

Minutes of the Regular Meeting of the Syracuse City Council held on February 23, 2010, at 7:00 p.m., in the Council Chambers, 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:
Police Lieutenant Tracy Jensen
GIS Technician Troy Moyes

Visitors Present:	Paul Ray	Tawni Bellucci	John Fountain
	Carla Fountain	Jordan Bigler	Tony Rydman
	James Rooney	Hillary Harris	Asia Nelson
	Alex Cabello	TJ Jensen	Nathan Johnson
	Brenden Johnson	Kelly Tarrant	Steven Timothy
	Kevin Nagle	Rob Ortega	Tye Peterson
	Travis Phillips	Kylie Farris	Tanna Woods

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 provided by Councilmember Kimmel. At the request of the Mayor, a local Boy Scout led all present in the Pledge of Allegiance.

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER CLARK SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Approval of Minutes

The minutes of the Work Session Meeting of January 26, 2010 (following the Regular Council Meeting) were reviewed.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF JANUARY 26, 2010 AS PRESENTED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

The minutes of the Work Session Meeting of February 9, 2010 were reviewed.

Councilmember Clark stated that page two, line 23 of the minutes refers to Councilmember Hammond and that reference should be changed to Councilmember Peterson. He added that line 16 on the same page should be corrected to say that Councilmember Hammond paid for himself to attend the conference.

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF FEBRUARY 9, 2010 AS AMENDED. COUNCILMEMBER KIMMEL SECONDED THE MOTION; ALL VOTED IN FAVOR.

The minutes of the Regular Meeting of February 9, 2010 were reviewed.

COUNCILMEMBER SHINGLETON MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 9, 2010 AS PRESENTED. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Public Comments

TJ Jensen, 3242 S. 1000 W., stated that he attended the open house hosted by the Utah Department of Transportation (UDOT) regarding the West Davis Corridor. He stated the meeting was held this evening at Syracuse High School. He stated that West Davis Corridor is a new name for the corridor. He stated that some time ago the City Council indicated where they would like the future road to travel through the City and he would suggest that the current alignment created by corridor preservation is the best alignment for the City, with a few possible adjustments. He stated there is much commercial development along that corridor and it makes sense to build a large road near that development. He added that if the road were to be constructed further to the west there may be some wetland issues to deal with related to the road development and commercial development. He added that there are many residents in the area that work in Farmington or further south, which means that the future road will be a collector road and it makes the most sense for the road to travel near the center of the population to provide more convenience for commuters. He stated that if the road is pushed too far to the west it may not get

used. He reiterated that he feels that the corridor that has been preserved for the future road is probably the best option for the City. He stated that in the last City Council meeting the Mayor mentioned possibly using the corridor for multiple uses, such as transportation and power. He stated that he believes that is a good idea, however it could create some 'turf wars'. He stated that in the construction industry the term "joint trench" is used and it refers to a trench in which multiple utilities, etc. are located. He stated that some entities might want to have total control of trenches or easements, rather than sharing them, and there could be subsequent problems. He added that Syracuse City is fortunate to all the roads traveling parallel to Bluff Road are approximately one mile apart and a new corridor would not divide the City. He stated that the Weber Basin Canal easement already essentially divides the City because no one can build anything on top of it. He stated that his only recommendation for any changes to the corridor would be to move it behind Jensen Park so that the majority of the residents of the City are not separated from the park. He stated he will also submit that suggestion to the West Davis Corridor study team. Mr. Jensen then stated that he had one additional item to discuss. He stated that a few meetings ago a resident made some comments about an irrigation box on 1700 South that is not covered. He stated that he serves on the Layton Canal Board and they agreed that the box should be covered as well, but a local developer is actually responsible to cover it and the Board intends to follow-up with the developer to ensure that he puts a grate over the box. He stated that the Board is aware of the problem and they apologize that it has taken so long to rectify it.

4. Proposed Resolution R10-06 expressing the Council's willingness to set aside park space for grant funded improvements for a "No Child Left Out" park structure.

City Administrator Worthen explained that this Resolution is a result of the discussion the Council had during their work session of February 9, 2010. He explained that during that work session the Council agreed to set aside three acres of park space at Legacy Park upon which a playground to serve children with disabilities can be built. He explained the City has discussed this issue several times over the past year with Tara Bennett; Ms. Bennett has committed to raise funding to build the playground structure at the park.

