

Minutes of the Work Session meeting of the Syracuse City Council held on January 12, 2010, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, 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:

Finance Director LaMar Holt
Information Technologies (IT) Director TJ Peace
Police Chief Brian Wallace
GIS Technician Troy Moyes
Police Detective Corey Bybee

The purpose of the Work Session was for the Governing Body to review the agenda for the Regular Council Meeting to begin at 7:00 p.m., review the City Council Calendar, review the City Claim Statement, discuss Councilmember assignments, discuss City regulations relative to on-street parking during winter months, review the proposed Museum Board bylaws document, review the current Fiscal Year (FY) 2009-2010 budget status, and discuss Council Business.

Agenda

Mayor Nagle explained that it will be necessary for her to ask a lot of questions and she hoped that people will bear with her during the initial learning process of being a new Mayor. She stated that City Recorder Brown assigns a certain amount of time to each item on the work session agenda and she asked that Ms. Brown keep track of time to inform the Council when they need to conclude discussion of a certain item. She stated she hoped that would help people keep their comments on any given item very concise and to the point and that the Council will be able to cover all items included on an agenda. She stated that if discussion on any given item is not complete prior to the time assigned to that item expiring, the item can be added to the next work session agenda for further discussion. All Councilmembers agreed this will be a good practice.

Calendar

Mayor Nagle reminded the Council of the orientation/training meeting scheduled for newly elected officials this Thursday at 6:00 p.m. She stated she would encourage everyone to attend the meeting. She then stated that she noticed in a recent edition of the Standard-Examiner that a local Syracuse City is turning 100 years old and there will be an open house held in her honor. She stated she would email a copy of the notice to each member of the Governing Body in the case that they are interested in attending the function. She then reported that the Utah League of Cities and Towns (ULCT) Legislative Policy Committee meeting to be held in December was postponed. She stated that she felt it would be a good idea for Councilmember Kimmel to attend future meetings of the committee to become familiar with the State legislative process. She stated that she plans to attend the meetings and that City Administrator Worthen is usually in attendance as well. Councilmember Shingleton pointed out that a member of the Governing Body will be assigned to attend those meetings and vote on behalf of the City. Mayor Nagle stated she is aware of that, but she simply felt it might be valuable for Councilmember Kimmel to attend the meetings.

Councilmember Hammond reported that he will be out of town on January 26 and will, therefore, be absent from the City Council meeting scheduled for that evening.

Mr. Worthen reported that on January 28, 2010 Senator Sheldon Kilpack will host an open house in the Council Chambers at City Hall. He stated the meeting is scheduled for 7:00 p.m. and the intent is to give citizens some information regarding the issues the Legislature will be considering during the upcoming session.

Claim statement

Mayor Nagle stated that she discussed an issue with Mr. Worthen prior to this meeting and she wanted to inform the Council of what that issue was. She stated she was curious as to whether the City has a 'shop in Syracuse' policy, and if so,

if that policy is being adhered to. She stated she felt there may have been some recent deviations from the policy. Mr. Worthen stated that all City fleet vehicles must be serviced at the Jiffy Lube in Syracuse. Police Chief Wallace added that according to State contracts, all police cars must have Goodyear tires and there are only two local dealers that sell the tires; one is located in Clearfield and the other is located in Clinton. He stated it is not possible for him to purchase tires for police vehicles in Syracuse. Mayor Nagle stated she understands of those types of circumstances.

Councilmember Hammond stated that page two of the claim statement includes an expenditure for postage stamps for the City newsletter. He asked if the City is still mailing a paper copy of the newsletter to those that have specifically requested a paper copy, to which Mr. Worthen answered yes.

Councilmember Peterson stated that page six of the statement includes an expenditure from the Parks Maintenance Fund for tree removal. He asked if that expenditure was for a tree on private property or City property. Mr. Worthen stated it was for removal of a tree on City property behind a residence in the Whisperwood Subdivision. He stated that he and the City Forester inspected the tree and determined that it was hazardous and should be removed. Councilmember Peterson asked if the City has removed any trees on private property after residents have refused to do so. Mr. Worthen stated that the City only removes trees on City property. Councilmember Peterson asked if the City would ever remove trees in a park strip. Mr. Worthen stated any trees planted in a park strip were planted by a homeowner and the City would not remove those trees. Councilmember Kimmel asked if the City adhered to a competitive bidding process to have the tree removed. Mr. Worthen stated that the City obtained telephone bids for the service.

