

Minutes of the Regular Meeting of the Syracuse City Council held on January 26, 2010, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

Councilmember Hammond was excused from the meeting.

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

City Employees Present:  
Police Chief Brian Wallace  
Fire Chief Craig Cottrell  
GIS Technician Troy Moyes  
Building Inspector Tex Couch

Visitors Present:	Mary Byrd	Kevin Nagle	Kenneth Hellewell
	Hailey Lancaster	Bob VanVelkinburgh	Jeanne VanVelkinburgh
	TJ Jensen	June Thurgood	

### 1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation; there being no persons volunteering to provide an invocation it was instead by Councilmember Clark. At the request of the Mayor, Councilmember Kimmel, led all present in the Pledge of Allegiance.

### 2. Approval of Minutes

The minutes of the Work Session Meeting of January 12, 2010 were reviewed.

Councilmember Peterson stated that he sent an email to City Recorder Brown prior to the meeting noting one spelling error that needed to be corrected.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF JANUARY 12, 2010 AS AMENDED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Hammond was not present when this vote was taken.

The minutes of the Regular Meeting of January 12, 2010 were reviewed.

Councilmember Peterson stated that in his email he also requested that Ms. Brown amend a comment he made regarding a subdivision plat amendment.

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JANUARY 12, 2010 AS AMENDED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Hammond was not present when this vote was taken.

### 3. Public Comments

Mary Byrd, 3727 W. 1700 S., stated that last year a sidewalk was constructed along the north side of 1700 South to provide kids walking to school a safe place to walk, but no one has cleared the sidewalk this winter following snow storms and children are forced to walk in the street. She added that there is also a head-gate next to her house that has not been covered and the weeds growing around it are not being mowed so they hide the head-gate. She stated someone needs to cover it, though she can not find anyone to do it after talking to a couple of different people. She stated that someone could very easily fall into the head-gate and if there is water present they would be swept downstream and drown. She added that someone needs to remove snow from the sidewalk. She stated that the City performs snow removal on the trail system, but she felt a sidewalk that provides a safe pedestrian route for children is more important. She stated the speed limit on 1700 South is too high and it is not being enforced. She stated that it would be impossible for a young child to dodge a car traveling too fast along the street. She added that there is a new elementary school behind her home and at 6:45 a.m. today their 'buzzer' rang 23 times. She added that she can hear the messages relayed on their intercom system with much clarity. She stated she did not feel it was necessary for the 'buzzer' and the intercom system to be so loud. She then stated that she wanted to publicly thank the City's Chief of Police for helping her friend with some problems she was having. She stated that Chief Wallace took his own time yesterday to make an appointment with her friend to see if he could help her solve her problem.

### 4. Public Hearing – Proposed Ordinance 10-01 amending Section 11-4-1 of the Syracuse City Code by updating the regulations relative

to on-street parking during winter months. (roll call vote).

Police Chief Wallace approached the Council and explained that this winter the Police Department has considered issuing citations for violations of the on-street parking regulations. He explained that if someone were cited according to the current regulations, they would be cited with a class B misdemeanor, which carries a \$100.00 fine. He stated his recommendation is that the violation be classified as a class C misdemeanor, which carries a fine of \$50.00 or less at the discretion of the Justice Court Judge. He stated that the City needs to emphasize to residents the need for them to remove their vehicles from the street during snow storms and if citizens do not comply with the City's request it may be necessary to issue them a citation. He stated he is comfortable with a citation that carries a more reasonable fine.

Councilmember Kimmel asked what would happen if the violation went unresolved. Chief Wallace explained that could result in the issuance of an arrest warrant. Councilmember Kimmel asked if the same would be true if the violation were classified as an infraction rather than a class C misdemeanor. Chief Wallace explained that a warrant would still be issued in the case of an infraction, but the warrant would be a local warrant compared to a state-wide warrant for misdemeanors. He stated it is not his plan to write hundreds of citations, but when someone is continually in violation of the City's regulations they should receive a citation.

Mayor Nagle then convened the public hearing.

TJ Jensen, 3242 S. 1000 W., stated that he agrees with Chief Wallace's recommendations.

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

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 10-01 AMENDING SECTION 11-4-1 OF THE SYRACUSE CITY CODE BY UPDATING THE REGULATIONS RELATIVE TO ON-STREET PARKING DURING WINTER MONTHS. COUNCILMEMBER CLARK SECONDED THE MOTION.

