adopted version of Titles Eight and Ten will make doing business in the City easier for residents and businesses alike. He stated that his concern is one of basic principle; when he thinks of private property he wonders if it is really private or if the government owns property and tells residents what they can do with it. He stated that there are several laws in place that are communicating the private property is not truly private. He asked if the Planning Commission ever debates those types of issues amongst themselves. Mr. Hellewell explained that a couple of months ago the Planning Commission had a discussion about allowing accessory buildings in side yards and front yards and that issue was debated for an extended period of time with a focus on private property rights. Mr. Eggett added that the language included in the proposed amendments for noncomplying structures and nonconforming uses is defined by the LUDMA and the City is simply coming into conformance with State Code by including those proper definitions in Title Ten. He added that he suspected that LUDMA would continue to be refined in future years.

Councilmember Kimmel stated he also had a question about the section regarding animals on page 41 of the document. He asked if the City checked with neighboring cities to see what practices they are using. Mr. Hellewell explained that many of the size restrictions have been in place for several years and he could not accurately explain why those size restrictions were decided upon. Mr. Whiteley noted that much of the new language is based on language used by other cities. Councilmember Kimmel stated that section 10-6-040(B)(3) states that the lot size requirement for an animal hospital shall be no less than one acre. He stated that the problem he has with that is that if a business owner owns a parcel of ground that measures .99 acres and he wanted to build an animal hospital on that ground he would not be allowed to do so. Councilmember Peterson stated that the City needs to draw the line somewhere. Councilmember Kimmel asked if one acre is the appropriate size upon which to draw the line. Mr. Hellewell stated that one acre seemed like a reasonable lot size for an animal hospital. He pointed out that an animal hospital must be able to accommodate large animals and parking for multiple vehicles. Councilmember Kimmel asked if the City should not simply be able to trust the land owner to determine if his .99 acre parcel is large enough to accommodate an animal hospital. He asked if 'we' have faith in our fellow citizens and business owners to know that they will do what is right when considering opening and managing a business. Mr. Eggett stated that sounds great, but it is not always reality; zoning and code enforcement issues can arise very quickly when certain developments are not managed correctly. Councilmember Kimmel asked if the Council would be amenable to creating different classifications of animal hospitals; one that can accommodate large animals and one for small animals only. Mr. Eggett stated that classification is currently included in Title Ten and a facility for small animals is defined as an animal clinic.

A resident asked if the revisions to Title Ten address variances. Mr. Eggett explained that Title Ten already includes information about variances. He added that variances are usually misunderstood; there must be a very compelling argument to be granted a variance. Mr. Hellewell explained that variances are not granted for owner-caused issues or self-imposed hardships.

Councilmember Clark asked Councilmember Kimmel if he is concerned that there is a lot size restriction being imposed for animal hospitals or if he is concerned that the requirements it to have one acre of ground in order to build an animal hospital. Councilmember Kimmel stated that he is concerned about both issues. Councilmember Clark stated that there are several similar requirements throughout the City's Land Use Code; there are limitations on the lots sizes in each residential zone and commercial zone throughout the City. Mayor Nagle agreed and stated that there must be a delicate balance on competing interests. She stated that one of the most divisive and heated battles that the Planning Commission had when she was a Commissioner was centered on the construction of a shed in a residential area of the City. She explained that the shed met certain requirements in the Code though it was too tall, which caused many neighbors in the area to complain to the City. She stated that the shed did not have a floor so it met the definition of a barn, which is why the owner was able to construct it to a much taller height. Mr. Jensen added that the home owner was required to get a building permit for such a structure, but he failed to do so and when he found out that he had to get a permit for a structure over 200 square feet he cut the footprint of the structure to less than 200 square feet to avoid that requirement. Mayor Nagle stated that she understands the need for property rights and she wants to give the same amount of property rights to all citizens, but there is no 'silver bullet' that is going to satisfy everyone. She stated that ultimately there will always be disagreement. She stated that she might look in her backyard and feel that there is no possible way to keep a horse in that area when someone else may look at the same space and feel that it is large enough to house 10 horses. She stated that a line must be drawn at some point to balance the competing interests of all property owners. Councilmember Kimmel stated he understands Mayor Nagle's point of view, but to him the issue is more fundamental and that is what rights and freedoms the government can give people. He stated that the people have all the rights and freedoms and only government can make laws that restrict rather than give freedom. He stated that people will always find a way around laws. Mr. Eggett stated that he would argue that the amendments that are being proposed are moving in the direction of making the land use code less strict and allowing more freedoms for the citizens. Councilmember Kimmel stated he appreciates that, but these amendments are lessening laws that the City has already adopted to restrict freedoms. Mr. Eggett noted that last year there were 67 code enforcement cases in the City that are the result of property owners not adhering to the City's land use regulations. Councilmember Kimmel stated that he would argue that those 67 cases are resulting from laws that should not be in place. Mayor Nagle stated that she appreciates Councilmember Kimmel's passion regarding this issue, but she noted that the 67 cases are likely the result of other citizens' complaints about their neighbors that are violating land use regulations and directly impacting their property value or quality of life. She stated there are likely more than 67 instances in the City where this is occurring. She stated that the Council is not aware of all of these cases and they are not responsible for responding to residents that are upset. Mr. Jensen noted that many of the land use regulations are in place as a result of an occurrence in the past. Councilmember Kimmel stated that we live in a constitutional republic and the majority does not rule; a majority is considered a 'mob'. He stated that the minority has a voice and has rights and they are protected just as much as the other 99 percent. Mr. Jensen stated that Councilmember Kimmel needs to understand that this is Syracuse City and there are laws that have been developed to govern Syracuse City. Councilmember Kimmel stated that is correct, but it is also necessary to abide by the Constitution, which is the law of the land.

