

Minutes of the Special meeting of the Syracuse City Council held on March 12, 2010, at 1:00 p.m., in the Police Department Training Room, 1751 South 2000 West, Syracuse City, Davis County, Utah.

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

Mayor Jamie Nagle  
City Administrator Rodger Worthen  
City Recorder Cassie Z. Brown

City Employees Present:  
Recreation Director Kresta Robinson

1. Meeting called to order

Mayor Nagle called the meeting to order at 1:00 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.

2. Authorize Mayor Nagle to execute an agreement with Unlimited Play, Incorporated for consulting services for the design of the "No Child Left Out" playground structure to be located at Legacy Park.

COUNCILMEMBER CLARK MADE A MOTION TO AUTHORIZE MAYOR NAGLE TO EXECUTE AN AGREEMENT WITH UNLIMITED PLAY, INCORPORATED FOR CONSULTING SERVICES FOR THE DESIGN OF THE "NO CHILD LEFT OUT" PLAYGROUND STRUCTURE TO BE LOCATED AT LEGACY PARK. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Hammond asked if construction of new restrooms or improvement of existing restrooms is included in the cost of the park project. He then stated that he has been thinking about the location of the park and he wondered if the City would receive a greater benefit by asking that the park be constructed at Founder's Park in order to bring more people into the center of the City. Councilmember Clark asked why Founder's Park was not originally considered. City Administrator Worthen stated that the cross-over play from the students attending Syracuse Elementary School was considered to be a negative thing. Councilmember Shingleton stated the existing parking area at Founder's Park is much larger than the parking area at Legacy Park.

Mayor Nagle explained that the amount included in the budget for restroom facilities is based on the fact that there are already an existing restroom facility that will simply be expanded into family bathrooms. She then explained that Unlimited Play suggested that the park be built in an area where the sensory issues are minimized. She stated that autistic children may experience sensory overload if there is too much going on at the park. Mr. Worthen stated there are many activities that take place at Founder's Park, such as football and baseball all summer long. He explained that Legacy Park is very tranquil and that is one of the main reasons it was recommended as the home of the No Child Left Out park.

Mayor Nagle stated she would not object to locating the park elsewhere in the City, but it would be necessary to amend the resolution previously adopted by the Council to dedicate space at Legacy Park to the project. She stated that she would like to get input from Tara Bennett and Unlimited Play regarding where they would like to have the park constructed. She stated that she likes the idea of bringing visitors through the City. She then stated the issue before the Council today is whether to execute an agreement with Unlimited Play. She explained that the City will not dedicate any money to the project and the agreement is only necessary because only government entities are eligible to receive the type of federal grant that Unlimited Play is applying for. She stated that Unlimited Play will do all the work to get the grant and they will then take five percent of the total grant amount to cover the cost of their services, which include planning, designing, and engineering of the park. She explained that Unlimited Play may use the City's Engineer to assist with the project, but they will pay the City's costs in that case. She stated that the project will not cost the City anything; Unlimited Play simply wants to make sure that all of their costs are covered if they commit to do all the work to have the park built in the City.

Councilmember Clark stated that it is a possibility that no grant funding will be awarded for the project and it may be necessary to fund the entire project through private donations. He asked if Unlimited Play would still receive five percent of all private donations that they secure. He asked if those decisions would be made independent of the City, to which Mayor Nagle answered yes. Councilmember Clark asked if it is true that the City is only involved if grant funding is awarded. Mayor Nagle stated that is her understanding of the relationship.

Councilmember Hammond asked if the City would be named as a joint partner in any publicity regarding the project. Mayor Nagle stated that she hopes the City will work hand in hand with Unlimited Play. She stated that she would like to assist Unlimited Play and Ms. Bennett in securing some private donations to expand the splash pad to be included at the park. She stated that aspect of the park would bring tremendous daytime traffic to the community. She stated that she would love for the City to work with Unlimited Play, but not become too involved or take over the project because Unlimited Play is the expert.

Councilmember Peterson then stated that item one in the agreement states that if Unlimited Play does not secure grant funding the City can void the contract.

Mayor Nagle reported that she asked City Attorney Godfrey to review the agreement and he recommended a few small changes, but nothing that would alter the content of the agreement.

COUNCILMEMBER KIMMEL OFFERED A SUBSTITUTE MOTION TO TABLE, FOR ONE MONTH, AUTHORIZATION OF AN AGREEMENT WITH UNLIMITED PLAY, INCORPORATED FOR CONSULTING SERVICES FOR THE DESIGN OF THE "NO CHILD LEFT OUT" PLAYGROUND STRUCTURE TO BE LOCATED AT LEGACY PARK.

The motion died for lack of a second.

Councilmember Kimmel stated that time is not of the essence on this project and he felt the Council should solicit more public input before moving forward. He stated that would bode well for transparency in the City and it would encourage citizens to become more involved. He stated that he is in favor of the construction of the park in the City, but he would like to hear more public input. Mayor Nagle stated that time is of the essence because Unlimited Play and Ms. Bennett need to know that they are not fruitlessly spending all their time and effort going after the grant with no City support.

Councilmember Shingleton stated there has been a lot of discussion about the park in public meetings; the resolution regarding the dedication of the park space was adopted in a public meeting. He stated the public has had opportunities to provide their input. Councilmember Kimmel stated that he did not think tabling this issue for two weeks or even a month would kill the project.

Councilmember Clark stated that if the item being considered by the Council today were more focused on the park itself he would also be nervous about considering the item during a special meeting. He stated he is not nervous about taking action during this meeting because all the Council is being asked to do is enter into a contract under which the City is not being asked to expend any funds. He stated that is why he did not second Councilmember Kimmel's motion. Councilmember Shingleton agreed and stated that if the City were being asked to make a financial commitment he would also be concerned.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the agreement; she called for a vote. THE FOLLOWING VOTE WAS TAKEN: VOTING "AYE" – COUNCILMEMBERS CLARK, HAMMOND, AND SHINGLETON. VOTING "NAY" – COUNCILMEMBER KIMMEL. Councilmember Peterson recused himself from voting due to the fact that a relative of his is a managing member of Unlimited Play, Incorporated.

At 1:16 p.m. COUNCILMEMBER CLARK MADE A MOTION TO ADJOURN. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: April 13, 2010