Councilmember Kimmel stated that his only concern is what would happen if an on-street parking violation went unresolved for any reason. He stated that this type of citation is basically a 'glorified parking ticket' in his eyes and it is someone disturbing to him that someone that does not pay this type of ticket could end up going to jail. He stated that the same is true, however, for an infraction. Councilmember inquired as to Councilmember Kimmel's recommendation. Councilmember Kimmel stated that the regulation makes sense, but he is somewhat disturbed by the fact that if someone is cited for violation of the regulation and they do not pay the associated fine, that person could find themselves in jail. Councilmember Clark suggested that Councilmember Kimmel offer an alternative recommendation. Councilmember Kimmel stated he would not be opposed to abolishing the on-street parking regulation altogether. Councilmember Peterson stated that if the regulation is abolished, the City's snow removal crews would be forced to navigate around traffic parked on the street. Councilmember Kimmel stated it would be his hope that residents have enough common sense to move their vehicles off the road during a snow storm without this regulation in place. Mayor Nagle stated that her understanding was that a bench warrant, rather than an arrest warrant, would be issued and the officer that makes contact with the person for whom the warrant has been issued would simply advise that person to contact the City rather than arrest them. Chief Wallace stated that bench warrants are issued locally and they are not visible to someone searching the state-wide database. He stated that the most common reason that someone is taken to jail is for contempt of court charges and before that can happen, the person must be served with a formal complaint. He stated that it could someone be incorporated that the citation for violation must be served to the person that owns the car that has been parked on the street. He stated that if the vehicle owner chooses to ignore the citation, they could be taken to jail for a contempt of court violation, which is much more serious than a parking ticket. He stated the same process is followed for a myriad of minor violations. Mayor Nagle stated that her concern about causing the citation to be served directly to the owner of the car is that a lot of snow storms happen overnight and that is when snow plows are called to service. She stated that she would hate to get a knock on her door at 3:00 a.m. from a police officer asking her to move her car. Chief Wallace stated that vehicle owners are typically issued a warning for the first time the City notices their vehicle parked on the street during a snow storm. He stated that warning is given via a brightly colored piece of paper attached to the vehicle. He stated most people remember the warning and they do not park their vehicles on the street during future snow storms. He stated that those that do continue to park on the street may get a knock on their door during the night from a police officer asking them to move their vehicle. He stated that if they refuse to move the vehicle they will receive a citation. He stated he felt that only those considered to be repeat offenders will receive citations. He reiterated that he does not anticipate writing an overwhelming number of citations.

Councilmember Peterson asked him if the Public Works Department calls the Police Department when a vehicle is parked on the street during a snow storm. Chief Wallace explained that he has officers patrolling the streets 24 hours a day and they are responsible for calling out the snow plow drivers when necessary. He stated that the snow plow drivers and the officers are in constant contact on City radios and they communicate with each other regarding vehicles that need to be moved.

Councilmember Shingleton stated that he is satisfied by the lower fine associated with a class C misdemeanor. Chief Wallace stated he hoped that his department can go another three years without writing a citation for this violation.

Mayor Nagle then stated a motion has been made and seconded and she called for a vote. The following roll call vote was taken: VOTING "AYE" – COUNCILMEMBERS CLARK, PETERSON, AND SHINGLETON. VOTING "NO" – COUNCILMEMBER KIMMEL. Councilmember Hammond was not present when this vote was taken.

5. Authorize Administration to dispose of surplus property in accordance with Title 3, Chapter 8 of the Syracuse City Code.

Fire Chief Cottrell provided a memo summarizing the reasons for the sale of a surplus compressor to the North Davis Sewer District. Chief Cottrell's memo was provided to each member of the Governing Body for their review. The section of Syracuse City Code dealing with the disposal of public property reads as follows:

**3-8-6: DISPOSAL OR LEASE OF PUBLIC PROPERTY.** All disposal, leases, and subleases of public property of the City shall be made under the same conditions and limitations as nearly as possible, as required by this Chapter in the purchase of public property, but the City Council, at its discretion, may also authorize:

- (A) The sale of any property at public auction if it deems such a sale desirable and in the best interest of the City; or
- (B) The lease or sublease of any such property at a properly advertised public hearing under such terms and conditions as it may deem desirable, fair, and appropriate, considering intended land use, equivalent property tax value, and the best interest of the City.

Fire Chief Cottrell then summarized the information he provided to the Council in his memorandum.

COUNCILMEMBER CLARK MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF SURPLUS PROPERTY IN ACCORDANCE WITH TITLE THREE, CHAPTER EIGHT OF THE SYRACUSE CITY CODE. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Peterson asked if the \$3,500 received for the compressor will be deposited back into the City's general fund, to which City Administrator Worthen answered yes.