Mayor Nagle thanked the Community Development Department and the Planning Commission for the work they did on the proposed amendments to Titles Eight and Ten.

Potential creation of policy governing the rental/use of City Hall facilities

Acting City Administrator Waite explained that when City Hall was opened there was a discussion about which facilities at City Hall should be offered for use or rental by the public. He explained that the way the building is constructed makes rental somewhat difficult; once behind the customer counters all office space is open and accessible from areas such as the Council Chambers. He stated that caused some concern and, therefore, the only space that was offered for public use was the lobby area. He explained that a fee schedule for rental of that space was put into place and currently the staff must abide by that policy and fee schedule when receiving requests for use of any area of City Hall.

Councilmember Clark inquired as to which City-owned facilities are currently not available for public rental and use. Mr. Waite stated that list includes the Council Chambers, Public Works Department facilities, Police Station, and Fire Station. Ms. Brown stated that the most appropriate way to move forward is to actually adopt policies governing the rental or use of any facility the Council deems open to the public. She stated that staff has researched the policies used by other cities and are proposing, for Council consideration, a policy that would govern the use of the Council Chambers.

Mr. Eggett stated that Ms. Merrill conducted extensive research and found that Layton and Kaysville cities do not rent out any of their buildings to the public. He added that Clearfield, Clinton, and West Point all have policies for use of their public facilities.

A resident stated that she has a friend that is a Councilmember in Layton and she was told that they have an ordinance that states that their Council Chambers can be used for events as long as the event is sponsored by a City Councilmember. Mr. Eggett stated that is good information to have.

Mayor Nagle stated that the reason that this has come forward is that there is currently no policy in place to govern the use of the Council Chambers. She stated that there was a request to rent the Chambers and initially staff did just as they were supposed to do, on their own without direction from her. She stated that they indicated that the Council Chambers were not available for rental and if they needed to rent a facility they could check with the Community Center to see if space was available. She stated that the Councilmember that requested to use the Council Chambers made the comment that 'the Mayor allows this to happen', which put the staff in a difficult position. She stated that she has never asked, nor permitted, nor granted anyone permission to use the Council Chambers. She stated that there was one event held in the Chambers that was scheduled inappropriately and she found out about the event at the last minute as the event organizers arrived at the building to prepare the space. She stated that the event was a republican delegate meeting and she contacted all Councilmembers to inform them of the mistake that had been made in granting use of the Chambers. She stated that at any rate a request has been made and there is no policy in place to allow the use of the Chambers. She stated that she has concerns; it is difficult to secure the building; there is no current waiver form that the City uses; the City can not collect rental fees because there is no fee established in the fee schedule. Councilmember Clark stated he thought that the Council had considered a policy at the time that they implemented a fee for the rental of the City Hall lobby area. He stated he thought that through the discussion regarding rental of the lobby area there was also discussion about not allowing rental of the Council Chambers as well as the Police Department training room because neither area could be closed off from the rest of the building. Ms. Brown stated that there was never a policy adopted.