Councilmember Peterson stated page 10 of the statement includes a charge entitled Municipal Building Authority (MBA) annual trust fee and he inquired as to what that fee is for. Mr. Worthen stated it is the fee paid to Zion's Bank for their oversight of the MBA trust fund. He stated it is a fee that the City pays on an annual basis.

Councilmember Shingleton stated that page three of the report includes an expenditure for Caselle release charges and he asked what that means. Mr. Worthen stated it is some type of fee dealing with the City's finance software.

Councilmember Hammond stated page three of the report also includes an expenditure entitled audit expense and he asked if that is for the audit that was just completed, to which Mr. Worthen answered yes and explained that the City was billed incrementally for the most recent audit.

Mayor Nagle stated that the report includes an expenditure for late fees paid to Barnes Bank and she asked why those late fees were incurred by the City. Finance Director Holt stated that when credit card invoices are not paid in time the City is charged a late fee. He stated that usually results from Department Heads failing to reconcile their accounts in time for him to submit payment to Barnes Bank in a timely manner. Mayor Nagle asked who is responsible to pay the late fee, to which Mr. Holt answered the City. Mayor Nagle stated she felt the employee that fails to reconcile his or her credit card statement in a timely manner should be responsible for the late fee. Mr. Worthen stated he would research the issue and he explained there could be several reasons the City is incurring the late fees. Councilmember Shingleton asked if the City is planning to continue to do business with Barnes Bank. He explained there was a newspaper article today explaining that Barnes Bank is being investigated and if they dare not able to address concerns regarding their finances by Friday, the bank will be sold.

Councilmember Kimmel stated page four of the report includes an expenditure for windshield wiper blades for the Police Department at a cost of \$44.00 and \$26.00, but page nine of the report includes the same expenditure in the Public Works Department at a cost of \$9.00. He asked why the Public Works Department paid much less for the same good. Chief Wallace stated that the Police Department probably paid to have their wiper blades installed while the Public Works Department probably installed their own. He added that Public Works Director Waite has offered to be of assistance to other Departments by way of performing some light maintenance on City vehicles to avoid such costs in the future. Mr. Holt added that there may be more items included on the invoice being referred to by Councilmember Kimmel than are included on the report. He stated he is limited in the description that he can enter for any given invoice and windshield wiper blades may have simply been the first item listed on the invoice.

Councilmember Kimmel then inquired as to what the first two charges listed on the claim statement are for. Mr. Worthen stated the first charge listed is the Justice Court surcharge for December of 2009. He stated that each Justice Court pays a surcharge to the State of Utah; the fee is based on the amount of money the Justice Court collects in any given month. He stated the second item is the release of a contingency amount being held by the City for the development of a subdivision. Councilmember Kimmel asked if the money was being held in an escrow account, to which Mr. Worthen answered yes.

Discuss Councilmember assignments.

Mayor Nagle stated that there is only one new Councilmember that was recently elected and she asked if it is necessary to review the assignments for all Councilmembers, or just the assignments that were held by the Councilmember that was replaced. Councilmember Clark stated that some of these assignments were just made fairly recently.

Councilmember Peterson added that the Council also adopted a chart identifying the rotation schedule for some of the positions, such as department liaison positions and Mayor Pro-Tem. Ms. Brown apologized for having not provided that chart to the Council and she left the meeting to obtain the chart for the Council to review. Councilmember Kimmel stated that he is fine with a rotating schedule, but he liked the idea of change being a possibility if any Councilmember wants to be excused from an assignment or assigned to a different assignment. He stated that since there has been a change there is no better time than now to review the assignment list.

Councilmember Hammond stated that one thing to consider when reviewing assignments is the fact that some Councilmembers can not attend meetings during the day while others can. He stated some assignments are largely dependent on those schedule restrictions.