Councilmember Clark inquired as to how much acreage will be left at the park once the three acre parcel is set aside. Mr. Worthen stated he was not sure of the exact acreage, but he explained that the City did purchase 10 acres of property to the south of the current park boundary.

Councilmember Peterson stated he understands that the purpose of the Resolution before the Council tonight is to set aside the park property and he asked if there will be future agreements to be executed by the City once Ms. Bennett has sufficient funding to construct the playground. Mr. Worthen stated he assumed that there will be future items for the Council to consider relative to the playground.

Mayor Nagle stated that this is a collaborative effort that she is very excited about. She stated that the City has agreed to partner with a citizen who has a disabled child. She explained that citizen's dream is for her disabled child to play in a park with other children. She stated that Ms. Bennett is committed to raise the money to build the playground, which will be similar to a playground located in St. Louis, Missouri. She stated that playground draws families from all around and even from other neighboring states. She stated this is a tremendous win-win situation for the City and for Ms. Bennett; the result of this collaboration will bring many people into the City. She stated she is proud that the Council and Ms. Bennett have been able to work so well together in order to make this happen.

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-06 EXPRESSING THE COUNCIL'S WILLINGNESS TO SET ASIDE PARK SPACE FOR GRANT FUNDED IMPROVEMENTS FOR A "NO CHILD LEFT OUT" PARK STRUCTURE. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Councilmember Kimmel inquired as to how the maintenance of the park will be funded. He stated he was aware that Ms. Bennett has said that she wishes to set up a trust fund to pay for the maintenance of the park and he asked how feasible that is and what the maintenance costs for the playground may be. Mr. Worthen explained that the City inspects each City park every six months and usually when broken or damaged pieces of park equipment are found the cost to repair them is not too significant. He stated he did not foresee the costs for maintenance of the playground being too excessive. He reiterated that Ms. Bennett did commit that she would set aside any remaining funds, following the completion of the playground, for the maintenance of the structure. Councilmember Peterson stated that is assuming there will be remaining funds. Councilmember Kimmel stated he would like to discuss the issue further as the construction of the playground nears. Mayor Nagle added that originally Ms. Bennett had set her fundraising goal at \$800,000, but she increased that goal to \$1 million in order to cover any unforeseen charges and to pay for maintenance of the park in the future. Councilmember Kimmel stated that he applauds Ms. Bennett and he feels that these types of projects should be funded privately.

5. Authorize Administration to execute an agreement with the Syracuse Arts Academy whereby the school will develop a portion of City Park property located adjacent to the school.

Staff recommends authorization of the City to enter into the attached Joint Use Agreement between Syracuse City and Syracuse Arts Academy, a Limited Liability Company. The purpose of the agreement is to establish terms regarding joint-use park and recreation facilities on the Northwest half (description-Exhibit "A") on the Fremont Soccer Complex site.

The facilities would provide students of the Charter schools as well as community members regular access to the park area and may include soccer, field activities, and the use of playground equipment. The agreement also establishes the use of the vehicle parking lot recently constructed by the School upon the Fremont park land property.

Over the past several years the City acquired property to develop a regional soccer complex and park recreation area near 1900 south and 3000 west. During this time frame the property to the north of the park land has been privately

developed with the charter school(s). One an elementary school and the other a Jr. High school have developed adjacent to the proposed soccer park. The City's General Plan document on page twenty one states the following:

"These parks should be spread throughout the community and should be located in accordance with the City's Parks Master Plan and in conjunction with the development of schools in the city where possible to mutually benefit the City and the School District".

"The City should continue to look for opportunities to develop regional and local scaled recreational complexes appropriate for the City. They should also work with the school district on the possibility of joint use of recreational facilities".

"One locally significant phenomenon is the exponential growth of soccer programs in the Syracuse area over the past several years. The City should continue to pursue the development of a regional soccer complex. This facility would be used by residents of the community but also promote Syracuse City as a regional soccer focal point".

The Charter School has approached the City regarding the possibility of developing a portion of the Fremont park property immediately north of the City's Fire house. The City Council during the work session meeting of November 24th, 2009 was favorable to staff developing a draft Joint-Use agreement for consideration of this endeavor. The Agreement has been preliminarily reviewed by employees from Syracuse Arts Academy. However, it will need formal approval from their board of directors at a future date.