Councilmember Peterson asked if the Council will consider allowing the rental of the Police Department and Fire Department training areas. Mr. Waite stated he has some concerns about that; many of the City facilities were not constructed in a manner that would allow public use because of the inability to secure the rest of City Hall during use of the Council Chambers. He stated that there is also a concern about requiring staff to stay during these types of events and how the costs to compensate staff would be covered. Councilmember Peterson agreed and stated he simply wondered if other facilities would be addressed. Ms. Brown stated that those issues can be discussed and considered as the Council works through the rewrite of Title Four, which governs use of City facilities. She stated that the use of the Council Chambers is being discussed tonight because there is a pending request to use the Chambers. Mayor Nagle agreed and stated that she committed to bring the issue to the Council tonight for a discussion. She stated that she has said in the past that she believes that the citizens have paid an extraordinary amount of money to construct the newer City facilities and whenever it is possible she wants to open those facilities up to them for their use, but she also wants to make sure that she is being a responsible steward of the facilities and when a facility is open for rental there needs to be protections in place to ensure that those that are using the facilities are responsible for that use. Councilmember Kimmel stated that in this particular instance there will be a City Councilmember present and he asked if that is not synonymous with requiring a City employee to staff the building. He stated that he can be responsible for opening and closing the building. Mayor Nagle stated that her issue is that the staff gave him good direction based on the policy that is in place and she feels like he tried to pit them against each other to try to get them to allow him to use the Council Chambers. She stated that this issue is now being discussed at the 'eleventh hour' and the Council is being forced to make a decision. Councilmember Kimmel stated he would like to explain what has happened to this point. He stated that he called Ms. Brown sometime during the first week of January and she told him that as long as there was no conflict with the Council Chambers, such as the Youth Council or Youth Court using the space, there should not be a problem with him using it. Ms. Brown stated that she did not tell Councilmember Kimmel that; rather all she told him was to contact the staff at City Hall since they are responsible for dealing with reservation requests. Councilmember Kimmel stated that he called City staff and asked that he be allowed to reserve the Council Chambers on January 28. He stated he was told that the facility was available that that his reservation was confirmed. He stated that more than two weeks later he received a call from the City and was told that they had reviewed the policies and procedures and that Ms. Brown and the Mayor had spoken about the issue and he would not be allowed to reserve the Chambers. Mayor Nagle stated that is not what the staff has told her. She stated that she never talked to Ms. Brown about the issue and she never had an opportunity to weigh in on the request to use the Chambers. Councilmember Kimmel stated that is not what he was told. Mayor Nagle stated that when she did find out about the issue she asked all staff involved to inform her of what had happened to this point. She stated that she was told that Councilmember Kimmel had made the comment to Ms. Merrill that she was "just a pawn in the Mayor and Ms. Brown's games". She stated that comment is unacceptable. Councilmember Kimmel stated that

comment was unacceptable and he wanted to apologize; however from his vantage point it seemed as though there was some sort of political game being played that was preventing him from using the space that he thought he had reserved. He stated that he was frustrated and he acted inappropriately when he made the comment to Ms. Merrill and he apologized to her. Mayor Nagle stated the issue at hand is whether the Council wants to adopt a policy to allow for the rental of the Council Chambers. She stated that she is willing to support the staff; she has said time and again that the Council is responsible for setting rules and the staff is then empowered to carry out the rules. She stated that if the Council does not like the rules that are in place they can be changed, but if staff is simply carrying out rules imposed by the Council they need to be supported by the Council. She stated she is disappointed when staff is 'pitted against one another'. Councilmember Kimmel stated that he did not do that and he was unaware of any policy or procedure that was in place to govern this issue. Mayor Nagle stated that making a comment to Ms. Merrill that she was a pawn in a game that she and Ms. Brown were playing definitely pits staff against one another and works to erode morale in the office. Ms. Brown stated that she wanted to clarify that when Councilmember Kimmel called her the conversation was very brief and she advised him to call staff at City Hall that could assist him in renting facilities at City Hall.

Councilmember Ocaña stated that he felt that the issue that the Council should be discussing is whether the Council Chambers should be made available for rental by the public. Councilmember Kimmel stated that he felt that a Councilmember should be allowed to rent the chambers and be trusted to ensure that the building will be taken care of during and after the event. Councilmember Peterson stated that if Councilmembers should not be exempt; if there is no policy in place to allow the rental of the building that should apply to everyone.