Mayor Nagle stated that she received a letter from the North Davis Sewer District (NDSD) from the Board Chairman, Ivan Anderson, requesting that Lurlen Knight be allowed to complete his current term on the Board, which expires December 31, 2010. She stated that she has talked to the City Attorney about the request and the City can not force Mr. Knight to resign from his post on the Board because he was appointed to a four year term and if the City were to assign someone else in Mr. Knight's place, the NDSD would need to adopt a resolution to determine if they will accept Mr. Knight's replacement. She stated that it is her recommendation that the City allow Mr. Knight to finish his term for a couple of reasons; one is that it creates a good partnership with the NDSD. She stated if the NDSD is making this request of the City they are obviously pleased with Mr. Knight's service. She stated that additionally she did not believe that anyone could fault Mr. Knight for any of his service on the Board; he was always very involved and present and he enjoys serving in that capacity. She reiterated that she would suggest that the City allow Mr. Knight to complete his term and at the end of his term the City can appoint someone else to the position.

Councilmember Clark stated that Mr. Knight had mentioned to him that there are some votes that will be occurring at the NDSD over the next year that could impact the City. He stated he felt it would be good, based on Mr. Knight's experience, to let him finish his term. He stated he felt that Mr. Knight would fairly represent the City and possibly prevent the Board from making decisions that could negatively impact the City.

Councilmember Peterson asked if all cities that have representation on the Board are represented by an elected official. Mayor Nagle stated that there are two or three cities that are represented by citizens rather than elected officials. Councilmember Peterson asked how the City will know what is happening at the NDSD if the person representing the City is not an elected official. He asked if Mr. Knight would be required to provide regular reports to the Council. Mayor Nagle stated it would not be difficult to reach some kind of agreement regarding how Mr. Knight would report to the City. She then added that a local resident, Lloyd Waite, represents the City on the local Mosquito District board. Mr. Worthen stated that is correct and he added that Mr. Waite provides an annual report to the Council regarding the happenings of the board. He stated Mr. Waite has served in that capacity for some time.

Councilmember Shingleton stated that Mr. Knight has already served on the NDSD board for eight years. Councilmember Clark stated it has actually only been seven years and the NDSD is asking that he be allowed to complete his eighth year.

Councilmember Peterson inquired as to what the practice has been in the past when this kind of situation has arisen. Mr. Worthen stated that an elected official has always represented the City on the NDSD board.

Councilmember Clark asked if there is any reason that Mr. Knight should not be allowed to complete his term. He asked if the City gains any benefit by assigning an elected official to the board rather than allowing Mr. Knight to complete his term. Councilmember Kimmel stated if this has never been done in the past, allowing Mr. Knight to complete his term may set a precedent. Mayor Nagle stated the precedent has already been set by allowing Mr. Waite to represent the City on the Mosquito District board. Councilmember Kimmel stated that the difference is that Mr. Knight obtained his position because he was an elected official, but his term as an elected official has expired. He asked if the same situation has ever occurred in the past. Mr. Worthen stated he is not aware of this same situation occurring in the past. Mayor Nagle stated that the NDSD is independent of the City and it does not matter to them if their members are elected officials. Councilmember Kimmel stated he is simply wondering if setting this precedent could cause any negative situations in the future.

Councilmember Peterson stated that he does not have a problem with allowing Mr. Knight to complete his term on the NDSD board, but he asked if the position would be available to a member of the Governing Body after Mr. Knight's term expires. Mayor Nagle stated that would be a decision for the Council to make at that time. She stated that if there is someone on the Council that is willing and able to serve in the position that would be great, but if not she would have no problem looking for someone in the community to represent the City. She added that she never thinks it is a bad idea to get the community involved in any capacity possible; doing so builds a more collaborative environment.