Councilmember Clark asked if the City is required to follow any state codes in the disposition of surplus property. Mr. Worthen stated that state codes as well as the City's own ordinances are followed.

Councilmember Kimmel asked if the City is only required to get an appraisal for the property to be disposed of. Mr. Worthen stated that when purchasing property the City must obtain more than one bid, but in this case the company used to appraise the compressor specializes in fire equipment. He stated that they could be considered the sole-source for the appraisal information needed in order to surplus the compressor. Chief Cottrell added that there is one other manufacturer in Utah that would have been able to provide the City with an appraisal, but they deferred to the company that provided the initial appraisal. He stated that company is Ross Equipment.

Mayor Nagle then stated a motion has been made and seconded and she called for a vote.

ALL COUNCILMEMBERS VOTED IN FAVOR OF THE MOTION. Councilmember Hammond was not present when this vote was taken.

## 6. Councilmember Reports

Councilmember Kimmel stated that he wanted to make a few comments about public service and how grateful he is to be serving in the capacity of City Councilmember. He stated that he has enjoyed receiving phone calls from his neighbors as they are inquiring about things that are happening in the City. He stated he likes being their spokesperson. He stated that the citizens are his boss and all powers that he has are delegated to him by the citizens. He stated that not only does he respect the community, which is made up of his neighbors and friends, but he also sees the community as the source from which he derives his authority and the rights to act in their name and best interest. He stated that he continues to appreciate the opportunity to serve as a City Councilmember.

Councilmember Peterson stated he had nothing to report.

Councilmember Clark reported that two new restaurants have opened in Syracuse recently; one is the new Wendy's restaurant in the town center and the other is Café Limon, which is located in the Smith's shopping plaza. He stated both have great food and he encouraged citizens to patronize both businesses.

Councilmember Shingleton stated that in February the City will be hosting a business summit to which all the brick and mortar businesses in the City will be invited. He stated that the City wants to gather input from businesses regarding any topic. He stated that he understands the businesses are very excited about participating and he hoped that this will be the beginning step in an ongoing relationship between the City and businesses.

## 7. Mayor Report

Mayor Nagle stated that she would like to talk about some of the things that are currently taking place in the City. She stated that City staff levels have been reduced tremendously. She stated some of those reductions are a result of decreased growth, while the remaining reductions are a result of the City's difficult budget situation. She stated that the City's workforce is taking on more and more work and many employees are unclear as to what their jobs are anymore. She stated that she and Mr. Worthen met with all Department Heads last Friday and had a very good meeting. She stated the group is trying to figure out what the organization chart of the City should look like now. She added there was also much discussion about what things are getting done in the City and what things are not. She stated it is necessary to recognize where the City is suffering and what the in-efficiencies are. She stated she wanted to commend all Department Heads for bringing so much information and enthusiasm to the table. She stated it has been great to see, even though the personnel has been decimated, that the Department Heads are willing to identify ways to improve efficiencies and do more for the citizens of the City. She stated that she does not always think that citizens realize that is happening so she wanted to make sure that it is mentioned. She stated she wanted to thank the Department Heads for their willingness to think outside of the box and engage in very open conversations. She stated she looks forward to more of that dialogue. She then stated that she also wanted to mention the grand opening of the Wendy's restaurant. She stated there was an overwhelming number of people there and she hoped that the citizens will remember that businesses keep the community afloat and when they are supported they, in turn, support the City by helping to increase the tax base.

## 8. City Administrator Report

Mr. Worthen reported that the stat road 193 environmental impact study (EIS) document has been published and is available for review on the City's website. He added that the Antelope Drive road widening project is ongoing and the

Langdon Group should be sending periodic updates regarding the project to each member of the Governing Body and to anyone that signs up to receive those updates. He then reported that the City is in the process of transferring all of its bank accounts to Zion's Bank. He stated that process should be completed by the end of the week. He then reported that the City has received some bids for the 2700 South road and waterline project. Councilmember Clark asked if the cost for that project will be lower than anticipated due to the economy. Mr. Worthen stated he believed the City will realize significant savings on the project. He added that he and Public Works Director Waite continue to meet with R.C. Willey management to determine how traffic will be handled during the project. Mr. Worthen then reported that the legislature continues to consider options for solving the problems being faced by the Utah Retirement System (URS). He stated that the final solution will likely have a great impact on the City's budget. He stated he will continue to provide information regarding that issue as he receives it. Councilmember Clark asked if increase details have been discussed. Mr. Worthen stated that the most recent discussion centered on increasing contribution rates by one to two percent this year and then continuing to increase the contribution rate over the next five years.

At 7:47 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Hammond was not present when this vote was taken.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: February 9, 2010