Development of the park is not necessarily contingent upon development of this particular project, although this work would contribute financially toward the overall completion of the Park improvements. The City is also researching possible grant funding for development of the remaining facilities at Fremont among other properties.

As stated in the Agreement, the City and the School will work together to develop the property with the majority of the landscape construction cost to be carried by the School. Also the agreement establishes the School will be responsible for maintaining (lawn mowing and trimming) the area that is developed under this agreement.

A secondary issue proposed for this agreement is to address the existing school use of the parking lot on the northwest corner of the City park property and a small use of the land developed by the elementary school for outdoor recreational activities in 2005-06.

A small cost to extend the secondary water service lateral (\$1,000) will be necessary. Private development would contribute toward the cost of landscape park improvements. Maintenance of the facilities would be the responsibility of the Charter School. The City will supply water for the landscape from the main secondary line on 3000 west.

Mr. Worthen briefly reviewed the staff documentation regarding this item that was provided to the Governing Body.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AN AGREEMENT WITH THE SYRACUSE ARTS ACADEMY WHEREBY THE SCHOOL WILL DEVELOP A PORTION OF CITY PARK PROPERTY LOCATED ADJACENT TO THE SCHOOL. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Hammond asked who will maintain the park ground once it is developed. Mr. Worthen explained that the school has agreed to maintain the park until such time that the City develops the remainder of the park. He stated that once future developments are completed the City will assume maintenance of all park property at the site. Councilmember Hammond inquired as to what types of playground equipment will be located at the park. Mr. Worthen explained that initially there will be no equipment; soccer goal posts may be located at the site sometime in the future.

Councilmember Kimmel asked if the plans for this park are in accordance with the City's General Plan. He asked when the park would have been developed if the Arts Academy had not requested to develop a portion of the park now. Mr. Worthen stated that the development of this park was not included on any calendar due to lack of funding for park ground development. He stated that the City is actively looking for grant funding opportunities, but no opportunities have been readily available. Councilmember Kimmel asked if the City will provide secondary water to the project, to which Mr. Worthen answered yes. He stated there is currently a secondary water line on the west side of 3000 West and a Public Works crew will tap in to that line and run a secondary water lateral to the park property. Councilmember Kimmel inquired as to the cost to complete that work, to which Mr. Worthen answered approximately \$1,000.

Councilmember Clark stated there is currently nothing in the agreement that expresses that the Arts Academy will maintain the park until such time that the remainder of the park is fully developed. He stated he would like some language regarding the maintenance agreement to be added to the agreement. He added he would also like for a definition of the term 'fully developed' to be added to the agreement.

COUNCILMEMBER PETERSON AMENDED HIS MOTION; HE MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE AN AGREEMENT WITH THE SYRACUSE ARTS ACADEMY WHEREBY THE SCHOOL WILL DEVELOP A PORTION OF CITY PARK PROPERTY LOCATED ADJACENT TO THE SCHOOL, WITH THE FOLLOWING CHANGES:

THE AGREEMENT MADE BETWEEN THE SCHOOL AND THE CITY REGARDING THE MAINTENANCE OF THE PARK PROPERTY SHALL BE CLEARLY DEFINED; AND

A DEFINITION OF THE TERM 'FULLY DEVELOPED' SHALL BE ADDED TO THE AGREEMENT.

COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Request to be on the agenda – Legislative Update provided by Representative Paul Ray.

Representative Ray requested time on the City Council agenda to provide the Governing Body and the citizens of Syracuse with an update regarding the pieces of legislation currently being considered by the State Legislature.

Representative Ray approached the Council and explained there are approximately two and one half weeks remaining in this year's legislative session and the budget is currently the main focus. He explained that the State is facing a \$705 million deficit, but today there was a vote regarding the budget against raising taxes to fund the deficit. He stated,

however, that there may be an increase of the cigarette tax, which would eliminate the need to make such substantial budget cuts. He stated that the health costs associated with those that smoke cigarettes is often funded by the tax payers and it should not be too difficult to increase the cigarette tax. He stated there will be NO budget cuts in public education, but the growth in education, which should be about \$100 per student, will not be funded this year.