Councilmember Hammond asked if the position on the Mosquito District board is a paid position. Mr. Worthen stated he did not know. Mayor Nagle asked why that mattered. Councilmember Hammond stated the position on the NDSD

board is a paid position and when people are elected to positions on the City Council they are elected to represent that community and when a citizen has a complaint or concern they can come to their elected official with that issue. He stated that one of the issues the NDSB board will be considering is a tax increase and if someone in the community has a problem with that it would be easier for them to come to an elected official with their concerns easier than they could go to a volunteer. He stated he feels that allowing Mr. Knight to complete his term on the board would put the City in a bad light. Councilmember Clark asked why it is any different to complain to an elected official than to a volunteer. Councilmember Hammond stated that elected officials are responsible to the citizens. Councilmember Clark stated that the City Council, as elected officials, has no say in the decisions that are made by the NDSB board. Councilmember Hammond stated that Mr. Knight, or whomever is assigned to that position, does have a vote on the board. He then stated that the position has always been held by an elected official and he believed that practice should continue. Councilmember Clark stated that he feels the best thing for the City would be to let Mr. Knight complete his term and consider this issue again in a year from now.

Mayor Nagle stated that the Council also should consider what the NDSB wants; the City could send a name of an elected official to them for consideration and they could choose not to accept that name and then the City would have no representation.

Audience member, Phil Gooch, stated that along the lines of disaster preparedness the City has a great responsibility to have the Fire Department take care of the sewer plant; there are chemicals stored at the plant and it would be nice to have someone representing the City that is keen on those issues and can answer questions about what is happening at the plant. Mayor Nagle stated that is a very good point and it would be a hard argument to make that Mr. Knight does not get involved and is familiar with all the happenings at the NDSB, maybe more so than any other member of the Governing Body would be. She stated that, for whatever reason, Mr. Knight loves the NDSB. Councilmember Peterson stated he can not argue with that statement at all. He stated that before making a final decision he would prefer to see if there is any policy in place to govern this decision. Mayor Nagle stated there is no policy in dealing with this issue. She reiterated that she contacted the City Attorney and he did not feel there was any problem with allowing Mr. Knight to complete his term.

Councilmember Hammond asked if this is a unique case and what other cities have done under these circumstances. Mr. Worthen stated there are other cities that are represented by a citizen rather than an elected official.

Councilmember Kimmel stated he would be interesting in having some information about what types of issues the NDSB board will be voting on over the next year in order to determine if those issues are something that can be handled by a citizen. He added he would also like to know if this situation has occurred in other cities in the past. Councilmember Clark stated that it has and he explained that Ivan Anderson, the current Chairman of the NDSB board, was previously a Councilmember in Clearfield City, but he no longer serves in that capacity. Mayor Nagle stated that is correct, but she asked Mr. Worthen to get some answers to the questions asked by the Council and provide that information to the Governing Body via an email as soon as possible.

Councilmember Peterson stated his recommendation is that the Council allow Mr. Knight to complete his term on the NDSB board, but that some research be done so that decisions like this one are not so difficult for the Council in the future. Mayor Nagle agreed. Councilmember Clark also agreed and added he feels allowing Mr. Knight to complete his term would be the best decision for the City right now. He stated consistency is very important. Councilmember Hammond asked if there is any City policy that dictates that volunteers should not be compensated. Councilmember Clark stated that Mr. Knight would not be serving as a volunteer for the City; rather he would be holding a position on the NDSB board. He added that the NDSB board holds several daytime meetings that may be difficult for other members of the Governing Body to attend, but Mr. Knight is able to attend all of those meetings because of his work schedule. Councilmember Hammond stated that conflicts with information he has received about the meeting schedule for the NDSB board.

Mayor Nagle instructed staff to add this item to the agenda for the first meeting in February for final resolution.

Discuss City regulations relative to on-street parking during winter months.

Police Chief Wallace explained the City has not ticketed people for overnight on-street parking violations during winter months since 2007. He stated that the Police Department has placed notices on vehicles asking the owners to relocate them and most people comply very quickly, but this year the problem seems to have gotten worse and it may become necessary to issue some citations for the violation. He stated that there is currently no defined penalty within the City Code for on-street parking during winter months. He stated this means that the violation defaults to a Class B violation, which carries a \$100 fine. He stated his suggestion is that the violation be defined as a Class C violation or an infraction carrying a \$50 fine. He stated that he would not like to see the penalty much lower than \$50 because then it hardly becomes worth issuing the citation. He stated he does not plan to instruct his officers to begin writing several tickets, but if the problem becomes chronic tickets will be written.