Councilmember Shingleton stated that the Syracuse Business Organization Strategic Support (SBOSS) group has used the Council Chambers on several occasions. Mayor Nagle stated that SBOSS is a City-sponsored group. Councilmember Shingleton argued that SBOSS is supposed to be independent of the City. Mayor Nagle stated that SBOSS was initially a City-sponsored group and, in her opinion, it remains that way. Councilmember Clark agreed. Mayor Nagle stated that SBOSS was told that the City could offer to them various resources, one of which was a space to hold meetings. She added that there are still members of City staff that are involved in the furtherance of SBOSS. Councilmember Shingleton stated that he thought that the City staff member that was lending support to SBOSS was performing those duties in his capacity as a Syracuse City resident. Mayor Nagle disagreed.

Councilmember Clark stated that the Council simply needs to make a decision. He stated that he remembered discussions in the past about this issue and he thought that decisions had been made regarding the use of the Council Chambers. He stated that we have had numerous requests in the past from residents and local groups and all of them have been told that they can not use the Chambers for their events. He stated he was unsure of how someone secured the Chambers for the republican delegate meeting. Mayor Nagle stated that she is also unsure of how that happened and that City Hall staff was made aware of the registration when the event organizers contacted them to ask for a key to get into the building. She stated that she immediately called all Councilmembers to inform them of the event and she even called Councilmember Shingleton and asked him to inform his son of the event since he was running a campaign against Paul Ray, who was taking part in the event. She stated she did not support the event and she tried to do as much damage control that she could do in such a short time. She stated that she felt the issue was dealt with in the best manner possible.

Councilmember Clark asked if the doors that exit from the back of the Chambers lock on the outside or inside of the Chambers. Mr. Eggett stated they lock from the inside and there is no way to prevent people from exiting the Chambers into the office area of the building. Councilmember Clark stated that issue concerned him last time this topic was discussed and it still concerns him today. Councilmember Peterson agreed and he stated that the fact that a Councilmember will be present does not totally alleviate that concern. He stated that he does not have a key to the building. Councilmember Kimmel stated that is an easy problem to solve. Councilmember Clark stated he does not believe it is appropriate for the Councilmembers to have a key. Councilmember Kimmel stated he would not want to have a key in his permanent care. Councilmember Peterson stated that it is not right to assume that Councilmembers should be given the authority to use the Council Chambers for whatever they want whenever they want to. He stated that allowing that kind of practice could 'open a big can of worms'.

There was then discussion of the event that Councilmember Kimmel was sponsoring and whether it could be moved to the Community Center. Another event sponsor, Craig Robinson, stated that the event has been widely advertised and trying to get the word out that the venue has changed may prove to be difficult. Mayor Nagle stated that her bottom line is that she wants to support the staff and she feels strongly that they responded to this issue appropriately. She stated that she would not object to opening the buildings for public use, but she is not comfortable being selective and allowing only certain people to use the building. Councilmember Kimmel agreed that the City should not be selective and the Chambers should be open to anyone and everyone and there should be a process in place to govern the use of the Chambers. Mayor Nagle stated that there currently is no process in place to govern the use of the Chambers and, therefore, she feels Councilmember Kimmel

may need to relocate his event to the Community Center. Councilmember Kimmel stated he was comfortable with that direction.

Councilmember Clark stated that the only way he would feel comfortable offering the Chambers for public rental is if the person renting the facility is required to pay the wages of two employees to man the building. Mayor Nagle added that the City also must collect some sort of deposit that can be used to make any repairs or clean the building after the event. She added that those renting the facility need to sign a waiver releasing the City of any liability.

Councilmember Shingleton stated that he remembered that residents were allowed to rent the Council Chambers at the old City Hall. Mr. Waite explained the layout of the old City Hall Council Chambers and clarified that people attending an event at City Hall could not access any other areas of the building. Councilmember Shingleton stated that he is simply pointing out that there is a history of allowing the public to rent the Council Chambers. Councilmember Clark stated that he firmly believes that the Council already made a decision about this issue and he would like to review the minutes to determine if that decision was actually noted. Councilmember Peterson stated that he remembers adopting the amendment to the fee schedule to implement fees for rental of the lobby area. He stated that he feels that the Council Chambers could be offered for use for events when certain criteria are met.