Councilmember Clark asked if the regent scholarship program will be impacted by education budget cuts. Representative Ray explained that scholarship fund should remain in tact unless there are some unforeseen changes over the next couple of weeks.

Councilmember Kimmel explained that Senate Bill 11 (SB11) is on the Governor's desk for signature and he asked when Governor Herbert is expected to take action on that piece of legislation. Representative Ray explained the Governor has 20 days after the last day of the legislative session to either sign or veto the bill. He stated he did not believe that the Governor would veto the bill. He explained that SB11 is the bill that dictates that guns that are manufactured by gun manufacturers in the State of Utah are not subject to certain manufacturer lawsuits. He stated that the bill somewhat preempts federal law; it was the first battle in a long line of battles against the federal government to take back State rights. Councilmember Kimmel stated he is aware that people have been calling the Governor's office and the Governor's staff is taking a poll tallying the number of supporters and those that are opposed to the bill. He stated he was wondering what the Governor is waiting for and why he has not yet signed the bill into law. Representative Ray stated that he has a meeting with the Governor this week and that is one of the issues he will ask him about. He stated that the Legislature received no message from the Governor's office during the debate over the bill as to whether he planned to veto the bill if it were passed. Mayor Nagle inquired as to what the litigation costs associated with the bill will be. Representative Ray stated that is still an unknown; the issue of litigation was not discussed until just prior to the bill being passed. He stated that the State has the Attorney General's Office on staff and they would handle any litigation associated with that bill. He stated that there will be word of litigation costs, but those are essentially soft costs because the staff of the Attorney General's Office is already being paid a salary. Mayor Nagle stated that she feels that the State's rights are paramount, but she is concerned because the Attorney General's Office has already pulled support of some State agencies because they can not afford the manpower to represent those agencies in lawsuits. She stated that soft costs are still costs and she is concerned about the impact this legislation could potentially have on the State's budget. She stated that any increased workload for the Attorney General's Office means that other issues will be set aside. She stated she is nervous about the fact that that conversation has not taken place because she has heard from many people that this bill will result in enormous litigation costs. Representative Ray stated that will have to be a factor the Governor will need to consider when determining whether to sign or veto the bill. He stated that normally the Legislature hears from the Attorney General's Office if they are concerned about litigation resulting from legislation, but at this point in the process there has been no discussion of a dollar figure associated with litigation costs. He stated that communicates to him that there does not seem to be a great deal of concern on behalf of the Attorney General's Office regarding this legislation. Councilmember Kimmel stated he is of the opinion that if there is anything worth spending money on, it is ensuring State rights.

Councilmember Kimmel inquired as to the bill number for the inmate health insurance bill. Representative Ray stated it is House Bill 22 (HB22). Councilmember Kimmel inquired as to the status of that bill. Representative Ray stated the bill failed to be passed by just a few votes. He stated that right now if an inmate in a County jail or the State prison has health insurance, the health insurance companies have the right not to pay insurance benefits if an inmate becomes sick. He stated that means the tax payers are paying for health care costs of inmates even though a health insurance premium is being paid privately. He stated that he sponsored this bill because \$23 million is going to be eliminated from the prison budget for medical care and it is necessary to find a way to make up that shortfall. He stated that the insurance companies did not like the legislation, even though all they were being asked to do was pay for normal benefits that would be paid if someone were not incarcerated. He stated that the insurance companies presented a 'doomsday' scenario and got the bill to fail. He stated that he is not done with that issue and he will sponsor a similar bill during next year's session.

Councilmember Hammond asked Representative Ray which two pieces of legislation he is most interested in. Representative Ray stated that the first piece of legislation that he is very interested in is the tobacco tax legislation. He stated that currently tax payers pay \$105 million per year on Medicaid costs for smokers. He stated that is taking away funding for other programs. He stated the increase in the tobacco tax will raise approximately \$50 million and it will further the process of making the health care system for smokers a user-pay system. He stated there are a slew of other bills that are very important. He stated that there is a bill regarding health care reform; reform started as a ten-year plan and it is currently in its third year. He stated they are experimenting with many benefit options and the initial experiments will take place with legislator's participation. He stated he believes that health care reform can be done effectively on a State level and nationalized health care will not be necessary.