Councilmember Hammond stated that asking residents to move their vehicles off the street may cause them to park their vehicles on their lawn, which could also be cause for a citation. Chief Wallace stated that would be a Code Enforcement issue, but he believes the vehicle owners would be better off pulling their vehicle off the road and onto their grass. Councilmember Kimmel asked if it is necessary to revise the City's ordinances to dictate that residents can park their vehicles on their grass during the winter months. Mr. Worthen stated he did not believe that is necessary and that it will be simple enough to instruct the Code Enforcement Officer to make a judgment call when he sees a vehicle parked on the grass in order to comply with an order that it be removed from the street during a snow storm. Mayor Nagle stated the only problem she saw with that direction is that people could accuse the City of selectively applying the City Code; one could make the argument that no matter the reason for parking on one's grass, it is a violation and the resident should be cited.

After a short discussion, all Councilmembers agreed to consider an ordinance recommending that the penalty for on-street parking during winter months be a Class C violation that carries a \$50 fine.

Review proposed Museum Board bylaws document.

Mr. Worthen explained that Councilmember Hammond and the Museum Board have been working on this document for some time and they have requested that the Council review it.

Councilmember Hammond explained that there are two boards at the Museum; one is the cultural foundation and the other is the foundation that oversees any donations made to the Museum. He stated the volunteer group is the board that falls under the supervision of the City and the other group is a separate entity from the City. He stated that the document that he provided to Mr. Worthen is a rough draft and it appears that Mr. Worthen and some Councilmembers have recommended some changes. He stated it needs to be very clear that the foundation needs to be separate from the City in order to maintain their 501C3 status so that they are eligible to apply for grant funding.

Mr. Worthen stated that he felt the Council could review the draft document and recommend any changes or updates. He added that he would like to see this document adopted via a resolution rather than an ordinance.

Mayor Nagle stated that she would like to invite City Attorney Godfrey to be present during the discussion of this issue. She stated that she wants to be sure that any action the Council takes does not jeopardize the foundations status. She stated that she understands that the City is culpable if something were to happen with one of the volunteers at the Museum due to the fact that the City owns the building and provides supplies and maintenance to it. She added that she felt the best course of action would be to adopt a memorandum of understanding (MOU) clarifying that all volunteers at the Museum must adhere to the City's personnel policies and procedures. She stated this would ensure a certain standard of performance and keep the foundation separate so as not to jeopardize its 501C3 status. She stated that she does not know if anyone has a clear understanding of where the line needs to be drawn between the City and the foundation. Councilmember Hammond stated that is why it has taken the foundation so long to draft this document.

Ms. Brown stated that she wanted to add a point of clarification to Mr. Worthen's suggestion. She stated that she would recommend against adopting any type of official document, such as a resolution or an ordinance, recognizing the foundation as a City committee or board. She stated that if such a document is adopted it appears that the City oversees the operations of that group and that the group reports to the City, which would ultimately jeopardize the foundation's 501C3 status. She further added that the Council should not be responsible for adopting bylaws of any committee or board; rather the Council adopts a resolution creating the committee or board and then directs the board to create their own bylaws and rules of operation.

Mayor Nagle reiterated that she would like to have Mr. Godfrey present for the discussion of this issue and she recommended that the item be tabled until the first work session meeting in February.

Review current Fiscal Year (FY) 2009-2010 budget status.

Mr. Holt provided the Council with a handout including a chart providing monthly budget information. He stated he has circled the column that is most meaningful, which highlights four months of sales tax data from July to November 2009. He stated that the shortfalls are based on budgeted monthly amounts, which are based on the average actual revenues for the last four years. He pointed out that in July the sales tax revenue shortfall was approximately \$5,000; in August it was approximately \$15,000; in September it was approximately \$25,000; and in October it exceeded the budgeted amount by approximately \$3,000. He stated that if those actual revenues were averaged to determine what the total shortfall will be for the complete budget year, the dollar amount arrived at is approximately \$125,000 under budget. He stated on the flip side the expenditures are looking very good; each department is doing their best to be conservative and keep costs low. He stated that the other revenue sources the City relies on are 'falling in line pretty well'. He stated the other significant revenue source for the City is property taxes and the City will receive actual property tax revenues from Davis County on March 31, 2010. He stated that he and Mr. Worthen have met with the Department Heads of the major departments, including Police, Fire, and

Recreation, and they have found some budget reductions that can be made. He added that he has also taken into consideration that two high salary positions, Human Resources Director and Community Development Director, remain unfilled; when that is added to the reductions that have been made, the budget can be reduced by approximately \$250,000.