Mr. Waite stated that two weeks ago there was a similar situation that came before the Council; a local entity requested a fee waiver and staff handled the situation appropriately and forwarded the issue to the Council for a final determination. He stated that in that instance staff had the Council's and the City's best interest in mind and he would argue that the same is true in this situation.

Mayor Nagle stated that her recommendation is that the Council consider adopting a policy allowing the rental of the Council Chambers at the next meeting. She stated that at this time she would recommend that at this time the Council uphold staff's decision and that the City do everything they can to try to assist in making the public aware that the event is being held at another venue. Councilmember Kimmel stated that he would support that recommendation.

Councilmember Peterson asked about the fees included in the recommended policy. Ms. Merrill stated that the base fee is similar to a deposit and the additional fee is the amount charged per hour to cover the City's expense for staff.

Councilmember Clark asked if groups such as those groups that host events such as a "Meet the Candidates Night" would be required to pay a fee. Councilmember Peterson stated that there are some gray areas in the policy. Mayor Nagle stated that the Council will need to have some discussion about whether fees would be waived for groups that can meet certain criteria. Councilmember Kimmel stated he would like for residents to be allowed to use the building for free with the exception of the amount charged to cover staff wages. Mr. Eggett noted that the deposit is refundable with the exception of a \$20 fee to cover administrative costs.

Mr. Robinson stated that he would like to invite all members of the Council to the event. He stated that the speaker is Stephen Pratt and the name of his seminar is "Nurturing our cherished myths: discovering the true nature and character of the United States of America".

Council business

Councilmember Clark stated that he received a phone call from John Anderson and he was somewhat uncomfortable with the topic of the conversation. He stated that there was discussion of an agreement between the City and Property Reserve Inc. (PRI) and he asked if anyone else had more information about that. Other Councilmembers stated that they also received a phone call from Mr. Anderson. Councilmember Kimmel stated that this issue was raised last year during the discussion of the old Davis Technological Economic Cooperative (DTEC). Councilmember Clark stated that is not the same issue as was raised by Mr. Anderson. Councilmember Peterson stated that the parcel of ground referenced by Mr. Anderson was discussed in the past with the previous City Administrator who had simply given the Council very minimal information about discussions that were taking place between the City and PRI. Mr. Eggett stated that discussions are still very preliminary and he is surprised that the Council has received phone calls about the issue. Councilmember Peterson stated that Mr. Anderson is the representative of the LDS church that is over buildings and grounds and he thinks that his intention was to 'grease the wheels' a little bit. He stated that he felt he was simply trying to be proactive. Mr. Eggett stated that the City needs to proceed with due diligence.

Councilmember Shingleton stated that he received a phone call from Syracuse High School and they are wondering if a new liaison will be appointed to their Community Council. Councilmember Peterson stated he was assigned that position and he has already made contact with the principal to inform him that he will be participating. He stated he may not be able to attend every meeting but he has asked that he be kept informed on any issues the Community Council discussed.

Councilmember Shingleton then stated that he attended a work shop hosted by Building Inspector Tex Couch regarding finishing basements. He stated he simply wanted the rest of the Council to know that Mr. Couch did a great job.

Mayor Nagle reported that the Utah Department of Transportation (UDOT) is going to be announcing their final recommendations for the West Davis Corridor on February 1. Mr. Whiteley agreed and stated that he believes that there are four optional routes that will be published. Mayor Nagle stated that UDOT will be hosting some open house meetings on the topic and she would encourage residents to attend those meetings to get accurate information. She stated that the Corridor will have a big impact on Syracuse City and its residents. She stated that she anticipates that the Council will begin to receive many questions once the options are announced.

Councilmember Ocaña stated that he is participating on the Planning Commission Sub-Committee dealing with the Town Center and Antelope Drive Corridor. He stated that last week he and Mr. Eggett met with the Sub-Committee and the meeting was pretty well attended and there was much discussion about what Syracuse City has to offer to businesses looking for a place to locate. He stated that the biggest take-away from the meeting was being encouraged to start to look for ways to bring businesses back to Syracuse. He stated that the committee seems very vocal and active and they want to be involved and he believed that they will be meeting again very soon.

The meeting adjourned at 8:11 p.m.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 8, 2011