Councilmember Clark inquired as to the status of the legislation regarding the Utah Retirement System (URS). Representative Ray stated that the legislation has been passed by the Senate and is now being considered by the House of Representatives. He stated there are three bills and his understanding is that there will be many changes to each of the three bills. He stated that all current employees will be grandfathered within the old retirement system, but his concern is that the new system will not attract quality employees to public service positions. He stated he is anxious to see the new language once the changes are published. He added that he would welcome any feedback regarding the legislation from cities or other entities participating in the URS. Mayor Nagle stated that the fact that the changes will only affect new employees creates a disproportionate wage base. He stated that is because in order to attract good employees it may be necessary to increase wages, which will create wage compression that might drive the current employees to leave the entity they work for. She stated that it could create a very eroded work force. Representative Ray stated he is concerned about those issues as well. He stated that the retirement benefit is market based and the head of the URS has said that the Legislature should wait and let the system recover on its own. He stated that he would prefer that the issue be referred to a task force and that an actuarial study

be conducted to determine what actually needs to be done. He stated that the market is starting to recover and he would prefer to wait and see what happens. He explained that when the fund was operating at top funding levels the money in the fund was not being given back to anyone; rather it was being spent on other things and now that the market is suffering he has a hard time going back to employees who were not given raises during the good times and asking them for more money to fund the URS.

Councilmember Clark asked how much money has been taken from the rainy day fund to assist in balancing the budget. Representative Ray stated that at this point the Legislature has not touched a dime of the money in the rainy day fund. He stated this year some money will be taken from the rainy day fund; there is currently approximately \$500 million in the fund and there will be approximately \$253 million left in the fund. He stated that balance may be even higher if the tobacco tax legislation is passed. He stated that is important to leave as much money as possible in the rainy day fund because he believes the State will face a couple more tough years before the market begins to improve. He stated there are some rainy day funds that were set up for education funding and they were created to support increases in education during times like the State is facing now. He stated those types of rainy day funds help to hold various State agencies harmless.

Mayor Nagle asked Representative Ray how involved he has been with the optimization committee and what types of things are being done by that committee. Representative Ray explained that he has not been extremely involved with that committee. He explained he is the chair of the health and human services committee and he is very involved with that assignment. He stated that leadership has been very involved with that committee and he could try to get some information to relay back to the Mayor if she has specific questions. Mayor Nagle stated that she feels that the committee is something of the 'elephant' in the room and she is waiting for it to be named. Representative Ray stated that a lot of people are waiting for that to happen as well. He stated that budget issues seem to have taken priority and the focus of the Legislature this session.

Councilmember Clark asked for information about the legislation regarding equalization of school districts. He stated he is concerned that problems some school districts are currently facing could occur statewide, which could impact Davis County. Representative Ray stated that the original legislation regarding this issue came forward a few years ago and the Legislature passed legislation allowing school district divisions. He stated that he voted against that original legislation because he was concerned about splitting the liability of the school districts. He stated that the issue of dividing school districts has turned out to be very problematic. He explained that the new legislation regarding splitting school districts will be considered by the education committee this week and he is not sure what the outcome will be. He stated that it may be necessary for school districts to raise taxes to continue to do what they are doing. He stated that he shares the same concern as Councilmember Clark in that the legislation could be applied statewide and the Davis County School District could be impacted. He stated he would hate to see that happen.

Councilmember Peterson asked if there is any legislation that could impact trust lands for schools. Representative Ray stated there is potential federal legislation that would create two new national parks; that legislation would certainly affect trust lands for schools and cause a large detriment to the schools.

Councilmember Kimmel stated that when he has been on the floor and watched the voting taking place, the screen that tracks the votes of the members lights up like a Christmas tree. He stated that some names may initially have a green light next to their name that later switches to red, or vice versa. He stated that it seems as though some of the elected officials see that a bill may be adopted or denied regardless of what their vote is and they, therefore, switch their vote. He asked Representative Ray if he participates in that type of behavior or if he intensively studies legislation, listens to both sides of an argument, and then holds true to his decision regarding various pieces of legislation even if he may be the only opposing vote. Representative Ray stated that he has offered the lone opposing vote a couple of times during this current legislative session. He stated that he does not follow the crowd. He stated there are sometimes different circumstances at play when a vote is taken on a piece of legislation. He stated there may be a freshman legislator that has sponsored his or her first bill and the seasoned elected officials may initially vote in opposition to their bill, simply as a prank, and then change their vote to a favorable vote. He added that some legislators may initially vote one way on a piece of legislation not knowing that something that concerned them may have been changed. He stated that when they are informed of the changes they may change their vote. Councilmember Kimmel asked Representative Ray if he would deny that there are legislators that change their vote at the last minute just to protect their own interest and be on the right side of an issue. Representative Ray stated that does certainly happen.