Councilmember Peterson inquired as to why the sales tax revenues changed so dramatically from September to October. He asked if that is a sign that the economy may be improving. Councilmember Clark reminded the Council that amounts are compared to last year's revenues during the same month, so the improvement in October is only an improvement over the amount of revenue received in October of last year. Councilmember Hammond stated that it is exciting to him that the City did not experience a shortfall in October.

Mayor Nagle stated that this document only gives the Council a very small piece of the total pie. She stated there are many more revenue sources and many more expenses that will occur than are listed on the spreadsheet. She stated that an example of additional revenue sources would be various fees paid to the City and building permit revenues. Councilmember Shingleton stated it would be good for the Council to be able to review that information in addition to the information that is provided on this spreadsheet. He added that he would like to be able to see the total budgetary expenses to this point as well. Mayor Nagle agreed. She stated she recognizes the value in using a four year average to create a budget, but for now she would just like to compare this year's actual revenue to last year's. She stated that four years ago the economy was much healthier than it is today and the City is not going to see that again. She stated she felt it was more damaging than beneficial to compare this economy to the economy from four years ago. Mr. Holt stated he can provide budgetary information in any format the Council would like. Mayor Nagle stated she would also like for the Council to receive some detailed information about the findings included in the most recent audit report. She asked that the audit report be distributed to each Councilmember so that they can review it in depth. Mr. Worthen stated he was planning to add a review of the audit to the next meeting agenda. Mayor Nagle stated that it would be best for the Council to have the audit report in their hands today so that they can review it. She stated that she has reviewed the report and the findings and she found that this is the third year in a row the same exact deficiency has been identified and not been addressed. She stated that failure to address deficiencies leaves employees and the City as a whole exposed. Ms. Brown asked if the Council would like to review the audit report during their next work session. Mayor Nagle stated she did not feel that the Council had enough time to review the report in depth during a regular work session meeting. She asked if it would be possible to reconvene the work session following the regular meeting on January 26 in order to give the Council ample time to review the report.

Council Business

Mayor Nagle stated that at the beginning of each Council meeting there is a prayer and someone leads the Council in the pledge of allegiance. She asked if there is a rotation schedule for who will give the prayer or conduct the pledge each meeting, to which the Council answered no. Mayor Nagle asked Ms. Brown to create a rotation schedule for that activity.

Councilmember Shingleton stated he has heard some rumors about a transition team that has been assembled by Mayor Nagle, but he has not received any specific information about it. Mayor Nagle stated that it is true that she assembled a transition team just before Christmas, but a lot of the work to be done by the transition team will take place in the current year. She stated that those leading the transition team are Councilmember Clark, Planning Commission Chair Robert Whiteley, William Shiflett, and Troy Barber. She stated that the group is called the SWOT team, which stands for strengths, weaknesses, opportunities, and threats. She stated that they are working to find areas of the City that can be improved as well as identify the strengths the City currently has. She stated the findings of the SWOT team will be delivered to the Council to use as a starting point to develop a strategic plan for the City. She stated a strategic plan is needed in order for the City to project the future of the City based on the current status of the operations of the City. Councilmember Hammond asked if the members of the SWOT team are volunteers or if they are being paid. Mayor Nagle stated all members are volunteering their time and skills. She stated right now they are on a fact finding mission in various departments of the City. She stated that she currently does not know all the details of the City's current status and she feels strongly that information is needed in order to develop a strategic plan and move forward.

The meeting adjourned at 6:55 p.m.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: January 26, 2010

City Council Work Session
January 12, 2010

Governing Body/Administration Assignment List

- Mayor Nagle asked Mr. Worthen to research Council questions regarding setting precedent by allowing a past member of the Governing Body to continue his/her service with an outside entity. (01-12-10)