Councilmember Clark inquired as to Representative Ray's office hours on Monday's. Representative Ray stated his schedule widely varies during the session. He stated that anyone is welcome to call him on his cell phone to schedule a meeting with him while they are the capitol.

Councilmember Shingleton stated that he wanted to comment that he has called Representative Ray a couple of times and he has answered the phone personally and he has been willing to answer any questions asked of him. Representative Ray stated that all calls go directly to his cell phone. He stated that he appreciates phone calls, especially prior to him considering certain pieces of legislation. He stated that they do not hear a lot from their constituency and he would encourage more participation.

Mayor Nagle thanked Representative Ray for meeting with the Council tonight. She stated she appreciates everything that he does for the City. Representative Ray thanked the Council for their time and asked that the Council or City staff not be hesitant to contact him for anything they might need. He stated he will continue to do what he can to represent Syracuse City.

7. Proposed Resolution R10-02 appointing Councilmembers to various committee positions and assignments.

Newly elected officials Mayor Nagle and Councilmember Kimmel were sworn into their respective offices in January 2010. It became necessary to review the Council assignment list to determine which assignments Mayor Nagle and

Councilmember Kimmel would assume. The Council reviewed the assignment list during two recent work sessions and directed staff to update the assignment resolution to reflect the changes they recommended. Proposed Resolution R10-02 was subsequently drafted.

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-02 APPOINTING COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Peterson stated there are some errors in the Resolution regarding the Mayor Pro-Tem positions. He asked that those errors be corrected.

Councilmember Kimmel stated that during the last work session the Council discussed rotating assignments on a two year rotation schedule. City Recorder Brown stated that change was made and is noted on the exhibit to the resolution.

Councilmember Kimmel stated that the Council has also discussed possibly adding new language to dictate that in the future when a Councilmember's term ends on the Council they will also cease to hold any other positions that were assigned to them while they were acting as a Councilmember. Councilmember Clark stated that he assumed that Councilmember Kimmel was referring to the North Davis Sewer District (NDS) Board position which was previously held by former Councilmember Knight. He stated that the Council asked the City Attorney to determine whether the Council can require a former Councilmember to resign from those types of positions given the fact that once appointed to a body such as the NDS Board, that person becomes responsible to the Board and they have their own rules regarding how Boardmembers can be added or removed. Councilmember Kimmel stated that he is not concerned just about the NDS appointment, but all appointments and assignments held by Councilmembers. Mayor Nagle stated that she thinks that it would be necessary to adopt a separate resolution to address that issue. She added that there is potential legislation being considered this year that could impact this issue. She stated that it deems all members appointed to those types of boards elected officials for tax purposes. She stated there is also another piece of legislation that says that unless boards are made up of elected officials they can not tax without representation. She stated the two pieces of legislation are very complex and it would be unwise for the Council to make any decisions before seeing the outcome of that legislation. Councilmember Kimmel stated that Davis County Commissioner Petroff has told him that anyone appointed to a board such as the NDS must be an elected official and he believes that it would be in the City's best interest to move forward with business rather than waiting to see the outcome of the legislation and if anything the City adopts ultimately conflicts with State law, it could be amended accordingly. Mayor Nagle stated that right now the resolution is to appoint current Councilmembers to positions and the issue that Councilmember Kimmel is talking about is a separate issue. Councilmember Kimmel stated that for ease of use it would be best to have all rules regarding appointments and assignments included in one document. City Recorder Brown stated the easiest way to address the issue that Councilmember Kimmel is referencing would be to include language regarding appointments during the rewrite of Title One of the City Code. She stated that Title lists all the duties and responsibilities of all elected officials. She stated that would eliminate the need to track a resolution; rather the language, if adopted via ordinance, would be included in the City Code. Councilmember Kimmel inquired as to the timeline of the rewrite of Title One. Mayor Nagle stated that she hoped to have intensive discussion about rewriting the City Code during the upcoming Governing Body/Administration retreat. Councilmember Kimmel stated that in talking with Commissioner Petroff about this issue, Commissioner Petroff indicated that City ordinances would supersede any other rules regarding board or commission appointments. Councilmember Clark stated he felt that may be inaccurate information. Mayor Nagle added that was the sticking point that the Council had when originally considering the NDS's request that former Councilmember Knight be allowed to complete his term of service on the board. She explained that the City Attorney stated that the City can not dictate what the NDS board does. She added that another issue the Council needs to address is the fact that there is a private citizen currently serving on the Mosquito Abatement board. She stated that the issue needs to be discussed much more before action can be taken.

Councilmember Hammond asked Mayor Nagle for the names given to the pieces of legislation regarding the board appointments. Mayor Nagle stated that there are two bills before the Legislature right now and they could be conflicting with each other if adopted. Councilmember Clark stated there are actually three different pieces of legislation; Senate Bill 172, House Bill 283, and House Bill 307.

Mayor Nagle asked Councilmember Kimmel if he was comfortable waiting to discuss this issue in conjunction with the discussion regarding the rewrite of Title One of the City Code. Councilmember Kimmel stated that he just wanted to make sure that the issue was addressed and he was comfortable with waiting until the retreat.

COUNCILMEMBER CLARK AMENDED HIS MOTION; HE MOVED TO ADOPT PROPOSED RESOLUTION R10-02 APPOINTING COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS. COUNCILMEMBER PETERSON SECONDED THE MOTION, WITH THE FOLLOWING CHANGES:

ALL REFERENCES TO MAYOR PRO-TEM POSITIONS SHALL BE AMENDED IN ACCORDANCE WITH THE RESOLUTION EXHIBIT.

COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

8. Councilmember Reports

Councilmember Shingleton reported that the Syracuse Business Organization Strategic Support (SBOSS) group held its first meeting two weeks ago and there were 60 people present representing 29 businesses. He stated the meeting went very well and there was a lot of great feedback provided by the businesses in attendance. He reported that one business even mentioned that they may be willing to sponsor the City's fireworks show during Heritage Days. He stated that many businesses were willing to sponsor various City events, but the best thing about the meeting was that it got businesses in the City talking about what they can do to help each other to address their needs. He stated that he wanted to comment GIS Technician Troy Moyes for his work to organize the SBOSS group and he reported that there will be another meeting

tomorrow night during with the SBOSS will organize their leadership positions. He stated that several of the businesses that have been in the City for a long period of time made the comment that this is the first time that the businesses of the City have joined together. Councilmember Peterson asked if the SBOSS will have a set meeting date. Mr. Moyes reported that the once they have organized their leadership they will begin soliciting participation from all businesses in the City. He stated that once the leadership is final they will likely set a regular meeting schedule. Councilmember Clark asked which businesses were involved in the leadership group. Mr. Moyes named a few, but stated that he did not want to leave any of the businesses out. Councilmember Clark inquired as to when the City must order the fireworks display for Heritage Days, to which Mr. Worthen answered April.

Councilmember Hammond reported that the Mayor and City Administrator attended a meeting with the Museum Board that he was unable to attend and he would like for Mayor Nagle to provide a report of what happened during that meeting for the benefit of himself and those in the audience.

Councilmember Clark stated there is a lot going on during this legislative session. He reported that he attended the Utah League of Cities and Towns (ULCT) Legislative Policy Committee on Monday to hear about some of the legislation that is being considered. He stated that it is important that everyone be involved in the legislative process considering the fact that there are so many bills that could potentially impact the City. He then added that UDOT is conducting an environmental impact study (EIS) for the West Davis Corridor and he would encourage people to provide their input regarding the corridor. He stated there is a link to the study website on the City's website.

Councilmember Peterson reported that each school in the City has a community council and each Councilmember is assigned to be a liaison to one of those community councils. He stated that it is the time of year when schools are accepting nominations for residents and parents to serve on community councils during the next school year. He encouraged people to get involved in that process. He then reported that he has finished working with the Mayor's SWOT (strengths, weaknesses, opportunities, and threats) team for the arts, parks, and recreation group. He stated he feels the process was a grand success and he really enjoyed it. He stated he was anxious to see how the Mayor will act on the ideas presented by the SWOT team.

Councilmember Kimmel stated that Sid Stoker, a local resident that has brought so much to this community, has been diagnosed with blood and colon cancer. He stated that Mr. Stoker will be at the Huntsman Cancer Institute for the next couple weeks while doctors determine the best course of action for treating his illness. He reported that Mr. Stoker owns Stoker Nursery; the nursery has been operating in Syracuse City since 1968. He stated that last Saturday approximately 50 people visited the nursery to help demolish and clean up a couple of green houses that were damaged over the winter months by heavy snow. He stated that all that visited were volunteers and he thinks that is a great display of what this community is about. He stated he has heard there will be another volunteer effort this Saturday and anyone interested in participating could call Mr. Stoker's son, Wade Stoker, to get more information about what needs to be done. He then stated that he likes to talk about the United States Constitution. He reported that recently he was reading the federalist papers by James Madison, who saw the constitution as a contract between the government and the people and it can not be violated by either party. He stated that made it more apparent to him that everyone needs to know what contracts they are a party to and what powers are delegated to elected officials, who are really only empowered to do a few things. He stated that the Constitution is a binding contract and he urged people to read it and the federalist papers as well.

9. Mayor Report

Mayor Nagle stated that she is also very excited about the feedback being provided by the SWOT teams. She stated that she would like to present the SWOT ideas and recommendations to the Council and have them considered for immediate action as the Council deems necessary. She stated her goal was to have new eyes, old eyes, knowing eyes, and unknowing eyes look at each Department in the City to offer their perspective on how those Departments are functioning. She stated that she just received the report from the chair of the arts, parks, and recreation SWOT team and she will be bringing it to the Council very quickly for their review. Councilmember Shingleton asked Mayor Nagle to explain what the acronym SWOT stands for. Mayor Nagle stated that each team has been analyzing the strengths, weaknesses, opportunities, and threats of each Department in the City. She stated they have been reviewing the issues that could impact the quality or the direction of the organization. She stated she has not asked the SWOT teams to provide solutions; she has asked them to provide analysis of the organization. She stated the SWOT reports will be helpful to her since she is not totally familiar with what is happening in every Department in the City. She stated it will be helpful for her to get information that she can then pass on to the Council. She stated that thus far the SWOT teams have been a great tool and there have been many community members that have been very helpful. Mayor Nagle then reported that last Friday she met with the Museum Board and they came up with a plan for moving forward in a way that clearly defines the relationship between the City and the Board as well as identifies the roles of each party. She stated the solution will allow the City to assist the Museum Board without jeopardizing their 501C3 status. She stated that the City Attorney is drafting an agreement and an ordinance memorializing the decisions that took place during the meeting; those documents will be presented to the Council for consideration.

10. City Administrator Report

Mr. Worthen reported that he has been working to put some practices in place to address the findings that were identified in the most recent audit conducted by the independent audit firm that the City has contracted with. He then reported that he and Mayor Nagle have been working to arrange a meeting with the City's lobbyist, which has been somewhat difficult. He reported that they want to discuss some items that the City would like the lobbyist to work on while he is in Washington, D.C. He then reported that in the near future he will add an item to a Council agenda to review the EIS for State Road 193. He stated that West Point and Clearfield have some concerns about the discussion of sound walls included in the EIS. He reported that the sound wall locations identified by the EIS would not impact residential areas of Syracuse City, but they would impact residential areas of the other two cities. Councilmember Kimmel asked if it is known

how sound walls affect future property value and development. Mr. Worthen stated that they could impact line of sight for commercial development, but the concerns that West Point and Clearfield have are aesthetic issues. He stated there are some future plans to add a new trail network that would connect West Point and Clearfield trails to the Historic Immigration Trail in Syracuse and there is some concern about how the sound walls would impact that trail network. Mayor Nagle stated that sound walls can greatly impact property values as was the case with the sound walls in Kaysville.

At 8:22 p.m. COUNCILMEMBER CLARK MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: March 9, 2010